

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 17 June 2010 at 7.00 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 Carli Harper-Penman	
Vice-Chair:	
Councillor Bill Turner	Councillor Khales Uddin Ahmed, (Designated Deputy representing Councillors Carli Harper-Penman, Bill Turner, Anwar Khan and Kabir Ahmed)
Councillor Kabir Ahmed	Councillor Tim Archer, (Designated Deputy representing Councillor Dr. Emma Jones)
Councillor Shahed Ali	Councillor Judith Gardiner, (Designated Deputy representing Councillors Carli Harper-Penman, Bill Turner, Anwar Khan and Kabir Ahmed)
Councillor David Edgar	Councillor Peter Golds, (Designated Deputy representing Councillor Dr. Emma Jones)
Councillor Dr. Emma Jones	Councillor Denise Jones, (Designated Deputy representing Councillors Shahed Ali and David Edgar)
Councillor Anwar Khan	Councillor Rachael Saunders, (Designated Deputy representing Councillors Shahed

Ali and David Edgar)

[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: Amanda Thompson, Democratic Services, Tel: 020 7364 4651, E-mail: amanda.thompson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 17 June 2010

7.00 p.m.

1. ELECTION OF VICE-CHAIR

At the Annual General Meeting of the Council held on 26 May 2010, Councillor Carli Harper-Penman was appointed Chair of the Strategic Development Committee for the Municipal Year 2010/2011.

However, it is necessary to elect a Vice-Chair of the Strategic Development Committee for the Municipal Year 2010/2011.

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.

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 20th April 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 8	
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**5. STRATEGIC DEVELOPMENT COMMITTEE
PROCEDURAL MATTERS**

**5 .1 Strategic Development Committee Terms of Reference,
Quorum, Membership and Dates of Meetings
(SDC001/011)**

9 - 18	
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**5 .2 Strategic Development Committee Public Speaking
Procedure (SDC002/011)**

19 - 26	
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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. **27 - 28**

8. DEFERRED ITEMS **29 - 30**

9. PLANNING APPLICATIONS FOR DECISION **31 - 32**

- | | | | |
|-------------|---|------------------|-------------------------------------|
| 9 .1 | 25 Churchill Place, London, E14 5RB (SDC004/011) | 33 - 60 | Blackwall & Cubitt Town; |
| 9 .2 | Land bounded by Hackney Road and Austin Street including Mildmay Mission Hospital, E2 7NS (SDC003/011) | 61 - 106 | Weavers; |
| 9 .3 | Former Blessed John Roche Secondary School, Upper North Street, London E14 6ER (SDC005/011) | 107 - 148 | Limehouse; |

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 TUESDAY, 20 APRIL 2010

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Marc Francis (Vice-Chair)

Councillor Shahed Ali

Councillor Rupert Eckhardt

Councillor Alibor Choudhury

Other Councillors Present:

Nil

Officers Present:

Alison Thomas

– (Private Sector and Affordable Housing Manager)

Stephen Irvine

– (Development Control Manager, Development and Renewal)

Megan Crowe

– (Legal Services Team Leader, Planning)

Alan Ingram

– (Democratic Services)

Owen Whalley

– (Service Head Major Projects, Development & Renewal)

Ila Robertson

– (Applications Manager Development and Renewal)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rania Khan and Shiria Khatun.

2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:-

Councillor	Item(s)	Type of Interest	Reason
Shahed Ali	6.1	Personal	Correspondence received from concerned parties.

Shafiqul Haque	6.1	Personal	Correspondence received from concerned parties.
Rupert Eckhardt	7.1	Personal	Ward Member for the area of the application

3. UNRESTRICTED MINUTES

The minutes of the ordinary meeting of the Committee held on 16 March 2010 and of the extraordinary meeting held on 4 March 2010 were agreed and approved as a correct record.

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 for hearing objections and those who had registered to speak at the meeting.

6. DEFERRED ITEMS

6.1 Former Beagle House, Braham Street, London E1 8EP

Mr Stephen Irvine, Development Control Manager, introduced the report regarding the application for planning permission concerning the redevelopment of Former Beagle House, Braham Street, London, E1 8PE which had been deferred at the meeting of the Committee held on 15 December 2009.

Mr Irvine then commented that detailed consideration had been given to Members' concerns regarding the physical impact of the scheme on the surrounding area in terms of bulk and massing and the financial contributions towards local employment and training and the local transport infrastructure. He referred to the comments from the appropriate Council Officers and other agencies as contained in the report and added that amount allocated in the S106 for local employment and training had been doubled to £340,000. In addition, Highways Officers and Transport for London considered that further contributions for the local transport infrastructure could not reasonably be requested. Mr Irvine pointed out that the report included suggested reasons for refusal, should Members be minded to refuse the application.

Members then put questions, which were answered by Mr Irvine, regarding the new park at the north side of the site; its accessibility to the public during the construction period for the redevelopment scheme and possible additional mitigation for any loss of use; measures entailed in contributions towards sustainable transport.

Councillor Shahed Ali then proposed an amendment to the terms of the legal agreement, as shown in resolution (2) below, which, on being put to the vote, was declared carried unanimously. The substantive motion was then put to the vote and declared carried unanimously. Accordingly, it was –

RESOLVED

- (1) That planning permission for the demolition of the existing building at former Beagle House, Braham Street, London, E1 8EP and the erection of a 17 storey building comprising two ground floor retail units (Class A2, A2, A3 or A4), 1st – 17th floor office use (Class B1) and two basement levels plus associated servicing, landscaping, plant accommodation, parking, access and any other works incidental to the application be **GRANTED** subject to any direction by the Mayor of London and subject to the prior completion of a legal agreement and to the conditions and informatives set out in the report.
- (2) That the terms of the legal agreement to be completed prior to developed be amended to reflect the following:
 - The sum of £61,000 be deducted from the provision of £461,000 allocated to public realm, open space and environmental improvements and be directed towards environmental education measures in local primary schools.
- (3) That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement indicated above.
- (4) That the Corporate Director Development & Renewal be delegated authority to impose the conditions and informatives on the planning permission to secure the matters listed in the report.
- (5) That the Service Head Major Projects, Development & Renewal provide all Members of the Committee with the appropriate extract from the Aldgate Masterplan giving details of sustainable transport measures.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Hammond House, Tiller Road, London, E14 8PW

Mr Owen Whalley, Service Head Major Projects, indicated that this application would normally have been considered by the Development Committee but was being put forward for consideration due to time constraints.

The Chair indicated that Mr Crisp, a resident of Mellish Street, had registered to speak as an objector to the proposals. He invited the objector to address the meeting.

Mr Crisp thanked the Committee for the opportunity to speak. He indicated that several Mellish Street residents had been unaware that the meeting was being held. Although he had health issues he felt obligated to speak as he had very strong feelings on the application. He was not opposed to the scheme in principle but objected to the new development being two stories higher than at present, as this would have a profound effect on his quality of life. His medical condition was worsening and he would soon be effectively confined to his home for life, in view of his treatment requirements. He had hoped to be able to enjoy his small garden but this would now be deprived of sunlight all year round. He currently grew vegetables and flowers in his greenhouse but would be deprived of this pleasure. He was not seeking sympathy but had a right to enjoy access to sunlight, which would be prevented by an extra two storeys of development.

Mr Simon Dunn-Lwin, Agent for the applicant, stated that the proposal had been in the making for two years and his clients had responded to comments from Planners on the matter of sunlight by amending the application. There had been consultation with the local community and Mr Crisp had attended a meeting with architects when no objections had been raised. The lighting expert who had assessed effects on daylight was available to answer any questions from Members. He respectfully asked the Committee to endorse the Officer recommendation as the report was thorough and addressed all relevant issues.

Ms Ila Robertson, Planning Officer, then presented a detailed explanation of the proposed development, as set out in the report and referred particularly to the mix of tenure and improvement of streetscape appearance. Attention had been given to the matter of daylight and sunlight and the external assessment had been carefully considered and was supported by the Council Environmental Health Service. There would only be marginal sunlight failure in winter and overshadowing would be very limited. There would, in fact, be an improvement in conditions for several Mellish Street properties.

Members then put questions that were answered by Ms Robertson and Ms Alison Thomas, Private Sector and Affordable Housing Manager, concerning the potential for overall loss of social rented housing; the actual increase in

height of the proposed development; the impact on gardens in Mellish Street; the proposed accommodation in terms of number of habitable rooms.

Following additional queries and issues raised, Mr Whalley, indicated that the report would be withdrawn so that it might be redrafted to address concerns expressed by Members relating to sunlight/daylight issues arising from the redevelopment and the potential loss of four and five bedroom units. The redrafted report would be submitted as a fresh item of business following the reconstitution of the Development Committee after the imminent local elections.

The Chair stressed that the new report should provide a full explanation of the points raised by those present.

This being the final meeting of the Committee for the current Municipal Year, the Chair then thanked Members and Officers for their hard work and support. He then declared the meeting closed.

The meeting ended at 8.00 p.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee

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Agenda Item 5.1

Committee	Date	Classification	Report No.	Agenda Item No.
Strategic Development Committee	17th June 2010	Unrestricted	SDC001/011	5.1
Report of: Assistant Chief Executive Originating Officer(s) : Nadir Ahmed, Democratic Services		Title : Strategic Development Committee Terms of Reference, Quorum, Membership and Dates of meetings Ward(s) affected: N/A		

1. Summary

- 1.1 This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Strategic Development Committee for the Municipal Year 2010/11 for the information of members of the Committee.

2. Recommendation

- 2.1 That the Strategic Development Committee agree to reschedule the 27th October 2010 meeting to take place on 28th October 2010.
- 2.2 That, subject to the above, the Strategic Development Committee note its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

3. Background

- 3.1 At the Annual General Meeting of the Council held on 26th May 2010, the Authority approved the proportionality, establishment of the Committees and Panels of the Council and appointment of Members thereto.
- 3.2 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 3.3 The Committee's meetings for the remainder of the year, as agreed at the Annual General Meeting of the Council on 26th May 2010, are as set out in Appendix 3 to this report.
- 3.4 However, at the Annual General Meeting of the Council, Council agreed to have an additional Council meeting on 27th October 2010. As the meeting times do not allow Members to attend both meetings, officers have recommended that the Strategic Development Committee meeting be rescheduled to 28th October 2010.
- 3.4 In accordance with the programme of meetings for principal meetings, meetings are scheduled to take place at 7.00pm.

4. Comments of the Chief Financial Officer

4.1 There are no specific comments arising from the recommendations in the report.

5. Concurrent report of the Assistant Chief Executive (Legal)

5.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Full Council on 26th May 2010.

6. One Tower Hamlets Considerations

6.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and know dates of religious holidays and other important dates where at all possible.

7. Sustainable Action for a Greener Environment

7.1 There are no specific SAGE implications arising from the recommendations in the report.

8. Risk Management Implications

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

9. Crime and Disorder Reduction Implications

9.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

10. Appendices

Appendix 1 Strategic Development Committee Terms of Reference and Quorum

Appendix 1a Development Committee Terms of Reference and Quorum

Appendix 2 Strategic Development Committee Membership 2010/2011

Appendix 3 Strategic Development Committee Meeting Dates 2010/2011

LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED) LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

If not supplied
Name and telephone
number of holder

None

Nadir Ahmed
Democratic Services
020 7364 6961

APPENDIX 1

EXCERPT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.5 Strategic Development Committee Terms of Reference

<p>Membership: Seven Members of the Council. Up to three substitutes may be appointed for each Member.</p>	
Functions	Delegation of Function
<p>To consider any matter listed within the terms of reference of the Development Committee (<i>see Appendix 1A</i>) where any one of the following applies:</p> <ul style="list-style-type: none"> i. Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames). ii. Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area. 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 a gross floor space exceeding 2,500 square metres. vi. Applications on metropolitan open space involving buildings with a gross floor space exceeding 100 square metres. 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. xi. To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where s/he considers it appropriate to do so (for example, if especially significant strategic issues are raised). <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 Three Members of the Committee</p>	

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APPENDIX 1a

EXCERPT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.4 Development Committee Terms of Reference

<p>Membership: Seven Members of the Council. Up to three substitutes may be appointed for each Member</p>	
Functions	Delegation of Function
<p>1. Planning Applications</p> <p>a) To consider and determine recommendations from the Corporate Director, Development and Renewal to grant planning permission for applications made under the Town and Country Planning Act 1990 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria:</p> <p>i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p>ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.</p> <p>iii) Retail development with a gross floor space exceeding 5,000 square metres.</p> <p>iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to the development, and the Corporate Director, Development and Renewal considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by</p>	<p>The Corporate Director, Development and Renewal (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

completing a legal agreement.

b) To consider and determine recommendations from the Corporate Director to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development.

c) To consider and determine recommendations from the Corporate Director, Development and Renewal for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.

(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Development and Renewal)

2. Observations

d) To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues

3. General

e) To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).

It shall be for the Corporate Director Development & Renewal to determine whether a matter meets any of the above criteria.

Quorum

Three Members of the Committee

APPENDIX 2

Labour Group Members (and deputies)	Conservative Group Members (and deputies)	Other Members (and deputies)
<p>Cllr Carli Harper-Penman (Chair)</p> <p>Cllr Bill Turner</p> <p>Cllr Kabir Ahmed</p> <p>Cllr Shahed Ali</p> <p>Cllr David Edgar</p> <p>Cllr Anwar Khan</p> <p><u>Deputies</u></p> <p>Cllr Khaled U Ahmed (Designated Deputy for Cllrs C. Harper-Penman, B. Turner, A. Khan, K. Ahmed)</p> <p>Cllr Judith Gardiner (Designated Deputy for Cllrs C. Harper-Penman, B. Turner, A. Khan, K. Ahmed)</p> <p>Cllr Denise Jones (Designated Deputy for Cllrs S. Ali and D. Edgar)</p> <p>Cllr Rachael Saunders (Designated Deputy for Cllrs S. Ali and D. Edgar)</p>	<p>Cllr Dr Emma Jones</p> <p><u>Deputies</u></p> <p>Cllr Tim Archer (Designated Deputy for Cllr E Jones)</p> <p>Cllr Peter Golds (Designated Deputy for Cllr E Jones)</p>	<p>None</p>

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APPENDIX 3

SCHEDULE OF DATES 2010/11

STRATEGIC DEVELOPMENT COMMITTEE

17th June 2010
2nd August 2010
16th September 2010
27th October 2010*
9th December 2010
20th January 2010
7th March 2010
14th April 2010
12th May 2010

**(Please see recommendation 2.1 in the main report)*

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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Agenda Item 5.2

Committee	Date	Classification	Report No.	Agenda Item No.
Strategic Development Committee	17th June 2010	Unrestricted	SDC002/011	5.2
Report of: Assistant Chief Executive		Title : Strategic Development Committee Public Speaking Procedure		
Originating Officer(s) : Nadir Ahmed, Democratic Services		Ward(s) affected: N/A		

1. Summary

- 1.1 This report sets out the proposed amendments to the Public Speaking Procedure at meetings of the Strategic Development Committee. The Committee is requested to note the proposed changes to the Constitution in relation to this and agree to adopt the proposed changes to the Committee's own procedures.

2. Recommendations

- 2.1 That the Strategic Development Committee agrees to note the proposed changes to the Council's Constitution in relation to the Public Speaking Procedure as set out in Appendix 1 to this report; and
- 2.2 That the Strategic Development Committee agrees to adopt the proposed changes to the Committee's own procedures as set out in Appendix 2 to this report with effect from 14th July 2010.

3. Background

- 3.1 The work of the Strategic Development Committee in determining planning applications is quasi-judicial in nature and needs to be based on fairness and natural justice.
- 3.2 One of the procedures in place to ensure sound, fair and just decisions are made is the Public Speaking Procedure. This is in two parts:
 - a) The Public Speaking Procedure in the Council's Constitution
 - b) Any additional procedural rules that the Committee adopts from time to time.
- 3.3 Following a review of the Public Speaking Procedure by officers in Democratic Services, Legal Services and Planning, a number of changes have been proposed.

- 3.4 These changes have been recommended to better facilitate the practical running of the Committee. They primarily aim to codify existing procedures and enshrine them in the Council's Constitution.
- 3.5 Appendix 1 sets out the proposed Public Speaking Procedure in the Constitution.
- 3.6 Any changes to the Constitution must be agreed by Council. Accordingly, a report will be presented to Council on 14th July 2010 with the recommendation that the proposed changes be agreed with immediate effect.
- 3.7 Appendix 2 sets out the proposed additional procedural rules for adoption by the Committee.
- 3.8 If adopted, these changes will be implemented when the proposed changes to the Constitution are agreed by Council.

4. Comments of the Chief Financial Officer

- 4.1 There are no specific financial comments arising from the recommendations in this report.

5. Concurrent report of the Assistant Chief Executive (Legal)

- 5.1 There are no specific legal comments arising from the recommendations in this report.

6. One Tower Hamlets Considerations

- 6.1 There are no immediate One Tower Hamlets implications arising from the recommendations in this report.

7. Sustainable Action for a Greener Environment

- 7.1 There are no specific SAGE implications arising from the recommendations in this report.

8. Risk Management Implications

- 8.1 The Council needs to have a robust Public Speaking Procedure in place to ensure decisions are made on the basis of fairness and natural justice.

9. Crime and Disorder Reduction Implications

- 9.1 There are no Crime and Disorder Reduction implications arising from the recommendations in this report.

10. Appendices

- Appendix 1 Proposed provisions in the Council's Constitution (Part 4.8) relating to public speaking
- Appendix 2 Proposed public speaking procedure adopted by this Committee

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

If not supplied
Name and telephone
number of holder

None

Nadir Ahmed
Democratic Services
020 7364 6961

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APPENDIX 1

Proposed 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 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.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

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APPENDIX 2

Proposed 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.
- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

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DEVELOPMENT COMMITTEE **Agenda Item 7** 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post on Wednesday in the week prior to the meeting.
- 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.
- 6.3** All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4.00pm on Friday prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. 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** Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall give notice of their intention to do so to the Committee Clerk by no later than 4:00pm on the Monday prior to the day of the meeting.
- 6.5** 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.
- 6.6** The order of public speaking shall be as stated in Rule 5.3.
- 6.7** Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.8** 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.
- 6.9** 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.
- 6.10** 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.
- 6.11** 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: 17 June 2010	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		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.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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

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

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Agenda Item 9

Committee: Strategic Development	Date: 17 June 2010	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 London Plan 2008 (Consolidated with alterations since 2004)
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) 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	Date: 17 th June 2010	Classification: Unrestricted	Agenda Item Number: 9.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy	Ref No: PA/10/00332
	Ward: Blackwall and Cubitt Town

1. APPLICATION DETAILS

Location: 25 Churchill Place, London, E14 5RB
Existing Use:
Proposal: Erection of a 19 storey office building (Use Class B1) plus waterside promenade level together with basement level containing plant, servicing and parking facilities. The application also proposes incidental infrastructure and landscaping works.

Drawing Nos/Documents: Drawings:
KPF-SK-000, KPF-SK-001, KPF-SK-002, KPF-SK-003, KPF-SK-004, KPF-SK-005, KPF-SK-006, KPF-SK-007, KPF-SK-008, KPF-SK-009, KPF-SK-010, KPF-SK-011, KPF-SK-012, KPF-SK-013, KPF-SK-014, KPF-SK-015, KPF-SK-016, KPF-SK-017, KPF-SK-018, KPF-SK-019, KPF-SK-020, KPF-SK-021, KPF-SK-022, KPF-SK-023, KPF-SK-024, KPF-SK-025.

Documents:
Design Statement, dated February 2010 prepared by Kohn Pedersen Fox Associates and ARUP containing the following documents:

- Design and Access Statement, and;
- Visual Impact Study.

Impact Statement, dated February 2010 containing the following documents:

- Planning Policy Statement, prepared by DP9,
- Initial Energy Strategy Assessment, prepared by Hilson Moran,
- Sustainability Statement, prepared by Hilson Moran,
- Statement of Community Involvement, prepared by CWG,
- Daylight/Sunlight/Overshadowing Assessment, prepared by Gordon Ingram Associates,
- Waste Management Strategy, prepared by Hilson Moran,

- Flood Risk Assessment, prepared by ARUP,
- Transport Assessment, prepared by Steer Davies Gleave,
- Interim Travel Plan, prepared by Steer Davies Gleave, and;
- Wind Assessment, prepared by BLWTL.

Applicant: Canary Wharf Limited
Ownership: Canary Wharf Limited
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FULL PLANNING PERMISSION

- 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), Core Strategy Submission Version (Dec. 2009), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The scheme will consolidate the sustainable future economic role of the area as an important global financial and legal centre, whilst also facilitating locally-based employment, training and local labour opportunities for the local community together with numerous public realm improvements. The scheme therefore accords with policy 3B.4 of the London Plan, saved policies DEV3 and CAZ1 of the Council's Unitary Development Plan (1998), policy CP11 of the Council's Interim Planning Guidance (2007) and policies SO1, SO4, SO5, S06, SP01, SO15, SO16 and SP06 of the Core Strategy Submission Version December 2009, which seek to develop London's regional, national and international role, ensure appropriate development and protect sites in employment use.
- 2.3 The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998, policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (2007) and SP10 of the Core Strategy Submission Version December 2009 which seek to ensure buildings are of a high quality design and suitably located.
- 2.4 The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance with policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) and policies CP48 and CP50 of the Council's Interim Planning Guidance (2007), 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.
- 2.5 Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007) and S024 and SP11 of the Core Strategy Submission Version December 2009 which seek to promote sustainable development practices.
- 2.6 Transport matters, including parking, access and servicing, are acceptable and in line with

London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and SO19, SP08, SO20, SO21 and SP09 of the Core Strategy Submission Version December 2009 which seek to ensure developments minimise parking and promote sustainable transport options.

- 2.7 Contributions have been secured towards the provision of transport infrastructure improvements; open space and public realm improvements; social and community facilities and access to employment for local people in line with Community Infrastructure Levy Regulations 2010, policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance (October 2007) and policy SP13 of the Core Strategy Submission Version December 2009, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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

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

Financial Contributions

- a) **£146,546** – for the provision or conversion of sports pitches to Astroturf in accordance with the Council's Sports Pitch Strategy; and
- b) **£260,428** - towards open space and public realm improvements; and
- c) **£312,513** - Towards transport infrastructure, specially towards Crossrail; and
- d) **£163,319** - towards social and community and employment and training initiatives

Total: **£882, 805**

Non-financial Contributions

- e) Commitment to implement a Green Travel Plan
- f) Commitment to use local labour in construction
- g) TV/Radio Reception Monitoring
- h) 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 Full Planning Permission Conditions

- 1) Time Limit (3 years)
- 2) Building constructed in accordance with approved plans
- 3) Phasing programme details
- 4) External materials
- 5) External plant equipment and any enclosures
- 6) Hard and soft landscaping including external lighting and security measures
- 7) Demolition and Construction Management Plan required including feasibility study and details of moving freight by water during construction
- 8) Drainage Details (Thames Water)

- 9) Water supply infrastructure (Thames Water)
- 10) Land Contamination
- 11) Verification Report for Land Contamination
- 12) Monitoring Report for Land Contamination
- 13) Piling Details
- 14) No Infiltration of Surface Water Drainage
- 15) Scheme of access to flood defences
- 16) Green Travel Plan required
- 17) Cycle parking spaces
- 18) Electric Charging Point Details
- 19) Biodiversity Action Plan required
- 20) Submission of BREEAM Offices assessment required.
- 21) Full particulars of energy efficiency technologies required
- 22) Bellmouth Passage to be kept open during construction of Crossrail
- 23) Hours of construction
- 24) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 25) Protection of public sewers
- 26) Noise control limits
- 27) No infiltration of surface water drainage into the ground
- 28) Express consent required for piling and other penetrative foundation designs
- 29) Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.7 Full Planning Permission Informatives

- 1) Associated S106
- 2) Contact Thames Water
- 3) Contact London City Airport regarding cranes and scaffolding
- 4) Contact LBTH Building Control
- 5) Contact British Waterways
- 6) Contact Environment Agency
- 7) Contact London Fire & Emergency Planning Authority
- 8) 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.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applicant is seeking consent to build a tower of 19 storeys in height (108m AOD) accommodating 71,169 square meters (GIA) of office floor space (Use Class B1).
- 4.2 The application site has permission for the construction of a 15 storey office building of 80.77m (AOD) in height under the Enterprise Zone consent for the original Canary Wharf Estate. The application site also has permission for the construction of a 23 storey office building of 130m (AOD) granted consent in 2008. The 19 storey building proposed within the current application is approximately 108 metres (AOD) in height and falls between the two previous consents, being 27.23 metres higher than the Enterprise Zone consent and 22 meters lower than the 2008 consent.
- 4.3 The proposal also includes 8 car parking spaces (6 of which are disabled spaces) within the

basement and 138 cycle parking spaces within the existing Churchill Place car park.

Site and Surroundings

- 4.4 The site is located at the eastern end of the Canary Wharf Estate, and is bounded by Churchill Place and South Colonnade to the north, Bellmouth Passage with 20 Canada Square and Montgomery Square beyond to the west and 10 Churchill Place to the east. To the south is South Dock. The site is immediately adjacent to the dock on its southern and western boundaries.
- 4.5 The application site is approximately 0.36 hectares in area. The application site is predominantly surrounded by office buildings; however proposals for the neighbouring Wood Wharf site to the east and south were recently granted consent for a large mixed used development including a large number of residential units.

Relevant Planning History

- 4.6 The following planning decisions are relevant to the application:
- 4.7 EZ/91/4 The Isle of Dogs Enterprise Zone (EZ) consent was approved by the then Secretary of State for the Environment and formally designated on 26th April 1982. As part of the EZ consent, the application site has planning permission for a 15 storey building of 80.77m (AOD) in height to provide approximately 60,300sq.m. of office floor space. The permission also included a pedestrian link to Montgomery Street. This consent has been implemented by way of completion of the substructure including piling and is continuing construction in accordance with this consent.
- 4.8 PA/08/00775 The LPA granted planning permission on 7th November 2008 for the "Erection of a 23 storey office building (Use Class B1) incorporating car parking, servicing and plant at basement level, together with associated infrastructure, landscaping and other works incidental to the application."

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 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG4	Industrial, Commercial Development and Small Firms
PPS9	Biodiversity and Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS25	Development and Floodrisk

5.3 Spatial Development Strategy for Greater London (London Plan) Consolidated with alterations since 2004.

3A.18	Protection and enhancement of social infrastructure and community facilities
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
4A.2	Mitigating climate change

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.14	Sustainable drainage
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
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.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.20	Development adjacent to canals
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London

5.4 Unitary Development Plan 1998 (as saved September 2007)

Proposals:	Flood Protection Area
	Central Area Zone
	Water Protection Area
	Site of Nature Conservation Importance
	East-West Crossrail
Policies:	DEV1 Design Requirements
	DEV2 Environmental Requirements
	DEV3 Mixed Use development
	DEV4 Planning Obligations
	DEV8 Protection of local views
	DEV12 Provision of Landscaping in Development
	DEV51 Contaminated Land
	DEV55 Development and Waste Disposal
	DEV69 Water Resources
	CAZ1 Location of Central London Core Activities
	CAZ4 Special Policy Areas
	T16 Impact of Traffic
	T18 Pedestrian Safety and Convenience
	T21 Existing Pedestrians Routes
	U2 Consultation Within Areas at Risk of Flooding
	U3 Flood Defences

5.5 Interim Planning Guidance for the purposes of Development Control

Proposals:	Development site ID52 – Identifies preferred uses as Employment (Use Class B1) and retail and leisure (A1, A2, A3, A4, A5)
	Major Centre
	Flood Risk Area
	Site of Importance for Nature Conservation
	Draft Crossrail boundary

		Public Open Space (Isle of Dogs wharves)
		Blue Ribbon Network
Core Strategies:	IMP1	Planning Obligations
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity
	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
	CP48	Tall 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
	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
	SCF1	Social and Community Facilities
	OSN3	Blue Ribbon Network and the Thames Policy Area
	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

5.6 Core Strategy Development Plan Document (Submission version December 2009)

Delivering our regional role	SO1
Achieving wider sustainability	SO3

Refocusing on our town centres	SO4, SO4, SO6 and SP01
Urban living for everyone	SO7, SO8, SO9 and SP02
Creating healthy and liveable neighbourhoods	SO10, SO11 and SP03
Creating a green and blue grid	SO12, SO13 and SP04
Delivering successful employment hubs	SO15, SO16 and SP06
Making connected places	SO19 and SP08
Creating attractive and safe streets	SO20, SO21 and SP09
Creating distinct and durable places	SO22, SO23 and SP10
Working towards a zero-carbon borough	SO24 and SP11
Delivering placemaking	SO25 and SP12 and Canary Wharf Vision Statement LAP 7 & 8
Planning obligations	SP13

5.7 Supplementary Planning Guidance/Documents

SPG Designing Out Crime

5.8 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:

BBC Reception Service

6.2 To date no comments have been received.

British Waterways

6.3 British Waterways advised that they had no objection to the proposed development subject to an informative being attached to the decision notice advising the applicant to contact British Waterways.

Commission for Architecture and the Built Environment - CABE

6.4 CABE advised that they are unable to review this scheme.

London Regional Transport – Crossrail

6.5 To date no comments have been received.

Docklands Light Railway

6.6 To date no comments have been received.

EDF Energy Networks

6.7 To date no comments have been received.

English Heritage Archaeology

6.8 To date no comments have been received.

English Partnerships

6.9 To date no comments have been received.

Environment Agency

6.10 The Environment Agency advised that they have no objection in principle to the proposed development subject to conditions in respect of land contamination, pilling and foundation design, surface water drainage, scheme of access to flood defenses and planning informatives in respect of the need to comply with Thames Regional Land Drainage Bye Laws 1981 is attached to any planning permission granted and dewatering activities.

6.11 **Officer Comment:** *Suggested conditions and informatives where reasonable have been attached, as detailed at paragraph 3.6. A full discussion of these conditions is dealt with at paragraph 8.53.*

Government Office for London (GOL)

6.12 To date no comments have been received.

London Thames Gateway Development Corporation

6.13 To date no comments have been received.

London Underground Ltd.

6.14 London Underground has no comment to make on this planning application.

Maritime Greenwich Heritage Site

6.15 To date no comments have been received.

National Air Traffic Services

6.16 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) has no safeguarding objections to this proposal.

National Grid Policy

6.17 To date no comments have been received.

Natural England

6.18 To date no comments have been received.

Port of London Authority

6.19 The PLA has no objection to the proposed development subject to a condition in respect of the use of the river for the transport of construction materials to and waste materials from the site.

6.20 **Officer Comment:** *Suggested condition has been attached, as detailed at paragraph 3.6.*

Thames Water

- 6.21 Thames Water have no objections subject to the attachment of two conditions requiring the details of drainage and water supply be provided.
- 6.22 **Officer Comment:** *Suggested conditions have been attached, as detailed at paragraph 3.6.*

Greater London Authority (GLA)

- 6.23 The GLA have advised that London Plan policies on Major Town Centres, Opportunity Areas, mix of uses, urban design, strategic views, transport, Crossrail, energy and climate change and flood risk are relevant to this application. The application complies with some of these policies but not with others, for the following reasons and the following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:
- 6.24 Mix of uses: The application does not include a mix of uses and does not provide any on, or off, site affordable housing and a further discussion on the requirement of this application to provide a contribution to off-site affordable housing is required.
- 6.25 Transport: There is insufficient transport information included with the submitted application and further technical information is required.
- 6.26 Crossrail: The application does not make a contribution towards Crossrail and the applicant is required to provide a financial contribution for Crossrail.
- 6.27 Energy: There is insufficient information on the energy strategy and climate change application measures and further technical information on the proposed energy strategy is required.
- 6.28 Climate change: The applicant has not assessed the potential to include living roofs or walls and the applicant must assess this.
- 6.29 **Officer Comment:** *The above matters in respect of transport, energy and climate change have been addressed by the applicant. Please refer to the paragraph 8.37 – 8.51 where Section 106 Contributions including affordable housing and Crossrail are discussed.*

The Inland Waterways Association (IWA)

- 6.30 No objections.

London Borough of Greenwich

- 6.31 They raise no objections.

London Borough of Southwark

- 6.32 No objection is raised to the proposed development.

London City Airport

- 6.33 To date no comments have been received.

London Development Agency

6.34 To date no comments have been received.

London Fire and Emergency Planning Authority (LFEPA)

6.35 Comments were received from LFEPA giving detailed advice in respect of compliance with Building Regulations and Fire Safety. Following further discussion with LFEPA and the applicant it was established that the majority of these matters are dealt with under Building Regulations. A response from the applicant has been provided addressing the questions raised.

6.36 **Officer Comment:** *The Planning Officer following discussion with the LBTH Building Control Officer and LFEPA Officer established that all the information required at this stage has been supplied and no further action is required.*

London Wildlife Trust

6.37 To date no comments have been received.

Transport for London (TFL)

6.38 TFL welcome the restraint based approach to car parking provision (limited to 6 car parking bays for disabled drivers) which is in line with London Plan Policy.

6.39 The level of cycle parking provision (138 cycle spaces) is not in line with policy and 285 spaces would be required in order to comply with London Plan policy. The applicant provided further information on cycle parking demand in the area and TFL advised that in light of the evidence TFL agrees that the proposed level is acceptable, on the basis that a condition is imposed which requires the monitoring of demand for cycle parking.

6.40 Given, the low level of car parking proposed, TFL is satisfied that there will be no unacceptable impact on the strategic highway network.

6.41 TFL notes that the Transport Assessment is not in keeping with their Transport Assessment Best Practice Guidance (May 2006) because it has assessed the impact of the development on the public transport network based on the uplift in floor space from the extant 1982 Enterprise Zone permission. This is the same approach as was taken with the 2008 application; however, this does not provide an accurate assessment of the full impact of the proposed development. However, TFL is satisfied that no further work is required to mitigate the impact of the any additional trips on the public transport network, subject to a financial contribution towards Crossrail.

6.42 TFL welcome the submitted travel plan which is in line with London Plan policy.

6.43 A contribution of £1,646,100 would be required for Crossrail.

6.44 The following should be secured via condition:

- Construction Logistics Plan (CSP) - it should include consideration of water-based transport where possible.
- Delivery and servicing plan (DSP)

6.45 **Officer Comment:** *Suggested conditions have been attached, as detailed at paragraph 3.6. in line with comments from TFL. Please refer to paragraphs 8.48-8.51 where the crossrail contribution is discussed in further detail.*

Docklands History Group

6.46 To date no comments have been received.

LBTH Access to Development

6.47 To date no comments have been received.

LBTH CLC Strategy

6.48 Please use the same figures negotiated in the previous agreement for 25 Churchill Place (PA/08/00775) and adjust them proportionately in accordance with the decreased GIA.

6.49 **Officer Comment:** *This approach has been adopted, as detailed at paragraph 8.48-8.51.*

LBTH Ecology Officer

6.50 To date no comments have been received.

LBTH Education Development Team

6.51 To date no comments have been received.

LBTH Energy Efficiency Unit

ENERGY COMMENTS

6.52 The applicant has broadly followed the energy hierarchy set out in policy 4A.1 of the consolidated London Plan.

6.53 The proposals aim to reduce overall carbon emissions by 14.3%.

6.54 Energy Baseline – It is noted that the energy baseline and carbon emissions have been calculated using ‘TAS’ software from EDSL (version 9.1.3). The emission rates are set out as:

- Target Emission Rate – 30.02 kgCO₂/m²
- Building Emission Rate – 23.98 kgCO₂/m²

6.55 Be Lean – The scheme has been designed in accordance with Policy 4A.3 in seeking to minimise energy use through passive design measures with energy efficiency measures are anticipated to result in carbon savings of approximately 10%.

6.56 Be Clean – A combined cooling, heat and power system is proposed. The tri-generation system is sized at 307 kW(e) to provide electrical output of 307kW, heating output of 357kW and cooling output of 250kW. Through the integration of a CCHP system a CO₂ emission reduction of 4.4% is considered viable. It is noted that the back-up cooling will be met through high efficiency vapour compression chillers.

6.57 Be Green – Through the maximisation of the CCHP system to deliver space heating and hot water it is acknowledged that meeting the 20% of the buildings energy demand through renewable technologies is not feasible. The proposals include the installation of Photovoltaic array to reduce carbon emissions by 0.23%. This saving is proposed through a 135m² active panel area. The scheme also proposes heat pumps using dockwater to serve the lobby underfloor heating system. The CO₂ savings associated with the heat pumps is 0.14%. Therefore, a total CO₂ reduction of 0.37% is proposed through the integration of renewable energy technologies.

- 6.58 The proposed overall 14.3% reduction in carbon emissions through a combined heat and power system and PV panels is considered acceptable. This will be secured by condition, therefore the applicant needs to ensure this proposal is developed in detail, as any changes to the energy strategy after planning committee decision may require the planning application to be resubmitted to planning committee.
- 6.59 Principally the Sustainable Energy Strategy is considered appropriate for the development. The London Plan energy hierarchy has been followed appropriately.

SUSTAINABILITY COMMENTS

- 6.60 Policy 4A.3 of the London Plan seeks development to meet the highest standards of sustainable design and construction.
- 6.61 London Borough of Tower Hamlets requires all non-residential developments to target a BREEAM Excellent rating. The Sustainability Strategy states that the proposals are aiming for a 'Very Good' rating at Shell and Core and an 'Excellent' rating at Fit out under the BREEAM Offices 2008 methodology.
- 6.62 Conditions in respect of Energy and Sustainability should be attached to the decision notice.
- 6.63 **Officer Comment:** *Suggested conditions have been attached, as detailed at paragraph 3.6.*

LBTH Environmental Health (Contaminated Land)

- 6.64 This department has reviewed the planning application relating to the aforementioned property. I note from our records that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. I understand ground works are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks.
- 6.65 Please can you condition this application to ensure the developer carries out a site investigation to investigate and identify potential contamination.
- 6.66 **Officer Comment:** *Suggested conditions have been attached, as detailed at paragraph 3.6. Further, discussion about these conditions is detailed at paragraph 8.53.*

LBTH Environmental Health (Daylight and Sunlight)

- 6.67 No objection in respect of daylight and sunlight and microclimate.

LBTH Environmental Health (Noise and Vibration)

- 6.68 To date no comments have been received.

LBTH Environmental Health (Smell and Pollution)

- 6.69 To date no comments have been received.

LBTH Environmental Health (Hazardous Substances)

- 6.70 To date no comments have been received.

LBTH Idea Stores, Strategy and Projects

- 6.71 To date no comments have been received.

LBTH Transportation and Highways

- 6.72 Following the receipt of initial comments from the Highway Officer further information was provided by the applicant and the final comments are presented below.
- 6.73 Given the location of the site within Churchill Place, Canary Wharf, the proposals are not adjacent to and do not encroach into Highways land, as this area, and the roads within it, are under private ownership.
- 6.74 Parking: Level of car parking which includes 6 disabled spaces is acceptable. The 2 spaces to be equipped with electric vehicle charging points are to be secured by condition.
- 6.75 Cycle Parking: Concerns are still held over the off-site location of the cycle parking facilities and the level of cycle parking provided. Confirmation is required over the ownership of the land (red/blue line boundaries) and the impact of the loss of the proposed area. Details of stands should be controlled via condition.
- 6.76 Highway Assessment: The Highways Officer has expressed concern in respect of the methodology used for the submitted Transport Assessment modelling. However, they do note that TFL have not raised any specific concerns over the methodology adopted in order to derive traffic flows.
- 6.77 They conclude that from the results presented within the submitted Transport Assessment, the 'With Development' model scenarios represent marginal increases over the 'Without Development' scenarios, and it is noted that vehicular trips to the site will be limited by the number of parking spaces provided.
- 6.78 Servicing Arrangements: As stated within the submitted Transport Assessment, service vehicles to the building will use the two loading bays which are also accessed from Cartier Circle.
- 6.79 Travel Plan: The requirement for Travel Plans should be included as part of a Section 106 Agreement to cover the following:
- Implementation of Travel Plans in accordance with the framework, submitted to and approved by the Council;
 - Appointment of a Travel Plan Co-ordinator role to ensure the implementation and monitoring of the Travel Plans;
 - A contribution to Tower Hamlets Council for monitoring the Travel Plans.
- 6.80 Should the Case Officer be minded to grant Planning Permission, a condition of approval should be in place so that prior to any works commencing a Construction Management Plan should be submitted to the Council for approval and should include a strategy to maximise the use of the Thames for the transport of construction, waste and recycling materials to and from the site to be submitted and approved in writing by the Local Planning Authority.
- 6.81 **Officer Comment:**
Suggested conditions have been attached, as detailed at paragraph 3.6. A full discussion of these comments is contained within the highways section of this report at paragraphs 8.22-8.30.

LBTH Strategic Transport Team

6.82 I feel that more can be done to encourage cycling to the development site and 138 parking spaces for 3508 employees is considered to be insufficient and may have an impact of cycle parking in the vicinity of the site which is often at capacity. Therefore cycle parking should be provided on site and according to planning guidance standards at 1 space per 250sqm resulting in 280 cycle parking spaces.

6.83 Prestons Road is a significant hotspot for congestion and poor air quality. Tower Hamlets is actively promoting the switch from conventional combustion engines vehicles to electric vehicles and sees the provision of infrastructure as a key step towards this vision. There we require that electric vehicle charging facilities are made available to each of the basement parking bays within the development.

6.84 **Officer Comment:**

A full discussion of these comments is contained within the highways section of this report at paragraph 8.22-8.30.

LBTH Waste Policy and Development

6.85 To date no comments have been received.

LBTH Crime Prevention Officer (CPO)

6.86 The CPO has noted that he has reservations about the space called the promenade, particularly the waterside covered space, but the area has few problems and is well managed by Canary Wharf, so they doubt any problems will exist for very long. The main entrance is acceptable.

7. LOCAL REPRESENTATION

7.1 A total of 1369 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:	0	Objecting:	0	Supporting:	0
No. of petitions received:	0				

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, Mass and Scale
3. Transport and Highways
4. Amenity
5. Energy and Renewable Technology
6. Section 106 Planning Contributions
7. Other Issues

Land Use

8.2 The adopted Unitary Development Plan, 1998, (UDP) designates the application site within

the Central Area Zone which seeks to promote commercial development. The application site is also identified as a development site (ID52) within the Interim Planning Guidance Isle of Dogs Area Action Plan (AAP), with preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4 & A5). It is also located within the Northern sub-area; the main focus of commercial development on the Isle of Dogs and a landmark location for major corporate occupiers.

- 8.3 Within the emerging Core Strategy, 2009, (CS) the site forms part of the Canary Wharf Vision Statement which states that “Canary Wharf will retain and enhance its global role as a competitive financial district as well as adopting a stronger local function.”
- 8.4 The application site has an implemented planning permission for a 15 storey office building under the EZ consent for the original Canary Wharf estate as detailed at paragraph 4.7. This essentially granted planning permission for most forms of development within the designated area, subject to conditions.
- 8.5 Subsequently, consent was granted by the EZ Authority, namely the London Docklands Development Corporation (LDDC) for the development of Canary Wharf according to a master plan which indicated the extent and location of building parcels and heights. Upon the termination of the EZ Scheme in April 1992 the LDDC confirmed that having commenced the development of Canary Wharf in accordance with the approved master plan the EZ consent had been implemented and therefore the development could continue to completion without further approvals.
- 8.6 The LDDC ceased to be the planning authority for the area in October 1997 when development control powers were transferred back to the London Borough of Tower Hamlets. At this stage a review of the EZ consents were carried out and LBTH confirmed their status and placed copies on the Statutory Register.
- 8.7 Canary Wharf Group has continued to develop the estate in accordance with the EZ master plan seeking separate planning permission where variations were necessary. This site is the last remaining site within the EZ Masterplan to be developed.
- 8.8 It is also noted that, the application site has an extant planning permission for a 23 storey office building under the 2008 consent which could still be implemented.
- 8.9 In light of the extant planning permissions upon the site and given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area, which is predominantly commercial. The proposal will result in the provision of 71,169 square meters (GIA) of office floor space. The application therefore accords with Policy CAZ1 of the UDP (1998) which seeks to develop the Central Activities Zone in order to foster London’s regional, national and international role, and Policy IOD13 which promotes high-density office-based employment uses in the Northern sub-area.

Design, Mass and Scale

- 8.10 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.
- 8.11 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 provides detailed guidance on the design and impact of such large-scale buildings, and requires that these be of the highest quality of design.

- 8.12 Policies CP1, CP48, DEV2 and DEV27 of the IPG 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.
- 8.13 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.
- 8.14 Policy IOD16 of the Isle of Dogs AAP (IPG) states, inter alia, that the Northern sub-area will continue to be a location for tall buildings and 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.
- 8.15 These policies are reinforced by the aims of policies SO22, SO23 and SP10 of the CS.
- 8.16 The application proposes the erection of a 19 storey building at a height of 108 metres (AOD). This is four storeys and 27.23 metres above the Enterprise Zone consented height limit of 80.77m (AOD).
- 8.17 It is noted that it is four storeys and 22 metres below the 2008 consented height limit of 130 metres (AOD).
- 8.18 In terms of form, massing and scale, the proposed development responds well to the context of the existing office buildings within the Canary Wharf estate. At 108m (AOD) in height, the proposed building is taller than the neighbouring 20 Canada Square and 20 Churchill Place which are both 80.77m (AOD) high, however somewhat lower than One Churchill Place immediately to the north, which stands at 160m (AOD). It is considered that the proposal's intermediate height sits comfortably within the massing of the Canary Wharf tall building cluster and maintains the progressive reduction in height away from One Canada Square.
- 8.19 With regard to the architectural design, the main facades of the building comprise a pure glass box, framed by stone panels that also use metal elements to interface with these materials. The north and south facades have been developed with the aim of maximising the waterfront location and to create a connection to the south dock. This is done by lifting the facades and producing visible entrances to the building. The recess creates a colonnade that emphasises the building entrances making a covered route for pedestrians. The top level façade panels disguise the building plant rooms by recessing the façade line where the louver panels are located. At ground level the lobby provides activity with a triple height volume in a north-south direction providing a connection through to the south dock. The east and west facades also create a recess in the lobby space and enhances the human scale of the building at street level. The submitted Design & Access statement details that the materials for the paved areas around the base of the building will be consistent with the estate's existing public infrastructure.
- 8.20 Policy DEV27 of the IPG provides criteria that applications for tall buildings must satisfy.

Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:

- the development creates an acceptable landmark building to the edge of the Canary Wharf Estate, invigorating the South Dock and complementing the existing tall buildings;
- it contributes to an interesting skyline, from all angles and at night time;
- the site is not within a strategic view corridor;
- the site is not within a local view corridor and would not impact adversely on local landmarks;
- the scheme provides adequate, high quality and usable amenity space;
- the proposal also includes an appropriate S106 contribution towards open space provision and management;
- the scheme enhances the movement of people, including disabled users, through the public open space and promenade whilst securing high standard of safety and security for future users of the development;
- the scheme meets the Council's requirements in terms of micro-climate;
- the scheme demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- the impact on biodiversity will not be detrimental;
- whilst the development is not mixed use, the immediate area houses a wide variety of commercial uses and as such, the proposal is considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- the site is located in an area with good public transport accessibility;
- takes into account the transport capacity of the area the scheme includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
- the scheme conforms with Civil Aviation requirements; and
- does not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

- 8.21 It is considered that the proposed building will contribute positively to the Canary Wharf cluster and help to animate the South Dock. In light of supporting comments received from the Council's Design Department regarding the form, height, massing and design of the development, and subject to conditions to ensure high quality detailing of the development is achieved, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan, UDP, IPG and CS.

Transport & Highways

- 8.22 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. Rerefence is also made to policies SO19, SP08, SO20, SO21 and SP09 of the emerging Core Strategy which are in keeping with adopted policy aims. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.
- 8.23 Vehicular access to the development would be gained from the Cartier Circle. A ramp from the Circle which leads to the Churchill Place car park (underneath 20 Churchill Place) would also serve the basement car park area of the proposed building. This area will house eight vehicular parking spaces, six of which would be for disabled users. The submitted

Transport Assessment details that access for service vehicles will be provided at ground level, where two servicing bays would be located. A total of 138 cycle parking spaces would be provided for the development within the adjacent Churchill Place car park, with lift access from ground level immediately in front of the entrance building.

- 8.24 The site is located within an area of excellent public transport accessibility (PTAL 6a). There are four DLR stations within one kilometre of 25 Churchill Place; Blackwall to the north-east, Poplar to the north-west and Canary Wharf and Heron Quays to the west. The closest station is Canary Wharf, which is a 4 minute walk away. There are five bus services and one dedicated night bus service which travel through the estate, with a further route due to be launched by TfL this year. The area is also well served by official cycle routes.

Section 106 Contributions

- 8.25 Given the large amount of additional employment the development would bring to the area, the Council have determined that a contribution to the value of £312,513 for transport infrastructure is required via the Section 106 agreement in order to ensure that the development can be accommodated within the existing transport network. This is discussed further within paragraph 8.37 – 8.51.

Cycle Parking

- 8.26 TfL and LBTH Highways have both raised concerns with regard to level of cycle parking. The applicant has responded to these comments by stating that cycle parking spaces have been provided in accordance with BREEAM standards for sustainable office buildings. The spaces equate to about 3.3% of employees being able to cycle to work, which exceeds the 1.8% of Canary Wharf employees who cycle. Cycle demand would be monitored as part of the Travel Plan and the Canary Wharf Cordon and Employee surveys and if demand increases above the level provided for then further cycle parking provision would be provided. The amount of cycle parking proposed, which would provide for 3.3% of employees to cycle to work is similar to the levels of cycle parking that has been proposed for the recent Heron Quays West and Riverside south planning applications. This approach has been accepted by the GLA as part of the 2008 consent and, together with future monitoring through the Travel Plan required within the s106 agreement.
- 8.27 TFL have now advised that they are satisfied with the information provided by the applicant demonstrating that the level is in line with the need for cycle parking within the Canary Wharf Estate. Subject, to the requirement to increase the number of spaces subject to demand as part of the Travel Plan they are satisfied with the lower provision. On balance, given the additional information provided, the 2008 consent and the fact that this can be controlled via condition the level of cycle parking is considered acceptable.

Vehicular Parking

- 8.28 As detailed above, the proposal includes 8 vehicular parking spaces at basement level, 6 of which are designated for disabled use and 2 for operational use. Neither, TfL nor LBTH Highways have raised objections on the basis of vehicular parking levels within the proposal.
- 8.29 The LBTH Highway Officer has raised concerns about the layout of the proposed car parking. The applicant in response has advised that there is a 5.9 metre forecourt space between the disabled parking bays. Figure 4.5 in the TA shows an area surrounding the disabled spaces which provides a buffer area for the manoeuvring of disabled passengers and does not form part of the actual vehicle bay. A swept path diagram is included to demonstrate that vehicles are able to manoeuvre adequately in the space provided. Moreover, it is also noted that the layout of the basement level has been implemented as part of the extant EZ scheme and is the same layout as approved in 2008 by the LPA. As such, the Highway Officer concerns in respect of the layout in this instance are not

considered reasonable.

Servicing and Refuse Provisions

- 8.30 The applicant has provided a waste management strategy which details that waste produced in the buildings will be consolidated in the basements, where waste and recyclables will be transported by road to suitable waste transfer and recycling storage.

Amenity

- 8.31 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state 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.
- 8.32 The application site is not located within or adjacent to any residential development. The site is located to the north and west of the Wood Wharf site, which has been approved as a mixed use scheme including residential accommodation. However in light of the greater scale of the existing commercial buildings than that of the proposal within this area of the estate, it is not considered that the proposal would impact upon the amenity of any future residential occupiers in Wood Wharf. As such, the impact upon amenity is limited to users of the development and the surrounding Canary Wharf Estate. The Council's Environmental Health Department have raised no objections on the grounds of loss of amenity created by the proposed development.

Energy and Renewable Technology

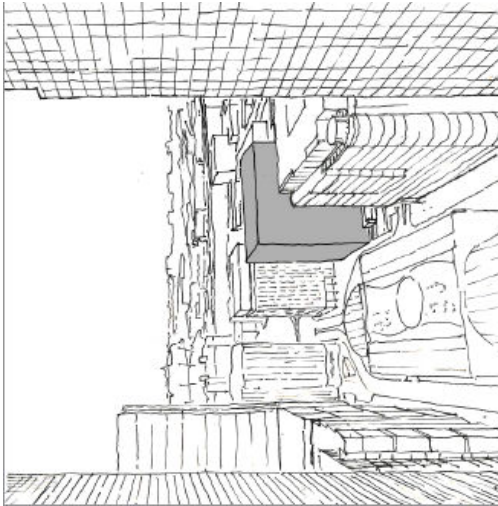
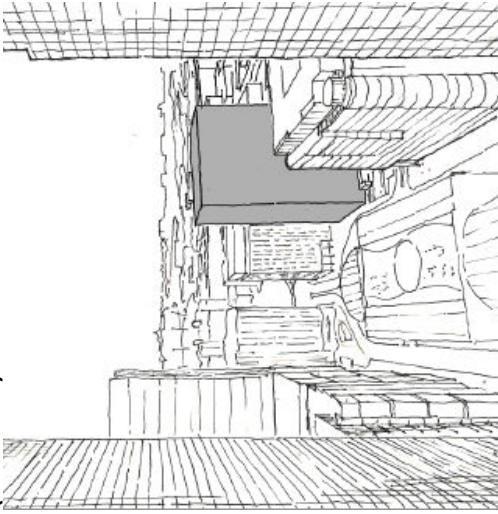
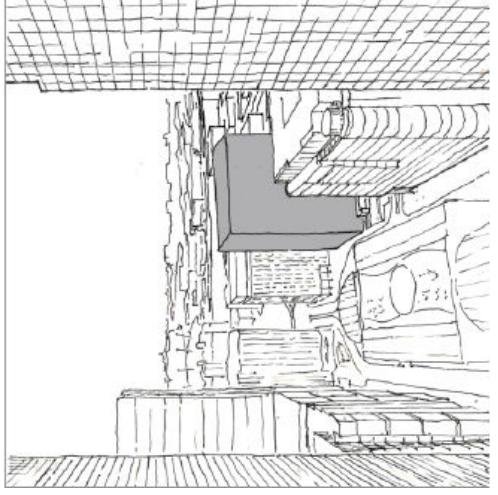
- 8.33 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:
- 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.
- 8.34 The application has been accompanied by an Energy Strategy Report which sets out that the proposals aim to reduce overall carbon emissions by 14.3%.
- 8.35 The scheme has been designed to include passive design measures and energy efficiency measures and includes a combined heat and power system tri-generation system, photovoltaic provision at roof level and heat pumps using the dock water.
- 8.36 The Energy Officer and the GLA have reviewed the submitted Energy Report and are broadly satisfied. Their concerns and requests for further information have been satisfactorily dealt with by the applicant.

Section 106 Contributions

- 8.37 Saved Policy DEV4 of the UDP, policy IMP1 of the Interim Planning Guidance and policy SP13 of the CS state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development. Reference is also made to Community Infrastructure Levy Regulations which came into force in April 2010 and give statutory force to three policy tests set out in Circular 05/05.

- 8.38 This application proposes 71,169 square meters of B1 office floor space in total. In light of the extant Enterprise Zone permission for 60,300 square meters of office floor space, the S106 contribution has been calculated on the additional office floor space, which equates to 10,869 square meters. This is the same method of calculation which was used for the 2008 application.
- 8.39 The level of S106 contribution has been calculated per square meter of additional office floor space. The same tariff from the 2008 application has been applied. This S106 package takes account of the lower level of office floor space proposed within this application and also takes account of inflation by index linking the 2008 figures. This results in what appears to be a lower figure but is the same amount in real terms to the 2008 S106 package. Table 1 demonstrates the comparison between the three schemes in respect of size and S106 contributions.

Table 1: 25 Churchill Place – S106 Comparison Schedule

	Enterprise Zone Scheme (ref. EZ/91/4) (IMPLEMENTED)	2008 Consented Scheme (ref. PA/08/00775) (EXTANT)	2010 Proposed Scheme (ref. PA/10/00332)
			
Height	15 storeys 80.77 metres AOD	23 storeys 130 metres AOD	18 storeys 108 metres AOD
Area	60,300 sq.m. (GIA)	80,535 sq.m. (GIA)	71,169 sq.m. (GIA)
Uplift	n/a	20,235 sq.m. (GIA)	10,869 sq.m. (GIA)
S106 Total	n/a	£1,850,895 (£91.47 per sq.m. of uplift)	£882,805 (£81.22 per sq.m. of uplift – this figure is the equivalent of the 2008 £/sq.m. further to an index linked calculation which takes account of inflation)
S106 Package	n/a	Sports Pitches – £307,249 Open Space/Public Realm - £546,014 Transport Infrastructure - £655,217 Social/Community/Training - £342,415	Sports Pitches – £146,546 Open Space/Public Realm - £260,428 Transport Infrastructure - £312,513 (TBC) Social/Community/Training - £163,319

- 8.40 To mitigate for the impact of this development on local infrastructure and community facilities the following contributions accord with the Regulations and have been agreed.
- a) **£146,546** – for the provision or conversion of sports pitches to Astroturf in accordance with the Council’s Sports Pitch Strategy; and
 - b) **£260,428** - towards open space and public realm improvements; and
 - c) **£312,513** - Towards transport infrastructure, specially towards Crossrail; and
 - d) **£163,319** - towards social and community and employment and training initiatives
 - e) Commitment to implement a Green Travel Plan
 - f) Commitment to use local labour in construction
 - g) TV/Radio Reception Monitoring
 - h) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Transport Infrastructure

- 8.41 A payment of **£312,513** towards transport infrastructure, specifically Crossrail.
- 8.42 TfL have requested a contribution of **£1,646,100** towards Crossrail, given the strategic regional importance of Crossrail to London’s economic regeneration and development.
- 8.43 TfL outline, that an approach has been developed for collecting contributions towards Crossrail and is set out in the Mayor’s draft Supplementary Planning Guidance (SPG) ‘Use of planning obligations in the funding of Crossrail’ (March 2010).
- 8.44 Officers consider that given TfL no longer intend to upgrade the ticket hall at Jubilee Place the allocation of the transport contribution towards Crossrail would be acceptable in light of the emerging policy context and the importance of Crossrail. It is noted that TfL do not consider the level of the contribution which is currently **£163,319**, and this matter is still under negotiation with the applicant.

Open Space and Public Realm Improvements

- 8.45 The provision of **£260,428** towards open space and public realm improvements, to mitigate the impact of the additional working population upon existing and proposed open space within the immediate vicinity, and the development of future parks, in particular the proposed open space adjacent to the Blackwall Tunnel ventilation shaft.

Sports Pitch Strategy

- 8.46 Provide **£146,546** towards the provision/conversion of pitches to Astroturf in accordance with the Council’s Sports Pitch Strategy, to accommodate the additional demand upon sports pitches created by the additional employees within the estate/Borough.

Social & Community and Employment & Training Initiatives

- 8.47 Provide **£163,319** towards social & community and employment & training initiatives, these being:
- i. *Sustainable transport initiatives*; improvements to facilitate walking, cycling and sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan
 - ii. *Heritage and culture*; improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area
 - iii. *Idea Store*; Contribution to mitigate the increased demand upon the existing Idea Store, particularly upon the IT infrastructure and the free wireless service
 - iv. *Access to Employment*; A contribution towards the Skillsmatch Service
 - v. *Isle of Dogs Community Foundation*; A contribution towards social and community facilities.

Affordable Housing Contribution

- 8.48 As detailed earlier within this report, the GLA have requested that a contribution towards offsite affordable housing is provided.
- 8.49 With regard to such a contribution, policy 3B.3 of the London Plan (2008) is relevant. This policy states: *“Within the Central Activities Zone and the north of the Isle of Dogs Opportunity Area, wherever increases in office floorspace are proposed they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan.”* Policy 5G.3 of the London Plan targets this policy at the CAZ and Isle of Dogs Opportunity Area. 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 neighborhoods. 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.”*
- 8.50 In considering the above, officers consider that a contribution towards off-site affordable housing would not accord with the Community Infrastructure Regulations 2010 particularly when considering the following:
- The Council is currently meeting its housing targets;
 - The development complies with Policy 3B.1 in developing London’s Economy and policies 3B.2 and 3B.3 which encourage developments that meet office demand and rejuvenate office-based activities in the CAZ. The key impact raised in these policies from such developments is upon transport infrastructure, which has been appropriately addressed within this report;
 - According to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development, and with the proposed development providing approximately 4,153 jobs, this is considered a significant contribution towards the target of 100,000 new jobs by 2016 within Isle of Dogs as set out in Policy 5C.1 of the London Plan; and
 - The consented and implemented office development in 1991 was not required to provide a contribution towards off-site affordable housing. Furthermore, given that the aforementioned consent has been implemented by way of construction of the basement, a considerable commercial development could be constructed on site which provides considerably less in the form of planning contributions and the aforementioned London Plan employment targets.
 - The consented office development in 2008 was not required to provide a contribution towards off-site affordable housing.
- 8.51 In overall terms officers consider that the level of agreed financial contributions is appropriate and that they adequately mitigate for the impacts of the development.

Other Planning Issues

Biodiversity

- 8.52 Whilst no objections have been raised on the grounds of impact upon biodiversity, given the site’s designation as a site of nature conservation importance, the attachment of a condition requiring the submission and agreement of a Biodiversity Action Plan is considered necessary.

Site Contamination

- 8.53 Saved UDP policy DEV51 and IPG policy DEV22 requires applications to be accompanied

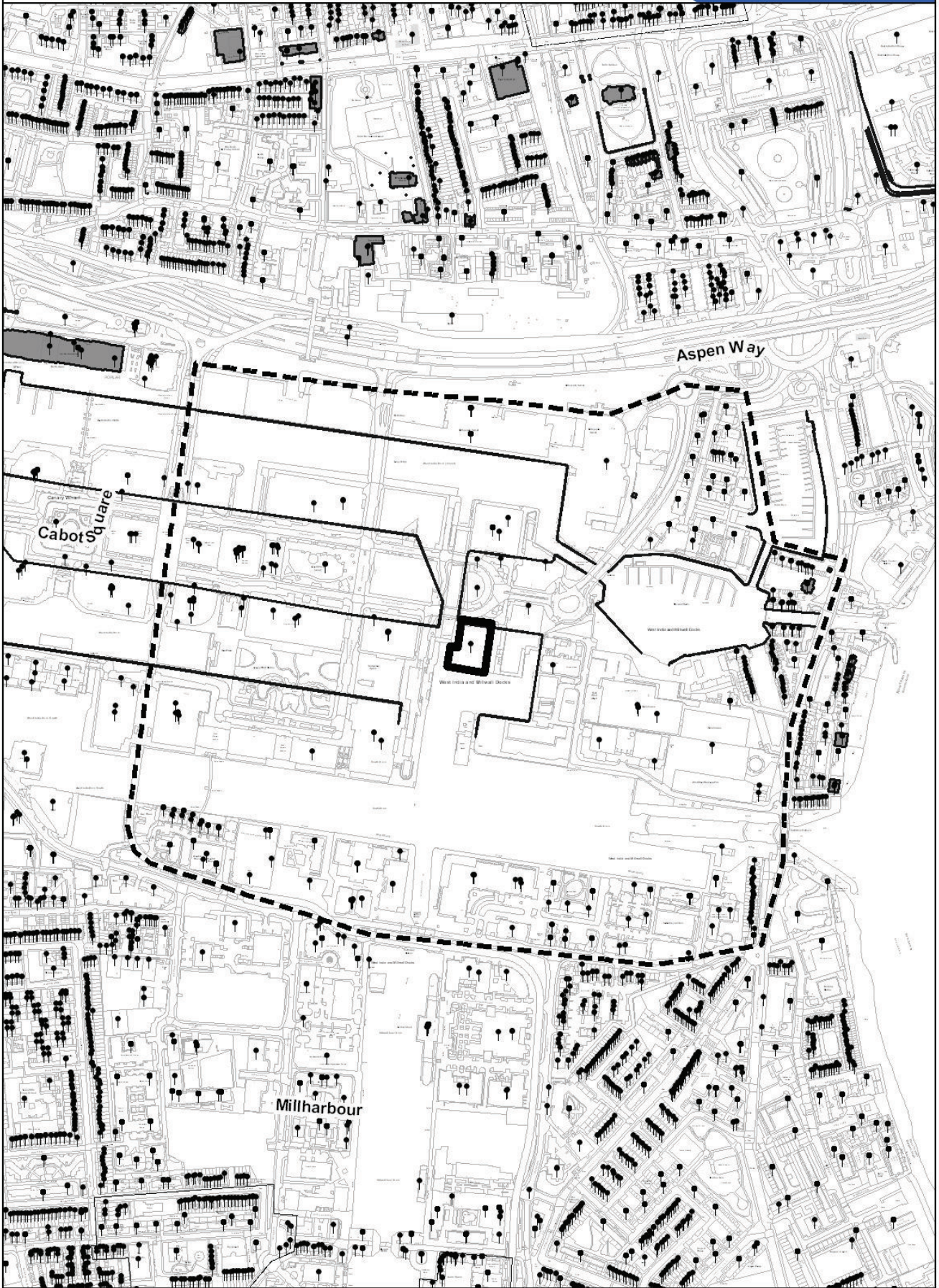
by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. In this instance it is noted that the EZ consent has been implemented above ground level and the applicant has advised it may not be possible to carry out such testing. It is considered that conditions requiring ground gas monitoring and where necessary ground gas protection measures should be attached to the planning permission in this instance. If the applicant is unable to carry out these tests then robust justification should be provided in order to discharge the condition.

- 8.54 The Environment Agency have requested conditions in respect of land contamination and pilling. Following the receipt of these comments the Environment Agency were advised that these pilling works have already been carried out. The Environment Agency, have advised that if the foundations are already in, then it is not necessary to attach a condition in respect of pilling. They would however like the developer to be aware that they bear all responsibility for any damage to the aquifer and we recommend that some groundwater monitoring is undertaken so that they are in a position to deal with anything before it becomes a problem.

Conclusions

- 8.54 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.

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-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings

-  Land Parcel Address
- 0 30 m




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Agenda Item 9.2

Committee: Strategic Development	Date: 17 th June 2010	Classification: Unrestricted	Agenda Item No: 9.2
Report of: Corporate Director of Development and Renewal		Title: Applications for planning permission and conservation area consent.	
Case Officer: Richard Humphreys		Ref: PA/09/2323 and PA/09/2324	
		Ward: Weavers	

1. APPLICATION DETAILS

Location: Land bounded by Hackney Road and Austin Street including Mildmay Mission Hospital, E2 7NS.

Existing use: Mildmay Mission Hospital, a church, a family care centre and open car parks.

Proposal:

1. Application for planning permission for the demolition of existing buildings and redevelopment to provide a campus of seven buildings from one to nine storeys providing 139 residential units, a new building for Mildmay Hospital (2,795 sq metres), a new building for the Shoreditch Tabernacle Baptist Church (423 sq metres), a commercial unit (72 sq metres) (Use Classes A1-A4 or B1) fronting onto Hackney Road, new landscape amenity areas, parking, servicing and cycle bay provision, highway works and all necessary enabling works.

2. Application for conservation area consent for the demolition of existing buildings.

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

Drawing Nos: **Masterplan:** 1417/P/020, 1417/P/040, 1417/P/070A, 1417/P/080, 1417/P/081, 1417/P/099F, 1417/P/100 J, 1417/P/101E, 1417/P/102F, 1417/P/103F, 1417/P/104F, 1417/P/105F, 1417/P/106E, 1417/P/107C, 1417/P/108D, 1417/P/109F, 1417/P/200B, 1417/P/201A, 1417/P/202A, 1417/P/203A, 1417/P/220, 1417/P/300A, 1417/P/301A, 1417/P/302A, 1417/P/303, 1417/P/304.

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 supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF, interim planning guidance inc City Fringe AAP		Development Control 020 7364 5338

Blocks A & B: 1417/P/AB/100, 1417/P/AB/101, 1417/P/AB/102, 1417/P/AB/103, 1417/P/AB/104, 1417/P/AB/105, 1417/P/AB/106, 1417/P/AB/300, 1417/P/AB/301, 1417/P/AB/302, 1417/P/AB/303, 1417/P/AB/304, 1417/P/AB/305.

Block C: 1417/P/C/100C, 1417/P/C/101B, 1417/P/C/102B, 1417/P/C/103B, 1417/P/C/104B, 1417/P/C/105B, 1417/P/C/106B, 1417/P/C/300A, 1417/P/C/301A, 1417/P/C/302, 1417/P/C/350.

Block D: 1417/P/D/100B, 1417/P/D/101B, 1417/P/D/102B, 1417/P/D/103B, 1417/P/D/104C, 1417/P/D/300A, 1417/P/D/301A, 1417/P/D/302, 1417/P/D/350.

Block E: 1417/P/E/099D, 1417/P/E/100C, 1417/P/E/101B, 1417/P/E/102B, 1417/P/E/103B, 1417/P/E/104B, 1417/P/E/105B, 1417/P/E/106B, 1417/P/E/107B, 1417/P/E/108B, 1417/P/E/109B, 1417/P/E/250, 1417/P/E/300A, 1417/P/E/301A, 1417/P/E/302A, 1417/P/E/303A, 1417/P/E/350.

Block F: 1417/P/F/099D, 1417/P/F/100D, 1417/P/F/101C, 1417/P/F/102C, 1417/P/F/103C, 1417/P/F/104C, 1417/P/F/300B, 1417/P/F/301B, 1417/P/F/302A, 1417/P/F/303A, 1417/P/F/304, 1417/P/F/350.

Block G: 1417/P/G/100C, 1417/P/G/101B, 1417/P/G/102B, 1417/P/G/103B, 1417/P/G/104B, 1417/P/G/105B, 1417/P/G/300B, 1417/P/G/350.

Landscape: NMMSK01.01-April 2010, NMMSK01.02-April 2010.

Transport

CSK005 Rev P10.

**Conservation
area consent
PA/09/2324**

1417/P020, 1417/P040, 1417/P041, 1417/P070A and 1417/P071.

Environmental Statement Volumes 1, 2 & 3 with Non-Technical Summary and Additional Regulation 19 Information dated 3rd February 2010.

Design and Access Statement.

Planning Statement.

Statement of Community Involvement.

Energy Strategy January 2010 (amended).

Applicant:

Paddington Churches Housing Association and the Homes and Communities Agency (H&CA).

Owners:

Mildmay Mission Hospital
London Baptist Property Board Limited

Trustees of Shoreditch Tabernacle Baptist Church
Harbhalan Singh Rehinsi

- Listed buildings** Adjoining, the Shoreditch Tabernacle Church Hall (the Tab Centre), 2 -12 Columbia Road and the Leopold Buildings, Columbia Road are listed Grade 2.
To the south west, St. Leonard's Church is listed Grade 1. St. Leonard's churchyard boundary walls, gates and railings are listed Grade 2.
To the south, numerous buildings within the Boundary Estate, including Virginia Primary School, are listed Grade 2.
- Conservation area** The site lies partially within the Council's Hackney Road Conservation Area.
The Council's Boundary Estate Conservation Area adjoins to the south.
St. Leonard's Church, and both sides of Kingsland Road to the north, lie within the London Borough of Hackney's Kingsland Conservation Area.
The South Shoreditch Conservation Area, in the London Borough of Hackney, lies to the west.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1. The local planning authority has considered the particular circumstances of the applications against policies contained in The London Plan 2008, the saved policies in the Tower Hamlets Unitary Development Plan 1998, the Council's interim planning guidance 2007, the Council's LDF Core Strategy Development Plan Document (Submission Version December 2009), associated supplementary planning guidance, and Government Planning Policy Guidance and has found that:
- Shoreditch Tabernacle Baptist Church detracts from the character and appearance of the Hackney Road Conservation Area and its demolition is justified in accordance with policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 of the Council's interim planning guidance 2007 and national advice in PPS5 – Planning and the historic environment.
 - The provision of residential accommodation on the site is supported by policy 3A.1 of The London Plan, the Proposals Map of the Council's interim planning guidance 2007 (Development site CF1), policies CRF1 and CRF41 of the Council's City Fringe Action Area Plan interim planning guidance 2007, together with policy SP02 of the Core Strategy Development Plan Document December 2009, which seek to increase London's supply of housing including within the City Fringe.
 - The provision of a new hospital and a church on the site is supported by policies 3A.17 3A.18 of The London Plan, policies SCF1 and CFR3 of the Council's interim planning guidance 2007 and policy SP03 of the Core Strategy Development Plan Document December 2009, which seek to enhance social infrastructure and community facilities.

- The density of the scheme would not result in the overdevelopment of the site and any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim planning guidance 2007, which seek to provide an acceptable standard of development throughout the borough.
- The new buildings in terms of height, scale, design and appearance are acceptable in line with national advice in PPS5: Planning and the historic environment, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1, DEV2, CON1 and CON2 of the Council's interim planning guidance 2007, policy CRF39 of the Council's City Fringe Action Area Plan and policy SP10 of the Core Strategy Development Plan Document December 2009, which seek to ensure development is of a high quality design, preserve or enhance the character and appearance of conservation areas and preserve the setting of listed buildings.
- The proposed affordable housing arrangements are acceptable in line with The London Plan policies 3A.9, 3A.10, policies HSG3 and HSG4 of the Council's interim planning guidance 2007 and policy SP02 of Core Strategy Development Plan Document December 2009.
- The proposed residential mix would be satisfactory in line with policy HSG2 of the Council's interim planning guidance 2007 and policy SP02 of Core Strategy Development Plan Document December 2009.
- Subject to minor revisions required by condition, transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the Council's interim planning guidance 2007, and policy SP11 of the Core Strategy Development Plan Document December 2009 which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.
- Contributions have been secured towards open space provision, cultural facilities, highway improvements, and education provision, together with the implementation of travel plans and car restricted arrangements. This is in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998 and policy IMP1 of the Council's interim planning guidance 2007, which seek to secure planning obligations that

are necessary to make development acceptable in planning terms.

- The submitted Environmental Impact Assessment supplemented by Additional Information is satisfactory, including the cumulative impact of the development, with mitigation and safeguarding measures to be implemented through conditions and a recommended legal agreement.

3. RECOMMENDATIONS

3.1. 1. That the Committee resolves to **GRANT** planning permission subject to:

A. Any direction by The Mayor of London.

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

- (a) To provide 50 units of affordable housing in a tenure split 72:28 social rented : intermediate (36 rental units :14 intermediate units).
- (b) A £250,000 Open Space and Green Grid contribution to be spent in accordance with the Council's Open Space Strategy and Green Grid Strategy.
- (c) A £150,754 contribution towards Leisure Facilities.
- (d) A £33,488 contribution towards Library/Idea Stores.
- (e) A £234,498 contribution towards Education.
- (f) A £112,050 towards highway improvements comprising:
 - Gascoigne Place / Columbia Road junction improvement.
 - Gascoigne Place / Virginia Road junction improvement.
 - Pedestrian and traffic management improvement works in the streets adjacent to Arnold Circus.
 - Street lighting improvement works in the area.
 - Work in relation to parking bays on Hackney Road.
 - Alterations to Local Area Parking.
- (g) To implement an approved Travel Plan comprising a Residential Travel plan, Workplace Travel plan, a Service Management Plan and a Construction Management Plan.
- (h) To implement a "walkways agreement" for walkways crossing the development site.
- (i) Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
- (j) To provide and maintain public access to the new public open space within the development at hours to be agreed.
- (k) To implement a public art works strategy.

- (l) To participate in the Council's Access to Employment and / or Skillsmatch programmes.
 - (m) To participate in the Considerate Contractor Protocol.
 - (n) Any other planning obligation 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 Head of Planning is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

3.4 **Conditions**

1. 3 year time limit.
2. The following details to be submitted, approved and implemented:
 - Typical elevation details to include facing material specifications at 1:20 scale for each building block.
 - A mock up of typical elevations of each building to include window frames, balconies and facing materials.
 - Elevations at scale 1:20 showing the junctions of Blocks B and D with the TAB Centre.
 - Details of acoustic glazing and ventilation to the residential accommodation adjacent to Hackney Road.
 - A Noise Assessment of plant, air conditioning, and ventilation systems together with the means of mitigation.
 - A landscaping scheme to include hard and soft finishes, any gates, walls and fences, green / brown roofs, external lighting and CCTV system to be submitted and approved.
 - The means of mitigating the exposed corners of Blocks C, E and F from the effects of wind.
 - Revised details of servicing / loading bay arrangements for the new church and the existing TAB Centre.
 - Revised details of car parking arrangements between Blocks G and F.
 - A Car Park Management Plan, to include details of the one-way operation of the basement car park.
 - Full details of the bicycle parking arrangements for each land use and visitor parking, together with locker and shower facilities for non residential uses.
 - A public art works strategy.
3. Approved landscaping scheme to be implemented.
4. To submit for written approval a Travel Plan comprising a Residential Travel Plan, Workplace Travel Plan, a Service Management Plan and a Construction Management Plan.
5. Decontamination.
6. A heat network, sized to the space heating and domestic hot water requirements of the development, shall be installed and operational prior to the full occupation of the development and shall thereafter serve all spaces within the development. The network shall be supplied with heat from either:

- An external district heating system; or
 - Heat generating plant installed in a single energy centre located at the proposed development and that upon completion of the scheme shall include a CHP system with a total capacity of at least 50 kWe and supplemented by gas boiler system.
7. The development shall include a minimum of 350 m² of photovoltaic panels with a minimum rating of 18.0 kWp.
 8. The energy efficiency and CHP system shall be implemented in accordance with the Energy Report January 2010 (amended) hereby approved, and thereafter shall be retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
 9. Prior to the occupation of the residential element of the development, the developer shall submit to the local planning authority for written approval, a Code for Sustainable Homes assessment where the development achieves a minimum of a “Code Level 4” rating (Design Stage Certification) which shall be verified by the awarding body. The sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
 10. Prior to the occupation of the hospital element of the development, the developer shall submit for approval in writing by the local planning authority a BREEAM assessment where the hospital element of the development shall seek to achieve an “Excellent” rating and as a minimum achieve “Very Good” rating which shall be verified by the awarding body. Thereafter, the approved sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
 11. The development authorised by this permission, other than demolition and ground works, shall not commence until the Council (as local planning authority and the highway authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations to the adopted length of Hackney Road, Austin Street and Virginia Road.
 12. Hours of construction time limits (08.00 to 18.00) Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
 13. Piling hours of operation time limits (10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays) and not at all on Sundays or Bank Holidays.
 14. No Class A3 (Café / restaurant) or Class A4 (Drinking establishment) use shall commence until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Thereafter, the approved measures shall be implemented and maintained for the duration of the use unless alternative arrangements are approved in writing by the local planning authority.
 15. No use within Class A1 (Shop), Class A3 (Restaurant / café) or Class A4 (Drinking Establishment) shall operate in the ground floor of Block G on Hackney Road outside the hours of 7.00 am to 12.00 pm (midnight).
 16. No doors shall open directly onto the public highway or Coopers Gardens.
 17. 20% of the total parking provision shall be provided with an electric vehicle charging point.

18. Other than where required by conditions applied to this planning permission, the development shall be carried out in accordance with the approved plans listed in the Schedule to the planning permission.
19. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5. **Informatives**

1. Planning permission subject to a section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. Consultation with the Council's Department of Traffic and Transportation regarding alterations to the public highway and section 278 of the Highways Act.
5. Sustainable Drainage Techniques.
6. Consultation with Thames Water.
7. Consultation with the London Fire and Emergency Planning Authority.
8. The provision of green and brown roofs.
9. Protected species (Bats and Black Redstarts).
10. Consultation with the Council's Environmental Protection Dept, Mulberry Place (AH), PO Box 55739, London E14 with regard to Condition 5 (Decontamination).
11. Consultation with Transport for London regarding the preparation of a Travel Plan comprising a Residential Travel plan, Workplace Travel plan, a Service Management Plan and a Construction Management Plan.
12. Consultation with Transport for London regarding the relocation of the bus stop on Hackney Road.
13. The Council's preference for the use of "Sheffield" bicycle stands.
14. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.6. That, if within 3 months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

3.7. 2. That the Committee resolves to **GRANT** conservation area consent.

3.8. That the Head of Planning is delegated power to impose conditions on the conservation area consent to secure the following:

Conditions

1. Demolition works must be begun before the expiration of three years.
2. Works for the demolition of the buildings or structures, or any part thereof, shall not commence before a valid construction contract to carry out and complete the works of redevelopment of the site for which planning permission has been granted has been entered into and evidence of such contract has been supplied to the local planning authority.
3. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4. **PROPOSAL AND LOCATION DETAILS**

Proposal

4.1. Application is made for full planning permission and conservation area consent for the demolition of existing buildings and redevelopment of the Mildmay Hospital site to provide a campus of seven separate buildings from one to nine storeys in height. The proposed scheme requires the demolition of all the existing buildings on the site (excluding the TAB Centre which is not within the application site). In addition, new pedestrian / vehicular routes through the site, and public open spaces, would be created.

4.2. The proposed development comprises:

- 139 residential units (16,285 sq. metres comprising 413 habitable rooms);
- A new church (423 sq. metres);
- A new specialist hospital (2,795 sq. metres); and,
- A commercial unit on Hackney Road (72 sq. metres) for use within Use Classes A1 (Shop), A2 (Financial services), A3 (Café /restaurant), A4 (Drinking establishment) or B1 (Business);
- Public and managed amenity space of 1,740 sq. metres, dedicated play space of 256 sq. metres and new public realm of 912 sq. metres.

4.3. Key elements of the scheme may be summarised as follows:

Block A would contain a triple height space for the new church on the ground floor level with three levels of deck access flats above. The building would be the equivalent of six storeys fronting onto Hackney Road. Blocks A and B would form one continuous block that wraps from Hackney Road into the site along the south side of a new roadway (to be known as Coopers Gardens), to connect with the existing Tab Centre.

Block B would provide street accessed flats and maisonettes on the ground floor, with a combination of deck accessed flats and flats off an internal stair core above. The building would step down from the corner of Hackney Road to four storeys.

Block C would front onto the north side of Austin Street. The ground floor would provide access to maisonettes and a communal entrance to flats above. The building would rise from five to six storeys.

Block D would also be located on the north side of Austin Street, east of Block C. Maisonettes would be accessed from street level with a communal entrance to flats above. The building would be four storeys with the top floor set back from the parapet.

Block E would be located partly on the site of the existing Hospital building close to the east edge of the site. Again maisonettes would be accessed from street level with a communal entrance to flats above. The building would rise from 5 to 9 storeys towards the centre of the site.

Block F is the new hospital and would be located parallel to the boundary wall to the rear of properties on Columbia Road. The building would rise from one to four storeys but is typically three storeys tall.

Block G would be located adjacent to 40 Hackney Road at the entrance way to the site. The building would be five storeys tall with commercial use at ground floor and a communal entrance to flats above.



Ground floor Master plan. Source Environmental Statement



Illustrative View. Source Environmental Statement

- 4.4. It is intended that the scheme will be delivered as part of the Homes and Communities Agency Public Land Initiative (PLI) to bring forward development on Public Sector controlled assets. This initiative is intended to provide Deficit Funding to bridge the financial viability gap for the Mildmay scheme.

Site and surroundings

The site

- 4.5. The application site measures approximately 0.82 hectares. It is situated to the south east of Hackney Road and north of Austin Street. It is currently occupied by the Mildmay Mission Hospital, the Shoreditch Tabernacle Baptist Church, and the Family Care Centre, Sir Graham Rowlandson House. The Grade II listed Church Community Hall (known as the TAB Centre) adjoins. The applications do not provide for any works to the TAB Centre.

4.6. The Mildmay Mission Hospital and neighbouring buildings

Mildmay Hospital comprises several buildings, including the original Mission Hospital built in 1892. Two wings were added onto the building: an extension to provide a nurses' home in 1926 to the south of the original west wing, and an out-patients ward in 1938 south of the original east wing. In 1965, a further extension was added onto the north end of the building. The hospital currently provides specialist treatment to HIV/AIDS patients. The main hospital buildings are now vacant and the hospital function is carrying on temporarily in the Family Care Centre building on Austin Street. Also contained on the site is a car park associated with the Mildmay Mission Hospital.

4.7. Sir Graham Rowlandson House and the Family Care Centre (known as Spencer House)

Sir Graham Rowlandson House is a three-storey building alongside Spencer House on Austin Street, towards the south west of the site. It was built between 1969 and 1974 as a nurses' home. Planning permission was granted in 1994 to partially demolish and extend the building and change the use to a mother and child/baby unit. The resultant extension is Spencer House, built in 1994. The mother and baby unit was discontinued in 2003 and the building currently temporarily houses the relocated Mildmay Mission Hospital.

4.8. The Shoreditch Tabernacle Baptist Church

Towards the centre of the site is Shoreditch Tabernacle Baptist Church built in 1962. The current building is a poor replacement of a more substantial Victorian Church, damaged in World War II, which fronted Hackney Road and was a prominent presence in the street. This presence was lost when the Church was re-built and set back from the building line. It is now isolated from the street by a car park and the main northern vehicular / pedestrian access to Mildmay Hospital.

The surrounding area

- 4.9. Immediately to the west of Mildmay Hospital, Hackney Road forms a major intersection with Shoreditch High Street that runs south, with Kingsland Road that runs north, and with Old Street that runs to the west. The boundary between the boroughs of Tower Hamlets and Hackney runs along Hackney Road and partially along Austin Street turning south along Boundary Road.
- 4.10. On the south side of Hackney Road, the adjoining development Nos. 2-12 Hackney Road, west of the hospital entrance, comprises a Victorian terrace accommodating the George and Dragon Public House and ground floor premises used for Use Classes A1, A2 and A3 with residential accommodation

above.

- 4.11. No. 40 Hackney Road (occupying the site of 32-40 Hackney Road) immediately east of the hospital entrance, is a modern 4 storey block of 14 residential flats erected in 2003. At the rear, facing the hospital site, No. 40 Hackney Road is provided with windows and balconies at 1st to 3rd floor levels. The ground floor has metal railing on the rear boundary some 2 metres high.
- 4.12. Opposite the site on Hackney Road and along Kingsland Road in the Borough of Hackney, development is typically low rise Victorian terraces 4 and 5 storeys high and include the entrance to Perseverance Works.
- 4.13. Columbia Road runs east from Hackney Road and on its southern side Nos. 2-12 Columbia Road comprise a part 3, part 4 storey Grade 2 listed Victorian terrace with commercial premises on the ground floor (Use Classes A1 and A3) with three ground floor units apparently in residential use. The upper floors comprise residential accommodation. At the rear, facing the application site, Nos. 6-12 Columbia Road have 3 storey rear extensions with flank windows facing into light wells. The main rear walls of Nos. 2-12 Columbia Road contain windows at all four levels with the ground floor windows hidden behind a vegetated brick boundary wall to the hospital 2.5 metres to 3 metres high.
- 4.14. East of No. 12 Columbia Road, running to the junction with Gascoigne Place, the Leopold Buildings (erected by the Improved Industrial Dwellings Company Limited) is also Grade II listed and comprises part 5, part 6 storey Victorian flatted residential accommodation circa 1872. At the rear, all levels of the Leopold Buildings are provided with windows and there are also a number of glazed staircase extensions. Leopold Buildings is separated from the existing hospital building by a brick boundary wall approximately 2.5 metres high.
- 4.15. East of Gascoigne Place, on the south side of Columbia Road, development comprises modern low rise residential accommodation at 2 to 4 storeys.
- 4.16. On the north side of Columbia Road, opposite the Leopold Buildings, lies Cuff Point, a 15 storey local authority residential point block erected in 1974. To the east of Cuff Point is the single storey Columbia Market Nursery School, modern 4 storey residential accommodation, and Old Market Square, a development of 4 storey residential blocks circa 1964.
- 4.17. Immediately east of Mildmay Hospital, and south of the Leopold Buildings, lies the 1966 development comprising Dunmore Point, a 14 storey residential point block and two 4 storey residential blocks called Wingfield House that front the north side of Virginia Road.
- 4.18. Opposite Dunmore Point, directly facing Mildmay Hospital, the east side of Gascoigne Place consists of a Victorian terrace of 3 storey dwellinghouses Nos. 1-15 consecutive.
- 4.19. Opposite Wingfield House, on the southern side of Virginia Road, are 3 and 4 storey residential blocks that abut the northern boundary of the Council's Boundary Estate Conservation Area.
- 4.20. The Boundary Estate Conservation Area, immediately south of Mildmay Hospital, comprises a semi-formal, late 19th-century housing estate, made up

of twenty (Grade-II listed) purpose-built housing blocks and Virginia Primary School. The majority of the blocks are five stories high each individually designed to reflect its position within the estate and its relationship to its surroundings. The raised central garden, known as Boundary Gardens (Arnold Circus), is the centre point of the estate, with the housing blocks arranged on seven unequally placed streets radiating from this focal point. The scale of the area is roughly uniform throughout the estate. The 4 or 5 story housing blocks are the main buildings in the conservation area and dominate the character. The architectural language of the estate is of the Arts and Crafts Movement. Arnold Circus is included in English Heritage's Register of Parks and Gardens of Historic Interest.

- 4.21. On the south side of Austin Street, immediately south of Mildmay Hospital, lies Coll Sharp Court, (No. 26 Austin Street) a modern 3-storey block of flats. To the west, Nos. 6-16 Austin Street comprise a modern block of 2-storey dwellinghouses and flats with a third level of accommodation in a mansard roof. On the corner of Austin Street and Boundary Street lies the former 2-storey Conqueror Public House (Nos. 2-4 Austin Street) recently converted into a retail unit and flats.
- 4.22. West of Boundary Street, in the London Borough of Hackney, lies St Leonard's Church and church grounds. The church, circa 1736, is included in the Statutory List Grade 1 and the churchyard boundary walls, gates and railings are listed Grade 2. The church has a high tower, cupola and spire in Portland stone prominent against the skyline when viewed from the west. St. Leonard's Church, and both sides of Kingsland Road to the north, lie within the London Borough of Hackney's Kingsland Conservation Area. The character of the Kingsland Conservation Area comprises a dense urban grain with buildings typically three to four storeys high.
- 4.23. West of St Leonard's Church lies Shoreditch High Street and the South Shoreditch Conservation Area both in the London Borough of Hackney. The character of the conservation area may be summarised as predominantly Victorian mercantile accommodating buildings typically 4-5 storeys.
- 4.24. Included within the South Shoreditch Conservation Area, east of a disused elevated railway line and the former Shoreditch Main Line Station, is the former Shoreditch Town Hall (No. 380 Old Street) and Shoreditch Magistrates Court both Grade 2 listed.

Public transport availability

- 4.25. The area is well served by public transport and significant improvements are under construction. Old Street Station on the Northern Line of the Underground Railway lies 750 metres to the west of Mildmay Hospital. Liverpool Street Main Line Station with connections to the Central, Circle, Hammersmith & City and Metropolitan underground lines is approximately 1 kilometre to the south west.
- 4.26. The site is also served by a number of London bus services. Routes 26, 48 and 55 serve Hackney Road and routes 67, 149 242 and 243 have stops on Kingsland Road within a 5 minute walk of the appeal site.
- 4.27. As part of Transport for London's Five Year Investment Programme, the East London Line, which closed for upgrading in 2007, is being extended in two

phases. Phase One which fully reopened in May 2010 extends the line north to Dalston Junction and south to New Cross, Crystal Palace and West Croydon. This involved building new stations at Dalston, Haggerston, Hoxton and Shoreditch. A further extension to Highbury & Islington from Dalston Junction is planned to open by February 2011. This further extension will give passengers interchange to the Victoria Line on the Underground Railway and National Rail services. It will also link the East London Line with the North London Railway, currently Silverlink's North London Line, to form the beginning of an orbital railway around the capital. The East London Line has been re-named the East London Railway. Collectively the railways will be known as London Overground.

- 4.28. The new station at Shoreditch lies on Bethnal Green Road near the junction with Shoreditch High Street some 400 metres south east of Mildmay Hospital. The new station at Hoxton is some 460 metres to the north of Mildmay Hospital at Geffrye Street (immediately east of Kingsland Road) in the Borough of Hackney.
- 4.29. The western part of the site had a public transport accessibility level (PTAL) of 6a on a scale of 1 (low) to 6 (high) and the eastern part a PTAL of 5. The whole site probably scores PTAL 6a following the recent infrastructure improvements.

Material planning history

- 4.30. On 6th October 2006, the Council refused planning permission for the demolition of existing buildings (excluding the TAB Centre) and redevelopment of Mildmay Hospital to provide a campus of six buildings comprising a part five, part six storey building along Hackney Road to provide a new church and retail space with residential units above; a five storey building to provide offices with residential units above; a six storey building along Austin Street to provide a Primary Care Centre and residential units; three storey town houses along Austin Street with adjoining commercial/retail premises, a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detoxification unit; parking, servicing and cycle bay provision, landscaping and highways works.
- 4.31. The Refusal Reason may be summarised as follows:
- “The development would be insensitive to the context of the surrounding area, by reason of design, mass, scale, height and use of materials. The development would have an adverse impact upon the residential amenity of surrounding owners/occupiers particularly in terms of impact on daylight and sunlight and overlooking from the proposed roof terrace of the hospital building.”*
- 4.32. An appeal to the Secretary of State against the refusal of planning permission was subsequently withdrawn undetermined.
- 4.33. On 8th October 2008, the Council designated the Hackney Road Conservation Area. The sole building within the application site that lies in the newly designated area is Shoreditch Tabernacle Baptist Church.

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. **Spatial Development Strategy for Greater London (The London Plan 2008)**

Policies	2A.1	Sustainability criteria
	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 in individual private residential and mixed-use schemes
	3A.17	Addressing the needs of London’s diverse population.
	3A.18	Protection and Enhancement of social infrastructure and community facilities
	3A.20	Health objectives
	3A.21	Locations for health care
	3A.22	Medical excellence
	3A.24	Education facilities
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.9	Increasing capacity and quality of public transport
	3C.23	Parking strategy
	3D.8	Open space and green infrastructure
	3D.12	Open space strategies
	3D.13	Children and young people’s play strategies
	3D.14	Nature conservation and biodiversity
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable design and construction
	4A.4	Energy assessment
	4A.5	Heating and cooling networks
	4A.6	Decentralised energy
	4A.7	Renewable Energy
	4A.9	Adapting to climate change
	4A.11	Living roofs and walls
	4A.12	Flooding
	4A.13	Flood risk management
	4.A.14	Sustainable drainage
	4A.16	Water supply and resources
	4A.17	Water quality
	4A.19	Improving air quality
	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, security and fire prevention
	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
5C.3	Opportunity areas in North East London
6.A.4	Planning obligation priorities
6A.5	Planning obligations

5.3. **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Proposals:

1. The site is unallocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998.
2. The background assessment area of the protected vista of St Paul's Cathedral from Westminster lies to the south.

Policies:

ST23 - High Quality Housing
 ST25 - Housing to be adequately served by all infrastructure
 ST28 - Restrain unnecessary use of private cars
 ST30 - Improve safety and movement for all road users
 ST37 - Enhancing Open Space
 ST43 - Public Art
 ST47- Provision of training Initiatives
 ST49 - Provision of social and community facilities
 ST50 - Provision of medical services
 DEV1 - Design Requirements
 DEV2 - Environmental Requirements
 DEV3 – Mixed Use Development
 DEV4 - Planning Obligations
 DEV12 - Provision of Landscaping
 DEV50 - Noise
 DEV51 - Contaminated land
 DEV55 - Development and Waste Disposal
 DEV56 - Waste Recycling
 DEV69 - Efficient Use of Water
 HSG7 - Dwelling Mix and Type
 HSG13 - Internal Space Standards
 HSG16 - Housing Amenity Space
 T16 - Traffic Priorities for New Development
 T18 - Pedestrians and the Road Network
 T21 - Pedestrians Needs in New Development
 OS9 - Children's Play space

5.4. **Interim planning guidance: Tower Hamlets Core Strategy and Development Control Plan September 2007**

Proposals:

1. Action Area Plan Boundary
2. Development site CF1.
3. The Boundary Estate Conservation Area is shown to the south.
4. The background assessment area of the protected vista of St Paul's Cathedral from Westminster lies to the south.

Development Control Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV25	Social impact assessment
	HSG1	Determining residential density
	HSG2	Housing mix
	HSG3	Affordable housing
	HSG4	Social and Intermediate Housing ratio
	HSG7	Housing amenity space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating provision of affordable housing
SCF1	Social and Community Facilities	
CON1	Listed buildings	
CON2	Conservation areas	
CON3	Protection of historic parks and gardens	
Planning standards	Standard 1	Noise
	Standard 2	Residential Waste Refuse and Recycling Provision
	Standard 3	Parking
	Standard 4	Tower Hamlets Density Matrix
	Standard 5	Lifetime Homes

5.5. **Interim planning guidance: Tower Hamlets City Fringe Action Area Plan
September 2007**

Policies	CRF1	City Fringe spatial strategy
	CRF2	Transport and movement
	CRF3	Health provision
	CRF4	Education provision
	CRF5	Open space
	CFR6	Infrastructure and services
	CRF7	Infrastructure capacity
	CRF8	Waste
	CRF38	Employment, residential, retail and leisure uses in Weavers sub-area
	CRF39	Design and built form in Weavers sub area
	CRF40	Local connectivity and public realm in Weavers sub area
CRF41	Site allocations in Weavers sub-area. Site CF1	

Mildmay Hospital. Preferred uses:

- Residential (C2/C3)
- Retail (A1, A2, A3, A4)
- Employment B1
- Public Open Space

5.6. **Core Strategy Development Plan Document (Submission version December 2009)**

Strategic objectives:

SO3	Achieving wider sustainability.
SO7	Deliver housing growth to meet London Plan targets.
SO8	Socially balanced and inclusive communities / housing choice.
SO10	Creating healthy and liveable neighbourhoods.
SO12	Creating a green and blue grid.
SO14	Dealing with waste.
SO20 & 21	Creating attractive streets and spaces.
SO22	Protect and improve access to heritage assets.
SO23	Promote a borough of well designed, high quality buildings.
SO24	To achieve a zero carbon borough.
SO25	Delivering place making.

Strategic policies

SP02	Housing delivery.
SP03	High quality health care facilities.
SP04	Delivering a network of open spaces.
SP05	Waste Management Strategy.
SP09	Street hierarchy.
SP10	Protect and enhance heritage assets.
SP11	Carbon emission reduction target of 60%.
SP12	Improve, enhance and develop a network of sustainable places.

Shoreditch Vision	Reinforcing and reflecting the historic qualities in Shoreditch to shape future growth.
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5.7. **Supplementary Planning Guidance**

Residential Space.
Designing Out Crime.
Landscape Requirements.
The Mayor of London's Housing Supplementary Planning Guidance.
The Mayor of London's Housing Strategy February 2010
The Mayor of London's SPG "Providing for Children and Young Play and Informal Recreation,"

5.8. **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing

PPS5	Planning and the historic environment
PPG13	Transport
PPS22	Renewable Energy
PPG24	Noise

5.9. **Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6. **CONSULTATION RESPONSE**

6.1. The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application. The accompanying Environmental Impact Assessment has been supplemented to provide additional information which has been subject to statutory publicity and public notification including press and site notices.

Greater London Authority (Statutory consultee)

6.2. At Stage 1, the Mayor advised:

- Mix of uses: The proposed mix of uses accords with London Plan policies.
- Housing: The residential density is appropriate and the scheme successfully maximises the potential of the site. The mix of units, housing choice and spatial standards are acceptable. It is not possible to determine whether the proposal maximises affordable housing in accordance with London Plan policies. There would be insufficient children's play space contrary to London Plan policy.
- Design: The scheme proposes a high quality design with acceptable layouts and relationship with surrounding buildings.
- Inclusive design: The proposal broadly accords with London Plan policy 4B.5 and draft replacement Plan policy 7.2.
- Climate change mitigation. The proposals are acceptable in principle subject to further information and revisions to the energy strategy.
- Transport. A car-free development is supported but further information is required in order to ensure that the scheme complies with London Plan policies.

6.3. The Mayor also advised that the following remedies could address the deficiencies:

- Housing – Further discussions are required to ensure that the maximum reasonable amount of affordable housing is being provided. The applicant will need to redress children's play space provision.
- Energy: Further information is required in relation to baseline carbon emissions, district heating, the CHP and cooling systems and renewable energy.

- Transport: Further discussions required with TfL regarding access points, pedestrian environment, cycle parking, framework travel plan and a commitment to developing service management and construction management plans.

6.4. (Officer comments:

- Affordable housing: Subsequently, the Mayor has advised that as the H&CA supports the application, and are indeed funding it through the Public Land Initiative, it appears the scheme has been scrutinised.
- Energy: Further information on the energy strategy has been supplied and the solar panels have been increased from 160 sq metres to 320 sq. metres. Conditions are recommended to ensure the implementation of the submitted energy strategy.
- Children's Play Space. The scheme includes public and managed amenity space of 1,740 sq metres and dedicated play space of 256 sq. metres. The Council's Policy and Development Manager - Cultural Services advises that the offered £250,000 to enhance open space off site should be accepted).

Transport for London

6.5. Satisfied with the revision of both the site access layout at Hackney Road and the southbound bus stop. Requests a condition or section 106 obligation to secure a Non-residential Travel Plan, a Delivery and Servicing Plan and a Construction Management Plan which should be prepared in conjunction with TfL. Satisfied that the level of cycle parking proposed for the non-residential elements is in line with London Plan policy standards and guidance. Satisfied with the proposed improvements to the public realm.

6.6. (Officer comments: An appropriate condition and section 106 Head of agreement are recommended.

Government Office for London (Statutory consultee)

6.7. No representations received.

Natural England (Statutory consultee)

6.8. The site currently has little ecological value. The proposed green roofs are supported but the Council should encourage a more innovative design to include a brown roof to provide a habitat for black redstarts.

(Officers comment: A recommended condition requires the submission and approval of a landscaping scheme to include green /brown roofs and a habitat for black redstarts. A recommended informative advises that the scheme to provide green and brown roofs should be more innovative than the provision of sedum matting).

Environment Agency (Statutory consultee)

6.9. No objection. Recommends that the developer investigates the use of Sustainable Drainage Techniques.

6.10. (Officer comments: An appropriate informative is recommended).

London Borough of Hackney (Statutory consultee)

6.11. No representations received.

English Heritage (Statutory consultee)

6.12. In terms of scale, the current proposal which does not include a tower element is a significant improvement over the previous scheme. The existing Tabernacle Church is a low key post war building. The proposed replacement is much more assertive and will have more impact on conservation area views. Any permission should be conditioned to ensure that the proposed distinctive Hackney Road façade, incorporating intricate brickwork details and deep set windows, is fully realised. The proposed loss of the older portions of the Mildmay Hospital is regrettable. The application should be determined in accordance with national and local policy guidance and the basis of the Council's specialist conservation advice.

6.13. (Officer comment: A condition is recommended to require the development to be undertaken in accordance with the submitted plans. The older part of Mildmay Hospital is not listed, does not lie within the Hackney Road Conservation Area and consent is not required for its demolition. National policy considerations and Development Plan policy are assessed in Section 8 below. In terms of urban design and built heritage, it is considered that the scheme is policy compliant).

Commission for Architecture and the Built Environment (CABE)

6.14. Supports the urban design strategy and believes the approach has resulted in a very successful piece of city planning. The architectural language is accomplished and articulates the large urban blocks well. The success of the project depends on the quality of materials and architectural detailing being carried through to construction and this needs careful controlled by condition to prevent any watering down of the design.

6.15. (Officer comments. Appropriate conditions requiring the approval of details of the elevations and facing materials, together with the implementation of the approved details are recommended).

The Garden History Society

6.16. No representations received.

The Victorian Society

6.17. No representations received.

Thames Water Plc

6.18. No objection regarding water infrastructure. Requests an informative regarding a water main that crosses the development site.

6.19. (Officer comments: An appropriate informative is recommended).

Metropolitan Police Crime Prevention Officer

6.20. No representations received.

London Fire and Emergency Planning Authority

6.21. Requests to be consulted regarding fire service access and water supplies.

6.22. (Officer comments. An appropriate informative is recommended)

Tower Hamlets Primary Care Trust

6.23. No representations received.

Conservation and Design Advisory Group

- 6.24.
- Uncomfortable with the height and bulk of the gateway building (Block G) on Hackney Road and its relationship with the new church. A proposed sloping roof (a common theme throughout the development) jars with the context of Hackney Road and elsewhere.
 - Block E considered too large with unconvincing geometry and a lack of natural light internally. Block D – the lowest and slimmest – is the most successful in terms of scale and context. Many elevations very austere – with large expanses of brickwork and uncomfortably high parapets.
 - Metal work balconies should be used throughout rather than some metal some fully glazed.
 - Good residential architecture mostly forms a streetscape but some aspects / blocks do not.
 - The tenure mix is well distributed with family accommodation well located with direct access to the ground floor.
 - The area is severely deficient in public open space and the applicants should consider contributions to upgrade existing underused spaces.
 - Concerned that there should be provision of well lit play / green space benefiting from sunlight from midday onwards.
 - Regrets the lack of public use along the western ground floor along Hackney Road (the location of the new church). Shops could humanize the scale of the development.
 - There should be increased use of solar panels.

6.25. (Officer comments: Block G, located adjacent to 40 Hackney Road at the entrance way to the site would be five storeys tall. Together with the new church it would form a gateway to the development and the height would be similar to the entrance to Perseverance Works opposite on Hackney Road. The roof profile of the church would help to form a unique development and add interest to the overall composition. Block E is set back within the site and is considered appropriate within the context. Bulk, massing and height have been carefully modelled to have limited impact on the townscape and are considered acceptable. No objections are raised by English Heritage and the design, including detailing, is supported by CABE and the Greater London Authority.

The development includes public and managed amenity space of 1,740 sq metres, dedicated play space of 256 sq. metres and new public realm of 912 sq metres. Nevertheless, the H&CA acknowledges that the scheme is deficient in open space and proposes a mitigating financial contribution to enhance open space provision off site.

Whilst additional shops on Hackney Road could be appropriate, no planning objection is seen to a new church on a site where one existed for over 100 years.

The area of solar panels has been increased from 160 sq. metres to 320 sq. metres).

Environmental Protection

6.26. Recommends that any planning permission is conditioned to secure, the means of mitigating the accommodation for road noise, noise from plant, air conditioning and ventilation systems, the details of the means to control noise and odour from any Class A3 or A4 use in the proposed small commercial unit on Hackney Road, and the decontamination of the site. Advises that there would be impact on the daylight and sunlight reaching residential properties in Austin Street but conditions would be acceptable as British Standards would be met. Sunlight and overshadowing conditions would be satisfactory.

6.27. (Officer comment: Appropriate conditions are recommended).

Affordable Housing Team

6.28. The amount of affordable housing within this development exceeds the Council's minimum 35% requirement and the split between affordable rent and intermediate tenures is also acceptable.

Transportation and Highways

6.29. No objections in principle subject to the following matters being addressed.

The potential impact on local amenity is a concern outside the hours of the Controlled Parking Zone, including weekends. The current on-site parking for all uses (hospital, church and the TAB Centre) is to be lost. The church is being increased and there is potential for displaced parking impact. In order to protect local amenity, measures should be in place to upgrade the CPZ as necessary.

The following matters should be reserved by condition:

- No doors to open over the public highway or Coopers Gardens.
- Details of the shared surface design.
- Travel Plan.
- A Car Park Management Plan.
- 20% of the parking provision should be installed with an electric vehicle charging point.
- Revised details of loading arrangement for the new Church and the TAB Centre.
- Revised details of car parking arrangements between Blocks G and F.
- The provision of cycle parking secured for each lad use.
- Scheme of highway improvement works.

There should be a section 106 agreement to secure "car free" arrangements, and to fund highway improvements in the local area comprising:

- Gascoigne Place / Columbia Road junction improvement.

- Gascoigne Place / Virginia Road junction improvement.
- Pedestrian and traffic management improvement works in the streets adjacent to Arnold Circus.
- Street lighting improvement works.
- Work in relation to the relocation of parking bays on Hackney Road due to the new access arrangements.

A condition and informative regarding a section 278 Agreement under the Highways Act to fund necessary highway works adjacent to the site is sought.

- 6.30. (Officer's comments: The developer has agreed to fund any necessary alterations to the Controlled Parking Zone and the highway improvements requested. Appropriate Heads of agreement and / or conditions are recommended to secure the other matters. The developers have indicated that these are satisfactory).

Children's Services (Education Development)

- 6.31. The proposed dwelling mix is assessed as requiring a pooled contribution towards the provision of 19 additional primary school places @ £12,342 = £234,498.
- 6.32. (Officer's comments: The applicants have agreed to the requested education contribution and an appropriate Head of agreement is recommended).

Policy and Development Manager - Cultural Services

- 6.33. Recommends that the H&CA's offer of £250,000 towards open space is accepted. Requests that this be spent in accordance with the Council's Open Space Strategy and Green Grid Strategy. Believes that securing this funding should address a number of the issues raised by the Columbia Road Neighbourhood Association (see paragraph 7.8 below).

A section 278 agreement under the Highways Act should secure highways improvements in the immediate vicinity of the site including Hackney Road and Austin Street, which have been highlighted as problem areas by the Neighbourhood Association.

In addition, CLC also request the following contributions:

- £150,754 towards Leisure Facilities.
- £ 33,488 towards Library/Idea Stores.

The justification for the contribution towards Leisure Facilities is that Sport England as the Department for Culture, Media and Sport (DCMS) agency tasked with implementing sports policy have developed a sports facility calculator for section 106 purposes. This calculates (based on population figures and research based demand data) the amount of water space, sports halls and pitches required by new developments. It then uses building cost index figures to calculate the cost associated. The model generates a total leisure contribution of £150,754 for the Mildmay development based on an assumed population uplift of 322.

The justification for contribution towards Library/Idea Stores this is that Museums,

Libraries and Archives (the sector DCMS agency) has developed a tariff approach to section 106 contributions towards libraries and archives. This assumes a requirement of 30 sq m of library space per 1,000 of population. The standard uses construction index figures and applies a cost of £3,465 / sq m for London. This results in a per capita cost of £104. On the basis of a population uplift of 332, a Library/Idea Stores contribution of £33,488.00 (322 x 104) is requested.

- 6.34. (Officer comment: Heads of agreement, which the developers have indicated are satisfactory, are recommended).

Landscape Development Manager

- 6.35. The whole borough is deficient in public open space and this part is particularly deficient at between 0.8 - 1.2 ha / 1000 population. A section 106 contribution to open space and play space provision in the vicinity of the site should be made available for improvements to publicly accessible open spaces in accordance with the Open Space Strategy and the Tower Hamlets Green Grid Strategy. A significant amount of street tree planting in the vicinity is also required. The Tower Hamlets Green Grid has three routes in the immediate vicinity of this development site running along Columbia Road / Calvert Avenue, around Arnold Circus and beyond / Swanfield St and Virginia St; all of them continue across the borough.

Section 106 contributions to support off-site improvements, as identified within these two strategies, would allow some of the issues raised by the Columbia Road Neighbourhood Association (see paragraph 7.8 below) to be addressed

Investing as the residents suggest would not address the deficiency of open space provision within the site as acknowledged by the H&CA. Investing public funding on land adjacent to Dunmore Point and Wingfield House is not supported unless full public access is agreed by the RSL owner of the land. This may be proposed and agreed via forthcoming work in the Year 1 Business Plan for the Tower Hamlets Green Grid. While St Leonard's Church Gardens are a park that local Tower Hamlets residents would want to use, they lie outside the borough boundary and outside the proposal made by the H&CA.

- 6.36. (Officer comment. The H&CA has offered a £250,000 Open Space and Green Grid contribution to be spent in accordance with the Council's Open Space and Green Grid Strategy to enhance open space provision off site).

Waste Policy and Development

- 6.37. No representations received.

Corporate Access Officer

- 6.38. No representations received.

Energy Officer

- 6.39. No objection in principle. Recommends conditions to ensure the delivery of energy efficiency measures and renewable energy.
- 6.40. (Officer comment: Appropriate conditions are recommended).

7. LOCAL REPRESENTATION

7.1. A total of 418 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications have also been publicised in East End Life and on site. The Additional Information supplementing the Environmental Statement has also been subject to statutory publicity and consultation with neighbours and local groups. The number of representations received from neighbours and local groups following publicity is as follows:

No of individual responses:	Objecting:	Supporting:
15	2	13

No. of petitions received: 0

7.2. There is general support to the redevelopment of Mildmay Hospital with the revised application considered a significant improvement over the earlier scheme. Material points made in favour of the development are as follows:

- The scheme will improve the area; provide a 21st Century hospital, new homes, and a church. The scheme is much lower and less dense than the previous application.
- The redevelopment is of vital importance to the Shoreditch Tabernacle Baptist Church and residents in the area. The plans will transform, revitalise, and distinguish a run down, neglected part of Hackney Road.
- The design is good and looks exciting.
- Pleased that the monstrosity of a hospital is being knocked down.
- The proposal is conscientious and well balanced, respecting the historic character of the area whilst adding to the social and aesthetic value of the site.
- The enhancement in public access and open space, the differentiation of the architectural elements of the church, hospital, the flats and maisonettes are all praiseworthy.

7.3. Two letters from neighbours provide qualified support. One resident of Columbia Road, whilst endorsing the development as a whole, is concerned about security to the rear of properties on Columbia Road as access could be obtained from the hospital grounds.

7.4. A resident on the ground floor of 40 Hackney Road, whilst also supporting the development due to its positive impact on the area and the people living there, has a similar security concern. It is requested that the area of the development site at rear of 40 Hackney Road (part of the Hospital grounds – Block F) should have restricted access and provided with a wall and gate at least 2.4 metres high. The refuse area at the rear of Block G should be shielded from view, kept tidy and constructed to preclude smells.

7.5. (Officer comment: Nos. 2-12 Columbia Road are provided with a vegetated brick boundary wall to the Hospital 2.5 metres to 3 metres high. The ground floor rear of 40 Hackney Road is provided with metal railings some 2 metres high. The new hospital would be provided with a front boundary wall / railings

and gates to Coopers Gardens of between 3.00 metres to 3.4 metres high. These arrangements would provide increased security to 40 Hackney Road and Nos. 2-12 Columbia Road. The refuse area at the rear of Block G would be enclosed but not roofed).

7.6. Material objections raised by two neighbours may be summarised as:

- Whilst contemporary design is very welcome, the Hackney Road elevation is not of sufficient design quality and does not sit comfortably with adjacent buildings and the varied street frontage. It is too high and should reflect the cornice line of existing neighbours. The elevation should be more active perhaps with shop fronts.
- Austin Street is a quiet one-way street and the scheme will impact on Nos. 2-16. Instead of the car park opposite, there would be 4 storey high apartments overlooking Nos. 6 -14 Austin Street. This would completely change the feel of the street. Light would be very much reduced as the street is narrow and the new building opposite would be very close, especially at the Nos. 6, 8A, 8B and 10A end. There would be overlooking (including from balconies) with privacy destroyed, loss of sky views and sense of open space blocked out. If the buildings were lower and further back it may not be such a change.

7.7. (Officer comment: The new church (Block A) on the Hackney Road frontage would be well crafted in brick. It would be triple height with three storeys of residential accommodation above. The adjoining Block G, located adjacent to 40 Hackney Road at the entrance to the site, would be five storeys tall. Both buildings would form a gateway to the development and would be of similar height to the entrance to Perseverance Works opposite on Hackney Road. Bulk, massing and height have been carefully modelled to have limited impact on the townscape and are considered acceptable. No objections are raised by English Heritage and the design is supported by CABE and the Greater London Authority.



View looking east along Hackney Road. Source Environmental Statement

Environmental Protection advises that there would be impact on the daylight and sunlight reaching residential properties in Austin Street but conditions would be acceptable as British Standards would be met – see detailed comments at

paragraph 8.55 below.

The distance between the new Block D and the existing housing on the south side of Austin Street (balcony to habitable room) would be between 6.4 m and 8.8 m. The supporting text to the Council's UDP policy DEV3 says that new development should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres between opposite habitable rooms is said to reduce inter-visibility to a degree acceptable to most people. This figure is to be applied as a guideline depending on the design and layout concerned. The 18 metre distance is usually applied at the rear and there is no distance mentioned in the UDP that specifically applies across roads, which is typically less than 18 metres in much of Tower Hamlets. The difficulty is caused by Austin Street being an historic narrow, single track road. If a street frontage is to be reinstated here, and the character and appearance of the adjoining Hackney Road Conservation Area enhanced, it is inevitable that the buildings will be in close proximity. On balance, arrangements are considered satisfactory given the design and layout concerned and the central urban location).

Columbia Road Neighbourhood Action Group (CNAG)

- 7.8. Acknowledges the proposal as a considerable improvement over the previous application in 2007. The layout and massing of the built forms are acceptable to most CNAG members. Whilst welcoming the inclusion of a commercial use on the ground floor of Block G on Hackney Road, urges that neither this, nor any other commercial / retail use, is used for a bar or a 24 hour convenience store. Strongly encourages commercial uses at ground floor level of Block C on Austin Street, as opposed to the continuous residential use and the bike store proposed.
- 7.9. CNAG add that the area has limited public open space and the surrounding streets suffer from poor quality public realm. It is important that as well as developing the public / communal space within the site, the developer and the Council work together to improve the local context by extending the proposed public realm treatment to the opposite side of any open space that forms a part of the development. Any section 106 funds for public realm improvements should be spent in the immediate vicinity to integrate the development into the area. The areas in need of improvement are said to be Hackney Road, Austin Street, the junction of Virginia Road, Austin Street and Hocker Street, St. Leonard's Church Yard, and the open space along the eastern edge of the application site which borders Dunmore Point and Wingfield House.
- 7.10. (Officer comment: It is considered appropriate to locate a Class A1 (Shop) or a Class A4 (Drinking establishment) within the ground floor commercial unit on Hackney Road. The Council is unable to differentiate between shop uses and thereby prohibit a convenience store. To protect residential amenity, a condition is however recommended that any shop, restaurant / café or drinking establishment within the commercial unit, should not operate outside the hours of 7.00 am to 12.00 pm (midnight).

The ground floor of Block C on Austin Street is not considered suitable for commercial use due to servicing difficulties on a single track one-way street and the application does not propose commercial use in this location.

As explained, the developers have offered a section 106 financial contribution to

mitigate the open space deficiency, and also to fund highway improvements in Gascoigne Place, Columbia Road, Virginia Road and in the streets adjacent to Arnold Circus. Investing section 106 funds on the grounds of Dunmore Point and Wingfield House, as suggested by the CNAG, would not address the deficiency in open space on-site, as these areas are housing association amenity land. Unless public access is agreed by the RSL (which may occur as part of the implementation of the Green Grid), public funding cannot be invested in these areas. St Leonard's Churchyard lies within the Borough of Hackney and using section 106 funding for its improvement would prove difficult).

Virginia Primary School

- 7.11. The governors, staff and parents of Virginia School agree with CNAG that the proposal is a considerable improvement over the previous scheme and the layout and massing of the built forms are acceptable to most of those who would be affected. The School requests funding assistance to refurbish and redevelop the old premises manager's house, located in the playground, into a 'multi-agency wing' and parent/child learning space.
- 7.12. (Officer comment: It is not considered that the refurbishment of the old premises manager's house into a 'multi-agency wing' would meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010, as the project is not necessary to make the proposed development of Mildmay Hospital acceptable in planning terms.

Mildmay UK

- 7.13. Urges acceptance of the proposed development. Mildmay UK is Europe's only specialist unit for people with HIV related Neuro Cognitive Impairment. People worldwide look to Mildmay for good practice, guidance and as a centre of excellence. Advises that a restricted service is currently operating on the Austin Street site. The plans under consideration offer an opportunity to meet the changing health & social care needs of the HIV+ community and will enable increased capacity and jobs.

OPEN Shoreditch (A coalition comprising Jago Action Group, South Shoreditch Community Association, North Brick Lane Residents' Association, Spitalfields Community Association, Spitalfields Society, Spitalfields Trust, Columbia Neighbourhood Action Group, Columbia Tenants' and Residents' Association, Friends of Arnold Circus and Spitalfields Small Business Association).

- 7.14. The application is a considerable improvement, and a more compatible scale of development, compared to the previous scheme. Pleased that the developers have consulted the local community and taken on board a number of concerns. Supports commercial uses on the ground floor of Block G on Hackney Road but says it should not be used for licensed premises or a convenience store. Also reiterates CNAG's desire to see the local context improved by extending the proposed public realm treatment.
- 7.15. (Officer comment: As mentioned, it is considered that the commercial unit on Hackney Road within Block G would be a suitable location for a Class A1 (Shop), a Class A3 (Restaurant / café) or Class A4 (Drinking establishment). OPEN Shoreditch's concern appears to be connected to a social problem concerning the use of St. Leonard's Churchyard for alcohol consumption. The Council is unable to control individual types of shop and it is unlikely that such a

problem would be alleviated if a shop or licensed premises was not permitted within the new building).

Shoreditch Tabernacle Baptist Church

7.16. Commends the application. The worshipping community of Shoreditch Tabernacle have met in a building on this site for over 100 years. In addition to new high quality housing, the development offers new facilities for Mildmay Hospital and a new church that will complement the TAB Centre and offer a home to a cluster of community initiatives. Looks forward to managing the proposed garden as a green and hospitable space for residents of the new development and users of the TAB Centre and the Church.

7.17. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

8. MATERIAL PLANNING CONSIDERATIONS

8.1. The main planning issues raised by the applications that the Committee must consider are:

- Proposed land use.
- Density.
- The demolition of Shoreditch Tabernacle Baptist Church.
- The design of the buildings, whether the setting of adjoining listed buildings would be preserved, and whether the character and appearance of the Hackney Road and Boundary Estate Conservation Areas would be preserved or enhanced.
- Sunlight, daylight and wind.
- Affordable housing arrangements.
- Dwelling mix.
- Access and servicing arrangements.
- Amenity space, play space and landscaping.
- Sustainable development/ renewable energy.
- Planning obligations.

Land use

8.2 The site is unallocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998. On the Proposals Map of the Council's interim planning guidance 2007, the site is shown as development site CF1. Policy CRF1 within the City Fringe Action Area Plan 2007 provides allocations within the Weavers sub-area with the following preferred uses for Site CF1 Mildmay Hospital:

- Residential (C2/C3)
- Retail (A1, A2, A3, A4)
- Employment B1
- Public Open Space

The proposed development accords with the land uses specified.

8.3. The provision of residential accommodation on the site is also supported by

policy 3A.1 of The London Plan which, together with policy SP02 of the Council's LDF Core Strategy Development Plan Document December 2009, seek to increase London's supply of housing including within the City Fringe.

- 8.4. The provision of a new hospital and a church is supported by policies 3A.17 and 3A.18 of The London Plan, policies SCF1 and CFR3 of the Council's interim planning guidance 2007, and policy SP03 of the LDF Core Strategy Development Plan Document December 2009, which seek to enhance social infrastructure and community facilities in the borough.
- 8.5. In reaching its decision of October 2006, to refuse planning permission for the earlier proposed redevelopment of the hospital, which included the same land uses as now proposed, the Strategic Development Committee had no land use objection.
- 8.6. In summary, the redevelopment of Mildmay Hospital for residential purposes, a new hospital, a new Shoreditch Tabernacle Baptist Church and a commercial unit within Use Classes A1-A4 or Class B1 with new landscape amenity areas is supported by development plan policy and no land use objection is raised.

Density

- 8.7. The Government's Planning Policy Statement 1: Delivering Sustainable Development 2005 (PPS1) supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and returning previously developed land and buildings back to beneficial use which is all as proposed.
- 8.8. London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of a compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on density in support of policies 4B.1 and 3A.3.
- 8.9. Policy CP20 of the Council's interim planning guidance 2007, reflects guidance set out in The London Plan and seeks to maximise residential densities on individual sites taking into account local context, site accessibility, housing mix and type, achieving high quality design, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces, and to ensure the most efficient use of land within the borough.
- 8.10. The City Fringe Action Area Plan, at paragraph 4.84, states that housing densities within the Weavers sub-area should be assessed against the criteria in policy HSG1 of the interim planning guidance 2007, and be within the range 300-1,100 habitable rooms per hectare.
- 8.11. Policy HSG1 of sets out a number of criteria which should be taken into account when determining the appropriate residential density for a site including:
 - *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*
 - *The local context and character;*
 - *The need to protect and enhance amenity;*

- *The need to incorporate good design principles;*
- *The provision of the required housing mix (including dwelling size and type, and affordable housing);*
- *Access to a town centre (particularly major or district centres);*
- *The provision of adequate open space, including private and communal amenity space and public open space;*
- *The impact on the provision of services and infrastructure, including the cumulative impact; and*
- *The provision of other (non-residential) uses on a site.*

8.12. For 'urban' sites with a PTAL range between 4 to 6, Table 3A.2 of the London Plan and Planning Standard 4: Tower Hamlets Density Matrix, say appropriate density for residential developments mostly of flats with low parking provision (as proposed) should be within the range 200 – 700 habitable rooms to the hectare (55 - 225 units per hectare).

8.13. The proposed residential density is 504 habitable rooms (170 dwellings) per hectare which is within the guidance. Subject to ensuing design matters outlined in HSG1 (above) being satisfactory, this density is considered appropriate.

Demolition of Shoreditch Tabernacle Baptist Church

8.14. In determining the application for conservation area consent for demolition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Hackney Road Conservation Area.

8.15. Planning Policy Statement 5: Planning for the Historic Environment 2010 (PPS5) provides guidance on the conservation of the historic environment. Paragraph 7 details that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

8.16. PPS5 policy HE7 details the policy principles guiding the determination of applications for consent relating to all heritage assets. It states that local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset).

8.17. PPS5 policy HE8 reiterates that the effect of an application on the significance of a heritage asset or its setting is a material consideration in determining planning applications. Paragraph HE9.1 goes on to state:

"There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be."

8.18. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Local planning authorities are advised by policy HE9.2 to refuse consent if an application would lead to

substantial harm or total loss of significance, unless special justification applies.

- 8.19. UDP policy DEV28 says that proposals for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area;
 2. The condition of the building;
 3. The likely costs of repair or maintenance of the building;
 4. The adequacy of efforts to maintain the building in use; and
 5. The suitability of any proposed replacement building.
- 8.20. Policy CON2 3 of the Council's interim planning guidance 2007 says that applications for the demolition of buildings that make a positive contribution to the character and appearance of a conservation area will be resisted.
- 8.21. Policy SP10 of the LDF Core Strategy Development Plan Document December 2009 is to protect and enhance heritage assets.
- 8.22. The existing 1960's church is a very low key, post war building which replaced a grand 19th Century church that was bomb damaged. The current building does not make a positive contribution to the Hackney Road Conservation Area both by its architecture, which is undistinguished, and its positioning in the designated area, set back from and breaking the road frontage to Hackney Road. The proposed replacement church would be a much more assertive building which would recreate the original street line both preserving and enhancing the conservation area.
- 8.23. It is considered that the demolition of the existing church is justified by national guidance and the Council's planning policies outlined above. Provided the Committee agrees that the proposed replacement building would preserve or enhance the character and appearance of the conservation area, no objection is raised to the loss of the existing building.

The design of the buildings, the effect on setting of listed buildings and the character and appearance of the Hackney Road and Boundary Estate Conservation Area.

- 8.24. As well as the duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; section 66 of the Act places a further duty on the Council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building.
- 8.25. National advice in PPS1 states:
- “Good design should contribute positively to making a better place for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”*
- 8.26. National advice in PPS3: Housing (paragraph 48) emphasises that *“good design is fundamental to using land efficiently”* and that local planning authorities should facilitate good design by identifying the distinctive features that define

the character of a particular area.

8.27. Advice in PPS5: Planning for the Historic Environment 2010 (paragraph 7) details that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. Paragraph HE7.5 says that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It adds that the consideration of design should include scale, height, massing, alignment, materials and use.

8.28. PPS5 policy HE8 reiterates that the effect of an application on the significance of a heritage asset or its setting is a material consideration in determining planning applications. Paragraph HE9.1 goes on to state:

“There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.”

8.29. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Local planning authorities are advised by policy HE9.2 to refuse consent if an application would lead to substantial harm or total loss of significance, unless special justification applies.

8.30. Part 4B of the London Plan focuses on design, recognising that good design will create a better city to live in and assist in attracting economic investment to help create a more prosperous city. The London Plan at Policy 4B.1 (Design for a compact city) requires that development should, inter alia, maximise the potential of sites, create or enhance the public realm, provide or enhance a mix of uses, be accessible, usable and permeable for all users and be sustainable, durable and adaptable. Policy 4B.2 advises that the Mayor will seek to promote world class architecture and design. Policy 4B3 seeks the enhancement of the public realm and policy 4B.5 requires development to meet the highest standards of accessibility and inclusion. Policy 4B.10 requires all large scale proposals to be of the highest quality design especially in terms of impact on views, the wider and local townscape context, and local environment impact.

8.31. UDP policy DEV1 states that development should take into account and be sensitive to the character of the surrounding area in terms of bulk, scale and use of materials. Proposals should not result in over-development, normally maintain the continuity of street frontages and take account of existing building lines, roof lines and street patterns. UDP Policy DEV2 seeks to protect the amenity of residential occupiers and the environment, and incorporate the principles of sustainable development including the use of energy efficient design and materials.

8.32. Core Policy CP4 of the Council's interim planning guidance seeks to ensure that development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. In achieving good design development should:

- *Respect its local context, including the character, bulk and scale of the surrounding area;*
- *Contribute to the enhancement or creation of local distinctiveness;*

- *Incorporate sustainable and inclusive design principles;*
- *Protect amenity, including privacy and access to daylight and sunlight;*
- *Use high quality architecture and landscape design; and*
- *Assist in creating a well-connected public realm and environments that are easy to navigate.*

8.33. Policy DEV1 of the Council's interim planning guidance requires development to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. Policy DEV2 requires development to be designed to the highest quality standards, incorporating principles of good design, including:

- *Taking into account the local character and setting of the development site;*
- *Enhancing the unique characteristics of the surrounding area;*
- *Protecting notable features within the site;*
- *Protecting the historic environment; ensuring design of the public realm is integral to the development proposal;*
- *Ensuring development and the public realm are designed at a human scale and are comfortable and useable for pedestrians;*
- *Providing clear definition and an appropriate degree of enclosure of the public realm;*
- *Creating visual interest in the urban environment and contributing to its legibility and permeability;*
- *Ensuring the use of high quality building materials; and*
- *Ensuring development is easily adaptable and maximises sustainability.*

8.34. The Shoreditch Vision set out in the LDF Core Strategy Development Plan Document (Submission version December 2009) is reinforcing and reflecting the historic qualities in Shoreditch to shape future growth. The strategy says that Shoreditch will build on the diverse heritage, culture and enterprise that it shares with its neighbouring borough, Hackney. It will accommodate and encourage sustainable growth through the synthesis of old and new and maintaining the character and townscape qualities.

8.35. Applicable LDF objectives are SO22, which seeks to protect and improve access to heritage assets, and SO23 which promotes a borough of well designed, high quality buildings. Policy SP10 is to protect and enhance heritage assets.

8.36. The proposed design demonstrates a fundamental shift of approach compared to the previous application refused in 2006. It is considered that the proposed site layout has been successfully informed by the applicants' urban design analysis of the area. The proposed layout represents a piece of a city with network of public routes and open spaces which respect the historic street pattern. The development would create a sequence of new public, managed and private spaces and reintroduce historic street patterns through the site, improving permeability between Austin Street and Hackney Road. These spaces would be of benefit to existing residents in the local area, as well as prospective residents of the proposals and other future users of the site, including local community groups who would have access to the new church

garden.

- 8.37. The proposed development proposes a new public space in front of the retained Tab Centre and Block E which is intended to be the main public gathering space within the scheme, with planting and seating arranged to create a landscaped space intended for flexible use.
- 8.38. The proposed Austin Street buildings respect the existing street edge and building heights. The Hackney Road frontage would be marked by the new church which would be crafted in intricate brickwork. Building entrances, pedestrian movement have also been well thought through and would result in a safer and more hospitable public realm.
- 8.39. The proposed development would reinstate (with some minor realignment) a connection between Hackney Road and the centre of the site to be known as Coopers Gardens. A route south from Coopers Gardens would connect through to Austin Street. The alignment of Coopers Gardens from west to east allows for the potential future connection through to the Gascoigne Estate to the east of the site.
- 8.40. Bulk, massing and height are considered acceptable, having been carefully modelled to have limited impact on the townscape. Block E would provide the maximum height but is set back from the street edge and is considered appropriate in the context. Also, the unique sloping roof profile is considered to add interest to the overall composition.
- 8.41. The principal building which is impacted by this development is the Tabernacle Church Hall (the TAB Centre) circa 1890, listed Grade II and lying within the Hackney Road Conservation Area. Here the townscape, post WWII, was severely degraded removing the building from its original urban context. The new development would re-establish an appropriate urban street for the TAB centre with enclosure to the north and south, whilst to the east its amenity, and setting, would be enhanced by the introduction of open space. Whilst the new buildings adjacent would be of greater height, it is not considered overall that this would be detrimental to the setting of the listed building, which would benefit from being in a more enclosed urban framework with the character and appearance of the conservation area both preserved and enhanced.
- 8.42. The setting of other important listed buildings would also be impacted by the development, particularly St. Leonard's Church, listed Grade I. Here the development would provide an improved backdrop to the churchyard, but nothing in the scale or architecture of this backdrop would detract from the setting of the listed church. The significant views of the spire and portico from the west would remain unaffected.
- 8.43. At the Leopold Buildings on Columbia Road, also within the Hackney Road Conservation Area and listed Grade II, there would be some inter visibility at the rear of the building, but this is not considered harmful to the setting of the Leopold Buildings. The set-piece frontage would remain unaffected by the development.
- 8.44. The other principal conservation area to be affected by the development is the Boundary Estate to the south. The principal view is down Hocker Street. Here the vista would be closed by a new building. However, the scale, massing and overall facade rhythm is considered appropriate to the buildings on the

Boundary Estate, the character and appearance of which would again be both preserved and enhanced.

- 8.45. It is considered that the proposals demonstrates a high quality design and a true mix of uses that would integrate well with the surroundings in accordance with national advice in PPS1 & PPS5, The London Plan, the saved policies of the Tower Hamlets Unitary Development Plan 1998 and the Council's interim planning guidance 2007.

Sunlight, daylight and wind

- 8.46. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states:

"All development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions".

- 8.47. Interim planning guidance policy CP4 states

"The Council will ensure development creates buildings and spaces of high quality design. In achieving good design, development should protect amenity, including privacy and access to daylight and sunlight."

Policy DEV1 states:

"Development is required to protect, and where possible seek to improve, the amenity of surrounding 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 result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms." For further guidance it refers to the BRE Report Site layout planning for daylight and sunlight – A guide to good practice.

Sunlight

- 8.48. The Building Research Establishment (BRE) guidelines for sunlight conditions throughout the development would be met.

Daylight

- 8.49. The BRE advises that a reduction in daylight exceeding 20%, below the 27% Vertical Sky Component (VSC) guideline, will be noticeable. It adds that numerical guidelines should be interpreted flexibly and alternative values may be used according to the site context. When the 2007 application was considered, the Council's case was that reductions of 30% would be acceptable in this central urban location.

- 8.50. Whereas the VSC test assesses potential daylight, Appendix C of the BRE Guidance describes the methodology of a further test used to assess the quality of daylight within new developments. Whilst this is predominantly for use in new developments, it is a more reliable test of interior day lit conditions. This test calculates the average daylight factor (ADF) by way of a mathematical formula that takes into account the light available outside the window, by reliance not only on the VSC value, but also the size of the window itself, the comparable

size of the room and reflective co-efficients of internal room surfaces. British Standard BS: 2806 Part 2 recommends minimum ADF values of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens.

- 8.51. The findings of the Environmental Statement on daylight conditions that would result from the development may be summarised as follows:
- 8.52. **40 Hackney Road:** The analysis shows that all of the rooms tested will retain more than 70% of their VSC levels and the ADF values will meet the minimum standard as set out in BS8206: Part 2. Therefore, there will be a negligible impact on these properties.
- 8.53. **2-12 Columbia Road:** The VSC levels in the proposed condition all retain over 80% of their existing value and there is virtually no change to the daylight distribution with the rooms. Therefore, there would also be a negligible impact to these properties.
- 8.54. **Coll Sharp Court, 26 Austin Street:** All of the windows retain over 70% VSC indicating a negligible impact. The BS recommended minimum ADF values would be exceeded. There are 3 windows that would see an increase in their daylight and therefore experience a minor beneficial impact from the scheme.
- 8.55. **2-16 Austin Street:** There would be losses in VSC levels of between 20% and 53% from the existing values. Ordinarily, this would give an adverse impact. The problem is caused by the narrowness of Austin Street. However, account needs to be given to the fact that the land opposite Nos. 2-16 Austin Street is an open car park which at present results in unobstructed daylight to the buildings to the south. Within the properties the daylight distribution and resultant ADF values would all exceed the British Standard recommended ADF values for new development. Environmental Protection advises that the rooms would remain adequately lit.
- 8.56. **6-12 Hackney Road:** VSC levels in the proposed condition would retain more than 70% of the existing value and therefore the impact would be negligible.
- 8.57. **TAB Centre residential unit:** The kitchen would have a major adverse impact as the VSC levels would be reduced by over 85% and the VSC will not meet the minimum BS for kitchens at 2% ADF. However, this is a kitchen within a community centre not part of residential accommodation. Further, this could be mitigated by a reconfiguration of the room and adding another window in the south wall, although this would need planning permission and listed building consent. The impact on other rooms would be negligible as although VSC levels would be reduced by over 30%, the rooms still exceed the minimum British Standard for ADF.
- 8.58. In conclusion, properties on the south side of Austin Street show that VSC levels would be reduced beyond limits which would ordinarily give rise to an adverse impact. The cause is due to the effect of the narrow width of Austin Street and the increase in mass on an undeveloped open car park. However, all of the rooms still exceed the minimum British Standard for ADF. As such, it is considered that the rooms would remain adequately lit. One kitchen area located within the TAB Centre would be adversely impacted upon given that the ADF value of 1.94% is below the minimum recommended guidance of 2%. However, an internal reconfiguration of the room and adding another window in the south wall would mitigate the loss of daylight and sunlight and improve the

ADF value in accordance with the BRE Guidance.

- 8.59. Within the development, there is one north facing living room in Block B (out of a total of some 82 habitable rooms) that would not achieve the minimum recommended ADF. In Block D, there are two living rooms (out of 45 habitable rooms) that fail to meet the minimum recommended ADF standard. This is only due to overhead balconies. When providing balconies for amenity space, it is sometimes unavoidable to diminish daylight levels and one must trade off daylight for amenity space or vice versa. In Block E, there is just one west facing living room (out of a total of some 173 habitable rooms) that would not achieve the minimum recommended ADF. However, the daylight distribution within the room is excellent as nearly all the room would be lit. Elsewhere the development would meet or exceed British Standard minima and it considered that overall the development would provide satisfactory daylight conditions for its residents.

Amenity space

- 8.60. Analysis of overshadowing of the new amenity space between the rear of the church and remainder of the adjoining new development has been undertaken for each hour between 8am and 5pm on March 21st. Whilst there is some transient overshadowing to the open space to the east of the proposed Block E in late afternoon, there is no overshadowing at midday or in the morning. There would be no additional permanent overshadowing within the context of the tests recommended in the BRE guidance.

Wind

- 8.61. The Environmental Statement concludes the wind conditions within the site are expected to be safe for pedestrians and suitable for leisure walking or better during the windiest season. The wind microclimate around exposed corners of Blocks C, E and F are expected to be suitable for their intended use following the incorporation of suitable mitigation, as required by a recommended condition. All the remaining entrances are expected to be suitable for the intended pedestrian use. All the thoroughfares within and around the site are expected to be suitable for the intended pedestrian use and no further mitigation measures are required. In the presence of the proposed development, the wind microclimate in the surrounding area is expected to be the same or better than the existing situation.

Affordable housing arrangements

- 8.62. Policy 3A.9 of The London Plan 2008 identifies the Mayor's strategic target that 50% of housing should be affordable and within that, 70% should be social housing and 30% intermediate provision. The policy also promotes mixed and balanced communities.
- 8.63. London Plan policy 3A.10 requires boroughs to seek the maximum reasonable amount of affordable housing. Targets should be applied flexibly, taking account of individual site costs, any public subsidy and other scheme requirements. Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision.
- 8.64. The Mayor's draft London Plan intends to abolish the previous Mayor's 50 per

cent affordable housing planning target. Instead, it adopts a new regional planning target for an average net supply of at least 13,200 new affordable homes each year in London, taking into account economic viability and the likely availability of public sector investment. Borough-level targets are asked to take account of this regional planning target and evidence of housing requirements at local, sub-regional and regional levels. From 2011 on, local affordable housing targets will primarily be set through the London boroughs' planning policies as set out in their local development frameworks.

8.65. Core policy CP22 of the Council interim planning guidance 2007 says:

1. *The Council will aim to maximise all opportunities for affordable housing on each site, proposing new residential dwellings in order to achieve a 50% affordable housing target, across the borough, from all sources.*
2. *The Council will seek a minimum of 35% affordable housing provision on developments proposing 10 new dwellings or more.*

8.66. Interim planning guidance policy HSG3 1 states that in seeking to negotiate the maximum reasonable amount of affordable housing, the Council will have regard to:

- The economic viability of the proposal, including individual site costs;
- The availability of public subsidy;
- Other planning contribution requirements;
- The need to ensure new housing developments contributes to creating sustainable communities, including being responsive to housing needs.

8.67. Strategic Objective SO8 of the Council's LDF Core Strategy Deposit Version 2009, seeks to ensure that housing contributes to the creation of socially balanced communities by offering housing choice reflecting the Council's priorities for affordable and family homes.

8.68. Calculated by residential unit, the development would provide 36% affordable housing (50 units) in a tenure split 72:28 social rented : intermediate as follows:

- 139 units
- 89 units market rented
- 36 units social rented
- 14 units intermediate

Considered by habitable room, the scheme would provide 44.8% affordable housing in a tenure split 81%:19% social rented : intermediate as follows:

- 413 habitable rooms
- 228 market rented
- 149 social rented
- 36 intermediate

8.69. The amount of affordable housing within the development exceeds the Council's minimum 35% requirement and the split between affordable rent and intermediate tenures is considered acceptable as the proposed provision (36% by unit and 44.8% by habitable rooms) would accord with the Council interim planning guidance 2007. All of the dwellings are designed to be lifetime homes compliant and 10% of the units are designed to be wheelchair accessible.

- 8.70. The Mayor has advised that as the H&CA supports the application, and are funding it through the Public Land Initiative, it appears the scheme has been scrutinised to ensure that it maximises affordable housing.

Dwelling mix

- 8.71. Policy HSG2 of the Council's interim planning guidance says the Council will require that sites providing social rented housing provide it in accordance with the housing mix outlined in Table DC1: Housing Mix as follows:

Table DC1: Housing Mix	
Housing Type	Social Rented Housing as a percentage (%) of units
Studios	0
One bedroom	20
Two bedroom	35
Three bedroom	30
Four bedroom	10
Five and six bedroom	5

- 8.72. Policy HSG2 also says that the Council will require that both the intermediate housing and market housing components of housing provision contain an even mix of dwelling sizes, including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms.

- 8.73. A breakdown of the residential units is shown below.

Unit size	Total units in scheme	social rent		intermediate		private rent	
		scheme units	scheme %	scheme units	scheme %	scheme units	scheme %
studio	0	0	0%	0	0%	0	0%
1 bed	64	4	11%	7	50%	53	60%
2 bed	45	11	31%	6	43%	28	31%
3 bed	20	13	36%	1	7%	6	7%
4 bed	8	6	17%	0		2	2%
5 bed	2	2	6%				
TOTAL	139	36	100%	14	100%	89	100%

- 8.74. Within the affordable housing tenure the provision of family sized units exceeds the Council's targets, achieving 58% of the 36 units proposed. In the

intermediate and market rent tenures, the family housing provision is less good, only achieving 7% and 9% respectively.

- 8.75. The original mix put forward for this scheme provided a different number of intermediate units, located in several of the blocks. This mix provided 27% family units (6 x 1 bed, 5 x 2 bed, 4 x 3 bed). However, the scheme has been changed in response to a new funding initiative from the Homes & Communities Agency (H&CA). The 89 private rent units are funded under the Private Rent Sector Initiative, designed to help bring in private investment into this scheme. The development is being brought forward by a partnership between Genesis Housing Group and the H&CA, under the H&CA's Public Land Initiative. The PRSI investment model required a redesign of tenure locations, placing all the private rent units within separate blocks or cores, where previously the market tenure had been located in blocks also containing intermediate housing units. This shift of tenures has resulted in a smaller number of family units being available for the intermediate tenure, reducing the percentage from 27% to 7% (7 x 1 bed, 6 x 2 bed, 1 x 3 bed).
- 8.76. The private rent units only provide 9% of units as family sized dwellings. This mix has been approved by the H&CA in terms of its suitability for private investment. The site is in an area likely to achieve high rents and larger units are likely to be outside the affordability range of local families. The scheme is also designed around some important non-housing outputs, the hospital and the new church building, and the site would not support the additional amenity and child play space that would be required with additional family units (see below).
- 8.77. The Mayor's Housing Strategy February 2010 seeks to increase the number of family sized units and seeks 42% (LBTH 45%) of all social rented housing and 16 % of intermediate housing (LBTH 25%) to have three bedrooms or more. The Mildmay proposal would provide 67% of all social rented and 7% of intermediate housing with three bedrooms or more. Given the high proportion of family units in the social rented sector (21 family units out of a total of 36), the scheme is considered satisfactory.

Access and servicing arrangements

- 8.78. The site is located in an area of good access to public transport (PTAL 6a) where one is low and six is high. There are accessible bus services on Hackney Road, Underground Services at Old Street Stations and London Overground Services at the new Shoreditch (Bethnal Green Road) and Hoxton (Geffrye Street) Stations.
- 8.79. Just 14 car parking spaces for disabled people are proposed with existing open car parks removed. This would accord with the maximum standard of 0.50 per dwelling set out in the Council's interim planning guidance. There would be a reduction in trip generation by car and there would not be any detrimental effect on the highway network which would operate within capacity. Existing car parking spaces would be lost. This may impact on existing arrangements within the CPZ and the applicants have agreed to fund any alterations to controlled parking arrangements that may prove necessary. There would be 199 cycle parking spaces in accordance with standards.
- 8.80. Coopers Gardens would provide a significantly improved pedestrian route between Hackney Road and Austin Street.

8.81. Overall, access and servicing arrangements are considered satisfactory and policy compliant, although it is recommended that revised details of loading bays for the Church and the TAB Centre, and certain car parking arrangements, are reserved for subsequent approval. The developer has also agreed to submit and implement an approved Travel Plan comprising a Residential Travel Plan, Workplace Travel plan, a Service Management Plan and a Construction Management Plan as requested by the Greater London Authority and the Council’s Head of Transportation and Highways.

Amenity space, play space and landscaping

8.82. The application includes public and managed amenity space of 1,740 sq metres, dedicated play space of 256 sq. metres and new public realm of 912 sq metres. There would also residential amenity terraces.

8.83. Policy 3D.13 of The London Plan says that the London boroughs should ensure that housing developments make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

8.84. Using the methodology within the Mayor’s SPG “Providing for Children and Young Play and Informal Recreation,” the Greater London Authority anticipates approximately 232 children. The SPG sets a benchmark of 10 sq. m of usable play space per child, with under 5 play space to be provided on site.

8.85. Using the SPG formula, the applicants have provided a estimates of Age Specific Child Play Space as follows:

Age Specific Child’s Play Space		
	Percentage	Sq. metres
0 – 4 years	39%	267 sq m
5-11 years	37%	253.3 sq. m
12 – 16 years	24%	164.3 sq m
	100%	685. sq m

8.86. The scheme is proposing to provide defined play space in two locations totaling 256 sq. metres. The applicants envisage this would provide for the 0-4 year old age group. Set against the GLA’s Supplementary Planning Guidance for play provision the scheme would result in a shortfall of just 11 sq metres and is considered satisfactory. There is an additional 690 sq. metres of managed amenity space in the central courtyard around one of the defined play spaces at the centre of the site. There would also be private amenity spaces at ground floor level and balconies and terraces totaling a further 1,548 sq. metres provided as part of the scheme and a further 912 sq. metres of public realm. The applicants have not sought to allocate the public realm area as play space but there is potential for this area to be used on a more informal basis.

8.87. The provision for older children would be via a £250,000 contribution to the Council to enhance open space off site which the Council’s Policy and Development Manager - Cultural Services recommends is accepted.

8.88. It is considered that the submitted landscaping proposals for the site itself

indicate compliance with UDP policy DEV12 – ‘Landscaping and trees’. The details are not complete and it is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme for the site to include details of green and brown roofs, external lighting, and a CCTV system.

Sustainable development / renewable energy

- 8.89. The Greater London Authority and the Council’s Energy Officer are content that the proposed amended energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 to DEV9 of the Council’s interim planning guidance 2007, together with national advice in PPS22: Renewable Energy.

Planning obligations

- 8.90. Planning obligations can be used in three ways: -
- (i) To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
 - (ii) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
 - (iii) To mitigate the impact of a development. For example, through increased public transport provision.
- 8.91. In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, planning obligations can only constitute a reason for granting planning permission where they meet the following tests:
- (a) The obligation is necessary to make the development acceptable in planning terms;
 - (b) The obligation is directly related to the development; and
 - (c) The obligation is fairly and reasonably related in scale and kind to the development.
- 8.92. All the recommended obligations meet the relevant tests and the applicants have agreed the following matters that have been requested:

8.93. **Greater London Authority (Transport for London)**

Requests a condition or a section 106 obligation to secure a Non-residential Travel Plan, a Delivery and Servicing Plan and a Construction Management Plan.

8.94. **LBTH Head of Transportation and Highways**

Requests “car free” arrangements, the implementation of a Travel Plan and the funding of highway improvements comprising:

- Gascoigne Place / Columbia Road junction improvement.
- Gascoigne Place / Virginia Road junction improvement.
- Pedestrian and traffic management improvement works in the streets adjacent to Arnold Circus.

- Street lighting improvement works in the area.
- Work in relation to parking bays on Hackney Road.
- Alterations to Local Area Parking (the CPZ).

.....£112,050

This contribution does not include section 278 highway works which would be subject to a separate agreement at a later stage.

8.95. LBTH Policy and Development Manager - Cultural Services

Requests:

Open Space and Green Grid contribution.....£250,000
 Leisure facilities contribution.....£150,754
 Libraries /Idea Store contribution.....£ 33,488

8.96. LBTH Children’s Services (Education Development)

Requests a pooled contribution to fund 19 additional primary school places.....£234,498

8.97. Total recommended financial contribution.....£784,790

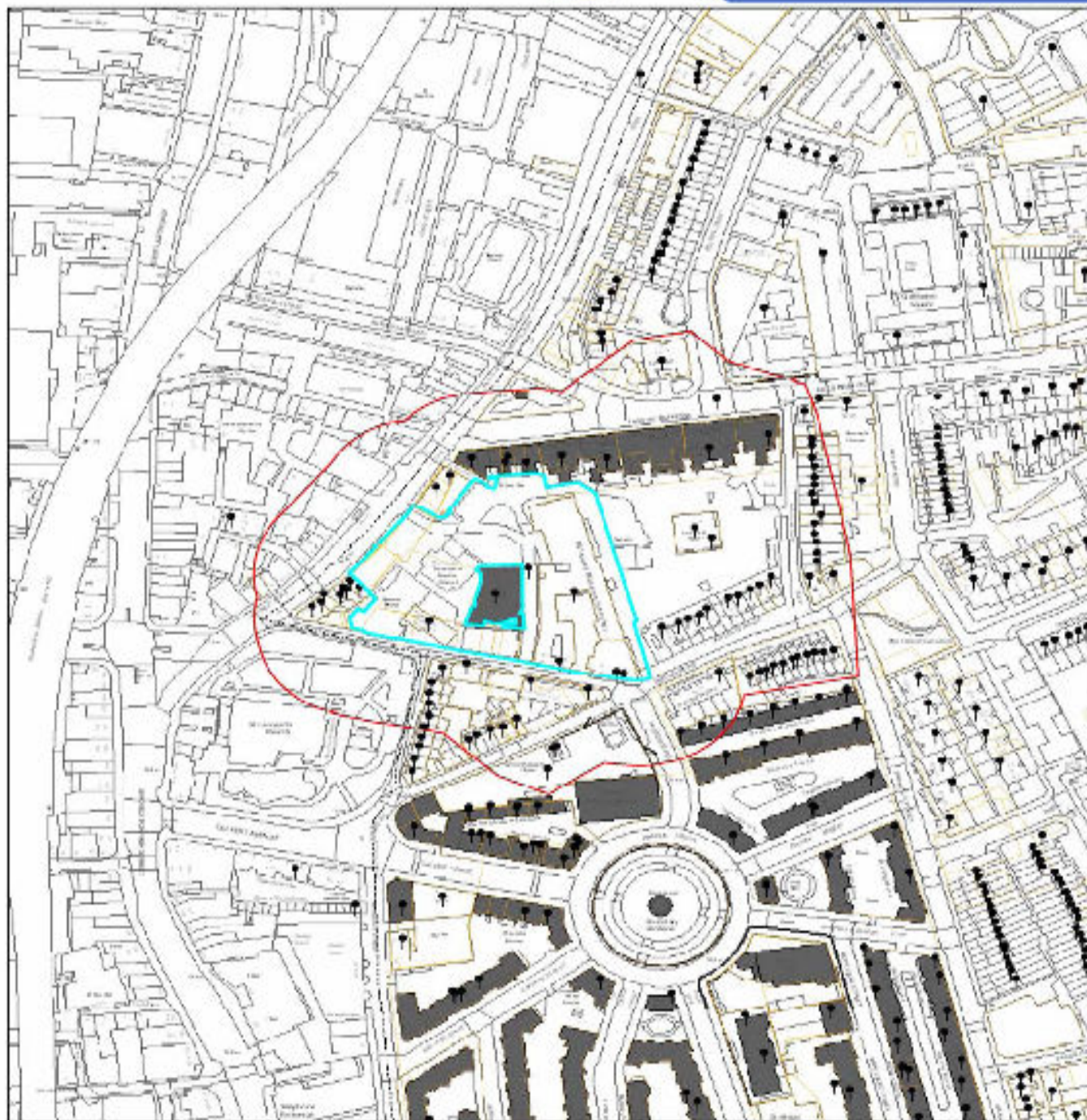
8.98. In addition, the applicants have offered the following obligations:

- To provide 50 units of affordable housing (46.4% affordable housing by habitable room in a tenure split 81:19 social rented : intermediate).
- To implement a public art works strategy.
- To provide and maintain public access to the new public open space within the development.
- A walkways agreement allowing public use of the walkways crossing the development site.
- To participate in the Council’s local labour and construction initiatives (Access to Employment and / or Skillsmatch programmes).
- To participate in the Considerate Contractor Protocol.
- To enter into a section 278 Agreement under the Highways Act to secure localised highway improvements.

9. CONCLUSION

9.1. All 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 decisions are set out in the RECOMMENDATIONS at the beginning of this report.

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 Stationery Office (c) Crown Copyright London Borough of Tower Hamlets LA396568

Agenda Item 9.3

Committee: Strategic Development	Date: 17 th June 2010	Classification: Unrestricted	Agenda Item No: 9.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/10/00161	
		Ward(s): Limehouse	

1. APPLICATION DETAILS

Location: Former Blessed John Roche Secondary School, Upper North Street, London E14 6ER

Existing Use: Vacant school

Proposal: Demolition of existing buildings and redevelopment of the site to provide: 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre (Use Class D1) retail floorspace (Use Class A1), restaurant and cafe floorspace (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 169 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping.

Drawing Nos:

- Drawing nos. PL/005A, PL/006A, PL/009K, PL/010K, PL/012K, PL/013L, PL/014L, PL/015K, PL/016K, PL/117K, PL/018J, PL/019J, PL/020J, PL/021J, PL/022J, PL/023J, PL/026H, PL/030B, PL/031B, PL/032B, PL/033B, PL/034C, PL/035B, PL/039D, PL/040C, PL/041D, PL/042D, PL/043D, PL/044D, PL/045C, PL/046C, PL/047C, PL/048B, PL/049B, PL/050B, PL/051B, PL/052B, PL/059B, PL/060B, PL/061B, PL/062B, PL/063B, PL/069B, PL/070C, PL/071C, PL/072C, PL/073C, PL/074C, PL/075B, PL/076B, PL/077B, PL/100G, PL/101G, PL/102G, PL/103H, PL/104G, PL/105E, PL/110H, PL/111G, PL/112F, PL/113G, PL/114G, PL/115H, PL/116E, PL/117F, PL120, PL/121B, PL/122, PL/123
- Design and Access Statement
- Planning Statement
- Environment Statement (volumes 1 to 5)
- Transport Assessment
- (Draft) Travel Plan
- Transport Accessibility Report
- Landscape Proposals and Play Strategy
- Statement of Community Involvement
- Energy Strategy
- Code for Sustainable Homes Preliminary Assessment Report
- Sustainability Statement
- PPG15 Assessment and Historic Building Recording Report
- Housing Provision Statement
- Toolkit Viability Report

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Simon Ryan 020 7364 5009

Applicant: Bellway Homes Ltd and Family Mosaic Developments Ltd
Owner: Bellway Homes Ltd and EDF Energy Networks Ltd
Historic Building: N/A
Conservation Area: Lansbury Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- Following the closure of the former Blessed John Roche Secondary School in 2005, the school has been deemed surplus to education requirements. As such, the principle of a residentially-led mixed use scheme is considered to be appropriate and in accordance with saved policy DEV3 of the Unitary Development Plan (1998), policies CP1, CP15 and CP19 of the Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2009) which seek to deliver new housing and the creation of sustainable places
 - 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 (Consolidated with Alterations since 2004), policy HSG1 of the Council's Interim Planning Guidance (2007) and also policy SP02 of the Core Strategy Development Plan Document (2009) which seeks to ensure the use of land is appropriately optimised
 - The retail (Class A1), restaurant and café (Use Class A3), community centre (Use Class D1), and leisure facilities (Class D2) are acceptable as they will provide for the needs of the development and surrounding residents and would result in job opportunities for local residents. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1, DEV3, EMP1, EMP 6 and EMP8 of the Council's Unitary Development Plan 1998 and policies CP1, CP15, DEV1 and RT4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote a diverse range of employment, retail and leisure uses and promote employment including opportunities for local people
 - The building height, scale, bulk and design is acceptable and in line with the Council's design policies and regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2 and DEV3 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located
 - The 14-storey building within the development would form a positive addition to London's skyline, without causing detriment to local or long distance views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) 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
 - Subject to conditions requiring the submission of full details and samples materials and elevational treatments, the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the nearby Grade II listed building nor the character and appearance of the Lansbury Conservation Area, in accordance with PPS5, Policy 4B.1 and 4B.8 of the Mayor's London Plan (Consolidated 2008) as well as Policy DEV1 of the LBTH UDP (1998), policies CP4, CP48, CP49, DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and policy which seek to protect the appearance and setting of listed buildings and conservation areas

- The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), saved policy HSG7 of the Council's Unitary Development Plan 1998, policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2009) which seek to ensure that new developments offer a range of housing choices
- The scheme provides acceptable space standards and layout. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2009) which seek to provide an acceptable standard of accommodation
- The public amenity space within the scheme is considered to be fully accessible and also improves the permeability of the immediate area. As such, it complies with saved policy DEV1 of the UDP (1998) and policies CP30, DEV3 and DEV4 of the Interim Planning Guidance (2007) which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998) and policy DEV1 of the Interim Planning Guidance (2007) which seek to protect residential amenity
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies 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
- Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices
- Financial contributions have been secured towards the provision of open space, sports and recreation, highways and transportation, tree replacements, education, health and cycle route improvements, in line with Community Infrastructure Levy Regulations (2010), 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

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) Open Space: Provide **£665,691** towards improvements to Bartlett Park
- b) Sports and Recreation: Provide **£467,245** towards the provision of and upgrade of sports and recreation facilities within Barlett Park
- c) Highways and Transportation: Provide **£255,000** towards local traffic calming measures, street lighting and footway improvement works
- d) Tree Replacements: Provide a sum of **£43,500** to reprovide felled matures trees within the vicinity of the application site
- e) Education: Provide **£765,204** towards the provision of additional primary school places in the Borough
- f) Health: Provide **£707,115** towards improving health within the Borough
- g) Travel Plan monitoring: Provide **£3,000** towards the monitoring of a sustainable travel plan
- h) Cycle Route improvements: Provide **£50,000** towards cycle route and infrastructure provision as identified within Tower Hamlets' Cycle Route Implementation and Stakeholder Plan
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total - **£2,956,755**

Non-financial contributions

- j) Affordable housing contribution – 35%
- k) Car-free agreement
- l) Delivery of Church Green landscaped area as approved under planning permission reference PA/09/01354
- m) Unrestricted access to open space and through routes within application site, including Church Green
- n) Code of Construction Practice - To mitigate against environmental impacts of construction
- o) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
- p) TV reception monitoring
- q) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

Conditions

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples / details / full particulars of materials, glazing, landscaping & external lighting
- 5) Full details of plant, machinery, air conditioning and ventilation required, together with noise attenuation measures for both residential and commercial elements
- 6) Submission of a Delivery and Service Plan (DSP)/Service Management Plan
- 7) Submission of a Construction Management and Logistics Plan
- 8) Submission of full Travel Plan

- 9) Development to be carried out in accordance with Flood Risk Assessment
- 10) Submission of a contamination risk assessment
- 11) Submission of a contamination verification report
- 12) Submission of remediation strategy if contamination not previously identified is found
- 13) Commercial units not to be combined and used as a single retail (A1) unit
- 14) Car park access ramps and car park layouts to be constructed in accordance with approved plan MBSK100603-1
- 15) Details of secure cycle and bin storage
- 16) Cycle parking provision to be provided and retained as detailed on submitted plans
- 17) No infiltration of surface water drainage into the ground is permitted
- 18) Piling or any other foundation designs using penetrative methods not permitted unless consent obtained from LPA
- 19) Submission of a drainage strategy
- 20) Submission of impact studies of the existing water supply infrastructure
- 21) Submission of details of sound/noise insulation and mitigation measures
- 22) Provision of ecological enhancement measures as detailed in Environmental Statement
- 23) Lifetimes Homes standards and 10% should be wheelchair accessible
- 24) Energy efficiency and renewable energy – heat network installed in accordance with submitted Energy Strategy
- 25) All houses to have space heating supplied by air source heat pump, also including solar thermal collectors
- 26) Sustainable design and construction measures shall be implemented in accordance with the submitted Sustainability Statement
- 27) Schedule of highway works to be submitted and approved. Works to be completed prior to occupation
- 28) Nineteen disabled parking spaces to be provided
- 29) Wayfinding signage strategy to be submitted
- 30) Full details of child play space
- 31) 20% of vehicle parking spaces to incorporate electric car charging points
- 32) Reinstatement of sculpture, foundation stone, coat of arms and cross
- 33) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 106 agreement required
- 2) Section 278 highways agreement required
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows
- 4) Changes to the current licensing exemption on dewatering
- 5) Contact LBTH Building Control
- 6) Contact LBTH Environmental Health
- 7) Contact Environment Agency
- 8) Contact TfL regarding requirements of Traffic Management Act 2004
- 9) Section 61 Agreement (Control of Pollution Act 1974) required
- 10) Contact London Fire & Emergency Planning Authority
- 11) Advert consent required for all signage
- 12) Contact Natural England regarding specifications for ecological enhancements
- 13) Notify HSE of any work on asbestos
- 14) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.4 That, if within 3 months of the date of this committee meeting 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.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the demolition of the existing former school buildings and the erection of six buildings, which range in height from a three-storey mews houses on the east/south east edges of the site, to 5, 6 and 7 storey residential blocks on the north and eastern perimeters of the site. Two buildings at the centre of the site extend up to 9 and 14 storeys. The proposed buildings are arranged around a network of public open spaces, with routes through the site linking Canton Street to the south to Lindfield Street and Bartlett Park to the north, and Hind Grove to the west with Upper North Street to the east.
- 4.2 The proposed development, known as New Festival Quarter, comprises of 490 residential units, together with 684sq.m of flexible floorspace comprising of a mix of retail (Use Class A1), restaurant and café (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2) and a 214sq.m community centre (Use Class D1). The community centre is located on the west of the application site and is accessed via Hind Grove, whilst the commercial units are located around the approved 'Church Green' landscaped area in the south eastern corner of the site.
- 4.3 The proposal includes 169 vehicular parking spaces, 19 of which are for disabled purposes and 2 are allocated for an on site car club. Also proposed are 756 cycle parking spaces and 36 motorcycle spaces.
- 4.4 The applicant's submitted housing provision statement details that the proposed development will be delivered in four phases over the course of approximately 5 years.

Site and Surroundings

- 4.5 The site, which measures 1.77 hectares, currently comprises the former Blessed John Roche Catholic Secondary School, which was gradually closed from 2001 until the summer of 2005, following the redevelopment of the Bishop Challoner Boys School in Whitechapel. The site has since been declared surplus to educational requirements. The former school buildings vary in height from 2 to 5 storeys and are in a dilapidated condition.
- 4.6 The site is bound to the north by Lindfield Street and Bartlett Park beyond; to the east by Upper North Street; and to the south by Canton Street. The western boundary is formed by three storey housing, which fronts onto Saracen Street. The neighbouring buildings to the south and west typically range from 2-3 storeys terraces, with 4 storey residential blocks to the east on Upper North Street.
- 4.7 The site is located within the Lansbury Conservation Area. The Grade II listed St Mary and St Joseph Roman Catholic Church is located directly opposite the application site to the south.
- 4.8 The site is relatively well served by public transport, with the southern half of the site having a Public Transport Accessibility Level (PTAL) of '4' and northern half that of '3'. Langdon Park and All Saints DLR stations are located approximately 675m from the site to the north east and south east respectively. The nearest Underground Station is Canary Wharf, which lies approximately 1.2km to the south. A major bus route runs along East India Dock Road (A13) to the south and additional services are available from Cordelia Street to the east of the site and from Burdett Road to the west.

Relevant Planning History

- 4.9 The following planning decisions are relevant to the application:

PA/09/01351 Application for full planning permission, proposing the demolition of the

existing school buildings and redevelopment of the site to provide: 535 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 12 and 16 storeys respectively; retail floorspace (Use Classes A1), restaurant and cafe floorspace (Use Class A3), community centre (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 174 car parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping. This application was withdrawn on 20th October 2009

PA/09/01352 Application for Conservation Area Consent for the demolition of existing school buildings to enable to enable redevelopment of site by erection of buildings from 3 to 16 storeys in height to provide 535 residential units with retail, restaurant/cafe, community centre and leisure floorspace. This application was withdrawn by the applicant on 22nd September 2009

PA/09/01353 This application was for Tree Works within a Conservation Area and proposed the removal of 37 trees across the school site including the removal of one Swedish Whitebeam, two Cherry 'Kanzan', one Laburnum, one Wild Cherry, two Rowans, one Apple, ten London Planes, one Cockspur Thorn, six Birches, one Elder Sycamore, one Fig, two Japanese Cherries, four Black Locusts, two Hybrid Black Poplars and two Hollies and the pruning of five London Planes. The applicant withdrew this application on 3rd September 2009

PA/09/01354 The application sought planning permission for soft and hard landscaping works to the "existing Church Green" area at the junction of Upper North Street and Canton Street. This application was approved on 22nd September 2009

PA/09/02612 Conservation Area Consent for the demolition of the existing former school buildings was granted on 27th January 2010 subject to conditions

PA/10/00261 This application was for tree works within a Conservation Area including removal of 37 trees, comprising one Swedish Whitebeam, two Cherry 'Kanzan', one Laburnum, one Wild Cherry, two Rowans, one Apple, ten London Planes, one Cockspur Thorn, six Birches, one Elder Sycamore, one Fig, two Japanese Cherries, four Black Locusts, two Hybrid Black Poplars and two Hollies and pruning of five London Planes (in association with planning application ref. PA/10/00261). The applicant withdrew this application on 18th March 2010

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:

Unitary Development Plan 1998 (as saved, 2007)

Proposals:

Flood Protection Area
Within 200m of East West Crossrail

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations

DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV43	Protection of Archaeological Heritage
DEV44	Preservation of Archaeological Remains
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
EMP1	Promoting economic growth and employment opportunities
EMP5	Compatibility with Existing Industrial Uses
EMP6	Employing local People
EMP8	Encouraging Small Business Growth
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG 14	Provision for Special Needs
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures
ART7	Hotel Developments

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

Proposals:

	Flood Risk Zone 2 and 3
Core Strategies:	CP1 Creating Sustainable Communities
	CP2 Equality of Opportunity
	CP3 Sustainable Environment
	CP4 Good Design
	CP5 Supporting Infrastructure
	CP9 Employment Space for Small Businesses
	CP11 Sites in Employment Use
	CP15 Provision of a Range of Shops and Services
	CP19 New Housing Provision
	CP20 Sustainable Residential Density
	CP21 Dwelling Mix and Type
	CP22 Affordable Housing
	CP24 Special Needs and Specialist Housing
	CP25 Housing and Amenity Space
	CP28 Healthy Living
	CP29 Improving Education Skills
	CP31 Biodiversity
	CP37 Flood Alleviation
	CP38 Energy Efficiency and Production of Renewable Energy
	CP39 Sustainable Waste Management
	CP41 Integrating Development with Transport
	CP43 Better Public Transport
	CP46 Accessible and Inclusive Environments
	CP47 Community Safety

Policies:	CP48	Tall Buildings
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision Outside of Town Centres
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing

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

2A.1	Sustainability Criteria
3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London's economy
3B.11	Improving Employment Opportunities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.23	Parking strategy
3D.1	Supporting town centres
3D.3	Improving retail facilities
3D.7	Visitor Accommodation and Facilities
3D.14	Biodiversity and nature 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.9	Adaptation to climate change

4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
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.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
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
6A.4	Planning Obligation Priorities

Supplementary Planning Guidance/Documents

Residential Space Standards
 Designing out Crime

Core Strategy Development Plan Document (Submission Version December 2009)

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Poplar Vision, Priorities and Principles

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS5	Planning and the Historic Environment
PPG9	Biodiversity and Nature Conservation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

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

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 to Employment

- 6.2 Access to Employment have requested that the following commitments are secured through the s106 legal agreement:
- The developer to provide a written statement to its prospective contractors, sub-contractors, tenants and/or freeholders recommending the Skillsmatch service;
 - That all entry-level job vacancies throughout the construction and end-user phases of the development are shared with Skillsmatch by the developer and contractors/sub-contractors;
 - That the managing contractor during construction works meets with Skillsmatch prior to works commencing to disseminate skills and employment requirements for the site;
 - That consideration is given to the possibility of hosting apprenticeships during the construction phase;
 - That Skillsmatch is given the earliest possible opportunity to manage a recruitment campaign for the retail and leisure elements of the scheme.

Officer Comment: The requested commitments to the Skillsmatch service have been included within the Heads of Terms of the s106 agreement, as detailed above at paragraph 3.1

LBTH Biodiversity

- 6.3 No comments received.

LBTH Crime Prevention Officer

- 6.4 The amended scheme has taken into account my previous concerns.

LBTH Communities, Localities and Culture (CLC)

- 6.5 The following financial contributions are sought to mitigate the impacts of the proposal:
- Provide **£665,691** towards Open Space; and
 - Provide **£467,245** towards Sport and Recreation

Officer comment: The above financial contributions have been agreed with the applicant, as detailed above at paragraph 3.1

LBTH Education Development

- 6.6 The residential unit mix is assessed as requiring a contribution towards the provision of 62 additional primary school places @ £12,342 = £765,204. This funding will be pooled with other resources to support the Local Authority's programme for the Borough of providing additional places to meet need.

Officer Comment: The above financial contributions have been agreed with the applicant, as detailed above at paragraph 3.1

LBTH Energy Efficiency

- 6.7 Energy comments

The applicant has principally followed the energy hierarchy set out in policy 4A.1 of the consolidated London Plan and the proposals aim to reduce overall carbon emissions by

approximately 30.3%. Decentralised energy is proposed through the provision of a community heating system. The system will be fed by a gas fired CHP unit in the communal energy centre located in the basement plant area of Block B. The proposals also include the installation of air source heatpumps to meet the space heating requirements and a solar thermal array (60m²) to provide a proportion of the hot water requirements of the 15 affordable houses in block B.

Sustainability comments

The applicant has provided a commitment to achieving a Code for Sustainable Homes Level 3 rating for the whole development, in accordance with Policy 4A.3 of the London Plan, which seeks development to meet the highest standards of sustainable design and construction.

Conditions are recommended to secure the proposed energy efficiency and CHP technologies and sustainable design and construction measures.

Officer Comment: The requested conditions have been attached, as detailed above at paragraph 3.3

LBTH Environmental Health

Contaminated Land

- 6.8 A condition requiring further contamination investigation and mitigation works should be attached.

Officer Comment: As detailed above within paragraph 3.3, a condition requiring a site investigation has been added.

Daylight, Sunlight and Microclimate

- 6.9 Daylight and Sunlight: In terms of the impact of the development upon existing nearby properties, whilst there are significant impacts on Flora Close and lesser impacts upon Griffin House in terms of Vertical Sky Component losses, the Average Daylight Factor is of marginal impact. The impact of the development upon itself (i.e. between blocks) is acceptable. Whilst there would be some transient shadowing between 2pm and 5pm, the overall level is acceptable. In terms of microclimate, the submitted wind tunnel assessment details that with suitable mitigation methods, the proposal would adequately meet Lawson criteria for its intended use. As such, Environmental Health can recommend planning permission in terms of daylight, sunlight, and microclimate.

Health and Safety

- 6.10 Informatives should be attached to any planning permission advising the applicant to contact the Environmental Health department prior to commencement of development, with regard to health and safety during and after construction.

Officer Comment: Informatives have been attached accordingly, as detailed above at paragraph 3.3

Noise and Vibration

- 6.11 No objections raised, subject to conditions requiring the submission of a noise survey, details of sound insulation between the commercial and residential units, noise attenuation measures for any plant and details of any extraction and ventilation equipment to be submitted and agreed.

Officer Comment: Conditions have been attached accordingly, as detailed at paragraph 3.3

LBTH Highways

6.12 No objections are raised to the principle of the scheme, including the proposed parking provision, access and servicing arrangements:

Parking

- The level of parking is a reasonably sustainable level of provision and below the maximum standards;
- It is essential that any planning approval should include a section 106 car free agreement to promote sustainable modes of transport and prevent future occupiers from applying for on-street parking permit;
- 20% of parking spaces should be supplied with electric car charging points;
- The proposed level of cycle and motorcycle parking exceeds standards and is therefore welcomed;

Pedestrians and Cyclists

- I welcome the improved permeability through the site proposed and the intention to improve links with Bartlett Park and visitor parking is provided next to the proposed community centre;
- I also welcome the commitment to include cycle information and training as part of the Travel 'welcome pack' for residents;
- I recommend the s106 agreement covers funding for improved signposting as well as the proposals for cycle scheme improvements

Servicing

- The applicant is proposing servicing and deliveries off the highway for all uses through a private route within the site, which was previously negotiated. For the servicing to be effective and prevent deliveries on the highway the applicant will be required to submit for approval a service management plan

Financial Contributions and Legal Requirements

- The following contributions are deemed necessary to mitigate the impact of the development:
- £105,000 towards footway improvements
- £135,000 towards traffic calming measures
- £15,000 towards street lighting and street furniture improvements in the area
- £3,000 towards Travel Plan monitoring
- S106 Car-Free Agreement to prevent future residents from applying for the Council's on-street parking scheme

Conditions and Informatives

- Submission of a Service Management Plan
- Submission of a Construction Management Plan
- S106 Car-Free Agreement
- Submission of Travel Plan
- 20% of all vehicular parking spaces to be fitted with electric charging points
- Cycle parking to be permanently retained
- Scheme of highway works to be agreed
- S278 Highways Agreement required

Officer Comment: The above requested financial contributions, s106 commitments, conditions and informatives have been agreed and attached, as detailed above within paragraphs 3.1 and 3.3

LBTH Housing Strategy Group

- 6.13
- The provision of affordable housing is an acceptable 35% in total (measured by habitable rooms)
 - The scheme provides a 69:31 split between social rent and intermediate tenures, which falls short of the 80:20 mix required by IPG policy HSG5, however is broadly in accordance with the London Plan target of 70:30
 - The provision of 15 affordable social rent family 4 and 5-bed houses is welcomed
 - The scheme brings a slight under provision of family units within the intermediate and private sales tenure
 - The social rented affordable housing is nearly all provided in block B1a, B3, B4, B5. The layouts of the units in block B5 are of good design and provide a separate kitchen and living room which are popular with large families. The family units provide private gardens and roof terraces. This area will have a high child density which may cause future management problems due to the units being concentrated all in one area of the development
 - All units appear to have private amenity space but a number appear to be below the council's minimum space requirements as contained within IPG policy HSG7
 - I have concerns over the usability of some of the communal roof amenity space within the scheme as to whether they can be used as good quality open space in a high density scheme
 - Design issues with block B3 flat number 31 & 32 have issues with design of the entrance door to flat. Flat 31 access forms part of the communal access to the open roof space. This could cause future management problems with anti social behaviour. A similar problem also arises within Block D4 with the communal balcony access and bedroom windows facing out onto this area
 - It is unclear whether residents have access to all open space roof areas or will this be restricted to each block. This could affect the open space provision for all residents within the scheme
 - There are forty nine wheelchair units (9x1 bed, 14x2 bed 26x3 bed units), which equates to 10% of all units and therefore meets the policy requirement

Officer Comment: Further to the above comments, the applicant has revised numerous elements of the scheme to address any outstanding concerns. These are discussed below within section 8 of the report

LBTH Landscape Section

No comments received.

LBTH Parks & Open Spaces (Arboricultural Officer)

- 6.14 In principal I have no objections to the proposal, as many of the existing trees on site are defective and in decline. However, there will need to be a robust agreement in place with the developer to allow for compensatory tree planting surrounding the proposed development to compensate for the heat island effect and loss of amenity. This will need to be in place before tree removal works commence. A Helliwell evaluation has revealed an amenity value of £43,500 for the 10 affected mature London Planes. Therefore this sum should be secured within S106 agreement and should fund replacement trees to be planted near to and around the external boundary of the site. A robust planting scheme will improve the heat island effect, increase amenity value and generally offer a landscape benefit.

Officer Comment: The requested sum has been secured within the s106 agreement. The development would result in the removal of 37 trees in total, for which a Tree Works within a Conservation Area application would need to be submitted. An extensive tree planting scheme is proposed within the development which will include 76 trees within the proposed public realm and semi-private communal gardens.

LBTH Waste Policy and Development

6.15 No comments received.

Tower Hamlets Primary Care Trust (PCT)

6.16 The TH PCT requested a total planning contribution as calculated by the HUDU model, of £3,657,690 (Capital element £707,115 and Revenue element £2,950,574)

Officer Comment: In line with established practice, the developer has agreed the Capital Planning Contribution of £707,115. See section 8 of this report for discussion of s106 contributions

English Heritage (Statutory Consultee)

6.17 English Heritage state that the Lansbury Estate has significant historical, aesthetic and communal value. The Blessed John Roche School is an important part of the historic fabric of the Conservation Area. The school, which was built in 1950-2, is included on the map of the Lansbury Estate which appears in the book entitled 'A Tonic for the Nation – The Festival of Britain 1951'. English Heritage also make the following comments:

- The Historic Building Recording Report contained within the Conservation Area Consent notification states that (paragraph S8) *'the school includes a Portland stone coat of arms, foundation stone and a statue of 'Our Lady, Star of the Sea' by the Catholic Sculptor Peter Watts, a mosaic of the holy family by Philip R Suffolk and a fibre-glass cross, by Bernard and Ann Davis, which marked the position of the altar of the Church of SS Mary and Joseph which was destroyed during the second world war.'* It is important that these are preserved.
- The Lansbury Estate Conservation Area is characterised by modestly scaled flats and houses punctuated by larger public buildings such as the school, church and clock tower. The architecture is crisply detailed and is characterised by a particular lightness of touch. The proposed blocks, the subject of the current notification, appear in contrast to be heavy and ungainly. The upper parts of the taller blocks, in particular are visually uncomfortable.
- The distinctive form of the Grade II listed, St Mary and St Joseph Roman Catholic Church, immediately to the south of the former school building is a landmark in this part of the East End; like the school it formed part of the 'Live' architecture exhibition of the Festival of Britain. The existing school is pulled back from the corner of Canton Street and Upper North Street (adjacent to the church), and the proposal to create an open space at the junction of Canton Street and Upper North Street, adjacent to the church, appears sensible. We would suggest that this area could well form a location for the statue of 'Our Lady, Star of the Sea', the coat of arms and the foundation stone.

Officer Comment: Design and conservation aspects of the proposal are discussed within section 8 of the report, below. With regard to the sculpture, foundation stone, coat of arms and cross, the applicant has agreed in writing (letter dated 23rd April 2010) that these will both be preserved and reinstated within the development, namely within the 'Church Green' which links the application site to the neighbouring St Mary and St Joseph church. A condition has been attached to this effect. The applicant has declined to incorporate the mosaic as it is not deemed to be of historic value.

Environment Agency (Statutory Consultee)

6.18 No objections in principle, subject to conditions securing the following:

1. Development to be carried out in accordance with submitted Flood Risk Assessment;
2. Piling not permitted unless express written consent obtained from the Local Planning Authority

The Environment Agency also recommend the attachment of informatives with regard to land contamination and controlled waters.

Officer Comment: The requested conditions and informatives have been attached accordingly, as detailed at paragraph 3.3 above.

Greater London Authority (GLA - Statutory Consultee)

6.19 The GLA's stage I report states:

- The principle of residential-led mixed-use development complies with the London Plan
- The proposed residential density is acceptable and compliant with the London Plan
- The provision of 35% affordable housing is more than reasonable
- With regard to urban design, further information relating to elevational treatment, single-aspect units, space standards, open space design and landscaping is required
- The proposal has been designed to be accessible to all. 10% of units will be built as accessible from the outset and all units will comply with the Lifetime Homes criteria
- Further confirmation of child play space provision is required
- Further information is required to assess whether the proposal complies with the London Plan energy policies
- The proposal includes green roofs, sustainable urban drainage, a rainwater harvest system and water efficient and low flow appliances. As such the proposal complies with climate change adaptation policies
- Further information is required with regard to the transport policies of the London Plan

6.20 Further to the receipt of the Stage I report, the applicant has provided additional information in order to address the outstanding matters regarding urban design, child play space, climate change mitigation and transport. The GLA case officer has responded as follows:

- The revised elevations should be discussed with the Council before the application is referred back to the Mayor;
- All but two of the units will have private amenity space. The Council should ensure it is satisfied the proposed level of private amenity space complies with its residential standards;
- A comparison of the proposed units against the space standards of the draft Housing Design Guide and the draft replacement London Plan. Overall 56% of the units and 86% of the affordable housing units meet or exceed the space standards. Given the status of the draft standards and the overall quality of the proposal this is acceptable;
- The applicant states that it is not possible to reduce the level of single aspect units as this would require significant changes to the design and internal layout of the scheme which would reduce the number of units provided and affect viability. This is disappointing. However, it is noted that the residential quality of the 5 north facing single aspect studio units will benefit from views across the new landscaped square and full size windows and doors;
- The applicant has confirmed that the proposal will provide 1,229 sq.m of designated child play space. A plan detailing the location and boundaries of this space should be submitted before the application is referred back to the Mayor. The condition attached to any planning permission should include the submission of the detailed design of these areas including the equipment to be provided;
- There has been on going discussion with the applicant and the GLA energy team. The additional information requested in the report has been submitted and is on the

whole consistent with London Plan policy. However, the applicant is not proposing to provide any on site renewable technology. The applicant has identified that the only compatible option for providing renewable energy on site would be through photovoltaic panels but has discounted providing them because of the poor economic viability of photovoltaic panels. As such the proposal falls short of the 20% carbon dioxide target in the London Plan and the 44% target in the draft replacement London Plan. Whilst this is disappointing the proposal does comply with the Mayor's energy hierarchy detailed in policy 4A.1 which seeks energy efficient buildings, decentralised energy generation and the maximisation of combined heat and power before renewable energy provision.

Officer Comment: The revised elevations, which include the insertion of windows and privacy screening to a small number of units is considered to be acceptable. Design matters are discussed in further detail within section 8, below. With regard to two units not having private amenity space, these units are a studio flat in block B and a one-bedroom unit in Block D. This equates to 99.6% of units having private amenity space at an average of 10 sq.m per dwelling. In light of the proximity of Bartlett Park and level of communal amenity space provided within the development, it is not considered that an objection could be substantiated on these grounds. A condition has been attached to secure the submission of detailed play space plans as requested.

London Development Agency (Statutory Consultee)

6.21 No comments received.

London City Airport (Statutory Consultee)

6.22 No objections raised.

London Fire and Emergency Planning Authority (LFEPA - Statutory Consultee)

6.23 No objections raised.

National Air Traffic Services (NATS - Statutory Consultee)

6.24 No objections raised.

Natural England (Statutory Consultee)

6.25 We note that the proposals would result in the loss of a number of trees which have been categorised as 'A' or 'B'. If possible, the retention of these trees should be sought. However, if this is not feasible then you should be satisfied that the proposed additional planting will mitigate this loss and contribute to habitat connectivity through the site. Additionally, you should ensure that the proposed ecological enhancement measures set out in the Environmental Statement are delivered through the use of a planning condition.

Officer Comment: Further to the comments of the Council's Parks and Open Spaces department, as detailed above, no objection is raised with regard to the loss of the trees on site, subject to the implementation of the proposed landscaping and planting scheme and the securing of £43,500 to mitigate the loss of the mature London Planes on site

Olympic Delivery Authority (Statutory Consultee)

6.26 No objections raised.

Transport for London (Statutory Consultee)

6.27 The site is bounded by Lindfield Street, Upper North Street and Canton Street which are all borough roads. The nearest part of the Transport for London Road Network is the A13 East India Dock Road around 200m to the south. The nearest DLR stations are Westferry and Langdon Park, at a distance of some 500 to 700 metres. The closest bus stops to the site are on Cordelia Street and East India Dock Road, serving routes 15, 115, D6 and D8. The site has a good level of accessibility with a PTAL ranging from 3 in the north to 4 in the south (in a range of 1 to 6 where 6 is excellent). With regard the proposal itself:

- The development would not adversely impact upon public transport
- The low level of car parking is welcomed, as are the car club spaces, which should be located in an appropriate location
- On-street parking permits should be restricted by way of a car-free agreement
- The proposed level of cycle parking is in line with London Plan standards
- Cycle routes should be provided in and around the development, directly linking to the surrounding cycle network
- A Construction Logistics Plan (CLP), Travel Plan and a Delivery and Service Plan (DSP) should be secured by way of condition

Officer Comment: Conditions have been attached which require the submission of a Construction Logistics Plan, Travel Plan and a Delivery and Service Plan, as detailed at paragraph 3.3 of this report. A car free agreement has also been included within the s106 agreement, whilst a contribution of £50,000 towards cycle route improvements in the area has been agreed with the applicant, as detailed at paragraph 3.1.

Commission for Architecture and the Built Environment (CABE)

6.28 No comments received.

EDF Energy Networks Ltd

6.29 No comments received.

Officer Comment: EDF raised no objections to the previously withdrawn application and as such, it is considered that these comments remain applicable

London Wildlife Trust

6.30 No comments received.

National Grid

6.32 No comments received.

Thames Water

6.33 No comments received.

Officer Comment: Whilst no comments have been received from Thames Water, conditions have been attached requiring the submission of impact study, and a drainage strategy is to be submitted and approved prior to the commencement of any development.

7. LOCAL REPRESENTATION

7.1 A total of 3,473 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: 15 Objecting: 13 Supporting: 2
No of petitions received: 1 objecting containing 33 signatories

7.2 The following objections were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Land Use

- The proposal would overcrowd the area
- The proposal would put pressure on local schools and medical facilities
- The proposed commercial uses are not required given the proximity of Canary Wharf and Chrisp Street market
- No Council houses are proposed to be built
- The existing school should be retained

Design

- The proposed development does not take into account the architectural character of the surrounding Lansbury Conservation Area
- The proposed tall buildings are out of keeping with the surrounding low level terrace housing that characterises the Conservation Area
- A partially subterranean car park could encourage vandalism

Amenity

- The proposal would result in the loss of 37 trees, including mature London Plane trees which are of significant townscape and amenity value
- The proposal would create noise, dust and air pollution during demolition and construction
- The proposal could exacerbate existing anti-social problems in the area

Transport

- The proposal would exacerbate existing on-street parking problems in the area
- The development would increase local traffic
- The increase in traffic would be dangerous for local residents who walk to nearby schools and other such facilities

7.3 The following comments were made within the 2 letters of support received from Homes For Families:

- I am pleased to see that the proposals include fifteen 4 and 5 bedroom houses among the 146 affordable new homes which will address housing shortages in the Borough
- Living in overcrowded or unsuitable homes has a bad impact upon growing children's development and, as such, the proposal would be in the interests of the many thousands in need of better housing registered on the Council's waiting list
- The proposals include homes designed to meet the needs of wheelchair users
- The public areas have been designed to meet disability standards

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

- The proposed restaurant/café floorspace would compete with existing similar premises in Chrisp Street market (*Officer Comment: matters relating to economic competition are not a material planning consideration*)

7.5 The following procedural issues were raised in representations, and are addressed below:

- The consultation process has been unclear and not all residents received notification of the events held by Bellway Homes or Family Mosaic, the most recent of which took place after the submission of the application (*Officer Comment: As detailed above within*

paragraph 7.1, the Council exceeded its statutory consultation requirements through wide ranging notification. The events held by Bellway Homes and Family Mosaic were not endorsed by the Council)

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 and Conservation
3. Housing
4. Amenity
5. Transport
6. Energy Efficiency and Sustainability
7. Section 106 Agreement

Land Use

- 8.2 National, regional and local policy promote a mixed use development approach on this site, subject to the following considerations.
- 8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', it promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.
- 8.4 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimal use of land. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher-density, mixed-use development and by considering means of improving sustainability of land use. Policy 3B.3 'Mixed Use Development' mentions that mixed uses are also encouraged within the sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities, through mixed-use development, is encouraged in Policy 5C.1 'The Strategic Priorities for North East London' of the London Plan.
- 8.5 Further in respect of Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is accommodated in a sustainable way. The Mayor's North East London sub-region is a priority for development, regeneration and infrastructure improvement. It has many of the capitals largest development sites as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated in this region.
- 8.6 The Core Strategy Submission Document December 2009 (Core Strategy) policy SP02 of the Core Strategy sets Tower Hamlets a target to deliver 43, 275 new homes (2, 885 a year) from 2010 to 2025. An important mechanism for the achievement of this target is reflected in London Plan Consolidated with Alterations February 2008 (London Plan) policy 3A.2 and 3A.3 which seek to maximise the development of sites and thereby the provision of family housing to ensure targets are achieved.
- 8.7 Policy SP12 of the Core Strategy Submission Document December 2009 details the vision for Poplar. With specific regard to Bartlett Park, Principle 2 seeks to provide for low to medium density family housing around the park, whilst Priority 2 seeks to expand and improve the size, usability and quality of Bartlett Park to reinforce its role as a large neighbourhood park, alongside providing new green spaces to support housing growth.

- 8.8 The existing site is a former secondary school, which was gradually closed between 2001 and 2005 following the development of alternative new secondary boys' Roman Catholic provision at the Bishop Challoner Boys' School. The Blessed John Roche School was deemed surplus to educational requirements by the Council in 2006.
- 8.9 There are no specific land use designations in the adopted Unitary Development Plan 1998 (UDP) or Interim Planning Guidance October 2007 (IPG). The application proposes housing, which, in principle, is acceptable in land use terms as this is the existing land use on the site.
- 8.10 The proposal, which would deliver 490 homes within a residentially-led mixed use development, is therefore considered to be appropriate and in accordance with the aims of the abovementioned London Plan policies and IPG policies CP19 and CP20, which seek to maximise the supply of housing. This is further reinforced by policies SP02 and SP12 of the Core Strategy. As such the proposed development is considered acceptable in principle and is supported by the London Plan and local policy objectives.
- 8.11 With specific regard to the proposed non-residential floorspace, the community centre and residents' gym would cater for the needs of the surrounding population and future occupiers respectively. The application also proposes three flexible commercial units, which are proposed to be used for crèche, retail or restaurant/café purposes. Whilst it is not the purpose of the planning system to prevent economic competition, it is recognised that policies ST34 and ST35 of the adopted UDP (1998) and CP15, CP16 and RT5 of the Interim Planning Guidance (2007) seek to protect the vitality of town centres such as Chrisp Street. Given that the application site is approximately 400m from Chrisp Street market and given the proposed units are relatively small (all three are under 180sq.m in area), it is not considered that the proposal would harm its vitality and would provide active ground floor uses around the landscaped 'Church Green' area. Nevertheless, a condition has been attached which prevents the three units being converted into a single large retail unit.

Density

- 8.12 The London Plan density matrix within policy 3A.3 suggests that densities within urban sites with good transport links should be within the range of 450-700 habitable rooms per hectare. This is reinforced by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (Submission Version 2009) which seek to correspond housing density to public transport accessibility and proximity town centres.
- 8.13 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.14 The proposed density of the scheme is 794 habitable rooms per hectare, however this falls to 728 habitable rooms per hectare when taking into account the adjoining 'Church Green' landscaped area (as approved under planning permission reference PA/09/01354) which is to be delivered alongside the proposed development (the delivery will be secured through the s106 agreement). Whilst this is marginally over the density range for an urban site, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and

- Impacts on social and physical infrastructure.

8.15 As discussed further below, it is not considered that the proposed scheme gives rise to any of the abovementioned symptoms of overdevelopment. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and is appropriate to the area context.

Design and Conservation

8.16 Good design is central to all objective of the London Plan and is specifically promoted by the policies contained in Chapter 4B of the London Plan. Saved policy DEV1 in the UDP 1998 and Policy CP4 and DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design. These principles are further supported by policy SP10 in the Core Strategy (Submission Version 2009).

8.17 London Plan policies 4B.9 and 4B.10 seek to ensure tall buildings are of an appropriate design and located to help create attractive landmarks and a catalyst for regeneration. In particular, London Plan policy 4B.10 sets out design criteria for tall buildings. These aims are further supported by policy CP48 and DEV27 in Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (Submission Version 2009).

8.18 Planning Policy Statement 5, London Plan policy 4B.12 and policies CON1 and CON2 in the Interim Planning Guidance (October 2007) seek to preserve the character and appearance of conservation areas and the setting of heritage assets. These policies are reinforced by the aims of policy SP10 in the Core Strategy (Submission Version 2009).

The Proposed Scheme

8.19 The application proposes the erection of six buildings, which range in height from a three-storey mews houses on the east/south east edges of the site, to 5, 6 and 7 storey residential blocks on the north and eastern perimeters of the site. Two buildings at the centre of the site extend up to 9 and 14 storeys. The proposed buildings are arranged around a network of private communal amenity areas and public open spaces, with routes through the site linking Canton Street to the south to Lindfield Street and Bartlett Park to the north, and Hind Grove to the west with Upper North Street to the east. The proposed site layout is shown below is Diagram 1, which also details the storey heights of the buildings and the tenure distribution. The site is also divided into four areas labelled A,B,C and D, which is indicative of the phases in which the development is proposed to be built.

8.20 The proposed scheme has been designed to respect the context of the surrounding area, which comprises a wide variety of housing typologies, such as the three-storey terraced housing on Saracen Street, 2-3 storeys terraced housing on Canton Street, the 14-storey Anglesea House residential block on Lindfield Street and 4 storey residential blocks to the east on Upper North Street. The site's relationship with the adjacent Bartlett Park, is an important consideration. The setting of the park is characterised by low to mid-rise housing immediately adjacent to it, with a number of taller buildings further a field.

8.21 Following the withdrawal of the previous application, the applicant has responded to design concerns raised by both the Council and GLA officers. The height of the two tall elements of the proposal have been reduced from 16 and 12 storeys to 14 and 9 storeys respectively, whilst their scale and width have also been significantly reduced. The upper floors are proposed to have a predominantly glazed finish, which creates a more lightweight appearance, particularly when viewed from Bartlett Park. The design and height of block A has also been amended following concerns from the GLA with regard to the relationship of the building with the adjacent Grade II listed church.

8.22 The proposed site layout contributes generously to the existing public open space in the area and establishes routes through the site to improve permeability in all directions. The proposed areas described as Festival Avenue and Central Square, would be publicly accessible open spaces well overlooked by new residential accommodation. In addition, there will be series of semi private open spaces forming residential amenity. The building entrances are well positioned and the proposed ground floor units have defensible space. The level of amenity space provision is discussed in greater detail below.

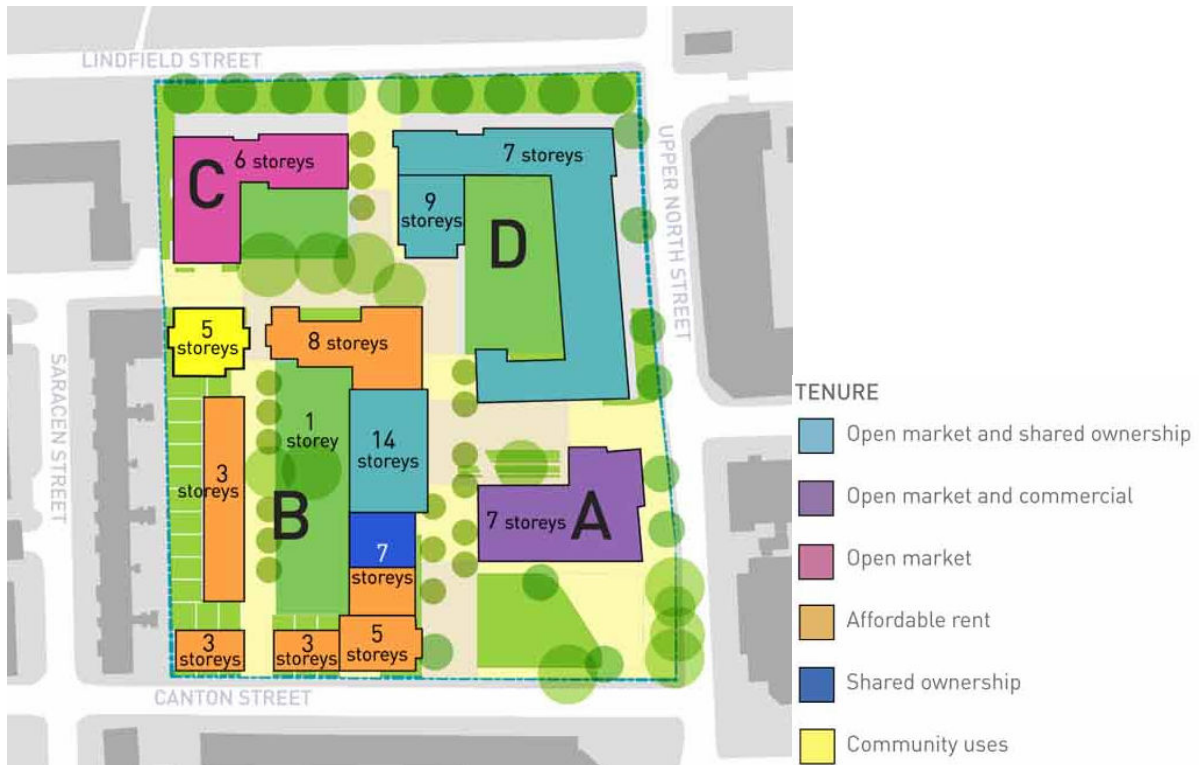


Diagram 1: Proposed site layout with building heights and tenure distribution

8.23 In terms of built form, the siting, mass and bulk of the development is considered to be an appropriate response to the park setting and the scale of the adjoining development. The proposed 3-storey family mews housing to the east/south-east of the application site respects the low-rise terraced context within Saracen Street and Canton Street, whilst the 6-7 storey heights on the west and north perimeters of the site are more akin to the residential blocks to the west of the site, with inset upper storeys reducing the visual mass of the buildings. The buildings have been set back from Upper North Street with a landscaped buffer zone, which creates a comfortable separation distance of 20 metres between the proposal and the existing properties to the east beyond Upper North Street. With regard to the setting of Bartlett Park, the building line has also been set back by between 13 and 18 metres from the site's boundary with Lindfield Street. This provides a green buffer zone between the site and the park whilst also continuing the building line created by the adjacent residential blocks to the east.

8.24 In terms of the impact of the development upon the character and setting of Bartlett Park, the perimeter buildings within blocks C and D are proposed to be of a red brick construction with a uniform parapet line and consistent frontage, in keeping with adjacent block in Hind Grove. The upper storey is proposed to be set back, whilst the parapet line on the corner of block D rises by one storey to provide architectural detailing and assist in marking this corner as the location of the main thoroughfare through the site. The proposed park frontage can be seen in diagram 2, above, and is considered to be in keeping with the setting of Bartlett Park.

8.25 As detailed above, the setting of Bartlett Park is characterised by mid rise buildings of uniform height immediately adjacent, with tall buildings sporadically situated in the distance, such as

Anglesea House to the west and Abbots Wharf to the north. In light of the proposed 9-storey and 14-storey elements being set back from the park in the centre of the development and being visually separate and distinct by virtue of their contrasting, lightweight appearance, it is considered that they respect the setting of Bartlett Park. The 14-storey element is discussed in the context of tall building policy further below.



Diagram 2: CGI view of proposed scheme from Bartlett Park

Conservation

- 8.26 The application site is located within the Lansbury Conservation Area. In 1948, Lansbury was chosen as the site of the 'Live Architecture' Exhibition of the 1951 Festival of Britain. The idea was to create a 'live' exhibition that used real building projects as exhibits of the latest ideas in architecture, town planning and building science. Lansbury was the first comprehensive post-war housing redevelopment in the east-end of London. The plan was to redevelop an initial 30 acres of war damaged and derelict property in order to regenerate the area and to create opportunities for new public housing "fit for heroes". Lansbury was very much a planning-led project. The plan included a cross section of different types of development, comprising of housing, a shopping centre, a market place, schools, churches, church hall and a small amenity park.
- 8.27 The Lansbury Estate remains a notable showcase of the ideas of early post-war development which resulted in the orderly arrangement of community buildings and dwellings. It demonstrates a different trend in post-war council house design and lay out, from that which existed pre-war. The Lansbury Conservation Area Character Appraisal and Management Guidelines document (LBTH, 2007), notes the character of the conservation area as "*The houses and flats are grouped into closes and squares of different sizes in Lansbury and are linked with open and landscaped land. This adds to the visual interest and distinct uniform character of Lansbury*".
- 8.28 With regard to heights and massing, the Character Appraisal and Management Guidelines document states: "*The residential buildings are predominantly low-rise in scale and range between 2 to 4 storeys throughout the Lansbury Conservation Area. The occasional higher flats exist to the west of the Conservation Area, but generally do not rise above 6 storeys, as restricted by the LCC at the initial stages of planning Lansbury. Yet, the first post-Festival developments at Lansbury, built in the mid-late 1950s are high-rise mixed developments, with a prevalence of 11 storey blocks and 4 storey maisonettes*".
- 8.29 With particular regard to the former Blessed John Roche School site, the Character Appraisal

and Management Guidelines document states: *“There is potential for redevelopment to the north-western part of the Lansbury Conservation Area, namely The Blessed John Roche Catholic School site and its immediate surrounds. A high quality, sensitive new building could restore a sense of pride to the junction at Canton Street, Upper North Street and Grundy Street, opposite to the St Mary and St Joseph Roman Catholic Church. The site’s current unkempt condition is unsatisfactory. An appropriate development which is consistent and respectful to the historic character of the area is desirable”.*

- 8.30 As discussed above, the proposal is considered to be an appropriate response to the park setting and the scale of the adjoining development. The scheme adds to the variety of building typologies and massing found in the conservation area, whilst respecting the immediate context. It is considered that the taller 9 and 14 storey elements of the proposed scheme would have limited visual impact upon the surrounding area by virtue of their location in the centre of the site, whilst they also are set back from Bartlett Park, therefore maintaining the parks setting of uniform building heights on its perimeter. The scheme also continues the use of open and landscaped areas, by providing significant public realm improvements, such as Church Green, set-back building lines and extensive landscaping and tree planting in and around the site.
- 8.31 It is therefore considered that the proposal preserves the character of the Lansbury Conservation Area and provides an appropriate high-quality, sensitive new development as required within the Council’s Lansbury Conservation Area Character Appraisal and Management Guidelines document (LBTH, 2007). Conditions have been attached requiring full details of all external materials, landscaping treatments and elevational details of each building to ensure the highest possible and the most appropriate level of design quality.

Setting of adjacent listed building

- 8.32 The application site is also located directly to the north of the Grade II listed Church of St Mary and St Joseph. The proposed development’s relationship to the church is shown in diagram 3, above.



Diagram 3: CGI view of proposed scheme in relation to the adjacent Grade II Listed St Mary and St Joseph RC Church

- 8.33 As detailed above, the approved landscaping of Church Green protects the present open setting of the church and would also protect views of the church from the surrounding area. Since the previously withdrawn proposal, the applicant has reduced the height of block A by one storey at the request of the GLA, in order to create a satisfactory relationship with the church. The GLA have confirmed within their stage I report that the relationship is now considered to be acceptable.
- 8.34 It is therefore considered that the proposal preserves the setting of the Grade II listed Church of St Mary and Joseph.

Tall Buildings

- 8.35 The proposed 14 storey element, whilst taller than the existing surrounding built form, would be located at the centre of the development and is proposed to be of a high quality glazing and ceramic terracotta finish. It is considered that the proposed building would add to the varied character of the area and complement the mixed built form that characterises the Lansbury Conservation Area. Furthermore, it is considered that the proposed 14-storey building, would act as a visual marker, particularly when viewed from Ricardo Street to the east, however, given their location at the centre of the site, would have a limited visual impact upon the surrounding streetscape.
- 8.36 It is not considered that the proposal would appear an overly dominant addition to the area. The GLA, within their stage I report, commented that *“the taller elements are positioned in locations that are considered appropriate and would function well as landmarks”*.
- 8.37 The proposed tall building within this location is considered acceptable and the scheme addresses the range of tall building policy criteria, particularly the detailed criteria of London Plan policy 4B.10 and policy DEV27 of the Interim Planning Guidance (October 2007), in the following key ways:
- The height, bulk, scale and external appearance is sensitive to the immediate and wider context;
 - The scheme is considered to be high quality;
 - There is no adverse impact upon strategic views and the scheme is an acceptable addition to the skyline;
 - There is no adverse impact to the character of listed buildings or conservation areas;
 - At ground floor level, the proposal would relate at a human scale, and integrate with the street;
 - The proposal provides and increased amount of public open space;
 - The proposed tall buildings, as part of the wider proposal, will contribute positively to vitality in the area with an active ground floor frontages;
 - There are no significant amenity impacts posed;
 - The proposal poses no adverse traffic and parking impacts;
 - The s106 agreement will include a TV mitigation requirement to ensure that any potential impact to reception is addressed; and
 - It is not considered to conflict with aviation requirements having been referred to the relevant authorities for consideration.

Design Conclusion

- 8.38 Overall, the proposal is acceptable in design terms. The proposal provides a high quality development that would contribute to housing need. A large number of family sized units would be created within the proposal. The design approach is considered to be an appropriate response to the park setting and the character of the surrounding area and the quality of the area and the proposed open space and access routes through the development are considered to be a positive feature. The varied built form within the proposal, together

with the extensive communal open spaces and landscaping would preserve the character and appearance of the surrounding Lansbury Conservation Area, whilst the retained Church Green and sensitive design of the perimeter buildings would preserve the setting of the adjacent Grade II listed church. The GLA also support the design approach.

Housing

Affordable Housing

- 8.39 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. This is further supported by policy SP02 in the Core Strategy (Submission Version 2009) which seeks between 35%-50% affordable home on sites providing 10 units or more.
- 8.40 The scheme provides a total of 148 affordable units, which equates to 35% by habitable room. The scheme is therefore acceptable and complies with the minimum 35% as required by policy CP22 and HSG3 in the Interim Planning Guidance (October 2007) and policy SP02 in the Core Strategy (Submission Version 2009).

Housing Mix

- 8.41 Pursuant to policy 3A.5 of the London Plan, the development should "...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation."
- 8.42 Policy CP21, CP22 and HSG2 of the IPG and policy SP02 of the Core Strategy Development Plan Document (2009) seek to create mixed communities. A mix of tenures and unit sizes assists in achieving these aims.

Unit size	Total units in scheme	affordable housing						market housing			
		social rented			intermediate			private sale			
		units	%	target %	units	%	target %	units	%	target %	
Studio	20	0	55.3	0	0	81.4	0	20	87.4	0	
1 bed	159	19		20	25		37.5	115		37.5	
2 bed	216	33		35	19		37.5	164		37.5	
3 bed	80	27	44.7	30	10	18.6	25	43	12.6	25	
4 bed	6	6		10	0			0			0
5 bed	9	9		5	0			0			0
TOTAL	490	94			54			342			

Table 1: Unit Mix

- 8.43 Pursuant to Policy HSG7 of the LBTH UDP 1998, new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of

between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens.

- 8.44 According to policy HSG2 of the IPG, the family housing provision in the social rented, intermediate and private sale components should be 45%, 25% and 25% respectively. As detailed above within Table 1, the scheme is proposing 44.7%, 18.6% and 12.6% family housing in the social rented, intermediate and private sale units respectively (see also table 2, below)
- 8.45 The amount of family housing for private sale and intermediate does not meet the target of 25%. However, given the policy-compliant provision overall within the social rented tenure and in light of the level of family housing that was delivered last year across the Borough (see table 2 below), it is considered that the proposed mix makes a significant contribution towards the provision of family housing in the Borough and is therefore acceptable.

Table 2: Family Housing Provision

Tenure	% Policy req't	% As proposed	% Annual Monitoring 2008-9
Social-rented	45	44.7	35
Intermediate	25	18.6	7
Market	25	12.6	3
Total	30	19.4	11

Social Rented/ Intermediate Shared Ownership and Housing Mix

- 8.46 The following table summarises the affordable housing social rented/intermediate split proposed against the London Plan and IPG:

Tenure	The Proposal	London Plan	IPG
Social Rent	70%	70%	80%
Shared Ownership	30%	30%	20%
Total	100%	100%	100%

Table 3: Social Rent/Intermediate Split

- 8.47 Policy SP02 (4) in the Core Strategy (Submission Version 2009) seeks a tenure split of 70% social rented and 30% intermediate within affordable housing provision. The proposed tenure split therefore complies with both the London Plan and the Core Strategy and is considered to be acceptable.

Wheelchair Housing and Lifetime Homes

- 8.48 Policy HSG9 'Accessible and Adaptable Homes' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or "easily adaptable" standard. A total of 10% (49 units)

is provided, in compliance with this policy.

Floorspace Standards

- 8.49 Policy HSG13 in the UDP 1998 requires all new development to provide adequate internal space. Supplementary planning guidance note 1: residential space sets minimum internal flat and room sizes. The proposed residential units within this application have acceptable internal space standards in line with policy HSG13 in the UDP 1998 which is further supported by policy SP02 in the Core Strategy (Submission Version 2009).

Amenity Space

- 8.50 Policy HSG7 in the Interim Planning Guidance (October 2007) and policy SP02 (6) in the Core Strategy (Submission Version 2009) seeks adequate external amenity space for new dwellings.
- 8.51 Table 4, below, indicates the amenity space required in accordance with policy HSG7 of the Interim Planning Guidance:

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	20	6	120
1 Bed	159	6	954
2 Bed	216	10	2160
3 Bed	80	10	800
4 Bed	6	10	60
5 Bed	9	10	90
TOTAL	490		4,184
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	530
Total Housing Amenity Space Requirement			4,714sq.m.

Table 4: Interim Planning Guidance (Policy HSG7)

- 8.52 The proposed development provides private amenity space for all but two units - a studio flat in block B and a one-bedroom unit in Block D. This equates to 99.6% of units having private amenity space at an average of 10 sq.m per dwelling. The private amenity space is provided in the form of balconies and decks, with gardens for the larger family mews housing. Private communal amenity space is provided in the form of landscaped podiums and roof gardens to 4 of the buildings. As detailed below in table 5, the private and communal amenity space provision exceeds policy requirements. The layout of the proposed communal amenity space can be seen in diagram 1, below.

	LBTH Policy Requirement	London Plan Policy Req't	Proposed within scheme
Private Amenity Space	4,184 sq.m	N/A	4,903sq.m
Communal Open Space	530 sq.m	N/A	3,908sq.m of private communal podiums and roof terraces including 1,229sq.m of designated child play space. The proposal also includes 6,470sq.m of landscaped public realm
Child Play Space	624sq.m	2,000sq.m	

Table 5: Proposed Amenity Space

- 8.53 Policy HSG7 of the IPG also requires 624sq.m of child play space for this development. The

London Plan requires a child play space quantum of 2,000sq.m based on approximately 200 children living within the proposed development. As detailed above in table 5, the application proposes 1,229sq.m of designated child play space, the location and size of which can be seen in diagram 4, below. Whilst this falls below the London Plan requirement, the GLA have raised no objections to the proposed quantum, subject to a condition being attached requiring the submission of details of the design and specification of the play space/equipment.



Diagram 4: Amenity space strategy with child play space areas highlighted

8.54 It should also be noted that the proposed scheme also includes 6,470sq.m of landscaped public realm, such as the central square, the large green buffer zone to the north between the building edge and Lindfield Street and pedestrianised spaces between buildings. Furthermore, as detailed above within the relevant planning history, planning permission has been granted for the landscaping of 'Church Green' in the south-east corner of the site which was previously located within the school grounds and inaccessible to the public. The delivery of this area alongside the proposed development will be secured within the s106 agreement and will provide a further 1,603sq.m of public amenity space. It is therefore considered that the proposal satisfies the requirements of both the Interim Planning Guidance and the London Plan.

Transport

8.55 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 'Local Transport and Public Realm Enhancements' indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration

benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20 'Improving Conditions for Buses', the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.

- 8.56 Both the Unitary Development Plan and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport. Having regard for the IPG, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3. Policies SP08 and SP09 of the Core Strategy DPD (2009) broadly seek to deliver an accessible, efficient and sustainable transport network.
- 8.57 The site is relatively well served by public transport, with the southern half of the site having a Public Transport Accessibility Level (PTAL) of '4' and northern half that of '3' (1 being the lowest and 6 being the highest). Langdon Park and All Saints DLR stations are located approximately 675m from the site to the north east and south east respectively. The nearest Underground Station is Canary Wharf, which lies approximately 1.2km to the south. A major bus route runs along East India Dock Road (A13) to the south and additional services are available from Cordelia Street to the east of the site and from Burdett Road to the west.

Vehicular Parking

- 8.58 The proposal includes a total of 169 car parking spaces, two of which are allocated for car club usage and 19 allocated for disabled vehicle users. Also proposed are 36 motorcycle spaces. The car parking is located within basement and surface level car parks underneath the proposed buildings. Access to the car parks will be gained from Upper North Street, Canton Street and Hind Grove, with access through the site from Hind Grove to Upper North Street being restricted to refuse vehicles and emergency service vehicles controlled through the use of collapsible bollards.
- 8.59 The proposed quantum of parking is within the maximum standards of policy DEV19 (Parking for Motor Vehicles) of the IPG and London Plan 2008 policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy). Neither TfL nor the Council's Highways department have objected to this provision. The disabled parking provision exceeds the IPG standard of 10% of all spaces.
- 8.60 With regard to the objections concerning potential exacerbation of on-street parking in the area as a result of the proposal, a car-free agreement would prevent future residents from applying for on-street parking permits. There are also parking restrictions in place on the surrounding highway network. As such, it is not considered that an objection on these grounds could be substantiated.

Cycle Parking

- 8.61 Also proposed are 756 cycle parking spaces, 36 of which are allocated for public use. This represents a provision in excess of 1 space per residential unit, and is therefore in excess and in accordance with Planning Standard 3: Parking and policy DEV16 of the IPG.
- 8.62 The proposals are considered acceptable in highways terms in accordance with policies DEV1 and T16 in the UDP 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007 and policy SP08 in the Core Strategy (Submission Version 2009). A Travel Plan, Servicing Management Strategy, Construction Logistics Plan and the

car free agreement are to be secure by planning conditions and via the S.106 agreement.

Servicing and Refuse Collection

- 8.63 The applicant has submitted a detailed refuse strategy, which proposes that general and recycling refuse collection will take place on site, with the exception of block D, which will be serviced on-street from Upper North Street. Refuse vehicle entry to the site from public highway is limited to the existing cross-over on Hind Grove, the relocated cross-over on Upper North Street and the southern entrance the 'Mews' off Canton Street. The Council's Highways department have raised no objections to this arrangement.

S106 Contributions

- 8.64 The Council's Highways department have determined that the following contributions for transport infrastructure and public realm improvements are required via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is discussed further within the Section 106 Agreement section of this report, below.
- £105,000 towards footway improvements
 - £135,000 towards traffic calming measures
 - £15,000 towards street lighting and street furniture improvements in the area
 - £3,000 towards Travel Plan monitoring

Trip Generation

- 8.65 The submitted Environmental Statement includes a transport and access section, which details the trip generation of the proposed development. TfL and the Council's Highways department have analysed the methods of assessment and deemed them acceptable. Furthermore, the proposed traffic generation would not have a detrimental effect on the existing highway network, public transport networks or traffic movements within the area.

Conclusions

- 8.66 The proposals are considered acceptable in highways terms in accordance with policies DEV1 and T16 in the UDP 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007 and policy SP08 in the Core Strategy (Submission Version 2009). A Travel Plan, Delivery and Service Plan, Construction Logistics Plan and the car free agreement are to be secure by planning conditions and via the S.106 agreement.

Amenity

Daylight and Sunlight

- 8.67 DEV2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.68 Policy DEV1 of the IPG 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. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This policy is supported by policy SP10 of the Core Strategy DPD (2009).
- 8.69 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.

8.70 The submitted Environmental Statement details that there are nine residential properties that are within range of the proposed development, so as to be considered 'sensitive receptors', which contain habitable rooms*.

- The Chimes Public House
- 30/70 Saracent Street
- Stanley House
- 80/60 Stanley Street
- Lansbury Lodge
- Griffin House
- 53/75 Hind Grove
- Church of St Mary and St Joseph
- Flora Close

* The UDP (1998) advises that habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sq.m.).

8.71 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.

8.72 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms

8.73 The report details that all habitable rooms in The Chimes Public House, 30/70 Saracent Street, Stanley House, 80/60 Stanley Street, Lansbury Lodge, Griffin House, 53/75 Hind Grove and the Church of St Mary and St Joseph would meet the required ADF standard.

8.74 The assessment of the effect on Flora Close identifies that 11 of the 73 rooms assessed fail the ADF test. These rooms comprise of 6 kitchens, 4 bedrooms and 1 living room. However, of those rooms that fail, the failures are primarily caused by the design of Flora Close which incorporates small recessed windows and overhanging balconies which provide additional amenity space for the occupants but obstruct daylight from reaching the habitable rooms. To illustrate this, the applicant has carried out the same calculations with the balconies omitted which results in only 6 of the 73 rooms tested being left with an ADF below the minimum recommended, and 4 of those already fail the ADF test at present.

8.75 In light of the urban context of the site and the regenerative benefits that the proposal would bring to the area and the Borough as a whole in terms of affordable housing and numerous financial contributions, on balance, it is considered that a refusal on the grounds of a loss of light to 11 habitable rooms, 4 of which fail daylight tests at present, could not be substantiated in this instance.

8.76 It is therefore concluded that the proposed development would not have a significant effect on the sunlight or daylight received by the surrounding residential developments and the proposal would not impact significantly on the living conditions of any residents.

Overshadowing

8.77 BRE guidance recommends that no more than 40% of any amenity areas should be prevented by buildings from receiving any sunlight at all on the 21st March. Sunlight at an altitude of 10 degrees or less does not count (i.e. outside the hours of 07:11am and 17:04 pm).

- 8.78 The submitted shadow study of the communal amenity areas shows that whilst there would be some transient overshadowing between 2pm and 5pm, a total of 19.8% of the communal amenity areas will be within permanent shadow on the 21st March, which is within the preferred limit of 25% as set out in BRE guidance. This impact is considered to be acceptable by the Council's Environmental Health department. As such, the proposal would not result in any undue loss of amenity to surrounding residents by way of overshadowing and, furthermore, the proposal would provide usable and comfortable outdoor amenity space.

Air Quality

- 8.79 Environmental Health have raised no objections, subject to the attachment of a condition requiring the submission and approval of a Construction Management Plan, which should detail measures to reduce dust escape from the site during construction. A similar condition was attached to the recent Conservation Area Consent (reference PA/09/02612) regarding the demolition of the existing buildings. Such matters are also covered by separate Environmental Health legislation.

Noise and Vibration

- 8.80 The Council's Environmental Health department have raised no objections to the proposal in terms of noise and vibration. The submitted Environmental Statement demonstrates that noise impact has been given comprehensive consideration to the satisfaction of the Council's Environmental Health Team. Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas from unacceptable levels of noise, also agreed by the Environmental Health Team.
- 8.81 In terms of noise emitted by the proposed development and its impact upon nearby and future residents, conditions have been attached to ensure any plant, machinery or extraction systems to be installed incorporates adequate noise attenuation measures. A condition limiting the maximum amount of noise during construction has also been attached.

Overlooking

- 8.82 Whilst it is acknowledged that the taller elements of the proposal are a number of storeys higher than both existing properties in the area and other buildings within the proposed development, the separation distances are significant and therefore would not result in a loss of amenity for existing or future occupiers by way of overlooking..

Micro-Climate

- 8.83 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 (Large-scale buildings – design and impact) 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 overshadowing”*. Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) 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.”

- 8.84 Within the submitted Environmental Statement, the applicant has assessed the likely impact of the proposed development on the wind climate, by placing an accurate model of the proposed building in a wind tunnel. The assessment has focused on the suitability of the site

for desired pedestrian users on the roof gardens, major entrances, walkways, public amenity areas and other wind sensitive locations. The conclusion of the wind tunnel assessment is that all locations within the site will experience wind conditions appropriate to their proposed use and that no mitigation is required. There will also be negligible impact on wind conditions surrounding the site. The Council's Environmental Health department have raised no objections on the grounds of microclimate.

8.85 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 (Large-scale buildings – design and impact), policy DEV1 (Amenity) of the IPG and policy SP10 (Creating distinct and durable places) of the Core Strategy DPD (2009).

Energy Efficiency and Sustainability

8.86 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. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

8.87 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:

- Reduce the carbon dioxide and other omissions that contribute to climate change;
- Minimise energy use by including passive solar design, natural ventilation and vegetation on buildings;
- Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.

8.88 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised energy networks; and requiring applications to demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.

Approaches		Reduction in Carbon Dioxide Emissions
"Be Lean" - Energy Efficiency Measures		11%
"Be Clean"	CHP	21.5%
"Be Green"	Solar collectors and air source heat pumps	0.3%
TOTAL		32.8%

Table 6: Energy Efficiency

Be lean

- 8.89 As detailed above in table 6, the scheme has been designed in accordance with Policy 4A.3 in seeking to minimise energy use through passive design measures to achieve approximately 11% CO₂ savings.

Be Clean

- 8.90 Decentralised energy is proposed through the provision of a community heating system. The system will be fed by a gas fired CHP unit in the communal energy centre located in the basement plant area of Block B. The unit is proposed with a 200kW electrical power output and 233 kW heat output. The CHP community system is anticipated to reduce CO₂ emissions by approximately 21.5% over the enhanced baseline scheme. A single energy centre proposed in Block B is sized at 220sq.m to supply the communal heat network. Drawings have been provided indicating that sufficient space has been allocated. The communal heat network is proposed to supply the apartments in the development.

Be Green

- 8.91 The proposals include the installation of air source heatpumps to meet the space heating requirements and a solar thermal array (60m²) to provide a proportion of the hot water requirements of the 15 affordable houses in block B.

Sustainability

- 8.92 Policy 4A.3 of the London Plan seeks development to meet the highest standards of sustainable design and construction. A Code for Sustainable Homes Level 3 rating is proposed for all of the units, both private and affordable.

Climate Change adaptation

- 8.93 The London Plan promotes five principles in policy 4A.9 to promote and support the most effective adaptation to climate change. These are to minimise overheating and contribute to heat island effects; minimise solar gain in summer; contribute to flood risk reduction, including applying sustainable drainage; minimising water use; and protect and enhance green infrastructure.
- 8.94 The proposal includes green roofs, a rainwater harvesting system, sustainable urban drainage and water efficient and low flow fittings.

Conclusion

- 8.95 The Council's Energy Efficiency team have reviewed the proposed energy strategy and are satisfied, subject to the attachment of conditions to secure its implementation. The GLA have commented as follows: *"The additional information requested in the report has been submitted and is on the whole consistent with London Plan policy. However, the applicant is not proposing to provide any on site renewable technology. The applicant has identified that the only compatible option for providing renewable energy on site would be through photovoltaic panels but has discounted providing them because of the poor economic viability of photovoltaic panels. As such the proposal falls short of the 20% carbon dioxide target in the London Plan and the 44% target in the draft replacement London Plan. Whilst this is disappointing the proposal does comply with the Mayor's energy hierarchy detailed in policy 4A.1 which seeks energy efficient buildings, decentralised energy generation and the maximisation of combined heat and power before renewable energy provision"*.

8.96 In light of the above, it is considered that the proposed energy strategy is acceptable.

S106 Agreement

8.97 Policy DEV4 of the adopted UDP and Policy IMP1 of the Tower Hamlets Core Strategy and Development Control Plan September 2007 say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

8.98 The Community Infrastructure Levy Regulations 2010 state that any s106 planning obligations must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

8.99 The following financial obligations have been agreed in principle with the applicant and have been approved by the Council's Planning Contributions Overview Panel:

Open Space

8.100 A contribution of £665,691 towards the provision of and improvement of open space has been requested by the Cultural Services team to mitigate for the impact on existing open space. The calculation is based on the cost of laying out open space as identified in the Council's Infrastructure Delivery Plan for providing new open space in the form of a Local Park, which Bartlett Park is identified as.

Sports and Recreation

8.101 The Cultural Services team have requested a contribution of £467,245. The proposed development will increase demand on leisure facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth. Sport England as the Department for Culture, Media and Sport (DCMS) agency tasked with implementing sports policy have developed a sports facility calculator for s106 purposes. This calculates (based on population figures and research based demand data) the amount of water space and sports hall required by new developments. It then uses building cost index figures to calculate the cost associated. The model generates a total leisure contribution of £467,245. This will be spent towards the provision of and upgrade of sports and recreation facilities within Barlett Park.

Highways and Transportation

8.102 Provide £255,000 towards traffic calming measures, street lighting and footway improvement works, for the following:

- £105,000 towards footway improvements
- £135,000 towards traffic calming measures
- £15,000 towards street lighting and street furniture improvements in the area

8.103 The Council's Highways department have also requested £3,000 towards Travel Plan monitoring.

Tree Replacements

8.104 The Council's Parks and Open Spaces team have requested a sum of £43,500 to reprovide the 10 felled mature London Planes within the vicinity of the application site. This was calculated using the Helliwell method, which is an accepted method of valuing the cost of replacing mature trees

Education

- 8.105 Provide £765,204 towards the provision of 26 additional primary school places in the Borough, as calculated by the Council's Education department

Health

- 8.106 The Tower Hamlets Primary Care Trust have requested a contribution of £707,115 towards the development of a new network service hub which is planned at Newby Place. The requested sum would go toward the long lease or fit out costs for this development..

Cycle Route improvements

- 8.107 The Council's Sustainable Transport team have requested £50,000 towards cycle route and infrastructure provision as identified within Tower Hamlets' Cycle Route Implementation and Stakeholder Plan. The sum will facilitate cycle route / cycle infrastructure improvements which have been identified as part of Tower Hamlet's Cycle Route Implementation and Stakeholder Plan (CRISP). A number of schemes have been highlighted as immediate areas for which to allocate the funding towards. The schemes are:
- East-West section along Lindfield Street east-west between Limehouse Cut and River Lea
 - North- South section along Upper North Street to improve cycle lane infrastructure and linkage between Mile End Road and Poplar High Street
- 8.108 It is considered that the above obligations, which have been agreed in principle with the applicant, satisfy the three tests set out in the Community Infrastructure Regulations 2010.

Other Planning Issues

Biodiversity

- 8.109 The applicant has submitted a Habitat Survey, together with a Bat Survey of the site, undertaken by ecologists. No bat roosts were found, however the trees did provide some commuting and foraging opportunities on site for common pipistrelle bats. An active fox earth shrub was found.
- 8.110 The proposal retains 8 London Plane trees on site, which is considered to maintain the commuting and foraging opportunities on site for bats. Furthermore, the proposed extensive landscaping and planting scheme would further contribute to these opportunities. With regard to the fox earth, the applicant details that only when the foxes' earth is determined to be unoccupied, will it be excavated.
- 8.112 The scheme incorporates a number of biodiversity enhancement measures. A total of 4,118sq.m of green roofs are proposed which will incorporate planting of species that attract insects which provide a food source for bats. Bat bricks and boxes are also proposed. A condition is attached which will ensure that biodiversity measures are maximised.

Environmental Statement

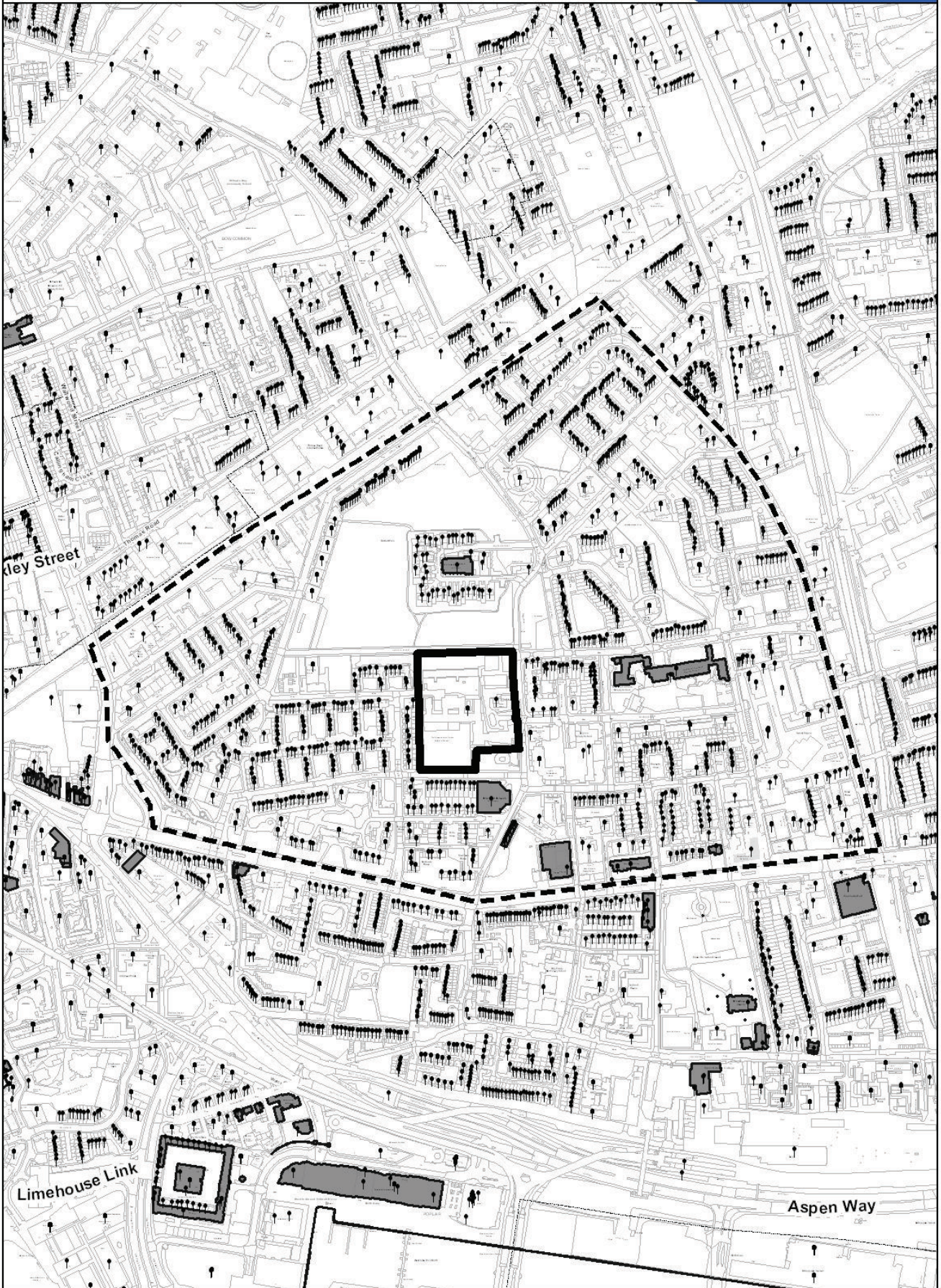
- 8.113 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Land Use Consultants and Council Officers. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

9.0 Conclusions

- 9 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.

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-  Planning Application Site Boundary
-  Consultation Area

-  Locally Listed Buildings
-  Statutory Listed Buildings

 Land Parcel Address

0 30 m




This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.

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