

UPDATE REPORT OF DIVISIONAL DIRECTOR OF PLANNING AND BUILDING CONTROL

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/17/02217	Land at Fieldgate Street and Whitechapel Road, Fieldgate Street	Demolition of existing substation and construction of a 20 storey building, including 11,450 sqm of student accommodation totalling 375 rooms; 1,050 sqm of office (B1a) floorspace at ground/first floor level; 70 sqm of commercial floorspace (A3 use) at ground floor level; basement and new pedestrian link to the eastern boundary of the site.

1.0 CLARIFICATIONS AND CORRECTIONS

- 1.1 Amend Paragraph 1 ‘Application Details’ (Location) as follows “Land at Fieldgate Street and Whitechapel Road, Fieldgate Street...”; ‘Existing Use: Vacant (previously car vehicle repair workshop)
- 1.2 Amend Paragraph 5.5 as follows “...The site is however just outside of the Central Activities Zone (CAZ), which lies to the west, and the Whitechapel District Centre, to the east. *The site lies within the Tower Hamlets Activity Area.*”
- 1.3 Delete paragraph 10.33.
- 1.4 Add the following text to Paragraph 7.6 ‘*Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on ‘A City for All Londoners’ which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker.*’
- 1.5 Amend Paragraph 10.60 as follows “...The application site is *located within the Tower Hamlets Activity Area*. Therefore when considered in relation to Policy DM26, *the application site is considered suitable for intensification. The policy however also requires development to be sensitive to its context.* Whilst the site lies within the Whitechapel Masterplan area which sets out an ambitious vision for Whitechapel, the site itself is not identified as a key regeneration location.”

2.0 ADDITIONAL REPRESENTATIONS

- 2.1 Since the publication of the Officer report, the Council has received an additional 12 letters of support from signed by local residents and local businesses. These were submitted by the applicant directly and the following points are raised:
- Generate benefits to local area and community
 - Meet rising need for affordable student accommodation
 - BITC would raise profile of borough
 - Improvements to public realm
 - Improvements for pedestrians

- Benefit local economy and local businesses
- Alleviate unemployment through construction phase

2.2 These matters have been considered in the officer's report.

3.0 FURTHER INFORMATION

3.1 The applicant has submitted the following additional material to officers since the publication of the Officer's report.

- Additional viability information
- Clarification on disabled parking, cycle parking, cycle hire, highway impacts, disabled parking, trip generation and Pedestrian Environment Review System (PERS) audit
- Report on the Utility of Proposed Pedestrian Link

3.2 The further viability information provided clarification, however, to date, neither the Council's viability team nor the GLA have accepted the applicant's methodology and there is insufficient information regarding the allocation and management of the affordable student accommodation units. On this basis, the Council's position remains unchanged.

3.3 The applicant provided clarification on transport and highways matters, and TfL has confirmed they have no objections subject to conditions to secure a, visitor cycle parking within the public realm, a Construction Logistic Plan and a Delivery and Servicing Plan.

3.4 The further clarification provided by the applicant confirmed the cycle storage would be accessed via the ramp leading to the adjacent Ibis hotel basement. This would require cyclists to travel down the ramp, into the neighbouring basement, through a door to the rear of the basement, along a narrow corridor, through several narrow doors, before reaching the storage facility. Access over land owned by a third party (the Ibis hotel basement) is required to access the basement cycle parking and disabled parking space. There is no mechanism proposed to ensure that this is deliverable. It is likely the third party land owner would need to be a signatory of any s106 agreement. Given this added complexity and lack of assurance regarding its deliverability, the officer recommendation remains unchanged.

3.5 Furthermore, the corridor would not allow the two-way passing off cyclists, nor general unimpeded access. Students would then be required to take the same route back to street level to then use the main student entrance; and the proposed double stacked racks are also not considered to be acceptable as they limits accessibility and usability of the storage provision. The proposed cycle parking is therefore considered unacceptable.

3.3 In summary the key findings of the 'Report on the Utility of Proposed Pedestrian Link' are that up to 2000 people per week will use the link, the link benefits from natural surveillance, and that there is no alternative location for the link. It also provides examples of successful narrow footpaths in Gee's Court at St Christopher's Place near Oxford Street and Cycle Superhighway 5 at Goding Street, Vauxhall. In officer's view the suggested footfall seems high and the examples rely on very different contexts which are not comparable. Therefore, the Council's position surrounding the pedestrian link remains unchanged.

4. PLANNING OBLIGATIONS AND CIL

4.1 The extent to which planning obligations can mitigate the impacts of development are a material consideration in determining whether to grant or refuse planning permission.

- 4.2 Based on the Development Plan policies and the Council's Planning Obligations SPD, the proposed development would normally attract the following obligations:

Financial obligations

- £50,280 contribution towards construction phase employment skills and training
- £29,897.07 contribution towards end-user phase employment skills and training
- £24,390 contribution towards carbon off-setting (subject to submission of final energy calculations); and
- £6,500 (£500 per head of term) towards monitoring the subsequent Section 106 agreement.

Total financial contributions: £111,067.07

Non-financial obligations

- Affordable student accommodation (10% by habitable room)
- Permit free agreement
- 5 construction phase apprenticeships
- Access to employment
- Delivery of public realm works
- S278 works
- Provision of blue badge parking; and
- Provision of cycle storage access

- 4.3 The applicant has proposed that 10% of the office accommodation would be provided at affordable rents, to be secured as a planning obligation, although no further details have been provided. The current Local Plan does not have any specific policy requirements for affordable workspace. The draft replacement Local Plan (Regulation 19 consultation draft) includes a draft policy requiring the provision of at least 10% affordable workspace at discounted rents, at least 10% below market levels. This policy has very limited weight.

- 4.4 In any event it would be difficult to attribute weight to the applicant's proposal without further details of the level of discount compared with a commercial, market rent. The full range of other planning obligations listed have not been discussed or agreed with the applicant and therefore only limited weight can be placed on these.

- 4.5 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 4.6 Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. However it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

- 4.7 The estimated CIL liability for the development would be £4,479,025 Tower Hamlets CIL (accounting for 10% affordable student accommodation at £0) and Mayor of London CIL of £439,950.

- 4.8 Both CIL payments would contribute towards local and strategic infrastructure which would help to mitigate the additional demands arising from the occupation of the development. They are therefore capable of being local finance considerations.

4.9 Officers have taken the potential planning obligations and CIL liabilities into account but conclude that these would not resolve the harm arising from physical aspects of the development and in particular the harm to the setting of Myrde Street Conservation Area. In conclusion the recommendation to refuse planning permission remains unchanged.

5 RECOMMENDATION

5.1 Officer's recommendations to refuse planning permission remain unchanged.