

<b>Committee:</b> Strategic	<b>Date:</b> 15 <sup>th</sup> March 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Mary O'Shaughnessy		<b>Ref No:</b> PA/11/03587	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

**Location:** Former Goodmans Fields, 74 Alie Street and Land North of Hooper Street and East of 99 Lemman Street, Hooper Street, London E1

**Existing Use:**  
**Proposal:**

Hybrid planning application for residential-led mixed-use redevelopment of the site comprising:

1) Outline Application - All matters reserved (except for access)

- § Development of North East (NE) and South East (SE) quadrants of the site to provide:
- § Podium blocks of between 7 - 10 storeys (max 46.075m AOD) with two towers on each podium block of between 19-23 storeys (max 85.425m AOD) and dwellings fronting Gower's Walk;
- § Up to 700 residential units (Use Class C3);
- § Up to 6,709 square metres (GIA) of flexible commercial and leisure floor space (Use Classes A1 - A5, B1a, D1 and D2) at ground floor level including a health centre (up to 1,581 square metres GIA);
- § Associated vehicular, pedestrian and cycle access;
- § At least 9,380 square metres of Public Open Space; and
- § Related infrastructure and engineering works.

2) Full details

- § Development of the North West (NW) quadrant of the site to provide:
- § Podium block between 6-10 storeys (max 46.075 AOD) and two towers up to 19 Storeys (max 76.17m AOD) and 21 storeys (max 85.4m AOD);
- § 250 bedroom hotel (Use Class C1) including a restaurant (Use Class C3) at ground to sixth floor level;
- § 164 residential units (Use Class C3);
- § 841 square metre (GIA) ancillary gym and swimming pool at ground and first floor level for residents use;
- § 1,713 square metre (GIA) flexible commercial / leisure floorspace (Use Class A1 - A5, B1a and

- D2) at ground floor level;
- § 17, 778 square metre (GIA) basement level across the site to provide 253 car parking spaces, 35 motor cycle spaces, 50 electric car charge points, 1358 cycle parking spaces and ancillary facilities for storage, management facilities and plant;
- § Public Open Space to form part of the wider outline public open space strategy; and
- § Associated access, landscaping, surface car parking and cycle parking and related infrastructure and engineering works.

**Drawing Nos/Documents:** Drawings:

A0100, A0101, A0102, A0103, A1002, A1026, A1030, A1060 Rev B, A1063 Rev B, A1065 Rev C, A1068 Rev C, A1104 Rev A, A1105, A1106 Rev A, A1107, A1108, A1109, A1110, A1111, A1112 Rev A, A1113 Rev A, A1114 Rev A, A1115 Rev A, A1116 Rev A, A1117 Rev A, A1118 Rev A, A1119 Rev A, A1120 Rev A, A1121 Rev A, A1122 Rev B, A1123 Rev B, A1124 Rev B, A1125 Rev B, A1126 Rev B, A1127 Rev B, A1128 Rev A, A1161 Rev B, A1162 Rev B, A1163 Rev A, A1164 Rev C, A1165, A1166, A1167 Rev C, A1168 Rev C, A2002, A2003, A2006, A2007, A2008, A2051, A2052, A2053, A3001 Rev A, A3002, A3003 Rev A, A3004, A3005, A3006, A3007, A3008, A3009, A3010, A3011, A3020 & SK0042.

Indicative Landscape Drawings:

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Documents:

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 Housing and Regeneration Statement Addendum

(February 2012)  
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Clarification and Further Information in respect of: 1. The principle of a part outline application and 2. The effect of the proposals on the OUV of the Tower of London World Heritage Site (February 2012)  
Visual Impact Study – City Hall (February 2012)

**Applicant:** Berkeley Homes (Capital) PLC  
**Ownership:** Berkeley Homes (Capital) PLC  
**Historic Building:** N/A  
**Conservation Area:** N/A

## **2. BACKGROUND**

- 2.1 This application for planning permission was reported to Strategic Development Committee on 6 March 2012 with an officer recommendation for approval. A copy of the committee report containing the Summary of Material Planning Considerations, Site and Surroundings, Policy Framework, Planning History and Material Planning Considerations is attached at Appendix 1.
- 2.2 Members indicated that they were minded to refuse the planning application because of concerns over:
- The level of affordable housing provision
  - Lack of child play space and open space
  - Lack of living roofs (including brown and green roofs) and the impact this would have on biodiversity and sustainability
- 2.3 Members' resolved to defer making a decision to allow officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Section 6 of this report.

## **3. CLARIFICATIONS AND AMENDMENTS TO THE PROPOSED SCHEME**

- 3.1 Since the deferral of the decision, the applicants have sought to address members concerns by introducing changes to the scheme.

### Reason One – Affordable Housing

- 3.2 Officers note that the offer of 28% affordable housing by habitable room was robustly tested by independent viability consultants appointed by the Council. Officers looked at options in respect of how the affordable housing could be provided and what the impact of having varying levels of social rent, affordable rent (pod levels) and intermediate rent would have on the overall level of affordable housing provision. The offer at 28% is the maximum the site can provide and remain viable.
- 3.3 Notwithstanding, the results of this review and the impacts on the viability of the scheme, the applicant has advised that they are willing to increase the affordable housing offer to 30% by habitable room. The tenure mix will remain as existing that is social rent (30%), affordable rent (38%) and intermediate (32%).

- 3.4 It is important to note that this offer exceeds the maximum reasonable affordable housing provision as determined by officers and independent viability consultants. The applicant's reason for increasing the offer is to allow the application to be determined by the 31st of March as the applicant would prefer to ensure that the s.106 package remains linked to spending within the borough.
- 3.5 In conclusion, officers consider that in respect of affordable housing provision that the proposed amendment to the scheme addresses concerns of members regarding the affordable housing provision on site.

#### Reason Two – Child Play Space and Open Space

- 3.6 In respect of the second reason for refusal officers consider that the concern about the level of child play space can be addressed via conditions and reserved matters.
- 3.7 Firstly, it is important to note that this application represents an increase of 1274.83 square metres of public open space over the extant permission. This has been achieved by increasing the size of the basement and moving all servicing to grade level. This has allowed the quality and quantity of public open space across the scheme to be increased. Officers propose to ensure the delivery of a high quality public open space for local and future residents by condition and through the s.106 agreement.
- 3.8 The minimum level of public open space provision proposed is 9,380 square metres which equates to .938 hectares and exceeds the City Fringes Area Action Plan requirement for the provision of .8 hectares. The public open space proposed comprises a new park – Park Square (3152 square metres) for the local area, a three new Squares including the Main Piazza (2317 square metres), Southern Garden (1705 square metres) and the Sensory Garden (225 square metres) as well as interconnecting green fingers totalling 2235 square metres.
- 3.9 The layout and siting of the public open spaces across the site with interconnecting green fingers would ensure that existing local residents will have access to these spaces which is a benefit of the scheme in light of the existing deficiency for open space across the borough. The applicant has also advised that they will continue to work with local residents in respect of developing the public open space to ensure that their concerns are addressed and inform the development of the scheme.
- 3.10 In respect of child play space provision, this is provided within areas of communal amenity space and within the public open space across the site. It is noted that within the detailed phase of the application the levels of private, communal and child play space accord with policy. In respect of the outline phase the overall provision accords with policy however, the breakdown currently results in an overprovision of communal amenity space and an under provision of child play space. It is considered that this can be adequately addressed through reserved matters and conditions as the detailed layout is developed.
- 3.11 Table 1 below sets out the minimum requirements for communal amenity space within the detailed and outline phases and illustrates that in respect of communal amenity space there is an over-provision of 1611 square metres. Within the Committee Report at Appendix 1 at paragraph 8.70 officers noted that they considered that through the use of conditions the level of child play space across the site could be increased and the level of communal amenity space provision could be reduced in order to ensure the level of child play space and communal amenity space accords with policy requirements. Furthermore, the quality of this space could be secured via condition.



Table 1: Communal Amenity Space Provision

	<b>Policy Requirement</b>	<b>Level of Provision</b>	<b>Surplus Communal Amenity Space</b>
<b>Detailed Phase</b>	204	1145	941
<b>Outline Phase</b>	3500	4170	670
<b>Totals</b>	<b>3704</b>	<b>5315</b>	<b>1611</b>

3.12 The requirement for child play space provision including the detailed and outline phase is 2900 square metres. The current level of provision is 1578 square metres and this could be increased to accord with policy if the level of communal amenity space is reduced.

3.13

In conclusion, officers consider that through the use of planning conditions that the level of child play space can be increased across the site to ensure sufficient provision for future and existing children. In this instance officers consider that the level of public open space and the way in which it is provided accords with policy and would result in an enhancement of public open space provision within the local area.

#### Reason Three – Living Roofs

3.14 It is noted that no significant vegetation or any protected species of fauna or flora exist on the site or is likely to use the Site, and for this reason, an assessment of impacts upon ecology was scoped out of the Environmental Statement. The proposed scheme includes a range of biodiversity enhancements and green infrastructure including, tree planting, soft landscaping, sedum roofs and green roofs which accords with London Plan and Council policy which seeks to ensure elements of green infrastructure are provided within all development.

3.15 Within the detailed phase of the development 1136 square metres of living roofs are proposed which is considered acceptable.

3.16 Within the outline phases, priority has been given to the provision of communal amenity space at roof level of the perimeter blocks as opposed to inaccessible living roofs. However, as illustrated within table 1 above there is capacity to increase the level of living roofs and decrease the communal amenity space provision. Taking account of the requirement for a further 1322 square metres of child play space; there is still a surplus of communal amenity space which could be provided as living roofs. It is considered that this can be controlled via condition.

3.17 Furthermore, officers consider that biodiversity enhancement can be incorporated into the detailed and outline element of the scheme through the use of conditions. The landscape strategy for the outline phase could seek to prioritise the delivery of biodiversity enhancements for the local area. This aim can also be included in the landscape strategy for the public open spaces across the site. It is noted that officers had already proposed a condition in respect of tree planting to maximise the provision across the site.

3.18 On balance, officers consider that through the use of appropriate conditions and reserved matters members concerns in respect of the provision of brown and green roofs to enhance biodiversity can be addressed.

#### Other Considerations

3.19 In respect of the creation of new employment opportunities, it was noted that members had raised some queries. In this respect it is noted that the heads of terms listed at paragraph 6.1 seek to ensure a commitment to target 20% local job procurement during both construction and end user phases of the development. A further commitment to provide a minimum of 80 local apprenticeships leading to recognised technical or vocational

qualifications during the construction phase has been included in order to further enhance the employment opportunities for local residents.

#### 4. **ADDITIONAL RESPONSES**

##### **Primary Care Trust (PCT)**

- 4.1 The PCT have confirmed the delivery of a health centre on this site is a priority and the terms of the delivery of the on-site health facility are acceptable.

#### 5. **RECOMMENDATION**

- 5.1 In light of the increased affordable housing offer and the clarifications around other matters the officer's recommendation to approve planning permission remains the same.

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

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

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

- a) A contribution of £431,811.14 towards employment, skills, training and enterprise.
- b) A contribution of £1,117,119.10 towards community facilities.
- c) A contribution of £2,815,691 towards education.
- d) A contribution of £80,802.76 towards health.
- e) A contribution of £26,280 towards sustainable transport.
- f) A contribution of £339,300 requested by Transport for London (TfL) towards highway improvements.
- g) A contribution of £938,319.84 toward public space.
- h) A contribution of £414,264 towards streetscene and the built environment.
- i) A contribution of £123,271.76 towards monitoring and implementation.
- j) 30% affordable housing.
- k) The provision of a health centre up to 1,581 square metres and peppercorn rent for three years from the date of occupation but otherwise usual market rents
- l) The provision of land for a Barclays Cycle Hire Docking Station for up to 25 bikes within the site.
- m) A commitment to 20% local procurement during construction phase and end user phase.
- n) A commitment to provide a minimum of 80 local apprenticeships leading to recognised technical or vocational qualifications during the construction phase.
- o) The provision of a Travel Plan framework and monitoring for commercial and residential users of the development.
- p) Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.
- q) TV reception mitigation measures.
- r) Air quality monitoring during construction to mitigate the impact of the construction works on the surrounding population.
- s) Car Club.
- t) Secure access to public open space within the site.
- u) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

## 5.5 Conditions

5.6 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

### **Site Wide**

- Time limit (three years)
- Time limit for final submission of reserved matters
- Submission of detailed phasing programme
- The development is to be carried out in accordance with the Details of Scale Parameters document. Quantum of floorspace to be limited to that assessed under the ES.
- Archaeology
- Contamination – investigation and remediation
- Piling Impact Statement (Thames Water)
- Water Impact Studies (Thames Water)
- Surface water drainage
- Cycle parking strategy
- Car park management
- Estate management strategy – CCTV, Safety and Security and Management of public realm
- Public Art
- Permitted Development Rights

### **Full Planning Permission (NW Block)**

#### 'Compliance' Conditions

- Timing (3 yrs)
- In accordance with approved plans
- Maximum level of floor space for commercial uses
- Car Parking
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustainable Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Compliance with site wide energy strategy
- Compliance with Refuse Storage

#### 'Prior to Construction' Conditions:

- Construction Logistics Plan
- Environmental Management Plan
- Waste Management Strategy
- Air Quality Management Plan
- Fire and Emergency detail

#### Prior to above ground works conditions:

- Materials, Samples and Detailed Drawings for NW block

- Balcony Details
- Landscaping and Planting to maximise biodiversity enhancements
- Tree Planting Plan to maximise biodiversity enhancements
- Children's Play Space provision
- Communal Amenity Space Provision to maximise biodiversity enhancements
- Lighting Strategy for the public realm
- Public Realm Way Finding Signage, Street Furniture and Materials Strategy
- Living Roofs and biodiversity measures
- Shop front and signage detail
- Wind assessment and mitigation
- PV Plan

'Prior to First Occupation' Conditions:

- Delivery and Servicing Plan
- Hours of Operation for non residential uses
- Commercial ventilation
- Commercial street furniture details

**Outline Planning Permission SE Block, NE Block and Gower's Walk:**

- Submission of reserved matters (scale, appearance and landscaping for all development within the phase) prior to the commencement of any works for that phase

'Compliance' Conditions

- Timing – within 3yrs
- In accordance with approved parameter plans
- Maximum floor areas for commercial
- Minimum amount of floor space for health centre
- Maximum no. of units (700)
- Minimum playable space
- Minimum amount of private amenity space
- Minimum amount of communal amenity space per phase
- Minimum amount of public open space
- Car Parking
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustainable Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Compliance with and provision of site wide energy strategy
- Compliance and provision of Refuse Storage

'Prior to Construction' Conditions:

- Construction Logistics Plan
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## 5.7 Informatives

- Associated S106
- S278 required
- Consultation with Building Control
- Consultation with Environmental Health
- Thames Water Advice
- NATS advice

5.8 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.

5.9 In the event of any responses been received relating to the outstanding Environmental Statement Consultation prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to assess if any such response raises issues which substantively exceed the nature of the Committee's decision, subject to this not being the case the Corporate Director, Development and Renewal is delegated authority to issue the decision.

## 6. CONCLUSIONS

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

6.2 However, if Members are minded to refuse the application, subject to any direction by the Mayor of London the suggested reasons for refusal are as follows:

1. The level of affordable housing provision at 28% by habitable room and the mix of affordable housing tenures which included a split of social rent (30%), affordable rent (38%) and intermediate (32%) are not acceptable. The proposal fails to accord with policies 3.9, 3.10, 3.11 and 3.12 of the London Plan (2011), strategic policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (proposed submission version) (2012) which seek to require 35%-50% affordable housing on site subject to viability and a mix of tenures to ensure balanced and sustainable communities.

2. The level of child play space provision across the site is unacceptable and as a result the overall open space provision is not sufficient. This is contrary to policies 3.5 and 3.6 of the London Plan (2011), strategic policy SP02 and SP04 of the Core Strategy (2010) and policies DM2, DM4 and DM10 of the Managing Development DPD (proposed submission version) (2012) which seek to ensure adequate provision of child play space and public open space within the borough.
3. The level of green infrastructure and biodiversity enhancements across the site including urban greening of the public realm, tree planting, living roofs and walls, and soft landscaping is not sufficient. This is contrary to policies 5.10 and 5.11 of the London Plan (2011), policy SP04 of the Core Strategy (2010) and policy DM11 of the Managing Development DPD (proposed submission version) (2012) which seek to enhance biodiversity within the Borough.

### Implications of the decision

- 6.3 Following the refusal of the application there would be a number of possibilities open to the Applicant.
- 6.4 Firstly, the applicant could resubmit an amended scheme to overcome the reasons for refusal.
- 6.5 Members are reminded that it is likely that the London Mayoral CIL will become operational from 1 April 2012 and any future applications would be subject to the Mayoral CIL. The likely CIL payment associated with this development would be in the region of £3 and £4 million depending on the amount of floor space set aside as affordable housing and this could impact upon the future viability of the scheme in respect of affordable housing provision and s.106 obligations.
- 6.6 Secondly, the application could appeal the decision and submit an award of costs application against the council.
- 6.7 There are two financial implications arising from appeals against the Council's decision. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour." Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State's Circular 05/2005 and are necessary to enable the development to proceed.
- 6.8 In respect of the reasons for refusal proposed by members, officers consider that in respect of the second and third reason that these can be addressed through planning conditions and reserved matters as discussed within section three this report. For this reason, officers, do not consider that the second and third reasons for refusal are justified and could be defended at appeal and therefore would only recommend that reason for refusal one should be agreed by members.
- 6.9 Notwithstanding, the above, the Council would vigorously defend any appeal.

## **7. APPENDICIES**

- 7.1 Appendix One – Committee Report to Members on 6 March 2012.
- 7.2 Appendix Two – Addendum Report to Members on 6 March 2012.

## APPENDIX ONE

<b>Committee:</b> Strategic	<b>Date:</b> 6 March 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/11/03587
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**Applicant:** Berkeley Homes (Capital) PLC  
**Ownership:** Berkeley Homes (Capital) PLC  
**Historic Building:** N/A  
**Conservation Area:** N/A

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1 Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998 (saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (2012) as well as the London Plan (2011) and the relevant Government Planning Policy Guidance including draft National Planning Policy Framework and has found that:
- 2.2 Through the provision of a new residential led mixed use development including a range of commercial uses at ground floor level across the site and a new health centre, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment in the City Fringe and improve employment opportunities, in accordance with the objectives of policy 3.4 the London Plan (2011), policies SP02 and SP12 of the Core Strategy (2010), the City Fringe Area Action Plan (2007) and policy DM3 of the Managing Development DPD (proposed submission version) (2012).
- 2.3 In light of the tested viability constraints, the proposed affordable housing offer of 28% and the proposed tenure and unit mix is considered acceptable, as they will contribute towards the delivery of new affordable homes, in line with policies 3.8-3.12 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policy DM3 of the Managing Development DPD (proposed submission version) (2012) which seek to maximise the delivery of affordable homes in line with strategic targets whilst having regard to site constraints and viability.
- 2.4 On balance, the detailed element of the development will provide acceptable internal space standards and layouts. As such, the scheme is in line with policy 3.5 of the London Plan (2011), the Interim London Housing Design Guide (2010), policy SP02 of the Core Strategy (2010) and policy DM4 of the Managing Development DPD (proposed submission version) (2012). In respect of the later outline phases, these will be dealt with as future reserved

matters.

- 2.5 The quantity and quality of housing amenity space, communal space, child play space and open space across the site is considered acceptable subject to appropriate conditions to secure delivery and accords with policy SP02 of the Core Strategy (2010), saved policy HSG16 of the Council's Unitary Development Plan (1998) and policy DM4 of the Managing Development DPD (proposed submission version) (2012) which seek to improve amenity and liveability for residents.
- 2.6 The urban design, layout, building height, scale and bulk and detailed design are considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved policies DEV1, DEV2 and DEV3 of the Council's Unitary Development Plan (1998), policies SP10 and SP12 of the Core Strategy (2010) and policies DM24, DM26, DM27 and DM28 of the Managing Development DPD (proposed submission version) (2012) which seek to ensure buildings and places are of a high quality of design and suitably located. In respect of the outline element, the principle of siting and maximum heights has been established and all other matters relating to design will be secured via reserved matters.
- 2.7 On balance, and considering the site constraints and urban context, it is not considered that the proposal will give rise to any significant adverse impacts in terms of amenity and consideration has been given to loss of privacy, overlooking, over shadowing, loss of sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity can be achieved for the future occupiers subject to appropriate conditions to secure this. As such, the proposal is considered to satisfy the relevant criteria of policy SP10 of the Core Strategy (2010), saved policy DEV2 of the Council's Unitary Development Plan (1998), and DM25 of the Managing Development DPD (proposed submission version) (2012), which seek to protect residential amenity.
- 2.8 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies SP08 and SP09 of the Core Strategy (2010), policies T16 and T19 of the Council's Unitary Development Plan (1998), and policies DM20 and DM22 of the Managing Development DPD (proposed submission version) (2012), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 Sustainability matters, including energy are considered to be acceptable and in accordance with policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010) and policy DM29 of the Managing Development DPD (proposed submission version) (2012) which seek to promote energy efficient and sustainable development practices.
- 2.10 Contributions have been secured towards the provision of affordable housing; employment skills training and enterprise, community facilities, education, health, sustainable transport, and the public realm. This accords with Regulation 122 of Community Infrastructure Levy; Government Circular 05/05; strategic policies SP02 and SP12 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998), the Planning Obligations SPD (2012) and policy IMP1 of the Interim Planning Guidance 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 London Mayor**

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

- v) A contribution of £431,811.14 towards employment, skills, training and enterprise.
- w) A contribution of £1,117,119.10 towards community facilities.
- x) A contribution of £2,815,691 towards education.
- y) A contribution of £80,802.76 towards health.
- z) A contribution of £26,280 towards sustainable transport.
- aa) A contribution of £339,300 requested by Transport for London (TfL) towards highway improvements.
- bb) A contribution of £938,319.84 toward public space.
- cc) A contribution of £414,264 towards streetscene and the built environment.
- dd) A contribution of £123,271.76 towards monitoring and implementation.
- ee) 28% affordable housing.
- ff) The provision of a health centre up to 1,581 square metres and peppercorn rent for three years from the date of occupation but otherwise usual market rents
- gg) The provision of land for a Barclays Cycle Hire Docking Station for up to 25 bikes within the site.
- hh) A commitment to 20% local procurement during construction phase and end user phase.
- ii) The provision of a Travel Plan framework and monitoring for commercial and residential users of the development.
- jj) Secure a permit free agreement to prevent future residential occupiers from applying for on-street parking permits.
- kk) TV reception mitigation measures.
- ll) Air quality monitoring during construction to mitigate the impact of the construction works on the surrounding population.
- mm) Car Club.
- nn) Secure access to public open space within the site.
- oo) 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 Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### 3.4 **Conditions**

3.5 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

#### **Site Wide**

- Time limit (three years)
- Time limit for final submission of reserved matters
- Submission of detailed phasing programme
- The development is to be carried out in accordance with the Details of Scale Parameters document. Quantum of floorspace to be limited to that assessed under the ES.
- Archaeology
- Contamination – investigation and remediation
- Piling Impact Statement (Thames Water)
- Water Impact Studies (Thames Water)
- Surface water drainage
- Cycle parking strategy
- Car park management

- Estate management strategy – CCTV, Safety and Security and Management of public realm
- Public Art
- Permitted Development Rights

### **Full Planning Permission (NW Block)**

#### 'Compliance' Conditions

- Timing (3 yrs)
- In accordance with approved plans
- Maximum level of floor space for commercial uses
- Car Parking
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustainable Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Compliance with site wide energy strategy
- Compliance with Refuse Storage

#### 'Prior to Construction' Conditions:

- Construction Logistics Plan
- Environmental Management Plan
- Waste Management Strategy
- Air Quality Management Plan
- Fire and Emergency detail

#### Prior to above ground works conditions:

- Materials, Samples and Detailed Drawings for NW block
- Balcony Details
- Landscaping and Planting
- Tree Planting Plan
- Children's Play Space
- Lighting Strategy for the public realm
- Public Realm Way Finding Signage, Street Furniture and Materials Strategy
- Living Roofs and biodiversity measures
- Shop front and signage detail
- Wind assessment and mitigation
- PV Plan

#### 'Prior to First Occupation' Conditions:

- Delivery and Servicing Plan
- Hours of Operation for non residential uses
- Commercial ventilation
- Commercial street furniture details

### **Outline Planning Permission SE Block, NE Block and Gower's Walk:**

- Submission of reserved matters (scale, appearance and landscaping for all development within the phase) prior to the commencement of any works for that phase

#### 'Compliance' Conditions

- Timing – within 3yrs
- In accordance with approved parameter plans
- Maximum floor areas for commercial
- Minimum amount of floor space for health centre
- Maximum no. of units (700)
- Minimum playable space
- Minimum amount of private amenity space
- Minimum amount of communal amenity space per phase
- Minimum amount of public open space
- Car Parking
- Lifetime Homes Standards
- Maximum building heights
- 10% Wheelchair units
- Code for Sustainable Homes Level 4
- BREEAM Excellent
- Secured by Design standards
- In accordance with approved FRA
- Hours of construction
- Compliance with and provision of site wide energy strategy
- Compliance and provision of Refuse Storage

#### 'Prior to Construction' Conditions:

- Construction Logistics Plan
- Environmental Management Plan
- Air Quality Management Plan
- Balcony Details
- Landscaping and Planting
- Tree Planting Plan
- Children's Play Space
- Lighting Strategy for the public realm
- Public Realm Way Finding Signage, Street Furniture and Materials Strategy
- Living Roofs and biodiversity measures
- Shop front and signage detail
- Wind assessment and mitigation
- PV Plan

#### 'Prior to First Occupation' Conditions:

- Delivery and Servicing Plan
- Hours of Operation for non residential uses
- Commercial ventilation
- Commercial street furniture details

### 3.6 **Informatives**

- S106 required
- S278 required
- Consultation with Building Control

- Thames Water Advice

- 3.7 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
- 3.8 In the event of any responses been received relating to the outstanding Environmental Statement Consultation prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to assess if any such response raises issues which substantively exceed the nature of the Committee's decision, subject to this being the case the Corporate Director, Development and Renewal is delegated authority to issue the decision.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Background**

- 4.1 The former Goodman's Fields site was approximately 2.9 hectares and has been the subject of several planning applications which are discussed within the planning history section of this report.
- 4.2 The most pertinent application is the extant permission (PA/09/00965) for which planning permission was granted on 17 February 2011 for a mixed use development comprising four courtyard buildings of 5 - 10 storeys incorporating six towers of 19 – 23 storeys and the erection of a four storey terrace along Gower's Walk and change of use to residential of 75 Lemman Street. The proposal included 754 residential units, 650 student accommodation rooms, 337 bed hotel, a primary care centre, and 9,100 square metres of commercial uses (Classes A1, A2, A3, A4, A5, B1 and D2).
- 4.3 This consent has been subject to non-material amendment applications under S96A (PA/11/01981 and PA/11/02235) and minor material amendment applications under S73 (PA/11/00590) relating to the conversion of 75 Lemman Street, which provides private residential accommodation and the South West Block which provides student housing. This consent has been implemented and works are under way. It is the applicant's intention to carry out the conversion of 75 Lemman Street and build out the South West Block under this previous detailed consent.
- 4.4 The February 2001 (PA/09/00965) permission, as amended by the June 2011 S73 application (PA/11/00590) and together with the non-material amendment applications (PA/11/01981 and PA/11/02235) is referred to in this statement as the 'extant permission'.
- 4.5 The current application is a hybrid application (part outline, part detailed) seeking to secure planning permission for the development across the former Goodman's Fields site, excluding 75 Lemman Street and the South West Block.

### **Proposal**

- 4.6 An application is made for a 'hybrid' planning application (part in full, part in outline) for the redevelopment of the application site to provide a mixed use residential led scheme. Across the site, three perimeter blocks are proposed and a row of terraced houses along Gower's Walk. Figure 1 below shows the layout of the site. The green elements comprise the full element of the hybrid application and the purple elements comprise the outline elements of the application.

Figure 1 – Site Layout (Extract from architects drawings)



- 4.7 The detailed element of the scheme comprises one perimeter block, the North West (NW) block, which ranges in height between 6-10 storeys (max 46.075 AOD). In addition, two towers up to 19 Storeys (max 76.17m AOD) and 21 storeys (max 85.4m AOD) are located at the south-west and south-east corner of the NW block. The NW block has a central courtyard at first floor above commercial uses at ground floor level.
- 4.8 The detailed element would provide 164 residential dwellings located within the west and south wings of the perimeter block, including an ancillary gym and swimming pool for residents. It proposes a 250 bed hotel, including a restaurant within the north and east wings of the perimeter block. The scheme comprises three commercial units at ground floor level providing 1,713 square metres of flexible commercial and/or leisure floor space.
- 4.9 The detailed element includes 17,778 square metre basement level across the site to provide 253 car parking spaces, 35 motor cycle spaces, 50 electric car charge points, 1,358 cycle parking spaces and ancillary facilities for storage, management facilities and plant. It is the intention that this basement would eventually serve future phases of the development. Finally, the proposal includes associated access, landscaping, surface car parking and cycle parking and related infrastructure and engineering works.
- 4.10 Public open space surrounding this block will come forward as part of the detailed application; this will include the Main Piazza and the Northern Green Finger.
- 4.11 The outline element of the scheme comprises two courtyard blocks, the North East (NE) block and the South East (SE) block which range in height between 7-10 storeys (max 46.075m AOD). In addition, four towers project up from corners of the NE and SE blocks. The tower heights vary between 19-23 storeys (max 85.425m AOD). In addition up to 20 dwellings are proposed fronting Gower's Walk.
- 4.12 The outline element results in the provision of up to 700 residential dwellings. It includes up to 6,709 square metres of flexible commercial and leisure floor space (Use Classes A1 - A5, B1a, D1 and D2) at ground floor level including a health centre (up to 1,581 square metres).
- 4.13 The scheme also includes a series of public opens spaces (9,380 square metres) and pedestrian thoroughfares as well as associated works.



- 4.14 In relation to the outline element, the application seeks approval for access and layout with all matters relating to external appearance, scale and landscaping reserved. Section 2 of Circular 01/2006 - Guidance on Changes to the Development Control System provides advice on the treatment of Outline Planning Permission and Reserved Matters.
- 4.15 The application is considered to contain sufficient information in relation to the above. The application as first submitted proposed an off-site commuted sum to be directed towards the delivery of affordable housing, with the scheme providing a non-policy compliant mix of purely private for sale units. Following negotiations, the application has now been amended through the modification of the affordable housing delivery mechanism. The scheme now proposes on-site affordable housing (28% overall) with a mix of social rent, affordable rent (at POD rents) and intermediate units, with a broadly policy compliant mix within the affordable housing tenure. This issue is explored further within the housing section of this report.

### **Site and Surroundings**

- 4.16 The application site has an area of 2.8 hectares and comprises the northern part of an urban block and is bounded by Alie Street to the north, Lemans Street to the west, City Quarter residential Development to the south and Gowers Walk to the east. The site is located in Aldgate to the south of Commercial Road.
- 4.17 The application site previously comprised of a complex of red-brick, purpose-built offices between 3 to 8 storeys in height which was occupied by the Royal Bank of Scotland (RBS). The site has now been cleared and these buildings have been demolished.
- 4.18 Directly to the south of the NW block, the SW block is currently under construction under the extant permission. The SW perimeter block, fronting Lemans Street will rise to a height of between 5 to 10 storeys. The ground floor comprises three commercial units. The upper floors are composed entirely of student accommodation (661 bedrooms) with a central courtyard at first floor level.
- 4.19 Directly, to the south of the SW block is 75 Lemans Street which is an existing building of 6 storeys (plus sub-ground level). The extant permission permitted the addition of a seventh storey which is currently being constructed along with the conversion of the building into 56 residential dwellings.
- 4.20 The Sugar House at 99 Lemans Street wraps around the corner of Lemans and Hooper Street and rises to seven storeys. This is a prominent corner building which is Grade II listed.
- 4.21 The remainder of the urban block is occupied by the City Quarter residential development which ranges in height between five and six storeys. It comprises one perimeter block with frontages on Gowers Walk and Hooper Street and one 'L' shaped block which fronts Hooper Street.
- 4.22 On the western side of Lemans Street, 100 Lemans Street is a large office building which ranges in height from six to seven storeys. Further along the buildings are of a smaller scale and make up a terrace. The building heights vary from three to five storeys
- 4.23 The section of Alie Street to the north of the application site has a varied character. There is a group of listed buildings at the corner of Alie Street and Lemans Street which are between one and three storeys. Directly to the east of this grouping is a site known as 61-65 Alie Street. Barratts are currently developing this site implementing planning permission which includes a 28 storey tower (PA/07/01201 – discussed at paragraph 4.37). The rear of 38-40 Commercial Road rises to eight storeys and at the corner the Castle Public House at

44 Commercial Road is a three storey building.

- 4.24 The Gunmakers Company Hall and Proof House at 46-50 Commercial Road ranges in height from one to three storeys and is located to the north east of the application site. To the east, at 52-58 Commercial Road are two towers known as East and West Tower which range in height from 13–17 storeys. To the rear of the Towers and the Proof House are two residential blocks either side of Gower's Walk which are five storeys in height.
- 4.25 The remainder of Gower's Walk is characterised by terraced houses along the eastern side which are two to three storeys in height. The listed warehouses with an address in Back Church Lane include rear frontages onto Gower's Walk. They are located opposite the City Quarter and range in height between four to six storeys.
- 4.26 In conclusion, the surrounding area is diverse in its architectural style, building scale and land use activities. It covers a spectrum, from small-scale commercial/residential uses, terraces, buildings of several stories to modern commercial office towers with substantial floorplates.
- 4.27 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They are:
- The Tower and Wiltons Music Hall Conservation Areas, located to the south west;
  - Whitechapel High Street, Brick Lane/Fournier Street and Wentworth Street Conservation Areas, located to the north;
  - Myrdle Street, London Hospital and St. George in the East Conservation Areas, to the east;
  - St. George's Lutheran Church is Grade II\* listed
  - 17A Leman Street and St. George's German and English Schools, 55-59 Alie Street are Grade II listed buildings;
  - Group of Grade II listed buildings to the west on the southern side of Alie Street (28-44) including a buildings at 2 St. Mark Street;
  - Group of three Grade II Listed buildings to the west on the northern side of Alie Street (17-21);
  - Group of four Grade II listed and one locally listed building located to the west of the site on the western side of Leman Street (62-70);
  - The Office for the Cooperative Wholesale Society is Grade II Listed and is located to the south of the site on the eastern side of Leman Street;
  - Wool Warehouse (1-5) and the Hugin G Brit Ltd & Lando Godfrey Ltd Warehouse, are located to the east of the site along Back Church Lane and are both Grade II Listed; and,
  - The Gunmakers Company Hall and Proof House 46-50 Commercial Road which is Grade II Listed.

### **Planning History**

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

#### Application Site:

- 4.29 PA/02/00678 On 26 September 2005, outline planning permission was granted for consideration of siting and means of access for a change of use from offices to mixed development including residential (class C3); financial and professional (class A2), restaurant/public house (class A3), retail (class A1), offices (class B1), live/work (sui generis) and ancillary services.
- 4.30 PA/08/1634 On 05 March 2009, a similar scheme, albeit with taller towers was withdrawn

following extension discussions with the Council.

- 4.31 PA/09/00965 On 17 February 2011, detailed planning permission was granted for the *“Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower’s Walk, change of use to residential, and construction of an additional storey to 75 Lemman Street. Overall scheme comprises 754 residential units, student accommodation, hotel, primary care centre, commercial uses, public open space, landscaping, car parking and associated works.”*
- 4.32 PA/11/00590 On 6 June 2011, minor material amendments (S73 application) were granted to the parent permission (PA/09/00965) for the *“Variation of conditions 2, 3 and 19 of planning permission PA/09/00965, dated 17/02/11, to allow minor amendments to the scheme involving, a change in the approved mix of units within 75 Lemman Street, changes to the elevational treatment of the building at 75 Lemman Street, changes to the building mass of the southwest/student accommodation block, changes to the appearance of the southwest/student accommodation block, reconfiguration of the student accommodation layout and removal of roof gardens to the southwest/student accommodation block, and a rewording of condition 3 to correct an error in the drafting.”*

The changes allowed by this consent allowed the applicant to bring forward the conversion of 75 Lemman Street for private residential use and the construction of the adjacent South West (SW) block for student accommodation.

- 4.33 PA/11/01981 On 2 September 2011, non-material amendments (S96A application) were granted to the S73 Application (PA/11/005900) for the *“Application for non-material amendment to revised planning permission granted on 6th June 2011, reference PA/11/590. Amendments seek to make changes to the south-west student block.”* This decision letter is read in conjunction with PA/11/00590 and PA/11/02235.
- 4.34 PA/11/02235 On 30 September 2011, non-material amendments (S96A application) were granted to the S73 Application (PA/11/005900) for the *“Application for non-material amendments to revised planning permission granted on 6th June 2011, reference PA/11/590.”* This decision letter is read in conjunction with PA/11/00590 and PA/11/01981.

#### Surrounding Sites:

##### *99 Lemman Street*

- 4.35 PA/04/01916 On 15 May 2008, planning permission was granted for amendments to Phase 1 of the Goodman’s Fields Masterplan, to form 252 residential units with associated works. Also, a reduction in the basement car park to 108 car parking spaces from 150 was agreed.
- 4.36 PA/05/01396 On 19 September 2006, a further application for 99 Lemman Street was granted for a change of use of offices to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 floorspace in the basement together with external alterations (Amendments to Phase 1 of the Goodman’s Fields Masterplan).

##### *61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street*

- 4.37 PA/07/01201 On 14 March 2008, planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) and B1 (business) floorspace, formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site.

*Aldgate Union 3 & 4, land bound by Whitechapel High Street, Colchester Street, Buckle Street and including car park of Braham Street*

- 4.38 PA/07/1201 On 14 August 2007, outline planning permission was granted for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22 storeys in height to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) floorspace, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation.

*Aldgate Union 1 & 2, Former Sedgwick centre, 27, 28 & 29 Whitechapel High Street and 2-4 Colchester Street*

- 4.39 PA/04/01190 On 13 December 2004, planning permission was granted for the refurbishment and extension of the existing Marsh Centre Building, demolition of other remaining buildings and redevelopment of the site to provide new office accommodation.

*52-58 Commercial Road*

- 4.40 PA/03/00766 On 22 December 2005, planning permission was given for demolition of the existing buildings and redevelopment of the site to provide a mixed-use complex of four buildings comprising of a seventeen storey tower and a thirteen storey tower on the Commercial Road frontage, a six storey block and a five storey block either side of Gowers Walk, along with the provision of linear public open space. The scheme proposed a total of 136 x 1, 2 and 3 bedroom flats, including 38 affordable units; six live/work units; 25 parking spaces, storage and plant space in the basement; café (A3), retail (A1), health club (D2) and office space (B1) on the ground floor along with six reinstated car parking spaces from the social housing, west of Gowers Walk; offices, flats and live / work units on the second and third floors; offices, flats, live/work units and a health club on the third floor and flats on all of the floors above. The two blocks, either side of Gowers Walk, were to provide 22 of the affordable housing units only. The proposal included the redevelopment of the "triangle" site west of Gowers Walk and supersedes the previous application ref: PA/02/1111 received 29th July 2002. (Development affecting the setting of a Listed Building).
- 4.41 PA/07/1180 On 11 June 2007, condition 13 (elevation treatment for 5 storey block of flats to either side of Gower's Walk) of the abovementioned consent was discharged. Amongst other drawings submitted as part of the application, of note on the western elevation is a light-well servicing bedroom windows from ground to fifth floor.

## **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

### Planning

#### Policy

PPS1 Delivering Sustainable Development

#### Statements:

Planning and Climate Change – Supplement to PPS1

PPS3 Housing

PPS4 Planning for Sustainable Economic Growth

PPS5 Planning for the Historic Environment

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPG17 Planning for Open Space, Sport and Recreation

PPS22 Renewable Energy

PPG24 Planning and Noise

PPS25 Planning and Flood Risk

Draft National Policy Planning Framework

## 5.3 Spatial Development Strategy for Greater London (London Plan)

### Proposals:

Central Activities Zone (CAZ)

City Fringe Opportunity Area

### Policies:

Policy No. Title

2.10 Central Activities Zone – strategic priorities

2.11 Central Activities Zone – strategic functions

2.12 Central Activities Zone – predominantly local activity

2.13 Opportunity areas and intensification areas

2.18 Green Infrastructure: the network of open and green spaces

3.2 Improving health and addressing health inequalities

3.3 Increasing housing supply

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.6 Children's and young people's play and informal recreation facilities

3.7 Large residential developments

3.8 Housing choice

3.9 Mixed and balanced communities

3.10 Definition of affordable housing

3.11 Affordable housing targets

3.12 Negotiating affordable housing on individual private residential and mixed use schemes

3.13 Affordable housing thresholds

3.16 Protection and enhancement of social infrastructure

3.17 Health and social care facilities

4.1 Developing London's economy

4.2 Offices

4.7 Retail and town centre development

4.8 Supporting a successful and diverse retail sector

4.9 Small shops

4.12 Improving opportunities for all

5.1 Climate change mitigation

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.5 Decentralised energy networks

5.6 Decentralised energy in development proposals

5.7 Renewable energy

5.8 Innovative energy technologies

5.9 Overheating and cooling

5.10 Urban greening

5.11 Green roofs and development site environs

5.12	Flood risk management
5.13	Sustainable drainage
5.14	Water quality and waste infrastructure
5.15	Water use and supplies
5.21	Contaminated land
6.1	Strategic approach
6.3	Assessing effects of development on transport capacity
6.4	Enhancing London's transport connectivity
6.5	Funding Crossrail and other strategically important transport infrastructure
6.7	Better streets and surface transport
6.9	Cycling
6.10	Walking
6.12	Road network capacity
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of tall and large buildings
7.8	Heritage assets and archaeology
7.9	Heritage-led regeneration
7.10	World heritage sites
7.11	London view management framework
7.12	Implementing the London view management framework
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.18	Protecting local open space and addressing local deficiency
7.19	Biodiversity and access to nature
7.21	Trees and woodlands
8.2	Planning obligations

#### 5.4 Core Strategy Development Plan Document 2025 (CS)

Spatial Policies:	Policy No.	Title
	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
	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 – Aldgate area
	SP13	Delivering and implementation

#### 5.5 Unitary Development Plan 1998 (as saved September 2007)

Proposals Area of Archaeological Importance or Potential Central Activities Zone

Policies:	Policy No.	Title
	DEV1	Design Requirements

DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV7	Protection of Strategic Views
DEV12	Provision of Landscaping in Development
DEV15	Retention/Replacement of Mature Trees
DEV17	Siting and Design of Street Furniture
DEV43	Protection of Archaeological Heritage
DEV44	Preservation of Archaeological Remains
DEV45	Development in Areas of Archaeological Interest
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
CAZ1	Location of Central Activities Zone
CAZ4	Special Policy Areas
EMP1	Encouraging New Employment Uses
EMP3	Surplus Office Floorspace
EMP8	Encouraging Small Business Growth
HSG7	Dwelling Mix and Type
HSG13	Standard of Converted Dwellings
HSG16	Housing Amenity Space
T7	The Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S7	Considerations for Development of Special Uses
S10	Requirements for New Shopfronts
S11	Use of Open Grills
OS9	Children's Play Space
U2	Development in Areas at Risk from Flooding

**5.6 Managing Development Development Plan Document (proposed submission version) January 2012 (MD DPD)**

Proposals: Central Activities Zone – Town Centre Hierarchy  
Aldgate – Employment Area  
City Fringe Activity Area  
Clear Zone  
Archaeological Priority Area

Development Management Policies:

Policy No.	Title
DM1	Development within the town centre hierarchy
DM2	Protecting local shops
DM3	Delivering homes
DM4	Housing standards and amenity space
DM6	Student accommodation
DM7	Short stay accommodation
DM8	Community infrastructure
DM9	Improving air quality
DM10	Delivering open space
DM11	Living buildings and biodiversity
DM12	Water spaces
DM13	Sustainable drainage

	DM14	Managing waste
	DM15	Local job creation and investment
	DM16	Office locations
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM26	Building heights
	DM27	Heritage and the historic environment
	DM28	World Heritage Sites
	DM29	Achieving a zero-carbon borough and addressing climate change
	DM30	Contaminated land
Site	No.	Site Name
Allocations:	3	Goodman's Fields

## 5.7 Interim Planning Guidance for the purposes of Development Control 2007 (IPG)

Proposals	Archaeological Priority Area
	Central Activities Zone
	Goodman's Fields – LDF Development Site
	City Fringe Area Action Plan

Policies	Policy No.	Title
	IMP1	Planning Obligations
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	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
	DEV24	Accessible Amenities and Services
	DEV27	Tall Building Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	RT5	Evening and Night-time Economy
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions in Individual and Private Residential and Mixed-use Schemes
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing



SCF1	Social and Community Facilities
OSN2	Open Space
CON1	Listed Buildings
CON2	Conservation Areas
CON3	Protection of World Heritage Sites, London Squares, Historic Parks and Gardens
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views
U1	Utilities

## 5.8 City Fringe Area Action Plan – Interim Planning Guidance for the purposes of Development Control 2007 (CF AAP)

Sub Area: Aldgate and Spitalfields Market

Site CR12a Goodmans Fields

Allocations:

Policies:	Policy No.	Title
	CFR1	City Fringe spatial strategy
	CFR2	Transport and movement
	CFR3	Health Provision
	CFR4	Education Provision
	CFR5	Open space and flooding
	CFR5	Infrastructure and Services
	CRF7	InfrastructureCapacity
	CFR8	Waste
	CFR9	Employment uses in Aldgate and Spitalfields Market sub-area
	CFR10	Residential uses in Aldgate and Spitalfields Market sub-area
	CFR11	Retail and leisure in Aldgate and Spitalfields Market sub-area
	CFR12	Design and built form in Aldgate and Spitalfields Market sub-area
	CFR13	Local connectivity in Aldgate and Spitalfields Market sub-area
	CFR14	Site allocations in Aldgate and Spitalfields Market sub-area

## 5.9 Supplementary Planning Guidance/ Other Relevant Documents

### LBTH

Planning Obligations SPD 2012

The Tower Conservation Area Appraisal and Management Plan (2008)

### London Plan

Draft Housing Supplementary Planning Guidance Housing (1 December 2011)

London Housing Design Guide Interim Edition (August 2010)

London View Management Framework (LVMF) Supplementary Planning Guidance (July 2011)

Draft Supplementary Planning Guidance: London World Heritage Sites – Guidance on Settings (GLA, October 2011)

### Royal Historic Palaces

The Tower of London Management Plan (2007)

### English Heritage

Seeing the History in the View (May 2011)

The Setting of Heritage Assets: English Heritage Guidance (May 2011)

### Historic Royal Palaces (HRP)

HRP Tower of London World Heritage Site Management Plan (2007)

### World Heritage Site (WHS)

WHS Tower of London World Heritage Site Local Setting Study (2010)  
5.10 **Masterplans and Development Briefs**  
Aldgate Masterplan 2007

5.11 **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 RESPONSES**

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

6.2 The following were consulted regarding the application:

### **External Consultees**

#### **British Waterways (BW)**

6.3 To date no comments have been received.

#### **British Broadcasting Corporation – Reception Advice**

6.4 To date no comments have been received.

#### **British Telecom – Reception Advice**

6.5 To date no comments have been received.

#### **Design Council**

6.6 The Design Council support the application for the following reasons:

- Simple diagram and strong design principles
- Function of the towers as makers entrance to site helps create a legible plan
- Mix of uses at ground floor level
- Public realm improvements
- Support approach to massing, expression of the courtyard blocks
- Long term adaptation potential of building design
- Support principle of tall buildings of the height and position proposed

6.7 However, they have do not support the change in respect of the proposed materials and external appearance of the tall buildings. On balance, because of this they do not support the scheme.

6.8 **Officer comment:** Please refer to the design section of this report for a full assessment of the design and appearance of the proposal.

#### **EDF Energy Network**

6.9 To date no comments have been received.

#### **English Heritage Archaeology (EHA)**

6.10 The site lies within a are area of archaeology importance and of particular relevance is the

eastern Roman cemetery, which covers a large swathe of land outside of the limits of the settlement of Londinium.

- 6.11 The development proposals include a basement level across the bulk of the site, which will have a severe negative affect on any archaeological deposits present.
- 6.12 The archaeological position should be reserved by attaching a condition and informative requiring the submission of an archaeological investigation report and recording of any remains.

### **English Heritage (EH)**

- 6.13 English Heritage note that *'The current application does not make any changes to the general development footprint, massing or building heights that were approved in February 2011'* (paragraph 15.2, Planning Statement).

- 6.14 Their letter of 6 November 2009, with regard to that earlier application (ref PA/09/00965), stated that:

*'The proposed development has been subject to much revision over the course of many months, following detailed discussion with key partners.*

*We welcome the cumulative revisions which have reduced the overall impact of the proposal on the setting of the World Heritage Site and therefore we do not object on the grounds of harm to the setting of the World Heritage Site.*

*We continue to object with regard to the local impacts of the proposed development on the settings of listed buildings and the character and appearance of nearby conservation areas.'*

- 6.15 Their overall position remains as stated in that letter however they wish to make the following additional points with regard to the current application:

- Concern about outline element and require details of final form and external materials of the towers within the outline element
- Need to check the status of the current planning status of the various unbuilt developments included within the views contained within Volume 3 of the Heritage, Townscape & Visual Assessment.
- It is important that the Council carefully assesses the impact of the changed materials on views. This should include the assessment of large scale material samples at this stage.

- 6.16 Whilst their position with regard to the impact on the setting of the World Heritage Site is as set out above, they fully support the GLA, in their request for additional information to enable a 'full assessment of the impact of the development on the Tower of London World Heritage Site's authenticity, integrity, significance, and Outstanding Universal Value'. They request that this additional information is shared with English Heritage to enable them to complete our assessment in light of relevant strategic planning policy.

- 6.17 **Officer Comment:** Additional information as requested has been submitted and sent to English Heritage for review. Any comments received will be featured in an update report. A discussion of these comments is dealt with in the design section of this report.

## **Environment Agency (EA)**

6.18 The proposed development will only be acceptable if the following planning conditions are imposed requiring the following details:

- Surface water drainage scheme for the site
- Contaminated land risk preliminary risk assessment, site investigation scheme and an options remediation strategy
- Suspected contamination during contamination
- Verification report
- Foundations, piling and ground water express consent

## **City of London Corporation**

6.19 To date no comments have been received.

## **Government Office for London (GOL)**

6.20 To date no comments have been received.

## **Greater London Authority (GLA)**

6.21 In summary the GLA made the following comments:

- The proposed off-site affordable housing solution has not been justified and there are concerns relating to the viability appraisal.
- Further information is required in relation to children's playspace, access and inclusion, world heritage sites and views, sustainable development and transport.

### Principle of the Development:

6.22 • The principle of a mixed use redevelopment of the site is established by the extant consent

### Housing:

6.23 *Viability appraisal:*

- Concerns about the use of market value as a benchmark against which to determine the viability of this proposal and officers at the GLA have questioned the appropriateness of this approach.
- Given, ongoing negotiations, it is not possible to determine whether the proposal will comply with LP policy.

6.24 *Off-site affordable housing:*

- Strong preference would be for the provision of affordable housing on site.
- Any off-site proposals should be linked to site specific and deliverable solution as this generally gives the greatest certainty of actual provision as well as meeting LP policies on mixed and balanced communities.
- At present the applicant has not demonstrated that there are exceptional circumstances as required by policy to require an off-site solution and as such, some affordable housing provision will be required on site.
- A phasing plan and timescales should also be submitted to ascertain whether a review mechanism would also be appropriate.
- It is not considered that a commuted sum to be used as part of an affordable housing pot or gap funding would be policy compliant position in this instance without significant additional work on the part of the applicant and the Council.

6.25 *Tenure Split:*

- The overall tenure split for the proposal should reflect strategic and local policy and should be fixed within the parameters of the outline application to ensure compliance with LP policy.

6.26 *Mix of Units:*

- The proposal does not deliver 30% of family units, as a result of the proposed 100% private accommodation and in response to the nature of demand for properties in this location. Further consideration must be given to how the proposal will meet the requirements of LP policy.

6.27 *Density:*

- Overall density is likely to be within the range appropriate for a central site with excellent public transport accessibility.

6.28 *Children's Playspace:*

- The applicant proposes to deliver 240 square metres of child playspace, but little detail is provided as to the type of play provision that this will actually entail. Further information should be provided to address this point.
- Consideration must also be given to how playspace will be provided as part of the outline proposals.
- Provision for child playspace may need to be revised if on-site affordable housing is provided.

Urban Design:

6.29 *Site Layout:*

- The site layout is considered acceptable.

6.30 *Residential Layout:*

- The residential layout is considered acceptable on balance.

6.31 *Scale, height and massing:*

- The proposal responds well to its local context, although care should be taken to ensure that the small row of houses facing Gower's Walk is well integrated into the development as a whole.
- There is no in principle objection to the inclusion of tall buildings in this location as part of the proposals.
- Insufficient detail is provided though, in relation to the proposed towers in the SE block and NE block within the outline element of the application.
- In particular the final form of the towers and the proposed materials should be confirmed to allow a full assessment of the impact of this on the setting of the World Heritage Site and its outstanding universal value.
- With regards to the detailed aspect of the application however, despite the height of the taller elements of the proposals being significantly higher than surrounding developments, the small 13x20 metre footprint creates an elegant slenderness ratio, which combined with a well articulated building form mitigates visual impact issues on the surrounding streetscape and is not a concern.

World Heritage Sites:

- 6.32 A full assessment of the impact of the proposal on the World Heritage Site's authenticity, integrity, significance, and Outstanding Universal Value as required by strategic planning policy is required.

Views:

- 6.33
- The site falls within the background assessment area of protected vista 25A.1 and 25A.3.
  - From the verified images submitted it is not possible to determine whether the proposals will impact on the protected vista in the kinetic views. The images should therefore be resubmitted, with clearer wire lines and an indicator of where the proposals appear in the rendered views.

Access and inclusion:

- 6.34
- The applicant is required to confirm that all pedestrian links to the adjacent roads are level or gently ramped and that the lighting design creates safe, well and evenly lit routes through and into the site.

Residential units:

- 6.35
- The provision of wheelchair housing for the residential element of the scheme should be secured by condition.
  - Within the hotel 10% of the bedrooms should be accessible. Typical floor plans should be provided to ensure that the hotel rooms are accessible and that the accessible rooms are located close to lift cores.
  - In respect of car parking, it is not clear if sufficient space for the the blue badge requirements of the hotel, commercial and healthcare elements of the scheme has been provide. Further information is required.

Climate Change Mitigation:

6.36 *Energy efficiency standards:*

- A range of passive design features and demand reduction measures are proposed.

6.37 *District heating:*

- Citigen is the closest district heating network. Connection is not viable at this stage however a commitment to ensuring that the development is designed to allow future connection to the Citigen or other district heating network has been provided.
- Confirmation that all residential and non-domestic building uses (including the hotel bedrooms) will be connected to the site heat network is required.
- A drawing showing the route of the heat network linking all buildings on site is required.
- Confirmation of the actual floor area of the energy centre in the NW block is required.

6.38 *Combined Heat and Power:*

- A 2 x 250kWe gas-fired combined heat and power unit (CHP) is proposed. Confirmation that the CHP will also serve the hotel bedrooms is required.

6.39 *Renewable energy technologies:*

- Air source heat pumps (ASHP) and solar photovoltaic (PV) panels are proposed.
- The size of the CHP should be optimised to serve the whole of the development including the hotel bedrooms prior to considering renewables as CHP and ASHP are heat technologies and will compete for the same base load.
- Clarification of how these potentially competing technologies will operate alongside one another is required.
- 100 square metres of PV is proposed and a roof drawing showing the space allocated to PV should be provided.

6.40 *Overall carbon savings:*

- The overall carbon dioxide savings are 30% which exceed the targets set out within the LP policy.

#### Climate Change adaptation:

- 6.41 The proposal includes provision of a 1,136 square metre green roof on the NW block, but no green or brown roofs are proposed as part of the outline application. This should be reconsidered.

#### Transport:

##### 6.42 *Highways and parking:*

- It is expected that junctions within the surrounding road network will be at capacity in the future.
- An increase in parking over the extant permission is proposed. It is recommended that the development should be car free save for disabled provision.
- 20% provision of spaces with electric vehicle charging points is welcomed and this will be secured via planning condition. However, passive provision should also be made for a further 20% of spaces.
- A S.106 agreement to prevent future occupiers securing on-street parking permits is welcome.
- A S.278 agreement with TfL will be required.

##### 6.43 *Walking:*

A contribution of £150,000 required towards the provision of specific pedestrian phase to the crossing at the Leman Street / Alie Street junction.

##### 6.44 *Cycling:*

- 1,428 cycle parking spaces are provided which is welcomed.
- Details of how the development will be linked to the local cycle network are required.
- Contributions are required to comply with LP policies.

#### Community Infrastructure Levy:

- 6.45 Noted the introduction of CIL charging from 1st April for any planning permission decided after this date.

#### Equalities:

- 6.46 The lack of proposed affordable housing provision on site raises potential equalities implications.

**Officer Comment:** The matters raised above are discussed within the relevant section of the report. Where clarification or further information has been requested this has been provided and sent to the GLA for review. Any further comments they may have will be presented in an update report. In respect of equalities, it is noted that this matter has now been addressed given the scheme has been amended to include on-site affordable housing provision.

#### **Historic Royal Places**

- 6.47 To date no comments have been received.

#### **London Fire and Emergency Planning**

- 6.48 They have requested further information.

- 6.49 **Officer Comment:** They have been advised of the location of the information requested and any further comment will be presented in an update report.

**London Borough of Hackney**

- 6.50 To date no comments have been received.

**London Borough of Southwark**

- 6.51 To date no comments have been received.

**London Bus Services**

- 6.52 To date no comments have been received.

**London City Airport**

- 6.53 If during construction a carnage or scaffolding is required at a higher elevation than 85.425m AOD a separation consultation to London City Airport is required.

- 6.54 All landscaping plans and all plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on safety of operations at the Airport.

- 6.55 All relevant insulation in building fabric including glasses, glazing and ventilation requirements elements will be supplied and fitted in compliance with current noise attenuation regulations and tested.

**London Underground**

- 6.56 No comment to make on this application.

**National Air Traffic Services**

- 6.57 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

**National Grid**

- 6.58 To date no comments have been received.

**Natural England**

- 6.59 Natural England has no comments to make on this planning proposal.

**Thames Water**

- 6.60 In respect of surface water drainage it is the responsibility of the development to make proper provision for drainage to ground, water courses or a suitable sewer. Prior approval will be required from Thames Water if it is proposed to discharge to a public sewer.

- 6.61 Thames Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities to ensure compliance with the relevant legislation.

- 6.62 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. Compliance with Thames Water best practice is recommended.



- 6.63 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is recommended requiring impact studies.
- 6.64 A condition to secure a piling impact statement is also required.

### **Transport for London (TfL)**

- 6.65
- TfL consider that no on-site car parking should be provided save for disabled provision.
  - A condition to secure 20% of the parking spaces will be equipped with vehicle charging points are required.
  - Passive provision for an additional 20% is also required.
  - S.106 to prevent future occupiers from securing car parking permits.
  - £150,000 required towards a specific pedestrian phase to the crossing at Leman Street / Alie Street junction
  - Details of how the development will link into the local cycling network including the cycle super highway are required.
  - £189,300 required towards improving the capacity of the bus network within the vicinity of the site.
  - The Servicing and Waste Strategy Management Plan should be secured and monitored by the S.106.
  - Construction Logistics Plan (CLP) should be secured via condition.
  - Travel Plan should be revised and should contain significantly more detail at this stage.
  - TfL requests an area of public realm for a 36 point docking station and a financial contribution towards its implementation.
  - Crossrail contribution is not required.
  - TfL supports the proposal in principle subject to clarification and further information about the above issues.

### **The London Wildlife Trust**

- 6.66 To date no comments have been received.

### **Tower Hamlets Primary Care Trust (PCT)**

- 6.67 The PCT's clear preference would be for the provision of an onsite health facility (shell & core – specification agreed with the PCT), peppercorn rent for 3 years followed by a DV determined rent. This is an important site for the PCT to ensure that we have sufficient capacity to meet the expected population in this part of the Borough.
- 6.68 In the past the developer has engaged with us directly about the space and location of the facility and it would be desirable if this could be re-established so that we can be assured that the size and location of the facility would optimally meet our needs.
- 6.69 **Officer Comment:** Full discussion of the health centre is dealt with in the Land Use and Planning Contributions section of this report. It is noted that the negotiations in respect of the detailed delivery of the health centre are framed by the signed S106 for the extant permission which did not secure all of the matters requested above.

### **Tower of London**

- 6.70 To date no comments have been received.

## **Internal Consultees**

### **LBTH Parks and open Spaces**

6.71 To date no comments have been received.

### **LBTH Tree Officer**

6.72 I have concerns regarding the increased heat island effect of this development and feel that ideally tree planting should be increased in order to offset this problem. The developer funded tree planting should reflect the density of the residential development at a rate of one standard tree per residential unit. Due to the small size of the site, tree planting at this density would hinder development and ought to be facilitated through planting in nearby highways sites and also parks sites. This can be achieved through a funding agreement with the parks department.

6.73 **Officer Comment:** Given the constraints of the site it is considered that the level of tree planting is acceptable. A S.106 contribution is being sought for open space within the vicinity of the site and this could be used for tree planting. Furthermore, tree planting levels will be controlled via condition.

### **LBTH Landscape Officer**

6.74 To date no comments have been received.

### **LBTH Environmental Health – Smell / Pollution**

6.75 To date no comments have been received.

### **LBTH Environmental Health (Commercial) - Food Safety**

6.76 To date no comments have been received.

### **LBTH Environmental Health - Hazardous Substances**

6.77 To date no comments have been received.

### **LBTH Environmental Health - Noise and vibration**

6.78 Our recommendation is that:

6.79 The buildings must be redesigned to ensure that no habitual rooms, bedrooms or living are overlooking the A13 in category “D” of PPG24. It would be better to reconsider the design, as many residential rooms are likely to be uninhabitable.

6.80 No habitable rooms should be exposed to noise levels falling within Category “D” of PPG24, as such this development is considered unsuitable for residential occupation.

6.81 The environmental health department therefore recommends refusal for this development in its present state. Other conflicts of use may occur with commercial and residential occupation C3 / A1 – A5, B1a, D1 & D2; these should be considered after reviewing the design.

6.82 **Officer Comment:** This matter is fully discussed in the Noise and Vibration section of this report.

### **LBTH Environmental Health - Air Quality**

- 6.83 I require mitigation along all facades (for the residential blocks) that will be exceeding the Air Quality Objective for NO<sub>2</sub>.
- 6.84 The applicant does not make clear how they will mitigate for emissions from construction plant and vehicle as the assessment shows these emissions will have a slight adverse impact as well.
- 6.85 The number of parking spaces being provided during the operational phase is shown to also have a slight adverse impact along the local road network. This works against the provisions of our air quality action plan and I will require further detail on how the applicant intends to mitigate for this. (Is there an opportunity for S106 for this aspect).
- 6.86 The energy centre will need to comply with the Clean Air Act 1993 (chimney Heights Memorandum). The emissions from the energy centre is also having a slight adverse impact on local air quality and I believe this warrants some consideration in terms of S106 contributions if they can mitigate no further.
- 6.87 I also need clarification on whether the primary health care centre has been modelled as a receptor point, as this is a sensitive receptor during the operational phase.
- 6.88 S106 funding for PM10 monitoring. Has this developed?
- 6.89 **Officer Comment:** Air quality is fully discussed within the main body of the report. The necessary mitigation will be controlled via condition. Air monitoring will be secured via condition and as a head of term within the S106.

### **LBTH Environmental Health (Commercial) - Health & Safety**

- 6.90 It is necessary to comply with the relevant Environmental Health legislation.

### **LBTH Transportation & Highways**

- 6.91 Through detailed discussion and meetings the majority of the concerns raised by the Highway's officer have been addressed. However, further information which has just been received will be reviewed and any further comments will be presented in an update report to Committee.
- 6.92 The main considerations are summarised as follows:
- Improvements in pedestrian permeability welcome
  - Links to area wide cycle network have been addressed by the provision of land for a 25 point docking station
  - Cycle parking provision acceptable condition required to secure details of stores and provision
  - The use of the ramp by cyclists should not be encouraged and no signage should be provided to indicate this is a route
  - Concern at high level of car parking
  - Issues raised in respect of disabled parking bay have been addressed by moving the bay
  - Overall layout and management of parking in basement should be conditioned
  - Permit free development to be secured by S106
  - Servicing – goods lift has been provided as requested addressing this concern
  - Further information in respect of refuse lorry location and swept path analysis have been provided as requested

- Visibility splays have been provided as requested
- Coach parking – further information has been provided as requested
- Servicing management plan to be secured via condition
- The proposal is considered acceptable in principle subject to the above outstanding issues being addressed.
- S106 contributions for highways works sought
- S278 agreement will be required.

6.93 **Officer Comment:** A full discussion of the highways and transportation matters is dealt within the main body of the report. No further information has been provided as to the level of S106 contribution required. It is noted that highways contributions have been secured for junction improvements by TfL and Streetscene and Built Environment Improvements have also been secured in line with the S106 SPD.

### **LBTH CLC Strategy**

6.94 **Officer Comment:** The required financial amounts as calculated by the CLC officer are not reported here as the scheme has changed substantially from the 100% private scheme to an on-site affordable housing scheme.

6.95 The only difference in calculations by officers was the public open space calculation. Officers consider that the Green Fingers are part of the public open space within the site given their scale and layout which includes hard and soft landscaping and children's playspace.

### **LBTH Education**

6.96 To date no comments have been received.

### **LBTH Waste Policy and Development**

6.97 Officers have noted that currently refuse vehicles need to reverse onto Gower's Walk in light of the fact that access to Commercial Road from Gower's Walk is restricted because of construction works. A turning circle may be required to mitigate the impact during construction.

**Officer Comment:** On going discussions between officers and the applicant are seeking to resolve this matter and further advice will be provided within an update report.

## **7. LOCAL REPRESENTATION**

7.1 A total of 2110 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 to date are as follows:

No of individual responses:	54	Objecting: 2	Supporting: 52
No of petitions received:	0		

7.2 The following local groups/societies made representations:

- 29 pro-forma letters of support were received from local residents which were stamped with the Children's Education Group logo who are based in Christian Street. The letters note that the application represents an improvement over the application previously approved by the Council. It also allows the S106 payments to be allocated to many local community initiatives that operate in the area including the Children's Education

Group.

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

- 23 pro-forma letters of support were received from local residents. The letters note that the application represents an improvement over the application previously approved by the Council. Will introduce open space into the area. Will result in significant amount of S106 improvements for the area.

7.4 2 letters of objection were received which raised the following issues:

- Noise and disturbance during long construction phase
- Design of tower ugly

7.5 **[Officer Comment:** Noise and vibration and design are discussed within the main body of the report where these concerns are addressed.]

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use and Employment
- Density
- Housing
- Housing Layout and Amenity Space Provision
- Design
- Transportation and Highways
- Sustainability and Energy

Other Planning Issues:

- Air Quality
- Noise and Vibration
- Biodiversity
- Environmental Statement
- Planning Contributions

### **Land Use**

8.2 The principle of a residential led mixed use development on the site has been established through the extant planning permission.

8.3 At national level, PPS1 and PPS3, promote the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve national housing targets.

8.4 The application site is located within the Central Activities Zone (CAZ) and forms part of the City Fringe Opportunity Area as designated by the London Plan (LP). Policies 2.10 – 2.14, provide guidance as to the Mayor's strategic priorities for the CAZ. The overall aim is to enhance and promote the international, national and Londonwide role of the CAZ.

8.5 SP01 of the Core Strategy (CS) advises that LBTH will apply London Plan policy in respect of the CAZ.

8.6 The Managing Development DPD (proposed submission version) January 2012, (MD

DPD), includes a number of site allocations and Goodman's Fields is one of 20 sites of strategic importance which has been allocated. The site allocation for Goodman's Fields states:

*"A comprehensive mixed-use development required to provide a strategic housing development, a health facility and a district heating facility. The development will also include other compatible uses including publicly accessible open space and commercial floor space."*

- 8.7 The proposal is for a residential led mixed use scheme including a hotel, a mix of commercial uses at ground floor level across the site, a health facility and publicly accessible open space. The principle of a mixed use scheme is acceptable in land use terms. It is in keeping with the mix of uses approved under the extant permission and it accords with current planning policy.
- 8.8 A 250 bedroom hotel is proposed within the NW block. The principle of a hotel in this location accords with policy SP06 (4) of the CS which seeks to concentrate hotel uses within the CAZ.
- 8.9 A mix of commercial and leisure uses are proposed comprising a mix of Use Class A1, A2, A3, A4, A5, B1a or D2. Within the NW block (detailed phase), 3 commercial units are proposed (1,713 square metres) and across the outline element up to 6,709 square metres of flexible commercial and leisure floor space are proposed. It is considered that the proposed commercial uses at ground floor level are acceptable in land use terms subject to the management of the amenity implications of A3, A4 and A5 uses through conditions.
- 8.10 It is considered that the proposed development will generate significant economic and regenerative benefits, including delivering up to 600 direct/indirect jobs and 330 construction FTE jobs, as well as a host of other benefits in terms of social, business and place based outcomes.
- 8.11 Policy 3.2 of the LP seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.12 SP03 (3), seeks to provide a hierarchy of accessible, high-quality health facilities, services and premises to meet the needs of existing and future population. It has identified a need for up to three new facilities within the western part of the borough. Furthermore, the site allocation within the MD DPD identifies that this would be an appropriate site for a health facility.
- 8.13 In addition, the Tower Hamlets Primary Care Trust (PCT) has indicated that they are supportive of a facility on site. They consider it to be a strategically well-placed facility to meet the health needs of the local population, thereby redressing the health inequalities of this area.
- 8.14 In addition, the PCT have sought the health centre to be provided to their specification and with specific rent agreements through the S106. It is noted that in respect of the extant permission the S106 secured the health centre provision to shell and core with a peppercorn rent for three years after occupation but other wise usual market terms. It is considered that the S106 should be negotiated along the same terms. However, in order to assist with the fit out costs a contribution of £80,802.76 has also been secured. On balance this is considered acceptable and final delivery of this will be negotiated through the S106 wording in consultation with the PCT.
- 8.15 SP04 (1d) of the CS, seeks to maximise opportunities for publicly accessible open space of a range of sizes including in Aldgate. Previously, Council policy sought to secure a borough

wide-target of 1.2HA open space per 1000 population. The CS did not continue this approach and instead seeks to use the standard as a monitoring tool with the priority being to protect, create, enhance and connect open space.

- 8.16 The site allocation for Goodman's within the MD DPD identifies that this would be an appropriate site for the provision of new publicly accessible open space.
- 8.17 The City Fringe Area Action Plan (AAP) which forms part of the Interim Planning Guidance (IPG) and Aldgate Masterplan 2007, identify Goodman's Field as development site CF12a. The APP indicates that Goodman's Field development should provide 0.8Ha of open space. Furthermore, it seeks the delivery of the space will occur as part of the redevelopment of the site and should be as follows:
- Contiguous, large green public space;
  - A space that meets the needs of local residential communities including families and young people; and
  - The space should link to existing public spaces to the south and northeast as well as proposed spaces to the northwest.
- 8.18 In respect of the publicly accessible open space provision, the scheme provides a series of three principle spaces as well as several interconnecting streets in which it is considered that sufficient amenity is achieved for their consideration. The spaces are as follows:
- Park Square – 3152 square metres,
  - Main Piazza – 2317 square metres,
  - Southern Garden – 1705 square metres,
  - Sensory Garden – 225 square metres,
  - Eastern Green Finger – 775 square metres,
  - Northern Green Finger – 811 square metres, and;
  - Southern Green Finger – 620 square metres.
- 8.19 The total provision of public open space is at least 9,380 square metres across the site. This represents an increase from the 8105.17 square metres secured as part of the extant permission. This equates to 0.938 hectares, which exceeds the APP requirement for 0.8 hectares. The quantum is considered appropriate and acceptable given the need to strike a balance with development intensity and requirements including regional and local policy which seeks to maximise the efficient use of the site. It is considered to accord with the key priority for the City Fringe of addressing open space deficiency to meet the needs of the local community as well as the anticipated growth expected in residential development.
- 8.20 In addition, the high quality nature of the series of interconnected spaces and what it does for connectivity (another priority of the policy) is considered of more value than emphasising an alternative approach suggested in the AAP and Masterplan of providing a single open space. The proposed site layout is considered the most desirable.
- 8.21 In conclusion, the quantum of public open space is appropriate and acceptable and accords with policies listed above which seek sufficient provision of open space to address needs of the community.
- 8.22 The office block which previously occupied the site has now been demolished as part of the implementation of the extant permission. The principle of the loss of the employment floor space has been established by the extant permission.
- 8.23 In conclusion, the principle of a mixed use scheme is acceptable in land use terms. It is in keeping with the mix of uses approved under the extant permission and it accords with current planning policy.

## **Density**

- 8.24 Policies 3.4 of the LP and SP02 of the CS seek to ensure new housing developments optimise the use of land by associating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location. Table 3.2 of policy 3.4 of the LP provides guidelines on density taking account of accessibility and setting.
- 8.25 The site is in an accessible location with a Public Transport Accessibility Level (PTAL) of 6a (in a range of 1 to 6 where 6 is Excellent). The site is considered to be in a 'Central Zone' defined as areas with predominantly dense development. For central sites with a PTAL range of 4 to 6, table 3.2 of the London Plan, suggests a density of between 650-1100 habitable rooms per hectare.
- 8.26 The site area for the NW block is approximately 0.74 hectares, resulting in a density of 577 habitable rooms per hectare. However, as the NW block includes a hotel use, it should be excluded from the site area to give amore accurate picture of residential density. In this instance, the site area would 0.59 hectares and the density would be 724 habitable rooms per hectare. This is an acceptable density range for sites in the 'Central Zone'.
- 8.27 In respect of the outline phases, an indicative density has been calculated based on Table 1 (p15 of the Planning Statement). The outline site area would be 2.8 hectares and the density would be 789 habitable rooms per hectare. This is in line with the density for the detailed phase and is within the lower levels of the range appropriate for a 'Central Zone'.
- 8.28 Finally, it is important to note that density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any symptoms of overdevelopment or have any significantly adverse impacts on the quality of the residential development. As such, it is considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the LP and Policy SP02 of the CS which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

## **Housing**

- 8.29 Policy 3.3 of the LP seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.30 Policy SP02 of the CS seeks to deliver 43,275 new homes (equating to 2,885 per year) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.31 The application proposes 864 new residential units. This includes the NW, NE, SW Blocks and Gower's Walk. For the purposes of the housing assessment, 75 Leman Street has been included. This means that including the site area for the hybrid application and 75 Leman Street (which is under construction) 920 new residential units would be provided overall across the site. 75 Leman Street is being developed out of the extant consent and does not include any affordable housing as this was to be provided in the other phases. In order to ensure that across the site (hybrid plus SW student housing block and 75 Leman Street) sufficient affordable housing is provided it is considered appropriate to taken into account housing delivery following on from the implementation of part of the extant planning permission.

## **Phasing**

- 8.32 Works are currently under way on site. The applicant has implemented the extant permission and intends to deliver 75 Leman Street and the SW student housing block as

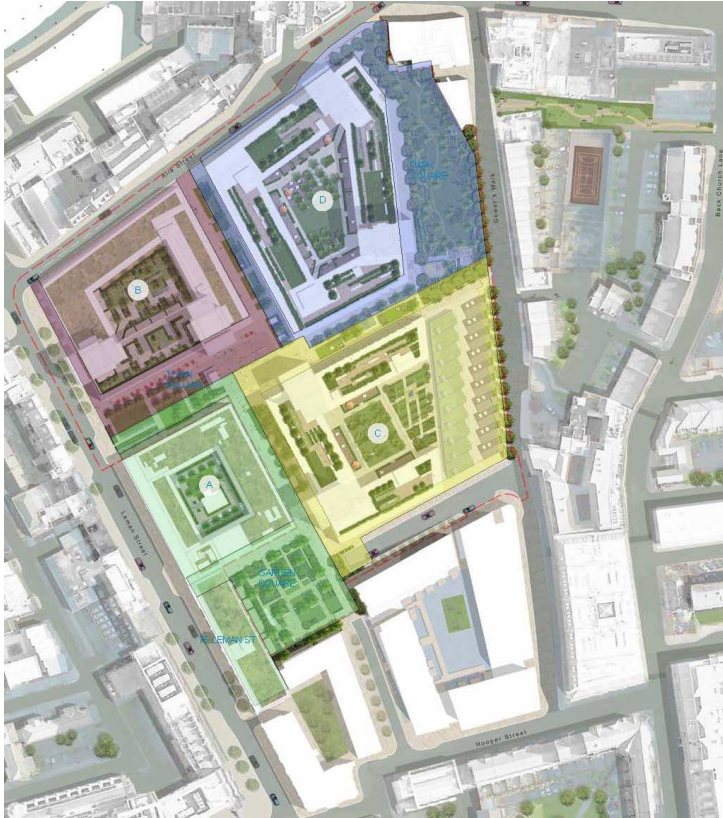


part of this consent. Table 1 sets out the detailed phasing programme for the site and Figure 3 illustrates this on plan.

Table 1: Phasing Programme

<b>Phase</b>	<b>Commencement Date</b>	<b>Completion Date</b>
Demolition	April 2011	December 2011
Phase 1: 75 Lemman Street	June 2011	July 2012
Phase 2: SW Block	September 2011	September 2013
Phase 3: Basement Box (whole site)	March 2012	October 2013
Phase 4: NW Block	August 2012	September 2014
Phase 5: SE Block and Gower's Walk	October 2013	March 2016
Phase 6: NE Block	April 2014	December 2017

Figure 3: Phasing Plan



#### Affordable Housing Policy:

- 8.33 Policies 3.10, 3.11 and 3.12 of the LP define Affordable Housing and seek the maximum reasonable amount of affordable housing taking into account site specific circumstances and the need to have regard to financial viability assessments, public subsidy and potential for phased re-appraisals.
- 8.34 Policy SP02 of CS seeks to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.35 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes Social Rented, Affordable Rented and Intermediate Housing.
- 8.36 The LP housing policy does not deal with the new rent product. However, this policy vacuum is being addressed and the GLA published a Draft Supplementary Planning Guidance Note Affordable Housing (November 2011). The consultation finished on the 2 February 2012. This document makes reference to the forthcoming Draft Housing SPD which was published in December 2011 and is currently out to consultation.
- 8.37 The approach advised is that boroughs are recommended to include affordable rent alongside social rent and this is the approach the London Mayor will be taking in his early alteration to the London Plan (which makes clear that for the purposes of the 60:40 social rent: intermediate split both social and affordable rent should be included within the 60%).
- 8.38 Policy DM3 of MD DPD policy provides further guidance in light of changes to PPS3 which has introduced the affordable rent product. It sets out that Council policy intends in the first instance to maintain the tenure split of the Core Strategy which is 70% social rent and 30% intermediate. The affordable rent product will only be accepted if it is demonstrated that the provision of 70% social rent is unviable. The provision of affordable rent homes alongside social rent homes ensures the delivery of between 35%-50% affordable housing.

8.39 Social rented housing is defined as:

*Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.*

8.40 Affordable rented housing is defined as:

*Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 per cent of the local market rent.*

8.41 To assist in the assessment of what constitutes an affordable rent level, Tower Hamlets has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. This is discussed further within the housing tenure section of this report.

8.42 Intermediate affordable housing is defined as:

*Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include Affordable Rented housing.*

Location and Percentage of Affordable Housing Provision:

8.43 The current affordable housing policy hierarchy set out in London Plan policies in Chapter 3 and MD DPD policy DM3 advises that in the first instance affordable housing should be provided on site. In exceptional circumstances off-site provision may be considered. Policy DM3 sets out 5 criteria for circumstances where off-site affordable housing may be considered by the Council.

- (i) *“It is not practical to provide affordable housing on-site;*
- (ii) *To ensure mixed and balanced communities it does not result in too much of any one type of housing in one local area;*
- (iii) *It can provide a minimum of 50% affordable housing overall;*
- (iv) *It can provide a better outcome for all of the sites including a higher level of Social Rent family homes; and*
- (v) *Future residents living on all sites use and benefit from the same level and quality of local services”*

8.44 Finally, only where it has been demonstrated that there are no suitable sites that can come forward which, together with the original site, meet the 5 criteria, will a commuted sum be considered.

8.45 The Planning application as initially submitted offered an off-site commuted sum of £50 million, to be directed towards off site delivery of affordable housing. The planning application was supported by a financial viability assessment, which sought to demonstrate that the proposed commuted sum would have represented the best outcome for the Borough in terms of affordable housing delivery. This assessment has been independently reviewed by viability consultants working on behalf of the Council.

8.46 Your officers were very concerned that the provision of an off-site affordable housing

commuted sum may not have complied with policies contained within the CS, LP and the MD DPD. The extant planning permission was expected to deliver on site affordable housing (through the signed S.106 Agreement) and officers were of the view that there were no exceptional circumstances to suggest that an off-site affordable housing delivery mechanism was preferable to on site delivery in this particular case.

- 8.47 Following negotiation and interrogation of the applicant’s financial modelling, the applicant agreed to modify the proposed affordable housing offer – by agreeing to the delivery of 28% on site affordable housing provision, with a mix of social (target) rented units, affordable rented units (at POD rents) and intermediate units. Further details of the mix are outlined below. The ability of the scheme to delivery 28% on-site affordable housing units (with a mixture of social rented, affordable rented and intermediate units) has been validated by the Council’s independent viability consultant.
- 8.48 In light of the current affordable housing policy hierarchy, officers consider that the provision of 28% affordable housing on-site over a commuted sum is the most appropriate policy compliant outcome in respect of the delivery of affordable housing in this instance.
- 8.49 The offer essentially equates to the delivery of 28% affordable housing by habitable room. In numerical terms, this is 252 affordable units. It is proposed that affordable units will be provided within the NE and SW blocks which form part of the outline element of the scheme. As such, an indicative mix has been provided to illustrate how this could be provided. (See Table 2 below.)

Housing Tenure:

- 8.50 With regard to the tenure of housing, the application proposes a mix of social rent 30%, affordable rent (pod levels) 38% and intermediate rent 32%. The split is broadly policy compliant.
- 8.51 In respect of Council policy DM3, it is considered that in this instance the provision of affordable rent product is justified in light of the viability issues discussed above. If all of the units had been provided at social rent levels the overall provision of affordable housing would have been less. Officers insisted that the larger family units were provided at social rent and the smaller units at affordable rent.
- 8.52 The POD research established what Affordable Rents would be for the E1 area which is set out in table 2 below. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties.

Table 2: POD research for E1 area comparing Market rent level against proposed rents

	<b>Market Rent</b>	<b>Adjusted Affordable Rent levels (market rent %)</b>	<b>Proposed rents for this scheme (market rent %)</b>
<b>1 bed</b>	£294	£191 (65%)	£191 (65%)
<b>2 bed</b>	£379	£208.(55%)	£208 (55%)
<b>3 bed</b>	£449	£224 (50%)	£111 (Social Target Rent)
<b>4 bed</b>	£537	£268 (50%)	£127 (Social Target Rent)

### Housing Mix:

- 8.53 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 8.54 Policy SP02 requires 30% of development to be 3 bedroom units or larger but within the social rent tenure 45% should be for families. In this case a total 209 family sized units are provided which equates to 23% across the scheme. Within the social rent and affordable rent (pod rent levels) tenure 44% (76 units) will be family sized units including three and four bed flats. It is noted that all of the family units are provided as social rent levels. The mix is set out at Table 3 below and is broadly policy compliant.

Table 3: Indicative Housing Mix and Tenure (including 75 Leman Street)

Unit Type	Social Rent	Affordable Rent	Intermediate	Market	Total
Studio	0	0	0	12	<b>12</b>
1 bed flat	0	52	20	290	<b>362</b>
2 bed flat	0	44	40	233	<b>317</b>
3 bed flat	51	0	20	113	<b>184</b>
4 bed flat	25	0	0	0	<b>25</b>
3 bed house	0	0	0	20	<b>20</b>
<b>Total</b>	<b>76</b>	<b>96</b>	<b>80</b>	<b>668</b>	<b>920</b>

- 8.55 In conclusion, officers consider that the level of affordable housing provision at 28% is the maximum that can be delivered on this site (in view of current viability constraints). The tenure split of social rent, affordable rent and intermediate is acceptable in this instance and maximises the provision of family units within the rented tenure. Finally, it is considered that the overall mix of housing is acceptable and this includes the provision of a suitable level of family housing specifically in the social rent tenure including four bedroom flats.

### **Housing Layout and Amenity Space Provision**

#### Internal Space Standards:

- 8.56 Policy 3.5 of the LP seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. In addition, the Mayor's London Housing Design Guide (Interim Edition, August 2010) sets out new minimum space standards to improve housing quality and allow homes to be flexibly used by a range of residents.
- 8.57 Policy SP02 of the CS and Policy DM4 of the draft MD DPD seeks to ensure that new housing has adequate provision of internal space standards in line with the Mayor of London's standards. Policy DM4 also requires affordable family sized homes to have separate kitchen and living rooms.
- 8.58 In respect of the NW block, the applicant has advised that all of the units meet the minimum space standards required by Table 3.3 of the LP policy 3.5 and policy DM4 of the MD DPD.
- 8.59 The SE, NE and Gower's Walk element of the scheme are currently in outline form and therefore detailed spaces standards cannot be verified. However, the applicant has confirmed that the parameter plans and overall level of floorspace proposed has been developed with the number of units proposed and has been shaped by the Mayor of London's space standards. The precise space standards proposed will be assessed in detail at the reserved matters stage. Given that the NW block, which forms part of the detailed element, meets the minimum space standards there is some comfort that the later

phases will also be in a position to comply with the required standards. This is a reasonable indication of the applicant's commitment to the remaining phases and a condition will be imposed on the outline elements to this effect

- 8.60 Overall, the proposed application material gives officers reasonable comfort that the proposed development is acceptable and will accord with policy.

#### Private and Communal Amenity Space

- 8.61 Saved policy HSG16 of the UDP, policy DM4 of the MD DPD and policy HSG7 of the IPG require all new housing to include an adequate provision of amenity space, designed in a manner which is fully integrated into a development, in a safe, accessible and usable way, without detracting from the appearance of a building.
- 8.62 Specific amenity space standards are guided by policy DM4 of the MD DPD which follows the Mayor of London's Interim Housing Design Guide standards which specifies a minimum of 5sqm of private outdoor amenity space for 1-2 person homes and an extra 1sqm for each additional occupant. It also requires balconies and other private external spaces to be a minimum width of 1.5m.
- 8.63 In terms of communal amenity space, Policy DM4 requires 50sqm for the first 10 units, plus 1sqm for every additional unit thereafter.
- 8.64 In respect of the detailed element for the most part the majority of the units have sufficient private amenity space in the form of balconies, winter gardens and private terraces.
- 8.65 In respect of the outline element it is not possible to carry out a detailed assessment of private space provision and this will be determined at reserved matters stage. However, the submitted parameter plans and design and access statement do suggest the incorporation of projecting balconies, winter gardens and private terraces. Furthermore comfort can be had from the fact that the detailed element incorporates sufficient private amenity space for future residents.
- 8.66 Communal amenity space will be provided at podium level (see figure 2) within each block and at roof level. Within the NW block (detailed phase) it is proposed to provide a communal courtyard at courtyard level (709 square metres) and a roof terrace (436 square metres). There is also an area of inaccessible roof terrace (1,136 square metres) which will be designed to ensure biodiversity enhancement. DM4 of the MD DPD provides the standards for communal amenity space provision and in this instance, 204 square metres is required. This exceeds the policy requirement for communal amenity space provision within the NW block. The level of provision is considered acceptable subject to detailed design of a high quality communal amenity space and the detailed design of the child playspace. All these elements will be the subject of detailed conditions. In respect of the roof terrace, full details of the 2 metre glass screen and how it ensures an acceptable micro-climate at this level will be secured via condition.

Figure 2: Axonometric of Podium Level Communal Amenity Space



8.67 In respect to the outline phases of the development, a minimum of 3500 square metres of communal amenity space is required to accord with DM4. The Public Realm Strategy indicates the capability to provide 4,170 square metres which also exceeds policy requirements and allows sufficient space for the provision of child playspace within the outline phases of the development. Detailed design of the space will be controlled as a reserved matter.

#### Child Play Space:

- 8.68 Planning Policy Statement 3 sets out the importance of integrating play and informal recreation in planning for mixed communities. Policy 3.6 of the LP, saved Policy OS9 of the UDP, policy SP02 of the CS and policy DM4 of the draft MD DPD, seek to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation' (which sets a benchmark of 10 square metres of useable child play space per child).
- 8.69 Child playspace provision across the site exceeded the LP standards of 10 square metres of playable space per child when the housing tenure was solely private. However, in light of the provision of on-site affordable housing the child yield has increased and the actual requirement has risen from 1,322 square metres to 2900 square metres of child playspace. This equates to a need for an additional 1578 square metres of child playspace across the site.
- 8.70 Officers consider that there is potential to increase the level of child playspace provision given there is an overprovision of communal amenity space across the site. The detailed layout of the amenity spaces will be controlled via landscaping conditions for each phase and the condition will be worded so as to maximise the provision of child playspace across the site. In terms of the current provision, under 5's will be provided at podium level of each block and within the publicly accessible open space across the site with a dedicated play area within Park Square. It is considered that playspace for under 5's should be given priority and the detailed design of the playspace within Park Square will be controlled via

condition in order to maximise it's potential. Playspace for 5-11 year olds and 12-17 year olds will be provided within the publicly accessible open space across the site.

- 8.71 This child play strategy also sets out basic principles and typologies for the proposed play space in terms of the location, distance, level of boundary treatment, character and likely form of equipment. This gives officers an assurance that a good level of child play space can be secured on site.
- 8.72 The detailed provision of the child playspace within the NW block and the outline phases will be controlled via condition. The intention of the overall public realm strategy is to provide 'playable space' where children's play and recreation is one legitimate use amongst a range of uses.

#### Landscape Strategy:

- 8.73 The application has been supported by a Public Realm Strategy prepared by Townshend Landscape. The purpose of the strategy is to provide a set of landscape principles in which the vision for the public realm will be developed.
- 8.74 The proposal includes a hierarchy of public open space, child play space, communal amenity space for residents and private amenity space for residents. The public realm strategy sets out the principles of how these spaces will work. The key objectives of the strategy include establishing a clear identify for the site, improving permeability through the site and connectivity with the surrounding area and ensuring activity at ground floor level to animate the commercial uses.
- 8.75 In respect of the detailed element, this will involve the delivery of part of the Main Square to the south of the NW block and part of the northern green finger between the NW and SW blocks. The remainder of the open space will be delivered as part of the outline phases of the scheme.
- 8.76 The quantum of open space delivery is acceptable and is discussed within the land use section of this report.

#### Wheelchair Housing and Lifetime Homes Standards

- 8.77 The applicants supporting statement confirms that all new homes will be built to Lifetime Homes standard. The detailed element includes 10% wheelchair accessible homes and future phases will also achieve the 10% provision. It is recommended that the application is conditioned to ensure this.
- 8.78 1 As such, it is considered that the proposal is acceptable in accordance with Policy 3.8 of the London Plan (2011), Policy HSG9 of Tower Hamlets IPG (2007), and Policy SP02 of the Core Strategy (2010).

### **Design**

#### Bulk, scale, massing, principle of Tall Buildings:

- 8.79 Chapter 7 of the LP places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space and optimisation of the potential of the site.



- 8.80 Policy SP10 of the CS and DM23 and DM24 of the MD DPD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials.
- 8.81 Policy 7.7 of the LP deals with tall and large buildings, setting out criteria including appropriate locations such as the CAZ and opportunity areas with good access to public transport, that such buildings do not affect the character of the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; as a group of buildings improve the legibility of an area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.
- 8.82 Policy SP10 (5) of the Core Strategy seeks to manage the location of tall buildings and considers that Canary Wharf and Aldgate are appropriate locations. Policy DM26 of the MD DPD provides further guidance in respect of the management of building heights across the borough. Proposals for tall buildings will be required to satisfy the criteria listed below:
- Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
  - Achieve high quality architectural quality and innovation in design through demonstration of consideration of a range of criteria;
  - Provide a positive contribution to the skyline;
  - Not adversely affect heritage assets or views;
  - Present a human scale at street level;
  - For residential uses include a high quality hierarchy of private, communal and open space;
  - Not adversely affect microclimate;
  - Not adversely affect biodiversity;
  - Provide positive social and economic benefits;
  - Comply with aviation requirements; and
  - Demonstrate consideration of public safety.

Proposal:

- 8.83 The NW block comprises a single perimeter courtyard block with 'podium buildings' or 'wings' between 6 and 10 storeys and two towers between 19 and 23 storeys.
- 8.84 The residential uses are arranged around the south wing (facing Main Piazza) and west wing (facing Leman Street) of the block which range in height between six and ten storeys. The residential uses are also contained within the two towers located at the south-west and south-east corners of the courtyard block and range in height between 19 and 23 storeys.
- 8.85 The hotel use is arranged around the north wing (facing Alie Street) and east wing (facing Northern Green Finger) of the courtyard block and range in height between six and seven storeys.
- 8.86 The proportions of the towers would be slender and elegant and the proposed material palette includes a metal frame, glazing and pre-cast concrete.
- 8.87 The outline phases, relate to the NE block, SE block and the Gower's Walk houses.
- 8.88 The NE block is laid out similarly to the NW block and is a courtyard perimeter block with

four 'podium buildings' or 'wings' and two towers. The residential uses are arranged around all of the wings, the northern wing (facing Alie Street) rises to a maximum of 39.925 metres AOD (7 storeys), the eastern wing (facing proposed Park Square) rises to a maximum of 36.85 metres AOD (6 storeys), the southern wing (facing the proposed SW block) and the western wing (facing the proposed NW block) rise to a maximum of 43 metres AOD (8 storeys). The towers are located at the north-eastern and south-eastern corner of the NE courtyard perimeter block and rise to a maximum of 79.325 metres AOD (20 storeys) and 85.425 metres AOD (22 storeys) respectively.

- 8.89 The SE block is a 'U' shaped perimeter block located with three 'podium buildings' or wings' and two towers. The residential uses are arranged around all of the wings, the northern wing (facing proposed NE block) rises to a maximum of 43 metres AOD (8 storeys), the southern wing (facing City Quarter) rises to a maximum of 43 metres AOD (8 storeys), the western wing (facing SW block – extant permission) rises to a maximum of 46.075 metres AOD (9 storeys). The towers are located at the north-west and south-west corner of the SE courtyard perimeter block and rise to a maximum of 82.4 metres AOD (21 storeys) and 73.175 metres AOD (18 storeys) respectively.
- 8.90 The Gower's Walk houses are located to the east of the SE block and face onto Gower's Walk. They rise to a maximum of 24.75 metres AOD (3 storeys).

Assessment:

- 8.91 A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. The proposed detailed and outline phases of development include six towers between 18 and 23 storeys and are considered to fall within the definition of tall buildings.
- 8.92 With regards to appropriateness of the development for tall buildings, this has been considered in the context of national policy, the London Plan and local plan policies and the extant permission.
- 8.93 The detailed element proposes two tall towers which form part of a courtyard block and the outline element proposes four tall towers which form part of a courtyard block and a 'U' Shaped block. The proposed heights, massing, bulk and scales are in keeping with the extant permission which has established the principle of tall buildings in this location. Figure 4 shows the massing of the extant permission and figure 5 shows the massing of the proposal.

Figure 4: Massing of extant permission

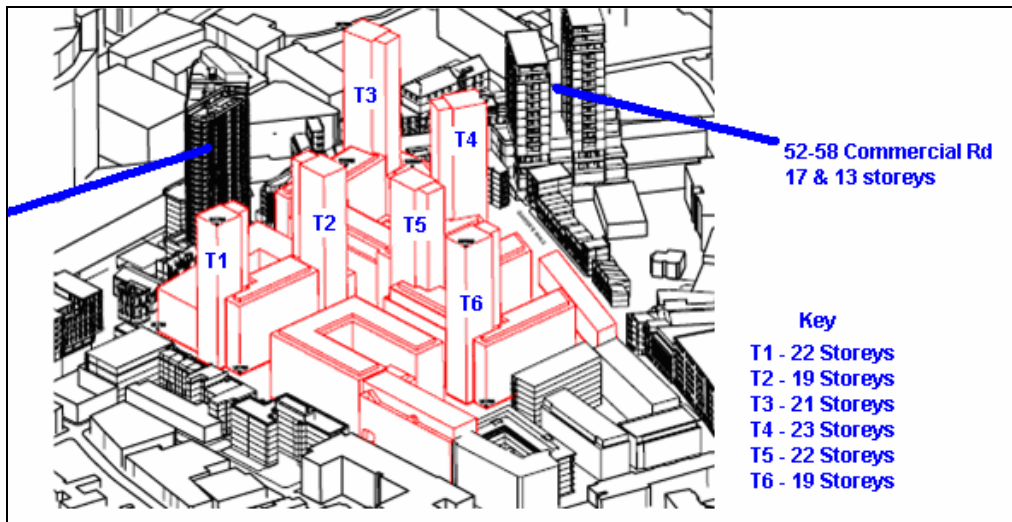
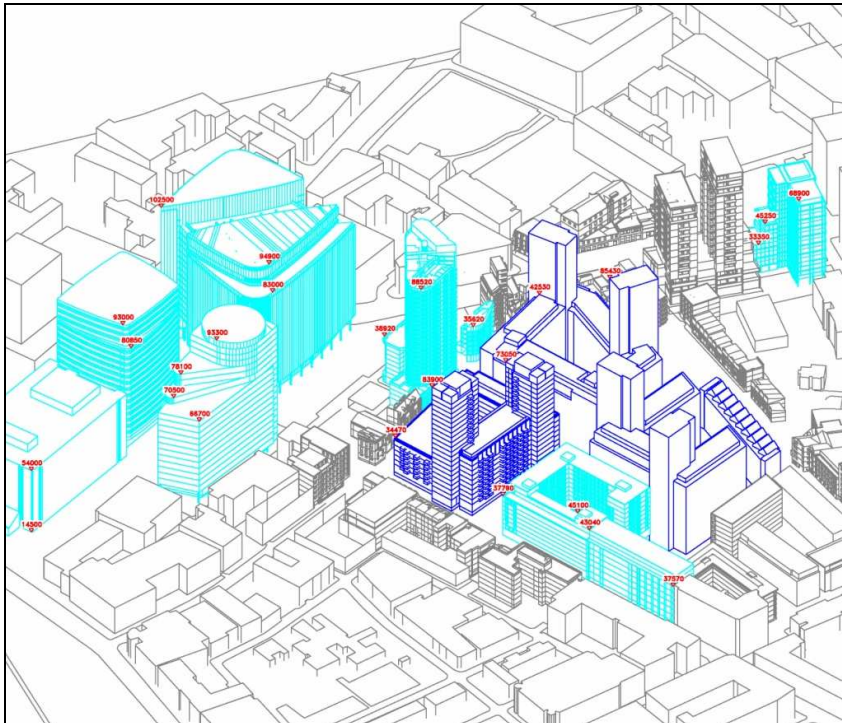


Figure 5: Massing of proposals



8.94 The application site is located within a CAZ opportunity area in Aldgate with excellent accessibility. As such, this is a location considered suitable for tall buildings and accords with LP policies and local policies.

8.95 In respect of the NW block (see artists impression figure 6) it is considered that the proposed towers and courtyard block meet the range of tall building criteria of LP policy and local policy in the following key ways:

- The height, bulk, scale is appropriate to the CAZ location and is sensitive to the context of the surrounding site;
- The scheme is considered to be of high architectural and design quality and has demonstrated full consideration of scale, form, massing, footprint, proportion, silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, or other townscape elements;
- The site is identified within an emerging cluster of tall buildings and provides a positive contribution to the skyline;

- There is no adverse impact upon heritage assets including the Tower of London, listed buildings in the vicinity, surrounding conservation areas and strategic views;
- The scheme is considered to be of a human scale with active commercial uses at street level;
- The scheme includes high quality public realm strategy including adequate provision of open space, communal amenity space, child playspace and private amenity space;
- In terms of microclimate the detailed management will be controlled via condition;
- In terms of biodiversity, areas of living roofs have been incorporated into the design and the through the landscaping condition appropriate planting to enhance biodiversity will be secured;
- The proposal will contribute positively to vitality in the area with an active ground floor frontages;
- It is not considered to conflict with aviation requirements having been referred to the relevant authorities for consideration; and
- The scheme demonstrates consideration of public safety.

Figure 6: Artists Impression of NW Block



8.96 In respect of the NE and SE blocks which form part of the outline phases of the development, it is considered that the principle of tall towers including bulk, scale and massing are appropriate. The heights are in keeping with the extant permission and are considered acceptable in this location. It is noted that given, this element is in outline only the heights and siting have been established and as such whilst the proposal meets the majority of the criteria listed at paragraph 8.95 above, the actual appearance of the buildings would be a reserved matter and at this stage, the architectural and design quality of the scheme cannot be assessed. As such, the detailed design will be secured via reserved matters. However, it is noted that the high quality design of the NW block establish a design code for the site and any future phases would need to consider these earlier phases and comply with the requirements and specifications outlined in the Design Code

8.97 Overall, the scheme satisfies the criteria for consideration of tall buildings, is located within a location where tall buildings are considered acceptable and is in keeping with the extant consent which established the principle of tall buildings. As such the scheme is considered acceptable and accords with the abovementioned policies.

8.98 In respect of bulk, scale and massing the proposed NW block is in keeping with the extant permission and no increase in height is proposed. As such, it is considered that the principle of the NW block has been established by the extant permission. The proposal remains acceptable in respect of bulk, scale and massing in the context of the local area and the wider site and accords with policy.

Appearance:

8.99 The proposed material palette for the NW block towers includes glazing, dark metal infill panels, metal panelled cladding, light pre-cast concrete cladding and bronze coloured metal panels.

8.100 The material palette for the residential wings of the NW block (fronting Leman Street and the Main Piazza) includes blue-grey brick work whilst the hotel wing proposed white glazed brick work. In respect of window details the different uses have different details design and the residential wings include private amenity space in the form of balconies.

8.101 The majority of the accommodation at the ground floor level of the podium buildings is commercial. A standardised glazing detail ensures a consistent appearance along the base of the podium. The glazing incorporates a bronze-coloured metal surround that matches the surround, balcony edge and panel detailing throughout the NW block. A zone is provided above the glazing that accommodates bronze coloured louvers to serve the ventilation requirements. This zone also doubles up as a signage area.

8.102 The appearance of the NW block has altered from the extant consent in that the proposed material palette has changed. However, it is considered that in principle the proposed material palette is acceptable subject to the submission of samples which will be controlled via condition.

8.103 The Design Council do not support the amended appearance of the tall towers. However, the design evolution of the appearance of the building has developed to ensure the identity of the towers to be expressed through lightness and subtlety, rather than the material heaviness of the Cor-Ten proposed in the extant permission.

8.104 Furthermore, in respect of the Design Council's comments regarding verticality, the applicant's architect has noted that the gesture of 'splitting' the metal framing of the tower into two thinner, taller elements is intended to increase the verticality and slenderness of the overall tower form. The tower facade is not intended to be read as a single vertical division, but rather as two slender framing elements – a device which is accentuated by the infilling of the frames with the bronze coloured balcony fascias and the winter garden screens.

8.105 Finally, in respect of their comments regarding the flank walls, the applicants architect has noted that the towers are designed as principally forward-facing elements, with distinct fronts and backs. It is important that these specific elements are expressed individually and in materials that befit the accommodation. The massing of the core is intended to be expressed as the fixed, grounded element in the composition of the tower, while the front-facing accommodation is expressed with a covering of finely scaled metal panels. The honest expression of these elements will complement each other in the visual tonality of the materials (the white pre-cast concrete and the reflective metal cladding) as well as the material quality and precision of the panels themselves and the jointing details.

8.106 The Borough Urban Design Officer has not raised objections to the changed material palette subject to the submission of samples and detailed drawings. Furthermore, English Heritage has not objected to the changed material palette subject to the submission of samples. To conclude officers, feel that the amended appearance is in fact more in keeping

with the surrounding context than the Cor-Tem previously proposed.

- 8.107 It is noted that it is intended to use pre-cast concrete as part of the tower design and a sample has been submitted. The detailed design of the pre-cast concrete panels will be controlled via condition in order to ensure that their mass is broken up.
- 8.108 In order to ensure that the proposed shop fronts will enhance the streetscape, their detailing will be controlled via condition. This will include ensuring that shop fronts will be fitted out as part of the initial construction and that signage across the site is of a high quality.
- 8.109 In respect of the outline phases, the detailed design and appearance of the blocks and towers will be a reserved matter. The quality of materials secured as part of the detailed phase will act as a benchmark to ensure that the remaining phases will be in keeping with the appearance of the earlier phases in order to ensure a high quality exemplar scheme across the site. A design code has not been submitted for this application. However, this will be required as a reserved matter for the outline phases in order to ensure that the design ethos is carried through to the latter phases.

#### Layout:

- 8.110 The layout of the site is considered to be successful, incorporating courtyard blocks which successfully address the street frontages of Alie and Leman Street and the new internal frontages. Active frontages are provided overlooking the public realm across the site. Access to the residential uses is from the public realm. This creates a welcome mix and distribution of activity across the site. The detailed landscaping plan demonstrates that the proposal will provide an improved public realm compared with the extant permission. Also, the scheme will successfully integrate with the Berkeley Homes scheme to the south (City Quarter). Overall, this will positively contribute to the evolving residential character of the area, thereby contributing to a sense of place and identity. The layout is also in accordance with the Aldgate Masterplan in the way that it improves connectivity and permeability.

#### Views:

- 8.111 The site falls within Townscape View 25: The Queens Walk to Tower of London, as identified within the London Mayor's London View Management Framework (May 2009). The view is protected to ensure that new development respects the setting of the Tower of London and should not dominate this World Heritage Site, especially the White Tower. New buildings in the background of this view must be subordinate to the Tower of London and respect its historical significance.
- 8.112 The site falls within the background assessment area of protected vista 25A.1 and 25A.3. The submitted Heritage, Townscape and Visual Impact Assessment concludes that the small scale change arising from the proposed development is seen in the context of very substantial changes to London's skyline including towers in the City of London and the development of further tall buildings in the vicinity of the site which consents have already been granted. The GLA have advised that whilst it is noted that there is an extant consent for tall buildings proposed on the site, from the verified images submitted it is not possible to determine whether the proposals will impact on the protected vista in the kinetic views. The GLA have requested that the images should be submitted with clearer wire lines and an indicator of where the proposal appears in the rendered views.
- 8.113 This information has been submitted and has been sent to both the GLA and English Heritage for review. Further comments will be reported in the update report to committee. In light of the extant consent and the fact that the siting of the towers and their height has not changed it is considered the submission of this additional information will resolve these concerns. Essentially, from the current images it is not possible to identify the site given it is

barely visible and officers at the GLA and English Heritage have requested updated views which show the site in outline irrespective of the fact that the majority of the buildings would not be visible due to recent consents such as Royal Mint Street which are located nearer the Tower.

World Heritage Sites – Tower of London (TOL):

- 8.114 The proposed development site is located within the setting of the Tower of London World Heritage Site. Circular 07/2009 provides guidance on the protection of World Heritage Sites (WHS) and establishes the Government's objective to protect each heritage site through conservation and preservation of its outstanding universal value (OUV). It sets out that WHS and their setting, including any buffer zone should be protected from inappropriate development.
- 8.115 PPS5 includes WHS in the definition of designated heritage assets. Policy HE10 states that authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of an asset.
- 8.116 The LP also has a number of new and enhanced policies in relation to WHS. Particularly, 7.10 which states that
- “Development should not cause adverse impacts on World Heritage Sites or their setting (including any buffer zone). In particular, it should not compromise a viewer’s ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans.”*
- 8.117 Policy 7.11, also stresses the need to identify and protect aspects of views that contribute to a viewer’s ability to recognise and to appreciate a WHS’s authenticity, integrity, significance and OUV.
- 8.118 The GLA notes that the application has been supported by a Heritage, Townscape and Visual Impact Assessment and while this references the Tower of London and notes that there is a negligible effect on the monument as a result of the proposals, it does not carry out a full assessment of the impact of the WHS authenticity, integrity, significance and OUV as required by policy. The assessment of the OUV of the Tower is an emerging priority and the applicant has now carried out a further assessment making specific reference to the OUV of the Tower. This has been submitted to the GLA and English Heritage for review.
- 8.119 In light of the extant consent and the fact that the siting of the towers and their height has not changed it is considered the submission of this additional information will resolve these concerns, which will be the subject of an update report.

Impact to setting of other designated heritage assets:

- 8.120 The statutory requirement to consider proposals upon the impact to the setting of listed buildings and conservation areas is contained in central, regional and local policy and guidance. It includes PPS5, LP, the CS, the UDP, MD DPD, IPG and Aldgate Masterplan.
- 8.121 The ES is supported by a Heritage, Townscape and Visual Assessment which considers the historic features in the surrounding area. It is not considered that the proposed development will have an adverse impact on designated heritage assets including the setting of listed buildings along Alie Street and Leman Street. It is noted that English Heritage raised concerns about the setting of listed buildings in respect of the extant consent. However, officers at the time did not consider this to be the case. Given, the



massing is similar the impact is also similar and officers agree with the previous assessment in respect of impact on the local context and setting of listed buildings.. Furthermore, it is not considered that the proposed tall building would affect the setting of the surrounding conservation areas.

#### Design Conclusions:

- 8.122 In conclusion, the proposed scheme is broadly in keeping with the extant consent in respect of bulk, scale, massing, height, siting and layout. The main alteration has been in respect of materials and it is considered that the amended palette is acceptable in this location. Subject, to the additional information submitted to address the GLA's queries regarding the Tower of London, the design is acceptable, in accordance with policy. Further commentary on the World Heritage Site issues will be included in an update report. The detailed design of the outline phases will be secured by reserved matters.

#### **Amenity**

- 8.123 Part 4 a and b of policy SP10 of the CS, saved policy DEV2 of the UDP and policy DM25 of the MD DPD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.

#### Daylight, Sunlight and Overshadowing:

- 8.124 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).
- 8.125 In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.
- 8.126 BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.127 In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.128 In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *"it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21<sup>st</sup> March"*.
- 8.129 Section 15 of Volume 6 of the Environmental Statement Addendum considers the impacts of the development with respect to daylight, sunlight and overshadowing.
- 8.130 Daylight, sunlight and overshadowing were fully assessed as part of the extant consent and it is considered appropriate to take the impact of that consented scheme as a benchmark and to assess the impact of the current application in comparison to that consented scheme.
- 8.131 In other words, whilst the existing baseline conditions (the impact of the demolished RBS



buildings) are relevant in measuring the level of impact, the acceptability of the current proposals should be measured against its performance in comparison to the consented scheme, as the extent of the impact of that consented scheme was deemed acceptable.

- 8.132 The submitted ES has identified those neighbouring properties where they believe that residential accommodation to exist. Essentially, those properties can be grouped into four categories. First, the properties on the opposite (west) side of the Gower's Walk including 63 Gower's Walk; second the recently completed Berkeley Homes City Quarter development to the south of the site including Hoopers Yard; third, three residential properties on the opposite (west) side of Leman Street comprising 52, 56 and 58 Leman Street, and third, the existing dwellings in 55-57 Alie Street to the north of the site.
- 8.133 The impact on these dwellings is comparable to the consented scheme and there are no material differences between the two schemes in respect of massing.
- 8.134 It is noted that significant impacts were identified for properties especially residential properties in Alie Street and Gower's Walk when assessing the consented scheme.
- 8.135 In considering the significance of this impact, the following matters were considered to offer a case to balance this impact:
- Some relief afforded the affected neighbours by virtue of them being dual aspect properties
  - The benefits of the scheme coming forward as identified throughout the report and as summarised in other sections of this report
  - An awareness of the viability issues in bringing the scheme forward which necessitate the development potential of the site to be maximised.
  - An appreciation that this brownfield site is a challenging and highly constrained site to entertain redevelopment, being in a built up area on the edge of the city fringe which has a range of landuse priorities, not just housing. Invariably then, realising development on this site will involve a compromise
- 8.136 On balance, it is considered that the benefits of the scheme coming forward are considered to outweigh the loss of light to neighbours. Furthermore, it is noted that the consented scheme has set a benchmark and this baseline has been used in assessing this scheme. Given, that the proposed scheme does not result in a greater impact and in fact has the same level of impact as the consented scheme, the impact in respect of daylight, sunlight and overshadowing is considered acceptable.

#### Sense of Enclosure, Outlook and Privacy:

- 8.137 In respect of siting, layout and massing the proposed scheme is similar to the consented scheme and the level of impact is therefore similar.
- 8.138 The separation distance between the blocks and the surrounding area are between 12 metres along Alie Street and a maximum of 21 metres along Leman Street and Gower's Walk. These separation distances are considered acceptable within this City Fringe location.
- 8.139 The massing of the courtyard blocks are in keeping with the surrounding context and in this dense urban location would not have an undue impact in respect of sense of enclosure when consideration is given to the separation distances between buildings and the location of the taller elements.
- 8.140 The massing of the proposed scheme is in keeping with the consented scheme and as such there would be no increase in impact over the consented scheme. Furthermore, the

massing is acceptable in this dense urban location at the City Fringe. As such, in respect of sense of enclosure, outlook and privacy it is considered that the level of impact is in keeping with the consented scheme and is acceptable.

Proposed Development:

- 8.141 In respect of daylight and sunlight, the level of amenity that will be enjoyed by the future occupants of the proposed scheme will be comparable to the conditions of the consented scheme.
- 8.142 In keeping with the consented scheme, the proposed blocks have incorporated dual aspect units where possible to improve the quality of living and outlook for occupiers.
- 8.143 The proposed buildings have been set around courtyards and open spaces which will provide an attractive outlook. The proposal also provides acceptable separation distances between buildings, thereby ensuring no adverse impacts on outlook from the proposed buildings. Minimum separation distances measure approximately 12-15m which is considered acceptable given the dense urban context and the consented scheme.
- 8.144 It is considered that the NW block affords acceptable levels of amenity for residential occupiers. Future phases should be assessed at reserved matters stage when the layout of residential units is known.

**Transport and Highways**

- 8.145 PPG 13 and policy 6.1 of the LP seek to promote sustainable modes of transport, accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within capacity.
- 8.146 CS policies SP08 and SP09, saved UDP policies T16, T18, T19 and T21, and policy DM20 of the MD DPD, together seek to deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.147 The hybrid application seeks approval for detailed access arrangements. In respect to this section sufficient detail has been provided to discuss highways impacts for detailed and outline elements of the scheme.
- 8.148 The proposed development has been designed with smaller urban blocks to increase the sites accessibility and permeability which is welcome. The introduction of internal green fingers and open spaces between the blocks will in fact increase permeability of the area considerably.
- 8.149 These green fingers have been structured taking account of 'Manual for Streets' 1, focusing on the concept of 'liveable streets'. The proposed network of pedestrian spaces connects well with the existing semi-pedestrian areas on the periphery of the site.
- 8.150 An improvement of this scheme over the extant consent is the enlargement of the basement level which has meant all servicing is now provided in the basement at basement level. This has meant that ground floor public realm is set aside for pedestrian and cycle access and open space only (aside from emergency vehicles and disabled access) and will not be dominated by servicing vehicles. This adaptation should be welcomed.
- 8.151 Approval is sought for three points of access from Gower's Walk, Alie Street and Leman Street. Vehicular access to the basement car park is via Gower's Walk and a ramp to the rear of 75 Leman Street.

8.152 At-grade access for emergency vehicles will be provided from Alie Street, through the green fingers to Gower's Walk and Hooper Street.

Car, Cycle and Coach Parking Arrangements:

8.153 Policies 6.13 of the LP, policy SP09 of the Core Strategy, saved policy T16 of the UDP and policy DM22 of the MD DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

8.154 Vehicular access to and from the basement parking area will be located on the eastern side of the development, using the existing access ramp currently serving the City Quarter development from Gower's Walk.

8.155 A total of 253 car parking spaces will be provided in the basement, including 25 disabled spaces (10%). In addition, two disabled parking bays will be provided within the public realm adjacent to the Southern Garden.

8.156 The car parking spaces will be allocated as follows:

- 243 basement parking spaces for the residential units, including 24 disabled parking spaces,
- 10 basement parking spaces for the health centre unit, including one disabled parking space,
- One disabled parking space for the hotel at-grade, and;
- One disabled parking space for the commercial unit's at-grade.

8.157 Residents of 75 Leman Street will also have access to the basement car park. Any assessment of car parking standards, therefore, needs to take account of the 56 units in this block.

8.158 Across the site there will be 920 new residential units and this equates to 0.26 spaces per residential unit. Whilst, this is within the maximum parking standard of the IPG which is 0.5 car parking spaces per dwelling it is above the new standards within the MD DDP which sets the standard at 0.1 parking spaces per 3 bedroom dwelling and one for smaller dwellings given this is within the clear zone. It is noted that level of car parking is in compliance with LP maximum parking standards within chapter 6.

8.159 Both TfL and Highway's Officers have raised concern about the level of car parking proposed for this site given it's highly accessible location.

8.160 In this location, officers consider that a lower provision of on-site car parking would be acceptable. However, the MD DPD currently carries limited weight and the LP parking standards are adopted. As such, officers do not consider that the level of car parking merits refusal of the scheme in this instance.

8.161 In respect of commercial car parking, the level of provision is considered acceptable.

8.162 In respect of cycle parking, 1,398 spaces are proposed. This includes provision for private residential use, visitor cycle parking and commercial visitor car parking. The cycle parking is located within the basement and within the public realm. Initially the level of visitor cycle parking at-grade included 70 spaces which was an over provision. This has been reduced to 30 spaces at grade which still accords with policy.

8.163 The applicant has agreed to the provision of land for a 25 point docking station within Central Square which is welcome. This has meant the reduction in the number of visitor cycle parking stands. However, given that there is still an over provision of visitor cycle

parking the level of overall cycle parking provision accords with policy.

- 8.164 A coach parking and disembarkation point within the basement has been identified for hotel usage. Protected access is provided from this point to the lift core. It is noted that it is intended that the coach parking area may be overrun by other service vehicles manoeuvring into service bays Nos. 1 and 2 when a coach is not occupying the parking area.

Servicing and Deliveries:

- 8.165 Servicing and delivery requirements for all uses are provided within the basement. Access is from Gower's Walk. This application also makes provision for links into the existing basements under the SW block and 75 Leman Street.
- 8.166 This approach has significant benefits over the extant scheme in terms of facilitating the delivery of an enhanced area of public realm / open space at ground floor.
- 8.167 The Highway's Officer has reviewed the submitted plans and documents and is broadly satisfied with the servicing plan subject to clarifications which have now been provided and will be reviewed. An update will be provided in an update report to committee to confirm the additional information is satisfactory.
- 8.168 Notwithstanding the information submitted a Service Management Plan will be secured via condition.

Waste/Refuse:

- 8.169 The servicing and waste management plan provides detail of how commercial and residential waste will be stored and collected.
- 8.170 Residents will be responsible for disposing of their bagged waste into the basement via refuse chutes located at each floor. The applicant advised that sufficient bin capacity is provided in the refuse storage areas to accommodate the amount of waste that is likely to be generated in any one day from each block. The on-site facilities management team will transfer the bins from the refuse storage area to a centralised refuse store on a daily basis.
- 8.171 On waste collection days, residential waste bins will be transferred by the on-site facilities management team from the centralised storage area in the basement via a lift to a storage point at grade where it will be collected by LBTH. A 14 metre lay-by is proposed on the north side of the access road into the site from Gower's Walk (opposite the existing lay-by which serves City Quarter).
- 8.172 Commercial and hotel waste will be dealt with in a similar way aside from the fact it will be collected by a private contractor.
- 8.173 The Borough Waste officer has noted that currently refuse vehicles need to reverse onto Gower's Walk in light of the fact that access to Commercial Road from Gower's Walk is restricted because of construction works. A turning circle may be required to mitigate the impact during construction. There are ongoing discussion between officers and the application and the conclusions of this discussion will be reported in an update report.

Inclusive Environments and Pedestrian Access:

- 8.174 Policy 7.2 of the LP, policy SP10 of the Core Strategy and policy DEV1 of the UDP, seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.

- 8.175 The public realm proposed will provide a clear and inclusive environment suitable and safe for everyone, including people with disabilities, the elderly, and children in pushchairs. All areas of the site will be open and accessible to the general public. It is noted that both the Sensory Garden and the Southern Garden will be gated. However, they will be open to the public from dawn till dusk.
- 8.176 Gradients across the site will be less than 1:21 and have a landing for every 500mm rise where possible or following the existing site topography and where practicable slopes will be employed in lieu of steps. Where steps are necessary, it is intended to use them as a positive feature of the design and comply with part M of Building Regulations.
- 8.177 The principal pedestrian access points into the site through the Main Piazza from Leman Street, Alie Street and through the Park Square from Gower's Walk. Pedestrian access is also provided into Garden Square from Hooper Street. The public realm is designed to facilitate pedestrian access through the site and provide public amenity spaces within the site in the form of the Main Piazza, Park Square, Garden Square and the Green Fingers.
- 8.178 It is considered that the pedestrian environment created will improve permeability of the scheme and this is a major benefit of the scheme for the wider area. In order to ensure that the public realm is publicly accessible this will be controlled via the S106. Furthermore, full details of layout and landscaping of the public realm including aspects of inclusive design will be controlled via condition.

#### Conclusion:

- 8.179 In conclusion it is considered that in respect of highways impacts the proposed development is acceptable and accords with policy.

#### **Energy and Sustainability**

- 8.180 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan and Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.181 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.182 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.183 Policy SO3 of the CS seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.184 Policy DM29 of the draft MD DPD requires sustainable design assessment tools to be used

to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4 rating and all non-residential schemes to achieve a BREEAM Excellent rating.

- 8.185 The proposed energy strategy has been developed following the Mayor's energy hierarchy and includes:
- A range of passive design and energy efficiency measures ('be lean'),
  - Energy efficient supply of services by providing a single energy centre with on-site Combined Heat and Power (CHP) plant and to allow for possible future connection to district heating networks ('be clean'), and;
  - On-site renewable energy technologies to provide energy by providing photovoltaics (PVs) and Air Source Heat Pumps (ASHP) ('be green').
- 8.186 The incorporation of the above measures would result in approximately a 30.1% savings in the CO2 emissions over the regulated baseline Part L 2010 compliant scheme.
- 8.187 The extant scheme had a site wide energy strategy which was considered acceptable. The hybrid application does not include the SW block (student housing). Through the discharge of conditions on the extant consent the applicant is proposing an amended energy strategy which results in the SW block having a stand-alone energy supply. This is partly because of the phasing of the development and the requirements of the operator for the Student Housing.
- 8.188 Through officer discussion, the proposed energy strategy has been amended to increase the load of the proposed Combined Heat and Power (CHP) located within the basement of the NW block to allow future connection to the student block. It is considered that this is a pragmatic solution as it allows for the whole site to have one energy centre in the future should this be feasible.
- 8.189 The anticipated 30.1% reduction in carbon emissions through energy efficiency measures, a CHP power system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement dated November 2011.
- 8.190 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all non-residential development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 dated and Policy DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD.
- 8.191 The submitted Energy Statement details how the development will achieve a Code for Sustainable Homes Level 4 rating for the residential elements and BREEAM Excellent ratings for the non-residential uses. It is recommended that the strategy is secured by condition and delivered in accordance with the submitted Sustainability Statement dated November 2011.

#### **Other Planning Considerations:**

##### **Air Quality**

- 8.192 PPS23 and Policy 7.14 of the LP seek to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, policy SP02 of the CS and Policy DM9 of the MD DPD seek to protect the Borough from

the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

- 8.193 The development is located within the Tower Hamlets Air Quality Management Area (AQMA). The main sources of pollution impacting air quality at the site are traffic emissions from the surrounding road network. The submitted Environmental Statement advises that the building envelope on-site has been designed with the aim of improving permeability and accessibility of the site and the surrounding area. Accordingly, the perimeter blocks have been placed on the boundaries of the site, creating internal communal courtyard space and internal pedestrian friendly street-scape. This will provide a more attractive environment for pedestrians accessing both on-site and off-site addresses, where air quality will be improved in contrast to the existing pavements on Alie Street and Leman Street.
- 8.194 Non-residential uses are directed towards ground floor accommodation where pollutant concentrations would be greatest. Residential uses start at first floor level aside from Gower's Walk. Balconies and winter gardens have been provided at part of the development in order to meet amenity space requirements, but have been mindful of the prevailing AQMA status.
- 8.195 In the longer term, the main air quality impacts are associated with increase in vehicle movements along the adjacent road network, in particular along Gower's Walk and Hooper Street and the on-site energy centre.
- 8.196 As a result it is predicted the development will result in an increase in nitrogen dioxide concentrations and therefore will have a slight adverse impact on local air quality within the vicinity of the site. Mitigation for the residential properties along Leman Street which will be worst affected has been proposed and will be secured via condition.
- 8.197 The submission of a Construction Environmental Management Plan to be conditioned prior to commencement to limit impact during construction. Furthermore, air quality mitigation for the properties along Leman Street will also be controlled via condition.

### **Noise and Vibration**

- 8.198 Planning Policy Guidance Note 24 is the principal guidance adopted England for assessing the impact of noise. The guidance uses noise categories ranging from NEC A (where noise doesn't normally need to be considered) through to NEC D (where planning permission should normally be refused on noise grounds).
- 8.199 Policy 7.15 of the LP, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the CS and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.200 The submitted Environmental Statement advises that the site falls within Category C. The Boroughs EHO has advised that they consider the site lies within Category D. Whilst the numerical figures put forward by both technical experts are broadly the same, the methods used do differ which result in the different conclusions. The authors of the Environmental Statement have rounded down and consider the site is within Category C whilst the EHO has rounded up and consider the site is within Category D.
- 8.201 Firstly, it is noted that the Environmental Statement is in keeping with the conclusions of the Environmental Statement which supported the extant consent. When planning permission was granted the site was deemed by both the applicant and the EHO to be in Category C. Furthermore, the extant consent establishes a baseline which was previously considered acceptable. This application is comparable to the extant consent in this respect.

- 8.202 Secondly, the level of mitigation required to ensure future residents will have acceptable standard of amenity is based on similar figures.
- 8.203 In conclusion, officers have taken a balanced view, taking consideration of the extant consent and the mitigation that can be secured via condition and are satisfied with the submitted Environmental Statement.
- 8.204 Environmental Health will be consulted regarding the required sound insulation to the external and internal elements of the building and any mechanical or electrical plant to be installed, including ventilation, air conditioning, and commercial kitchen extract plant.
- 8.205 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions and address concerns of local residents.

### **Biodiversity**

- 8.206 The London Biodiversity Action Plan (2008), Policy 7.19 of the LP, policy SP04 of the CS and policy DM11 of the MD DPD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MD DPD also requires elements of living buildings.
- 8.207 It is proposed to include living roofs including sedum and green roofs across the site. The detailed provision within the NW block and the outline phase will be controlled via condition to ensure the enhancement of the biodiversity within and surrounding the site by linking the green spaces.

### **Environmental Impact Assessment**

- 8.208 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.
- 8.209 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.210 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues.
- 8.211 Furthermore, as a result of changes to the proposed delivery of affordable housing from off-site to on-site, an addendum to the ES was provided to address this change to the socio-economic chapter.
- 8.212 The applicant advertised the addendum to the ES in East End Life on 13 February 2012 allowing 21 days to comment. Officers following a further review of the EIA regulations consider that the local planning authority should also place an advert in the local press. This will be published on the 27 February 2012 allowing 21 days to comments.



- 8.213 This will mean that the consultation phase for the amended ES will conclude on 18 March 2012 which is after the date of the Strategic Development Committee. Officers consider that in the event of any responses being received relating to the outstanding Environmental Statement Consultation prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to assess if any such response raises issues which substantively exceed the nature of the Committee's decision, subject to this being the case the Corporate Director, Development and Renewal is delegated authority to issue the decision.
- 8.214 Finally, it is noted that all statutory consultees were re-consulted on the 20 February and allowed 14 days to provide comments. Any comments received will be presented in an update report to Committee.
- 8.215 With the submission of further information the application is considered to meet the EIA Regulations and provide a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 8.216 As part of the application is in outline, for the purposes of the assessment of environmental impacts and to comply with the requirements of the EIA Regulations and associated European Directive, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Further details of access are submitted for determination at this stage. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to significant environmental impacts which have not been assessed through the EIA process. Should the applicant then bring forward proposals which alter the range of impacts identified and assessed in the ES, they may need to be reassessed and/or the submission of a new planning application.
- 8.217 The ES and further information address the likely significant effects of the development, what the impacts are and their proposed mitigation. The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 8.218 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

## **9. Planning Contributions**

- 9.1 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. Obligations must be:
- Relevant to planning;
  - Necessary to make the proposed development acceptable in planning terms;
  - Directly related to the proposed development;
  - Fairly and reasonably related in scale and kind to the proposed development; and
  - Reasonable in all other respects.
- 9.2 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet they are

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Are fairly and reasonably related in scale and kind to the development.

9.3 This is further supported by policy SP13 of the CS, saved policy DEV4 of the UDP and policy IMP1 of the IPG which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.4 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

9.5 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

9.6 To mitigate for the impact of this development on local infrastructure, education and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be **£6,286,859.63**.

9.7 The proposed heads of terms are:

9.8 Financial contributions:

- A contribution of **£431,811.14** towards **employment, skills, training and enterprise** to create employment opportunities.
- A contribution of **£1,117,119.10** towards **community facilities** including Idea Stores Libraries and Leisure facilities, to mitigate the impact of the additional population upon existing leisure and community facilities within the immediate vicinity of the site.
- A contribution of **£2,815,691** towards **education** including primary and secondary school places, to mitigate the impact of the additional population upon existing education facilities within the immediate vicinity of the site.
- A contribution of **£80,802.76** towards **health**, to facilitate the fit out of the health centre proposed within the site.
- A contribution of **£26,280** towards sustainable transport improvements within the area to mitigate the impact of the additional population upon the highway network within the vicinity of the site.
- A contribution of **£339,300** requested by Transport for London (TfL) towards **highway improvements** and bus capacity improvements within the area to mitigate the impact of the additional population upon the highway network within the vicinity of the site.

- A contribution of **£938,319.84** toward the **public space** within the area to mitigate the impact of the additional population upon existing open space within the vicinity of the site.
- A contribution of **£414,264** towards **streetscene and the built environment** within the area to mitigate the impact of the additional population upon the existing streetscene and built environment.
- A contribution of **£123,271.76** towards monitoring and implementation.

#### 9.9 Non-financial contributions:

- **28% affordable housing** across the site by habitable room with a review mechanism proposed to assess the capacity of the site to deliver a surplus level of affordable housing through the submission of a pre-assessment viability toolkit prior to the commencement of the SE block and Gower's Walk and the NE block.
- The provision of a **health centre** up to 1,581 square metres including shell and fit, peppercorn rent for the first three years after occupation but otherwise usual market terms to mitigate the impact of the increased population on healthcare facilities within the area.
- The provision of land for a **Barclays Cycle Hire Docking Station** for up to 25 bikes within the site to mitigate the impact of the increased population upon the existing provision of the cycle hire scheme within the area.
- A commitment to 20% **local procurement during construction phase** and end user phase to address the above average unemployment rate within the borough.
- The provision of a **Travel Plan** framework and monitoring for commercial and residential users of the development to encourage sustainable modes of transport and mitigate the impact of the additional population upon the existing highway network.
- Secure a **permit free agreement** to prevent future residential occupiers from applying for on-street parking permits to mitigate the impact of the additional population on the surrounding highway network.
- The provision of a car club on-site.
- TV reception mitigation measures.
- Air quality monitoring during construction to mitigate the impact of the construction works on the surrounding population.
- Secure access to public open space within the site.

9.10 The applicant has already implemented the extant scheme in respect of 75 Leman Street and the SW block and paid £1,668,160 in line with the triggers for the S106 agreement. In considering how to deal with the S106 for the extant scheme officers calculated the required financial contribution for the SW block and 75 Leman Street which is £1,221,501.37. It is noted that the applicant intends to implement only 75 Leman Street and the SW Block as part of the extant permission and implement the remaining phases under the new hybrid consent.

9.11 **When consideration is given to the hybrid site area the applicant has agreed to meet all the required financial contributions required by the SPD of £6,286,859.63 and when this is added to the required financial contribution for 75 Leman Street and the SW block of £1,221,501.37 it totals £7,508,361. This is essentially the same as the**

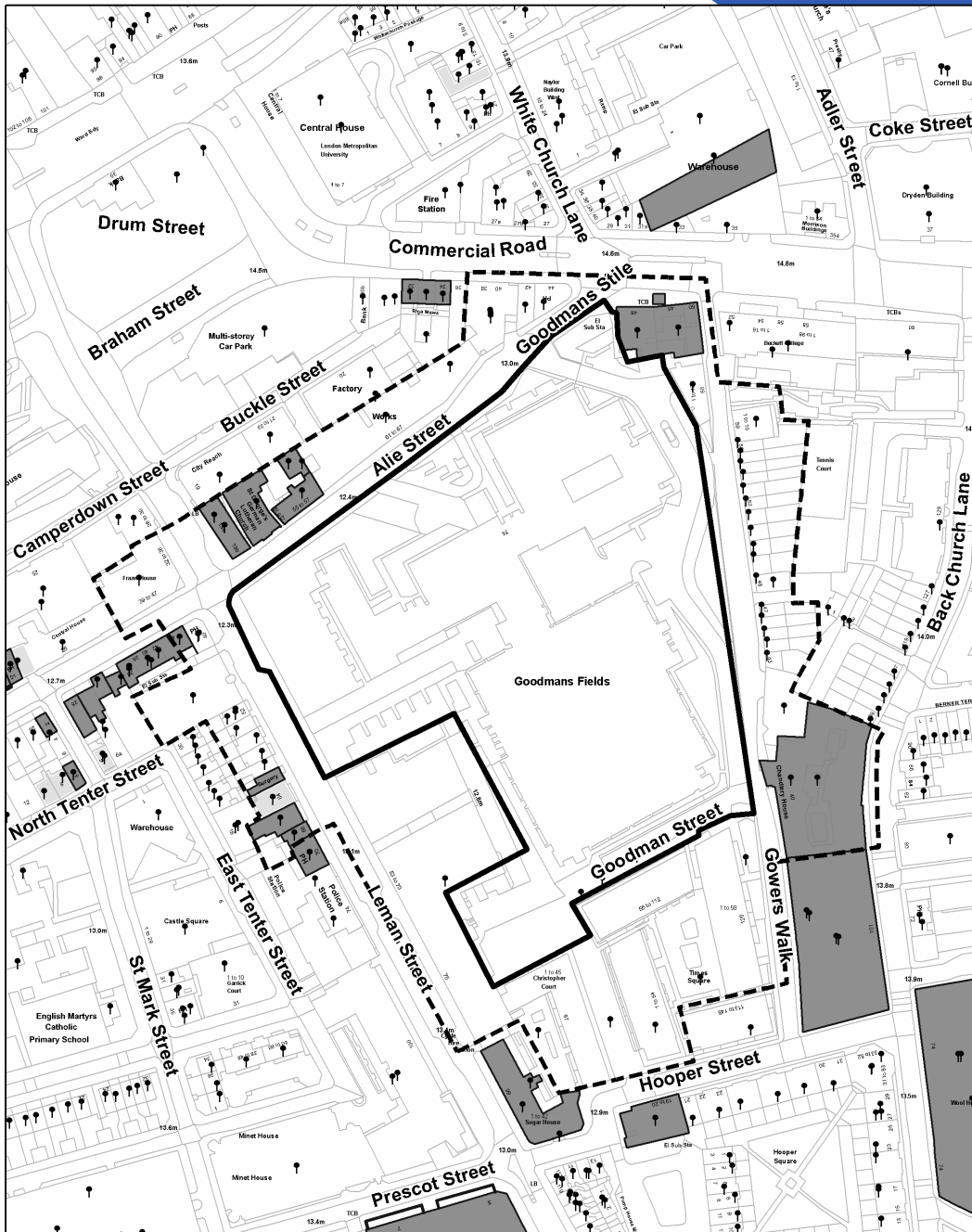
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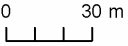
- 9.12 **Officers note that whilst there has been an increase in the number of units there has not been an increase in the required financial contribution. However, as part of the negotiations for this S106, officers only secured the provision of a health centre on site and the previous sum of £1,060,786.00 towards health has been reduced to £80,802 and the rest of the monies attributed towards ensuring compliance with the S106 SPD.**
- 9.13 The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of Circular 05/05 and the relevant statutory tests.

**10. Conclusion**

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

# Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:2,000
 Consultation Area	 Statutory Listed Buildings	 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.

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**APPENDIX TWO**

<b>Agenda Item number:</b>	6.4
<b>Reference number:</b>	PA/11/03587
<b>Location:</b>	Former Goodmans Fields, 74 Alie Street and Land North of Hooper Street and East of 99 Lemman Street, Hooper Street, London E1
<b>Proposal:</b>	Hybrid Planning application for residential led mixed use redevelopment of the site.

## 1.0 FURTHER CONSULTATION RESPONSES

### English Heritage

- 1.1 English Heritage welcome the additional analysis with regard to the effect of the proposal on the OUV of the Tower of London and note the conclusion that *'The OUV of the Tower WHS is preserved, maintaining its Authenticity, Integrity and Significance'*. They do not wish to add any further comments to their letter.

### Highways

- 1.2 A meeting was held with the Highway's Officer to discuss whether further information submitted adequately responded to the clarifications and requests for further information by the Highways Officer.
- 1.3 During, this meeting waste collection was also discussed. This relates to how waste will be collected once the development is occupied. The applicant has proposed a lay-by where the waste truck can park and refuse will be brought up to grade level via a lift. This is similar to how waste is collected from the City Quarter Development.
- 1.4 Concerns were raised, as recent access to Commercial Road from Gower's Walk has been closed. This related to works to an EDF substation which have now been completed and the route is now operating as normal.
- 1.5 The trucks would reverse into the development, park in the lay-by and then exit in forward gear onto Gower's Walk to continue collections along this route. Cleansing officers note that this is the same as the collection arrangements for City Quarter which is broadly acceptable. However, with increasing traffic along Gower's Walk they have reservations about how this would work in the future. Through discussion it was established that by ensuring the lay-by is kept clear for refuse vehicles this would assist. It is proposed to secure this matter via condition.
- 1.6 **Officer Comment:** On balance it is considered that the proposed servicing arrangements for refuse are acceptable and in keeping with the arrangements agreed for City Quarter. Servicing will be controlled via condition and a further condition to ensure the lay-by is kept clear will be added.

## 2.0 LOCAL REPRESENTATION

- 2.1 One additional representation has been received in objection to the development.

This is from a resident writing on behalf of Mitali Tenents and Residents Association. The following issues were raised in this representation that is material to the determination of the application.

§ Noise and disturbance during the construction phase.

- 2.2 **Officer Comment:** This is a concern raised by another resident and was discussed in the main committee report at paragraph 8.205. Conditions restricting the hours of

construction and piling as well as conditions requiring the submission of a Construction Management Plan will seek to reduce the impact on local residents during the construction phase.

2.3 The following procedural matter was raised:

§ Lack of consultation

2.4 **Officer Comment:** Paragraph 7.1 of the main report states that a total of 2110 neighbouring properties were sent consultation letters and invited to comment. Letters were sent on 17 December 2011 and a re-consultation letter was sent on 20 February 2012. It is also noted that the application was advertised in East End Life and site notices were placed around the site.

2.5 Along Gower's Walk, residents who directly face the application site, were sent letters this includes 40 – 63 Gower's Walk. Residents of Backchurch Lane and Mitali Passage were not sent letters given their properties do not directly overlook the property. It is noted that the residents of Mitali Passage can view the site given there is a gap in the building line at that point along Gower's Walk. Officers consider that the level of consultation carried out is acceptable given that it exceeds statutory requirements and accords with the Statement of Community Involvement.

2.6 Furthermore, it is noted that the developer has carried out its own public consultation. This has included two public exhibitions (25-26 March 2011 and 9-10 December 2011). It is also noted that within the Marketing Suite on Lemman Street which has been open since 27 June 2011 there are display boards and models with information about the development. This Consultation Centre is manned Tuesday to Thursday from 12pm – 6pm.

### 3.0 CLARIFICATIONS

#### Planning Contributions

3.1 It is noted that the applicant has already paid £1,668,160 towards open space, education and sustainable transport in respect of 75 Lemman Street and the South West Block which are being built out under the extant permission. By virtue of the current SPD calculations, the applicants have paid additional monies of £446,658.63 for this element of the scheme. Therefore, the additional contributions paid will mean that the current s.106 package for the outline will be adjusted and reflect this.

3.2 Paragraph 9.9 incorrectly states that there will be a review mechanism in respect of the affordable housing offer.

3.3 The submitted toolkit uses a growth model approach. As such, the toolkit is not based on the current economic situation but has built in growth assumptions into the toolkit. This approach has been taken due to the length of the build programme. It is noted that if the viability of the scheme had been assessed at today's values, without the growth model, the level of affordable housing would have been around 8%. Officers consider that establishing 28% on-site affordable housing using a growth model is the best approach for this site with the majority of risk being assumed by the developer if the predicted growth does not occur.

3.4 The applicant has issued a letter dated 29 February 2012 to officers and Members of the Strategic Development Committee which sets out their desire to ensure early s.106 payments to be directed towards specific local groups in the area and that these groups are identified within the legal agreement.



- 3.5 Officers do not agree with this approach. Firstly, it is the local planning authority which decides how to discharge its obligation to use monies secured for planning obligations. The Council needs to undertake its own assessment of how to properly mitigate the impacts of new development at the point the monies are received and this process needs to be rigorous in terms of monitoring spend.
- 3.6 Secondly, it is noted that issues may arise with specifying local groups given that often once planning contributions are actually received by the Council, the local situation can be quite different. A local group may cease to exist for example at the time when the money is available. The Council needs to be able to be in a position to make the appropriate assessment at the correct time in terms of the impact of the development and the local need.
- 3.7 This is not to say that such local groups cannot receive such monies, but to identify such specific local groups at such an early stage does not allow the Council to discharge its obligations in a proper and controlled manner. It is crucial that the process of allocating funds is suitably robust and auditable.

### **Other Clarifications**

- 3.8 Paragraph 3.8 contains a typographical error and the word not has been omitted. The paragraph should read:
- “In the event of any responses been received relating to the outstanding Environmental Statement Consultation prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to assess if any such responses rises issues which substantively exceed the nature of the Committee’s decision, subject to this not being the case, the Corporate Direction, Development and Renewal is delegated authority to issue the decision.”
- 3.9 Paragraph 8.54 contains a typographical error in respect of the spelling of Proof House and the last sentence should read:
- “To the rear of the Towers and the Proof House are two residential blocks either side of Gower’s Walk which are five storeys in height.”
- 3.10 Paragraph 6.53 contains a typographical error in respect of the spelling of cranage House and the last sentence should read:
- “If during construction a cranage or scaffolding is required at a higher elevation than 85.425m AOD a separation consultation to London City Airport is required.”
- 3.11 Paragraph 8.49 contains a typographical error and incorrectly refers to the SW block and gives the incorrect table number. It should read:
- “The offer essentially equates to the delivery of 28% affordable housing by habitable room. In numerical terms, this is 252 affordable units. It is proposed that affordable units will be provided within the NE and SE blocks which form part of the outline element of the scheme. As such, an indicative mix has been provided to illustrate how this could be provided. (See Table 3 below.)”
- 3.12 Paragraph 8.50 contains a typographical error and incorrectly calls the intermediate product intermediate rent and should read:
- “With regard to the tenure of housing, the application proposes a mix of social rent 30%, affordable rent (pod levels) 38% and intermediate 32%. The split is broadly policy compliant.”

3.13 Paragraph 8.54 contains a typographical error in the second sentence in respect of the total number of family units and should read:

“In this case a total 229 family sized units are provided which equates to 23% across the scheme.”

#### **4.0 Localism Act (amendment to S70(2) of the TCPA 1990)**

4.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

4.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

4.3 Section 70(4) defines “*local finance consideration*” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

4.4 In this context “grants” might include:

- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

4.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

#### **Officer Comment:**

4.6 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

4.7 Regarding Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that it is likely that the London Mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31 March 2012. The likely CIL payment associated with this development would be in the between £3,000,000 and £4,000,000 depending on the amount of floorspace set aside as affordable housing and could impact upon the future s.106 obligations.

- 4.8 With relation to grants, the Great Britain Building Fund is part of the Government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form of single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupiers and therefore the proposal supports this initiative .
- 4.9 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmes that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent upon the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the £431,811.14 financial contribution toward Enterprise and Employment, and agreement to 20% local procurement during construction and 20% local labor in construction (referred to in paragraph 3.1 of the Officers report), there is likely to be a range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment.
- 4.10 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 4.11 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £1,8 m within the first year and a total of £10.8m over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.
- 4.12 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities Agency (HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.
- 4.13 However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.

## **5.0 RECOMMENDATION**

- 5.1 Officer's recommendation remains approval.