

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

12th April 2012 at 7.00 pm

ADDENDUM REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
7.1	PA/11/03693	15-17 Lemn Street, and 1A Buckle Street	Redevelopment of site comprising the construction of a 23 storey, 251 bedroom hotel (GEA 10,836sq.m, Class C1) including ancillary café, bar and restaurant (Class A3/A4) with associated servicing and access.
8.1	PA/11/03375	Poplar Business Park, 10 Prestons Road	Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104sq.m of business accommodation

Agenda Item number:	7.1
Reference number:	PA/11/03693
Location:	15-17 Leman Street, and 1A Buckle Street
Proposal:	Redevelopment of site comprising the construction of a 23 storey, 251 bedroom hotel (GEA 10,836sq.m, Class C1) including ancillary café, bar and restaurant (Class A3/A4) with associated servicing and access.

1.0 FURTHER REPRESENTATIONS

- 1.1 Since the writing of the main report, English Heritage comments have been received. English Heritage confirms that they do not have comments to make on the application.

2.0 FURTHER CONSIDERATIONS

- 2.1 On 27th March 2012, the Department of Communities and Local Government have published the National Planning Policy Framework (NPPF) which now replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs). The NPPF is now a material consideration and should therefore be taken into consideration.

- 2.2 The heart of the NPPF is a presumption in favour of sustainable development. The NPPF states that this should be seen as a golden thread running through both plan-making and decision making.

- 2.3 The NPPF also outlines 12 core land-use principles which should under-pin both plan-making and decision-taking. The following points are relevant to the subject proposal and can be summarised as follows:

- § Proactively driver and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places.
- § Always seek high quality design and good standard amenity for all;
- § Support the transition to a low carbon future in changing climate, taking full account of flood risk and encourage the use of renewable resources
- § Encourage the effective use of land by reusing land that has been previously developed (brownfied land);
- § Promote mixed use development, and encourage multiple benefits from the use of land in urban areas;
- § Conserve heritage assets in a manner appropriate to their significance;
- § Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
- § Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

- 2.4 It is considered that the proposal is a sustainable development which re-uses a brownfield site and that would accord with the core land-use principles as set out above. The NPPF also places a strong emphasis on growth and it gives significant weight to the need to support job creation, prosperity and meeting the needs of businesses. As outlined on page 68 of the main report, the applicant has agreed to enter into a Social Compact with Council to promote training and apprenticeships for young local residents during the construction and end user phase of the development in order to maximise job opportunities. This is over and above the normal contributions sought by the Councils Employment and Enterprise Team detailed at

page 67 of the main report.

The proposal will provide an anticipated 36.1% reduction in carbon emission reductions and will achieve a BREEAM “Excellent “ rating and is thus considered to be sustainable economic development that delivers business infrastructure to the borough in compliance with the NPPF.

Agenda Item number:	8.1
Reference number:	PA/11/03375
Location:	Poplar Business Park, 10 Prestons Road
Proposal:	Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104sq.m of business accommodation

1.0 FURTHER CONSIDERATION

- 1.1 Further to the previous consideration of the application at Strategic Development Committee on 1st March 2012 and since the Noting Report was written, the following matters have arisen:
- 1.2 On 27th March 2012, the Department of Communities and Local Government have published the National Planning Policy Framework (NPPF) which now replaces and revokes all Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs). The NPPF is now a material consideration and should therefore be taken into consideration.
- 1.3 The heart of the NPPF is a presumption in favour of sustainable development. The NPPF states that this should be seen as a golden thread running through both plan-making and decision making.
- 1.4 The NPPF also outlines 12 core land-use principles which should under-pin both plan-making and decision-taking. The following points are relevant to the subject proposal and can be summarised as follows:
- § Proactively driver and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places.
 - § Always seek high quality design and good standard amenity for all;
 - § Support the transition to a low carbon future in changing climate, taking full account of flood risk and encourage the use of renewable resources
 - § Encourage the effective use of land by reusing land that has been previously developed (brownfield land);
 - § Promote mixed use development, and encourage multiple benefits from the use of land in urban areas;
 - § Conserve heritage assets in a manner appropriate to their significance;
 - § Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
 - § Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 1.5 It is considered that the proposal is a sustainable development which re-uses a brownfield site and that would accord with the core land-use principles as set out above. The NPPF also places a strong emphasis on growth and it gives significant weight to the need to support job creation, prosperity and meeting the needs of businesses. As outlined in the Main Report dated 1st March 2012, the proposal is an employment-led mixed use redevelopment with main focus to re-provide employment for Small and Medium Enterprise sector with the provision focused around the creation of an employment hub.
- 1.6 The NPPF seeks to boost the supply of housing and to optimise the potential sites to accommodate development. It also recognises the importance of viability in decision making and that to ensure viability, the cost of any requirements such as affordable

housing should provide competitive returns to a willing developer to enable the development to be deliverable. This is the case for the subject application, and that the proposal offers the maximum amount of affordable housing that the development can deliver together with a s106 contributions to off-set any impact arising from the development which will contribute towards the local infrastructure improvements.

2.0 AMENDMENTS

Housing

2.1 Since the deferral of the application the applicant has been looking closely at the viability of the scheme and thorough test of values have been carried out again. It has found that the development can now provide 28% affordable housing measured by habitable rooms. This is achieved by reducing the level of profit that applicant is seeking to secure on the scheme. The uplift will be through Affordable Rent provision at the POD levels which ensure affordability of the rental levels in the Borough.

2.2 Cross Rail, Community Infrastructure Levy (CIL)

As the 1st of April 2012 deadline has past for the introduction of the charge, this would be in the region of £850,000 for this site. As this is now a charge on all developments the applicant has advised that it will not seek to renegotiate the s106 package and will absorb the CIL cost. This means that the Section 106 Agreement contribution of £1,763,861 would be unaffected by the CIL charge.

2.3 The NPPF recognises the importance of viability in decision making and the applicant has not sought to offset the CIL requirement against the s.106 financial obligations. This combined with the maximised affordable housing offer is considered to be a material benefit to the scheme and in light of the NPPF, is considered to be acceptable and policy compliant.

3.0 RECOMMENDATION

3.1 In light of the publication of the NPPF, the officers' substantive recommendation as at 1st March 2012 to grant planning permission remains unchanged. Accordingly, notwithstanding the published Noting Report, and taking into account the matters in this report, the Committee are recommended not to refuse the application and to resolve to **GRANT** planning permission as previously detailed within the published report and addendum report at the Strategic Development Committee meeting held on 1st March 2012. The suggested reasons for approval, details of the legal agreement (amended to take into account of the applicant's increased affordable housing provision) and suggested conditions are reproduced below for ease of reference:

3.2 Summary of Material Planning Consideration

The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), Managing Development DPD (proposed submission version 2012), the London Plan (2011) and National Planning Policy Framework has found that:

1. The scheme will provide an employment-led mixed used residential scheme which safeguards the employment uses on-site and would also facilitate locally-based employment, training and local labour opportunities for the local community together with the identified public realm improvements. The scheme therefore accords with policies 4.3, 4.4 of the London Plan, saved policies DEV3 and EMP1 of the Council's Unitary Development Plan (1998); policies DM15 and DM17 of the Managing

Development DPD (proposed submission version 2012) and policies SP01 and SP06 of the Core Strategy 2010, which seek to support the growth of existing and future businesses in accessible and appropriate locations.

2. The scheme will provide a residential led mixed-use redevelopment with appropriate replacement of employment uses. The scheme would therefore provide opportunities for growth and housing in accordance with the objectives as set out in policies: SP02 of Core Strategy 2010; DEV3 of the Unitary Development Plan 1998; and DM3 and DM17 of Managing Development DPD (proposed submission version 2012).

3. The building height, scale, bulk and detailed design are acceptable and enhance the character and appearance of the surrounding area, in accordance saved policies: DEV1, DEV2 and DEV37 of the adopted Unitary Development Plan (1998), policies DEV1, DEV2 and DEV3 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy (2010); and DM24 and DM26 of the Managing Development DPD (proposed submission version 2012); and policies 7.1, 7.4, 7.6 and 7.7 of the London Plan 2011, which seek to ensure buildings and places are of high quality design and suitably located.

4. The proposal provides an acceptable amount of affordable housing and mix of units, as demonstrated through viability assessment. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Managing Development DPD (proposed submission version 2012) which seek to ensure that new developments offer a range of housing choices.

5. On balance the scheme provides acceptable space standards and layout. As such, the scheme is in line with saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM4 of the Managing Development DPD (proposed submission version 2012) which seek to provide an acceptable standard of accommodation.

6. The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy HSG7 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Managing Development DPD (proposed submission version 2012) which seek to improve amenity and liveability for residents.

7. On balance it is not considered that the proposal would give rise to undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007); policy SP10 of the of the Core Strategy Development Plan Document (2010) and DM25 of the Managing Development DPD (proposed submission version 2012), which seek to protect residential amenity.

8. Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007); policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) and DM20 and DM22 of the Managing Development DPD (proposed

submission version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.

9. Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; transportation; and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007), and policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3.3 The recommendation to Committee is to GRANT planning permission subject to:

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

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

Financial Contributions:

- a) £652,520 towards Education;
- b) £108,799 towards Community Facilities (Leisure)
- c) £96,957 towards Employment and Enterprise;
- d) £136,000 towards Health;
- e) £300,000 towards the junction improvements to the Aspen Way;
- f) £150,000 towards public realm improvements along Poplar High Street;
- g) £270,000 towards public transport infrastructure provision (Buses) (TfL);
- h) £15,000 towards Legible London sign (TfL)
- i) £34,585 monitoring fee (2%)

Non-Financial Contributions

- j) 28% affordable housing by habitable rooms
- k) 20% of the construction phase force to local residents
- l) 20% goods/services procured during construction phase
- m) Travel Plan (to include details of alternative real time public transport information display screens within the development)
- n) Code of construction practice
- o) Provision of a pedestrian access (public walkway) through the site and Aspen Way and future provision through to Poplar Business Park
- p) Car-free agreement
- q) Retain workspace as SMEs
- r) Review of viability prior to commencement to assess the delivery of affordable housing.

Total financial contribution: **£1,763,861**

3.4 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:

Conditions

- 1) 3 year time limit for Implementation;
- 2) Submission of phasing plan to be approved;
- 3) Submission of Material samples including details of obscure glazing (block C1) and detailed drawings;

- 4) Surface water drainage;
- 5) Contamination;
- 6) Verification report;
- 7) Piling and foundation design using penetrative methods;
- 8) Piling method statement;
- 9) Impact studies on existing water supply
- 10) No infiltration;
- 11) Scheme of Highways works;
- 12) Delivery and Service Management Plan;
- 13) Construction Management and Logistics Plan;
- 14) Parking (vehicle, disabled, motorcycle, cycle, a car club space);
- 15) 20% electric charging points on site and in the basement and further 20% passive provision.
- 16) Details of hard and soft Landscaping scheme (in consultation with City Airport), including details of brown roof; child play space and green walls;
- 17) Details of wayfinding signage within the site;
- 18) Scheme of lighting;
- 19) Details of swift boxes and bat roost;
- 20) Detailed specification of minimum 10% wheelchair units in each phase in accordance with plans submitted;
- 21) Lifetime Homes;
- 22) Internal noise specification/insulation;
- 23) Details of ventilation and extraction for A3 uses;
- 24) Refuse and recycling;
- 25) BREEAM Excellent, Code Level 4;
- 26) Provision of Heat network and in compliance with the energy strategy;
- 27) Provision of Renewable energy;
- 28) Archaeology;
- 29) Details of craneage;
- 30) Completed structure at 76.64 AOD;
- 31) Standard hours of construction;
- 32) Power/hammer driven piling/breaking (10am - 4pm Monday to Friday);
- 33) Approved plans;
- 34) Black redstart Survey
- 35) Waste Management Plan; and
- 36) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Section 106 agreement required;
- 2) Definition of superstructure works
- 3) Section 278 Highways agreements required;
- 4) Contact Environment Agency;
- 5) Contact Thames Water
- 6) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.4 That if, the legal agreement has not been completed by the time agreed with the applicant in the Planning Performance Agreement, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

4.0 FURTHER IMPLICATIONS OF THE DECISION IN LIGHT OF THE NPPF

4.1 In the event that Members are minded not to accept the officers recommendation in paragraph 3.1 above, any decision should be made in light of the further implications set out below following the publication of the NPPF.

- 4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.
- 4.3 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.4 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, and for decision-taking this means approving development proposals that accord with the development plan.
- 4.5 The National Planning Policy Framework is a material consideration in planning decisions which is likely to be given significant weight by the Planning Inspector in the event of an appeal.

5.0 CLARIFICATIONS ON THE DEFERRAL REPORT

- 5.1 Paragraph 2.2 of the deferral report outlines 3 reasons the Committee resolved to refuse the application however Paragraph 3.1 outlines two worded reasons for refusal. This should have been explained in the main deferral report.
- 5.2 An 'overdevelopment' reasons for refusal needs to be sustained by reasons of overdevelopment and/or symptoms of overdevelopment. Therefore, given the discussions on the lack of contribution towards the local infrastructure by Members at the meeting on 1st March 2012, it is considered more appropriate to reason overdevelopment by reasons of its lack of contribution towards local infrastructure.