

LONDON BOROUGH OF TOWER HAMLETS**STRATEGIC DEVELOPMENT COMMITTEE**18th July 2013**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL****INDEX**

Agenda Item no	Reference no	Location	Proposal
6.1	PA/12/03248	City Pride Public House, 15 Westferry Road, London, E14 8JH	Erection of residential (Class C3) led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 164 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.
7.1	PA/12/02332	Leopold Estate Phase 2 Land Bounded By Bow Common Lane, St Pauls Way And Ackroyd Drive, London	Demolition of 152 residential units and replacement with 364 new dwellings; new landscaped public open space and public realm, surface vehicle and cycle parking; access and associated ancillary development.
7.2	PA/12/00218 & /00219	Aldgate Place Land Bounded By Whitechapel High Street, Leman Street, Buckle Street & Commercial Rd, London, E1.	Demolition of existing buildings and creation of a mixed use development, comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. Provision of 463 private and affordable residential dwellings (use class C3), together with office (use class B1), hotel (use class C1), retail including restaurants, cafes and drinking establishments (use classes A1-A4) and leisure (use class D2) uses; creation of new pedestrianized street, public open spaces, children's play spaces and associated car and cycle parking together with associated highways works and landscaping.

Agenda Item number:	6.1
Reference number:	PA/12/03248
Location:	City Pride Public House, 15 Westferry Road, London, E14 8JH
Proposal:	Erection of residential (Class C3) led mixed use 75 storey tower (239mAOD) comprising 822 residential units and 164 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.

1.0 CLARIFICATIONS AND CORRECTIONS

- 1.1 The Strategic Development Committee is requested to note a typographical error within the deferral report. Within the description of development on page 19 the number of serviced apartments should read '162' serviced apartments not '1624' serviced apartments

1.0 ADDITIONAL REPRESENTATIONS

- 1.1 Since the publication of the committee report two additional representations have been received.
- 1.2 One additional objection has been received in relation to the City Pride scheme raising the following issues:
- Additional parking and congestion problems along Westferry Road and Marsh Wall.
 - Loss of privacy and daylight for occupants of Landmark.
 - Unsafe due to inadequate area for foundations.
 - Danger to aircraft from Heathrow and City Airport.
 - Will prejudice the Canary Wharf skyline.
 - Inadequate space for servicing.
- 1.3 A second letter from an objector that was already registered against the Island Point scheme has written to endorse Members decision to refuse the applications.

3 RECOMMENDATION

Officer's recommendation remains as per the original report.

Agenda Item number:	7.1
Reference number:	PA/12/02332
Location:	Leopold Estate Phase 2 Land Bounded By Bow Common Lane Ackroyd Drive And Burdett Road, St Pauls Way, London
Proposal:	Demolition of 152 residential units and replacement with 364 new dwellings; new landscaped public open space and public realm, surface vehicle and cycle parking; access and associated ancillary development.

1.0 ADDITIONAL REPRESENTATIONS

- 1.1 Since the publication of the committee report the following additional representations have been received.
- 1.2 One letter of support from a local resident of Leopold Estate who is also a member of Poplar HARCA Places Board and a member of the Leopold Estate Board. The letter supports the scheme and disagrees with the issues raised in the objection letters received by the Council.
- 1.3 Additional correspondents from Counsel and a Solicitor representing 2 Ackroyd Drive (who have objected to the scheme) requesting the planning application be withdrawn and a new planning application be submitted. This is due to the incorrect notifications being issued by the developer and the certificates not being signed correctly as a result.
- 1.4 *(Officer comment: The Council's response is as per section 7.5 of the committee report. As a result of the error being brought to the applicants attention, the notices have been re-served and the correct certificates have since been signed and a period of 21 days has passed since the re-serving of the notices prior to a decision being made. This matter has been referred to the Councils Legal Team who have advised that despite the fact that the Council must have a completed certificate at the time they validate the application, they see no legal reason why the applicant was unable to re-serve the necessary notices on the owners and provide an amended certificate to the Council, once it was brought to their attention that original notices had not been correctly served. The Council are satisfied that no prejudice has been caused to any party by the developer re-serving the notices and that the Council can lawfully proceed to determine the application and that any challenge on this point would be defensible.*
- 1.5 The objection letter also suggests no weight should be given to the outline planning permission as the extension of time application (PA/11/02004 mentioned within sections 4.23 and 4.24 of the Committee Report) was not accompanied by an EIA Assessment and that again incorrect certificates were served in respect of this application.
- 1.6 In relation to the lack of an EIA Assessment Paragraph 14 of the guidance note *Greater Flexibility for planning permissions*, states 'In the majority of cases where EIA was carried out on the original application, further information to make the environmental statement satisfy the requirements of the EIA Regulations is unlikely to be required'. There is no reason to believe that the environmental impacts have changed and therefore no reason for the Council to seek an updated environmental statement in this instance.

- 1.7 With regards to the incorrect certificates, as per the current application, the notices have now been re-served and a correct certificate provided to the Council. Again a period of 21 days would have passed if or when planning application PA/11/02004 is determined. The Council is confident that no prejudice could be caused to any party as a result of the failure to correctly serve the notices prior to the submission of the application and that the Council can proceed to determine this application.
- 1.8 It is also noted that the planning history of the site as per all applications is part of the relevant planning history and should be reported within the committee report. Moreover in this instance, given this is an estate regeneration site, in line with policy DM3(4b) the housing proposed is required to be assessed estate wide and as such reference is required to the previous planning history of the site.
- 1.9 Lastly, in any event officers believe the limited weight that has been attributed to the 2011 extension of time application in the report to committee is appropriate and would like to note that if this application was to be determined it would be determined in line with current planning policy, and having regard to all material considerations. This may or may not result in the permission being approved and therefore it cannot be given the same weight as an extant permission would be, and does not give the applicant a guaranteed fall-back position. The question of how much weight this previous permission can be given in these circumstances is for the committee as the decision maker. It is also advised that the application before members is to be determined on current planning policy and that policy DM3(4b) of the Managing Development Document requires affordable housing to be assessed based on all housing existing or permitted as part of the development. The accompanied paragraphs confirms this includes 'different sites and/or within different phases'.

Update on Health and Safety Executive

- 1.10 Further discussions have taken place with the National Grid to ascertain whether they are in a position to request revocation of the Hazardous Substances Consent and to not seek compensation. They have advised that this would take place once plans are in place to re-develop the Gas holder site and that at this time they are not in a position to do so.
- 1.11 This does not change the Health and Safety Executive's position which remains that there are sufficient public safety grounds for planning permission to be refused. This position has not changed since the publication of the committee report and as such, officer recommendation remains unchanged and if members were minded to recommend the application for approval, it would be referred to the Health and Safety Executive to ascertain whether they wish to seek call in.

2.0 TYPOGRAPHICAL ERRORS

- 2.1 Paragraphs 8.143 and 8.144 of the report incorrectly state 13.6% of all units are to be wheelchair accessible the correct figure is 14.8%. This equates to 11.1% across phase 1 and current phase 2, not 10.8% as stated within 8.143 of the report.

3.0 RECOMMENDATION

- 3.1 Officer's recommendation remains unchanged.

Agenda Item number:	7.2
Reference number:	PA/13/00218 AND PA/13/00219
Location:	Aldgate Place Land Bounded By Whitechapel High Street, Leman Street, Buckle Street & Commercial Rd, London, E1.
Proposal:	Demolition of existing buildings and creation of a mixed use development, comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. Provision of 463 private and affordable residential dwellings (use class C3), together with office (use class B1), hotel (use class C1), retail including restaurants, cafes and drinking establishments (use classes A1-A4) and leisure (use class D2) uses; creation of new pedestrianized street, public open spaces, children's play spaces and associated car and cycle parking together with associated highways works and landscaping.

1 CLARIFICATION AND CORRECTIONS

- 1.1 The Strategic Development Committee is requested to note the following clarifications and corrections to the report circulated with the agenda.
- 1.2 In paragraphs 3.4 and 9.244 an additional Heads of Term for the section 106 legal agreement is recommended to require a Pedestrian Environmental Review System (PERS) audit to inform the efficient spend of the 'street scene' contribution .

2 TYPOGRAPHICAL ERRORS

- 2.1 Paragraph 4.2 describes 'Altitude Towers' as a ' 23 storey scheme'. It should in fact refer to a '28 storey scheme.'
- 2.2 Paragraphs 7.12 and 9.97 refer to '20' units. They should in fact refer to '12' units.

3 RECOMMENDATION

- 3.1 Officer's recommendations remain as per the original report.

