

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 14 September 2006 at 7.30 p.m.

A G E N D A

VENUE

**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

Members:

Chair: Councillor Rofique U Ahmed
Vice-Chair: Councillor Alibor Choudhury

Councillor Ohid Ahmed
Councillor Louise Alexander
Councillor Rupert Bawden
Councillor Rupert Eckhardt
Councillor Ahmed Hussain
Councillor Abjol Miah
Councillor Ahmed Adam Omer

Deputies (if any):

Councillor Stephanie Eaton, (Designated Deputy for Councillor Louise Alexander)
Councillor Carli Harper-Penman, (Designated Deputy for Councillors Ohid Ahmed, Rupert Bawden, Ahmed Omer and Alibor Choudhury)
Councillor Waiseul Islam, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor Rania Khan, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor Joshua Peck, (Designated Deputy for Councillors Ohid Ahmed, Rupert Bawden, Ahmed Omer and Alibor Choudhury)
Councillor M. Mamun Rashid, (Designated

Deputy for Councillors Ahmed Hussain
and Abjol Miah)
Councillor Simon Rouse, (Designated
Deputy for Councillor Rupert Eckhardt)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Louise Fleming, Democratic Services, Tel: 020 7364 4878, E-mail: louise.fleming@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 14 September 2006

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 181 to 184 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

PAGE **WARD(S)**
NUMBER **AFFECTED**

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 19th July 2006. **1 - 14**

4. RECOMMENDATIONS

4.1 To NOTE that the Chair has agreed to the submission of the Update Report of the Head of Development Decisions in accordance with the urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members have before them all the relevant facts and information about the planning applications set out in the agenda.

4.2 To RESOLVE that, in the event of recommendations being amended at the Committee in light of debate, or other representations being made by Members of the public, applicants, or their agents, the task of formalising the wording of any additional condition(s) be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.

5. PROCEDURE FOR HEARING OBJECTIONS

To note the current procedure for hearing objections. **15 - 16**

6. DEFERRED, ADJOURNED AND OUTSTANDING ITEMS **17 - 18** **Weavers**

6 .1 Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS **19 - 38** **Weavers**

7. PLANNING APPLICATIONS FOR DETERMINATION

7 .1 Rodwell House, 100-106 Middlesex Street, London E1 **39 - 64** **Spitalfields & Banglatown**

7 .2 Land bounded by Whitechapel High Street, Colchester Street, Buckle Street including car park and Braham Street, London E1 **65 - 82** **Spitalfields & Banglatown**

7 .3 132 St Paul's Way, London E3 4AL **83 - 94** **Mile End East**

7 .4 120-132 Chrisp Street, London E14 **95 - 108** **East India & Lansbury**

**8. REVISED PROCEDURE FOR HEARING
OBJECTIONS**

109 - 114

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON WEDNESDAY, 19 JULY 2006

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

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor Ohid Ahmed
Councillor Alibor Choudhury
Councillor Rupert Eckhardt
Councillor Ahmed Hussain
Councillor Abjol Miah
Councillor Ahmed Adam Omer

Councillor Joshua Peck
Councillor Stephanie Eaton

Other Councillors Present:

(none)

Officers Present:

Michael Kiely – (Service Head, Development Decisions)
Stephen Irvine – (Development Control Manager, Planning)
Richard Humphreys – (Acting Strategic Applications Manager, Planning)
Alison Thomas – (Manager, Social Housing Group)
Neil Weeks – (Legal Advisor)

Louise Fleming – Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Louise Alexander and Rupert Bawden. Councillors Stephanie Eaton and Joshua Peck deputised respectively.

2. ELECTION OF VICE-CHAIR

The Committee RESOLVED that Councillor Alibor Choudhury be elected Vice-Chair of the Strategic Development Committee for the municipal year 2006/07.

3. DECLARATIONS OF INTEREST

Councillor Ahmed Omer declared a personal interest in item 9.1, which related to Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS. He had been approached by supporters of the scheme. Accordingly he remained and took part in the discussion.

Councillor Ahmed Hussain declared a personal interest in items 9.2 which related to Indescon Court, 20 Millharbour, London E14 9TN and item 9.3 which related to 1 Millharbour, London E14 9SL as both sites were near where he lived. Accordingly he remained and took part in the consideration and vote on each item.

Councillor Rupert Eckhardt declared a personal interest in items 9.2, 9.3 and 9.4 as the Ward Member for Millwall. Accordingly he remained and took part in the consideration and vote on each item.

Councillor Louise Alexander declared a prejudicial interest in item 9.1 as she had submitted an objection to the scheme. Accordingly she could not take part as a Member of the Committee or be present to speak on behalf of her Ward. Therefore, Councillor Alexander left the Chamber for the duration of the item.

4. UNRESTRICTED MINUTES

The minutes of the meeting held on 10th April 2006 were agreed and approved as a correct record.

5. RECOMMENDATIONS

5.1 The Committee NOTED that the Chair had agreed to the submission of the Update Report of the Head of Development Decisions in accordance with the urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members have before them all relevant facts and information about the planning applications set out in the agenda.

5.2 The Committee RESOLVED that, in the event of recommendations being amended at the Committee in light of debate, or other representations being made by Members of the public, applicants or their agents, the task of formalising the wording of any additional conditions be delegated to the Head of Development Decisions along the broad lines indicated at the meeting.

6. PROCEDURE FOR HEARING OBJECTIONS

The Committee NOTED the procedure for hearing objections and those who had registered to speak at the meeting.

It was proposed that the Committee examine the procedure in more detail at its next meeting and it was RESOLVED that an item outlining options for varying the procedure be reported to the next meeting to be held on 14th September 2006.

7. STRATEGIC DEVELOPMENT COMMITTEE FUNCTIONS AND TERMS OF REFERENCE

The Committee NOTED its Functions and Terms of Reference.

8. STRATEGIC DEVELOPMENT COMMITTEE SCHEDULE OF DATES - MUNICIPAL YEAR 2006/07

The Committee NOTED the schedule of dates for the 2006/07 municipal year.

9. PLANNING APPLICATIONS FOR DETERMINATION

9.1 Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:

- a part-five, part-six storey building along Hackney Road to provide a new church and retail space (Class A1 to A5) with residential units above;
- a five storey building centrally located to provide offices with residential units above;
- a six storey building centrally located to provide a Primary Care Centre and residential units;
- three storey town houses along Austin Street with adjoining commercial/retail premises (Class B1/A1 to A5);
- a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detox unit plus parking, servicing and cycle bay provision, landscaping and highways works

on land bounded by Hackney Road and Austin Street including Mildmay Hospital, Hackney Road, London E2 7NS.

Mr Myles Joyce addressed the Committee on behalf of the objectors, on the grounds that the proposal was a departure from planning policy; the site was unsuitable; the scheme was not justified in terms of its high density or height; there were omissions from the planning officers report; and any proposal should be referred to the Secretary of State for assessment.

Mr Anu VEDI addressed the Committee on behalf of the applicant and supporters for the scheme. He reminded the Committee that the scheme

would include 100% affordable housing which would not be housing drug addicts but would house essential key workers and recent hospital patients. He advised that that height of the scheme had been lowered and the positioning looked at to ensure minimum impact on the surrounding area.

Councillor Shirley Houghton addressed the Committee on behalf of Councillor Louise Alexander and the residents of the Weavers Ward. She expressed concern that the proposal appeared to be contrary to planning policy and did not contain enough family housing, which was needed in the area. She was also concerned that the additional housing would not help to reduce the Council's housing waiting lists. She stated that the 23 storey tower block would be out of keeping with the surrounding area and urged the Committee to reject the proposals.

Mr Stephen Irvine, Development Control Manager, presented the planning officer's report. He went through the update report which contained a summary of comments received subsequent to the despatch of the agenda. He informed the Committee that over 2,930 further letters of comment had been received, 1265 were in support of the merits of the scheme and 1665 were in opposition. Mr Irvine outlined the planning issues which the Committee needed to take into consideration when making its decision and the reasons why officers had recommended the scheme for approval, as outlined in the agenda item.

Members asked a number of questions of the officers in respect of issues raised in the speakers' presentations; the height and density of the scheme; crime and disorder issues; and the need for health care provision in the area.

Mr Irvine and Mr Michael Kiely, Head of Development Decisions, informed the Committee that careful consideration had been given to the scale and density of the scheme by officers and the Greater London Authority (GLA) as there had been some initial concerns. However, after consideration planning officers and the GLA were of the view that the proposal was acceptable. There would be CCTV and 24 hour security on the site to ensure the safety of the site, and Members were advised that it was usual for large developments to have CCTV on site. The Committee was also advised that the local Primary Care Trust had identified the need for health care provision in the area and supported the proposals.

A number of Members proposed that a site visit be held to enable Members to view the site in its surroundings, especially in relation to the adjoining properties, before reaching a decision.

The Committee AGREED that the application for the demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:

- a part-five, part-six storey building along Hackney Road to provide a new church and retail space (Class A1 to A5) with residential units above:

- a five storey building centrally located to provide offices with residential units above;
- a six storey building centrally located to provide a Primary Care Centre and residential units;
- three storey town houses along Austin Street with adjoining commercial/retail premises (Class B1/A1 to A5);
- a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detox unit plus parking, servicing and cycle bay provision, landscaping and highways works

on land bounded by Hackney Road and Austin Street including Mildmay Hospital, Hackney Road, London E2 7NS be DEFERRED for a site visit by Members to view the site in its surroundings, especially the relationship to neighbouring properties.

The Committee adjourned for a short break at 8.55pm and resumed at 9.10pm.

9.2 Indecon Court, 20 Millharbour, London E14 9TN

Mr Richard Humphreys, Strategic Applications Manager, presented the report which related to the redevelopment of the eastern side of Indecon Court by a building of a maximum height of 84 metres to accommodate a Use Class C1 (hotel) of 2,775 sq m for use as an apart-hotel or further hotel floor space, 35,000 sq m of Class C3 (residential – up to 490 units), 550 sq m of B1 (businesses), 1,000 sq m of either A1 (shop), A2 (financial & professional services), A3 (restaurants/cafes) or A4 (pubs/bars), 1,8000 sq m of either Class D2 (assembly & leisure), Classes A3 (restaurants/cafes) or A4 (pubs/bars) at ground and basement, with private and public open space, pedestrian routes, basement car parking, access and landscaping at Indecon Court, 20 Millharbour, London, E14 9TN.

Members asked questions relating to the capacity of the Docklands Light Railway (DLR) in the area and the housing mix in the scheme. The Committee was advised that the DLR line and station would be upgraded. Members were reminded that the application was for outline planning permission, which meant that the housing mix would be determined when the full planning application, which would deal with such issues, was considered.

On a vote of

8 for
1 abstention

The Committee AGREED that the application for the redevelopment of the eastern side of Indecon Court by a building of a maximum height of 84 metres to accommodate a Use Class C1 (hotel) of 2,775 sq m for use as an apart-hotel or further hotel floor space, 35,000 sq m of Class C3 (residential – up to 490 units), 550 sq m of B1 (businesses), 1,000 sq m of either A1 (shop),

A2 (financial & professional services), A3 (restaurants/cafes) or A4 (pubs/bars), 1,8000 sq m of either Class D2 (assembly & leisure), Classes A3 (restaurants/cafes) or A4 (pubs/bars) at ground and basement, with private and public open space, pedestrian routes, basement car parking, access and landscaping at Indescon Court, 20 Millharbour, London, E14 9TN be GRANTED subject to

A A variation to the section 106 agreement dated 24th June 2004 between the applicant and the Council to additionally secure the following within the mixed-use phase:

- 1) Affordable housing provision of 35% of the proposed residential units measured by floor space
- 2) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits
- 3) To fund associated highway improvements to Marsh Wall, Millharbour, Mastmaker Road and Lightermans Road necessary to accommodate the additional vehicular cycle and pedestrian movements associated with the redevelopment and part of new road shared with the Tate & Lyle site
- 4) TV reception monitoring and mitigation
- 5) To require that development shall commence under the Existing Permission (i.e. on the western part of the Indescon Court site) before development begins on the eastern part of the site.

B The following conditions and informatives:

Conditions:

- 1) Time Limit for Outline Permission
- 2) Outline Permission – Reserved Matters
- 3) Details and samples of materials to be used on external surfaces of buildings
- 4) Implementation of landscaping and maintenance
- 5) Investigation and remediation measures for land contamination
- 6) Archaeology – investigation prior to commencement of works
- 7) Restricted working hours for construction
- 8) Restriction on construction noise
- 9) Restriction on levels of vibration
- 10) Air Quality Management Plan
- 11) Details of route for construction traffic and notices
- 12) Details of on-site construction parking and delivery arrangements
- 13) Submission of an Environmental Management Plan
- 14) Details of a monitoring and control regime and Project Environmental Manager
- 15) Details of foul and surface drainage system
- 16) Details of measures to avoid groundwater and surface water pollution
- 17) Submission of energy strategy

- 18) Submission of flooding escape plan
- 19) Development to be materially compliant with parameter plans
- 20) Restriction of apart-hotel occupancy to 90 consecutive days or less

Informatives:

- 1) Use of dock for transport of bulky materials
- 2) Storage of waste on site
- 3) Request to comply with MQ Code of Construction Practice
- 4) Attention is drawn to the control of Pollution Act 1974
- 5) With regard to condition 2 (reserved matters) the submitted details should include:
 1. Details of provision for storage and disposal of refuse to include waste/recycling strategy;
 2. Details of a scheme of external lighting and security measures;
 3. Details of car parking layout and restriction of maximum number of parking spaces;
 4. Detailed daylight/sunlight assessment;
 5. Details of a green roof system; and
 6. An overall dwelling mix and dwelling mix for both the market and affordable housing that complies with the London Plan Supplementary Planning Guidance: Housing November 2005, paragraph 11.3 and Policy HSG: Housing Mix of the London Borough of Tower Hamlets Local Development Framework Preferred Options 2005.

- C Referral to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000 under categories 1B 1 (c) for a building exceeding 15,000 square metres floor space and more than 30 metres high.

The Committee confirmed that it had taken the environmental information into account, as is required by Regulation 3 (2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.

The Committee agreed that following the grant of planning permission a statement be placed on the Statutory Register confirming that the main reasons and considerations upon which the Committee's decision was based were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

9.3 1 Millharbour, London E14 9SL

Mr Stephen Irvine, Development Control Manager, presented items 9.3 and 9.4, which related to the erection of two buildings of 48 storeys and 39 storeys to provide 763 residential units, retail (Class A1), food and drink (Class A3,

A4), business (B1) and leisure (D2) uses with new vehicular accesses, parking, open space and landscaping at 1 Millharbour, London E14 9SL; and the erection of buildings up to 21 storeys in height comprising 190 residential units, retail (Class A1) or food and drink (Class A3/A4) and community uses (Class D1/D2) together with new access arrangements, parking, open space and landscaping at 4 Mastmaker Road, London E14 9UB as both applications were linked.

At its meeting on 7th July 2005, planning permission had been granted at 1 Millharbour subject to a Section 106 Legal Agreement which allowed the affordable housing to be located off-site within the ward. The affordable housing would be included in the proposals for 4 Mastmaker Road, where there would be more capacity for family accommodation and a large amount of open space. Both sites were located within the Millennium Quarter Master Plan.

Members asked questions relating to the heights of the buildings; Unitary Development Plan policy; distances from existing properties; affordable housing provision; education provision in the area; car parking and impact on traffic.

Mr Irvine informed the Committee that officers were of the view that the proposal would not have a significant impact on adjoining residents. It was considered that the site at 4 Mastmaker Road would be more suitable for family sized affordable housing. The applicant would be making a financial contribution towards additional education provision in the area as part of the Section 106 Legal Agreement. Members were also informed that the Highways officer had raised no objection to the scheme. The definition of a 'Car Free Agreement' was clarified for the Committee as one that would not permit residents to obtain parking permits to park on the street.

On a vote of

7 for
2 against

The Committee AGREED that the application for the erection of two buildings of 48 storeys and 39 storeys to provide 763 residential units, retail (Class A1), food and drink (Class A3, A4), business (B1) and leisure (D2) uses with new vehicular accesses, parking, open space and landscaping at 1 Millharbour, London E14 9SL be GRANTED subject to the conditions outlined below:

- 1.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 1.2 below, and the conditions and informatives outlined in Section 1.3 and 1.4 below.
- 1.1.2 That if the Committee resolve that planning permission be granted, that the application first be referred to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an

application for a new building exceeding 30 metres in height, involving more than 5000 residential units and development which comprises a total floorspace of more than 20,000 sq m.

1.1.3 The Committee confirmed that it had taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

1.1.4 The Committee agreed that following issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Assessment) Regulations 1999.

Legal Agreement

1.2 Section 106 agreement to secure the following:

- (1) Contribution to public art/craft
- (2) Contribution to MQ Project Team costs
- (3) Appropriate financial contribution of £4,956,612 (index linked from April 2002) towards the improvements and upgrades of the transport infrastructure, public realm and open space, provision of training and employment and securing community facilities as set out within the Millennium Quarter Master Plan
- (4) A proportion of affordable housing, consisting of 27 units (86 habitable rooms) on site and 119 units (458 habitable rooms) provided offsite as part of the scheme proposed for 4 Mastmaker Road. The total affordable housing provision thus equates to 146 units (544 habitable rooms), with the mix and type as specified in Section 7.5.9 of the officer's report
- (5) The provision of a public route through the site as part of the 'East – West Link' in the Millennium Quarter
- (6) Section 278 agreement for highways works and improvements
- (7) A Travel Plan (for both the commercial and residential component) which promoted sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirements of occupants and visitors
- (8) Compliance with a post construction Environmental Management Plan
- (9) The use of local Labour in Construction and the occupation of the development
- (10) A car free agreement to restrict the occupiers from applying for residents parking permits in the area
- (11) TV Reception Monitoring and Mitigation

Conditions

1.3 That the following conditions be included

- (1) Time Limit for Planning Permission
- (2) Details and samples to be used on external surfaces of buildings
- (3) Details and treatment of all open land within site including both hard and soft landscaping
- (4) Details of parking layout
- (5) Noise insulation – residential accommodation
- (6) Noise insulation – non-residential
- (7) Details of soil survey
- (8) Programme of archaeological work
- (9) Microclimate study
- (10) Details of compliance with Lifetime Homes Standards and access for people with disabilities
- (11) Hours of construction
- (12) Construction noise mitigation
- (13) Restriction on levels of vibration
- (14) Air Quality Management Plan
- (15) Details of route for construction traffic and notices
- (16) Details of on-site construction parking and delivery arrangements
- (17) Construction Environmental Management Plan
- (18) Details of a monitoring and control regime and Project Environmental Manager
- (19) Details of surface and foul water drainage
- (20) Details of site foundations
- (21) Details of ecological mitigation/enhancement plan
- (22) Highway Works
- (23) Five metre buffer zone alongside the Millwall and East India Dock
- (24) Submission of impact studies of water supply infrastructure
- (25) Car Management and Operation Strategy

1.4 Informatives

- (1) Use of highest quality of materials
- (2) Requirements of the Control of Pollution Act 1974
- (3) Compliance with Environmental Management Plan in legal agreement
- (4) Request to comply with MQ Code of Construction Practice
- (5) Consideration to be given to green roof systems
- (6) Transport of material on dock
- (7) Additional plant space
- (8) London Cite Airport safeguard
- (9) Confirmation that the EIA information has been taken into account in the decision
- (10) Environment Agency advice
- (11) Thames Water advice
- (12) British Waterways advice

9.4 4 Mastmaker Road, London E14 9UB

Mr Stephen Irvine, Development Control Manager, presented items 9.3 and 9.4, which related to the erection of two buildings of 48 storeys and 39 storeys to provide 763 residential units, retail (Class A1), food and drink (Class A3, A4), business (B1) and leisure (D2) uses with new vehicular accesses, parking, open space and landscaping at 1 Millharbour, London E14 9SL; and the erection of buildings up to 21 storeys in height comprising 190 residential units, retail (Class A1) or food and drink (Class A3/A4) and community uses (Class D1/D2) together with new access arrangements, parking, open space and landscaping at 4 Mastmaker Road, London E14 9UB as both applications were linked.

On a vote of

6 for

3 abstentions

The Committee AGREED that the application for the erection of buildings up to 21 storeys in height comprising 190 residential units, retail (Class A1) or food and drink (Class A3/A4) and community uses (Class D1/D2) together with new access arrangements, parking, open space and landscaping at 4 Mastmaker Road, London E14 9UB be GRANTED subject to the conditions outlined below:

- 1.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 and 278 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 1.2 below, and the conditions and informatives outlined in Sections 1.3 and 1.4 below.
- 1.1.2 The application first be referred to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height.
- 1.1.3 The Committee confirmed that it had taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 1.1.4 The Committee agreed that following issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

- 1.2 Section 106 agreement to secure the following:

- (1) A total of 136 affordable housing units (516 habitable rooms). The affordable housing consists of 17 units (58 habitable rooms) provided onsite associated with the onsite private housing and 119 units (458 habitable rooms) provided onsite associated with the scheme at 1 Millharbour (PA/05/1782) and in accordance with the mix type as specified in Section 7.7.7 of the officer's report
- (2) The appropriate financial contribution of £291,650 (index linked from April 2002) towards the improvements and upgrades of the transport infrastructure, public realm and open spaces, provision of training and employment and securing community facilities and achieving the objectives of the Millennium as set out within the Millennium Quarter Master Plan
- (3) Provide £249,650 towards education to mitigate the demand of the additional population on education facilities
- (4) Provide £800,000 towards education to mitigate the demand of the additional population on health care services
- (5) A Section 278 agreement for offsite highway works
- (6) A Section 72 agreement to widen Byng Street to provide a footpath along the site
- (7) A Travel Plan (for both the commercial and residential component) which promoted sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirements of occupants and visitors
- (8) Compliance with a post construction Environmental Management Plan
- (9) The use of local Labour in Construction and the occupation of the development
- (10) A car free agreement to restrict the occupiers from applying for residents parking permits in the area
- (11) Secure the connection to and use the Barkentine Combined Heat and Power unit
- (12) The provision of a public route through the site as part of the 'East – West Link' in the Millennium Quarter
- (13) Improvements/connection to the existing children's playspace at the west of the site adjoining Bosun Close

Conditions

1.3 That the following conditions be included:

- (1) Time limit for Full Planning Permission
- (2) Details and samples of materials to be used on the external surfaces of buildings
- (3) Details of treatment of all open space within the site, including hard and soft landscaping
- (4) Parking – maximum number of 82 cars and a minimum number of 150 cycle spaces

- (5) Details of compliance with Lifetime Homes Standards and access for people with disabilities
- (6) Hours of construction limits
- (7) Noise insulation – residential
- (8) Noise insulation – non-residential
- (9) Hours of operation limits – hammer driven piling (10am – 4pm)
- (10) Wheel cleaning during construction required
- (11) Details of site foundations
- (12) Land contamination study required to be undertaken
- (13) Implementation programme – archaeological works
- (14) Microclimate study
- (15) Bat Survey to be Undertaken
- (16) Black Redstart Survey to be undertaken
- (17) Construction Environmental Management Plan
- (18) Full particulars of the refuse/recycling storage required
- (19) Submission of Air Quality Management Plan
- (20) Details of route for construction traffic and notices
- (21) Details of onsite construction traffic and noises
- (22) Details of monitoring control regime and Project Environmental Manager
- (23) Ground borne vibration limits
- (24) Details of east-west link
- (25) Details regarding the operation and use of barges for construction traffic required
- (26) Details of renewable energy measures
- (27) Details of residential elevations to the 'East/West Link'

Informatives

1.4 That the following informatives be provided to the applicant for information:

- (1) Requirements of Control of Pollution Act 1974
- (2) Confirmation that the EIA information has been taken into account in the decision
- (3) Compliance with Environmental Management Plan in legal agreement
- (4) Request to comply with MQ Code of Construction Practice
- (5) Thames Water advice
- (6) Environment Agency advice

9.5 397-411 Westferry Road, London E14

The Committee NOTED that the application had been withdrawn for further consideration by officers.

The meeting ended at 9.55 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee

**DEVELOPMENT COMMITTEE
STRATEGIC DEVELOPMENT COMMITTEE
OLYMPICS DEVELOPMENT COMMITTEE**

PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

1. The Clerk to the relevant committee must be informed at least 3 days prior to a meeting of an applicant's or objector's request to speak at the committee regarding a planning application on the agenda for determination at that meeting.
 - a) Applicants will not be expected to address a planning committee, where there are no objections to an application and where officers are recommending approval.
 - b) Where officers are recommending refusal of an application, requests to speak from applicants will be accepted and submitted to the relevant Chair/committee for ratification.
2. All requests to speak should be confirmed in writing or by e-mail, at least 3 days in advance of the meeting. This should confirm the details of the intended spokesperson and include contact telephone numbers.
3. Requests to speak will be submitted to the relevant committee through the Chair, and members must formally agree to permit a member of the public to speak.
4. Only one person will be permitted to speak in objection to an application, and one person will be invited to respond to the objection. This will usually be the applicant or their nominee. In the case of there being more than one objector, the Clerk should suggest that the objectors liaise prior to the meeting and choose a spokesperson to represent them.
5. Each spokesperson will be allowed no more than five minutes to address the committee. The distribution of additional information to Members at the meeting will not be permitted.
6. Committee members, at the discretion of the Chair, may ask questions of any spokesperson on points of clarification only.
7. At the close of a speaker's address and the question and answer session, if one is held, the spokesperson must take no further part in the proceedings of the meeting, unless directed by the Chair of the committee.
8. Every effort should be made to ensure applicants are informed of their right of reply, which will also be five minutes, if there are objectors wishing to speak against any application. This may be done through the planning officer.

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Agenda Item 6

Committee	Date	Classification	Report No.	Agenda Item No.
Strategic Development Committee	14th September 2006	Unrestricted		6
Report of:		Title:		
Head of Democratic Renewal and Engagement		Deferred, Adjourned & Outstanding Items		
Originating Officer(s): Louise Fleming		Ward(s) affected: Weavers		

1. SUMMARY

- 1.1 This report is submitted to advise Members of planning applications which have been considered at previous meetings of the Strategic Development Committee and currently stand deferred or are awaiting follow-up reports to be placed before the Committee.
- 1.2 On 19th July 2006 the Committee considered a report relating to Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital and resolved that the application be deferred for a site visit to enable Members to view the proposed site in its surroundings, paying particular attention to relationships with adjoining properties. The original report is attached as Item 6.1. Any updates following the site visit will be reported at the meeting.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee
- (i) note the information given below; and
 - (ii) consider the recommendations contained in the report attached at 6.1 accordingly.

TITLE OF REPORT	DATE OF MEETING	WARD	COMMITTEE DECISION	ESTIMATED AGENDA DATE
Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, London E2 7NS	19 th July 2006	Weavers	Deferred for a site visit to view the relationship between neighbouring properties	14 th September 2006

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

Brief description of "background paper"

Name and Telephone number of holder and address where open to inspection
Louise Fleming, Democratic Services
020-7364-4878

Page 17
Council Hall, Mulberry Place, 5 Clove Crescent,
London E14 2BG

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Agenda Item 6.1

ORIGINAL REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT COMMITTEE ON 19th JULY 2006

Committee: Strategic Development Committee	Date: 19 th July 2006	Classification: Unrestricted	Report Number:	Agenda Item Number: 9.1
Report of: Director of Development and Renewal		Title: Town Planning Application		
Case Officer: David McNamara		Location: Land bounded by Hackney Road and Austin Street including Mildmay Mission Hospital, Hackney Road, London, E2 7NS		
		Ward: Weavers (February 2002 onwards)		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01759
Date Received: 18 October 2005
Last Amended Date: May 2006

1.2 Application Details

Existing Use: Hospital, Church, Family Care Centre and Car Park.

Proposal: Demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:

- a part-five, part-six storey building along Hackney Road to provide a new church and retail space (Class A1 to A5) with residential units above;
- a five storey building centrally located to provide offices with residential units above;
- a six storey building along Austin Street to provide a Primary Care Centre and residential units;
- three storey town houses along Austin Street with Adjoining commercial/retail premises (Class B1/A1 to A5);
- a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detox unit plus parking, servicing and cycle bay provision, landscaping and highways works.

Applicant: The application is supported by an Environmental Impact Assessment.

Ownership: Paddington Churches Housing Association and the Urban Regeneration Agency.

Historic Building: London Baptist Property Board, Shoreditch Tabernacle Baptist Church and Mildmay Mission Hospital.

Conservation Area: More than one.

Conservation Area: N/A

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grant** planning permission subject to the conditions outlined below:

2.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the

matters outlined in Section 2.2 below, and the conditions and informative outlined in Sections 2.4 and 2.5 below; and Section 278 of the Highways Act 1980, to include the matters outlined in paragraph 2.3 below.

- 2.1.2 That if the Committee resolve that planning permission is granted, the application is first referred to the Mayor of London, pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height and involving more than 500 residential units.
- 2.1.3 That if the Committee resolve that planning permission be granted, that the Committee confirms that they have taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 2.1.4 That the Committee agree that, following the issue of the decision, a Statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

2.2 Section 106 agreement to secure the following:

- 2.2.1 Provision of 100% Affordable Housing
- 2.2.2 Car Free Agreement
- 2.2.3 Local Labour
- 2.2.4 Public Art Provision
- 2.2.5 Green Travel Plan
- 2.2.6 Public Access to courtyard garden.
- 2.2.7 TV Reception mitigation measures

2.3 Section 278 agreement to secure the following:

- 2.3.1 Localised highways improvements, including streetscene and local traffic management matters. Exact details & location to be agreed with Highways.

2.4 **Conditions:**

2.4.1 Time Limit (three years).

2.4.2 Amending condition requiring the following details for further approval:

- a) Details of mitigation against loss of privacy as a result of overlooking to the rear of properties of Hackney and Columbia Roads caused by Block F.
 - b) Details of cycle parking/storage as proposed to the East of Block E.
- 2.4.3 Approval of all samples and materials prior to the commencement of the development and to include the following:
- a) London stock bricks to be used for Blocks B, C, D and F.
 - b) Samples for Block A. Brickwork which is chosen for dark bricks, external stone reveals, and roofing materials.
 - c) Details at a scale of 1:20 with a finishes schedule, for metal gate as proposed for Block A along Coopers Close.
 - d) Details and samples at a scale of 1:50 of external finishes proposed for Block B 'Reglit screen with steel balustrade behind'.
 - e) Mock up 1:1 scale sample to be provided for Block E with regards to the following materials:
 - Expanded copper alloy panels.
 - Perforated copper alloy panels.
 - Powder coated aluminium louvers.
 - Dichoric glass fins.
 - Frit glass panels.

- f) Details of any signage or directional signage.
 - g) Details addressing accessibility requirements.
 - h) Details of all green roofs.
- 2.4.4 Landscaping plan prior to the commencement of development, to include the following details:
- a) Planting schedule for the entire public realm within and around the site boundaries.
 - b) Arboricultural impact assessment for tree removal.
 - c) Specifications for all proposed street furniture proposed.
 - d) Details and planting schedule of semi private courtyard.
 - e) Planting schedule and furniture details for all terrace level communal amenity spaces.
 - f) Detailed drawings of wind mitigation measures proposed for public realm and all terrace level communal amenity spaces.
- 2.4.5 Detailed external lighting plan, including public realm and all terrace level communal amenity spaces, prior to the commencement of the development.
- 2.4.6 Submission and approval of the DCMS prior to commencement of the development.
- 2.4.7 Submission and approval of the CEMP prior to commencement of the development. Submission and approval of a Road Safety Audit prior to the commencement of the development.
- 2.4.8 Completion of a Management Plan prior to the commencement of the development.
- 2.4.9 Construction hours
- 2.4.10 Prior approval for additional plant and equipment not shown on approved drawings
- 2.4.11 Full details of all refuse and recycling facilities
- 2.4.12 No obstruction of parking, access, loading or manoeuvring areas
- 2.4.13 Loading and unloading
- 2.4.14 Parking areas only for occupiers and visitors
- 2.4.15 No obstruction of public highway – doors & gates
- 2.4.16 Archaeology
- 2.4.17 Contamination
- 2.4.18 Ventilation and extraction details prior to occupation of the development.
- 2.4.19 Air Quality
- 2.4.20 Wheel Cleaning

2.5 **Informatives:**

- 2.5.1 Standard informative noting separate LBC/CAC permission required
- 2.5.2 Archaeology
- 2.5.3 Environment Agency
- 2.5.4 Environment Agency

3 BACKGROUND

Subject Site and Surrounds

- 3.1 The site is situated to the east of Hackney Road and is bounded by Austin Street to its south. It is adjacent to the Dunmore Point residential tower to the east. To the north of the site is the grade II listed Leopold Buildings fronting onto Columbia Road. Located to the south of the site is the grade I listed St Leonard's Church. Further south-west are 3-4 storey residential properties fronting Austin and Boundary Streets. Opposite the site, fronting Hackney Road are commercial properties at ground floor with a number of properties featuring residential accommodation above. The borough boundary with Hackney runs along the centre of Hackney Road and Austin Street, turning south into Boundary Street.
- 3.2 The application site is approximately 0.8 hectares and is currently occupied by the Mildmay Mission Hospital, the Shoreditch Tabernacle Baptist Church, the Family Care Centre, Sir Graham Rowlandson House and the grade II listed Church Community Hall (known as the Tab Centre). Also contained on site is a car park associated with the Mildmay Mission

Hospital.

Planning History

- 34.3 The Family Care Centre on Austin Street was built in 1994 as the 'Mother and Baby Unit' for the Mildmay Hospital, known as Spencer House, adjoining Sir Graham Rowland House.
- 3.4 Consent was granted in May 2002 (PA/02/00367) for Buxton Hall of the Mildmay Mission Hospital for the use as a day and evening rehabilitation and support centre for people with brain injury plus occasional conferences and seminars.
- 3.5 Separate planning permissions (PA/03/00039 and PA/03/00281) were issued in January 2004 for the construction of a new first floor extension to the south east corner and an infill extension to the north elevation of the Shoreditch Tabernacle Baptist Church.

Proposal

- 3.6 The proposal includes the demolition of the existing church, hospital and family care centres and the construction of a total of six (6) new buildings designed by Clegg Bradley Architects and Matthew Lloyd Architects. The proposal incorporates the following uses and facilities:

- A new Shoreditch Tabernacle Baptist Church.
- Retention and refurbishment of the listed Church Hall (Tab Centre).
- A new Mildmay Hospital and new offices for the Mildmay Charity.
- An Urban Village development for Crisis, containing 270 residential units for former homeless people and key workers, together with support, recreational and training facilities.
- A Primary Healthcare Centre including consulting rooms for 6 GP's.
- A detox centre, integrated with the Mildmay hospital.
- Ground floor commercial retail units.
- Additional shared ownership residential accommodation.
- 40 car parking spaces and 100 bicycle storage spaces located within the basement of block E.

- 3.7 The key development elements of the scheme are summarised as follows:

- A 5-6 storey building fronting Hackney Road comprising a new Tabernacle Baptist Church and retail space on the ground floor, with residential units above.
- A 5 storey building, located in the centre of the site, comprising of the Mildmay Charity Offices at the ground floor, with residential units above.
- A 6 storey building fronting Austin Street, located at the south west corner of the site comprising of a Primary Care Centre.
- Residential townhouses, 3 storeys in height fronting Austin Street, located adjacent to the proposed Primary Care Centre.
- A 23 storey building providing a mix of intermediate and social rented, also incorporating on-site social services facilities at the eastern boundary of the site.
- A 4 storey Hospital facility and detox unit located at the northern end of the site.
- A new landscaped courtyard area within the centre of the site, featuring public pedestrian access to Austin Street and Hackney Road.

- 3.8 The Urban Village is a new model of supportive community for formerly homeless people and low income workers. The Urban Village building is to be operated by Genesis Housing and Crisis and is in partnership with the following organisations:

- Mildmay Hospital.
- Tower Hamlets Social Services.
- Shoreditch Tabernacle Baptist Church.
- Tower Hamlets Primary Care Trust.

- 3.9 The Urban Village concept is unique in the following ways in that it provides:

- Integrated facilities for homeless and non-homeless people.

- Permanent high quality lifestyle for homeless people.
- On-site support and employment.
- On site housekeeping and maintenance.
- On site 24 hour security.
- 24 hour integrated social services.
- Tenant services to classes, workshops and tenant activities.
- Regular preventative maintenance.
- A social enterprise village.

3.10 A number of public consultations were carried out by the agents prior to the formal submission of the application. These consultations consisted of the following:

- March 2005 – Newsletter no. 1 (distributed to 2,000 homes).
- March 2005 – Public exhibition no. 1.
- April 2005 – Newsletter no. 2.
- August 2005 – Newsletter no. 3.
- September 2005 – Public exhibition no. 2.
- Newsletters printed in both English and Bengali.

4. PLANNING POLICY FRAMEWORK

4.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan (2004), the Council's Community Plan, the 1998 Adopted Unitary Development Plan (UDP), Interim Planning Guidance Notes, and the Local Development Framework (LDF) Preferred Options: Core Strategy and Development Control Development Plan Document (2005) and Preferred Options: and the Area Action Plans (2005).

4.2 Decisions must be taken in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.

4.3 Whilst the 1998 Adopted UDP is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents that will make up the Local Development Framework (LDF). As the LDF progresses towards adoption, it will gain increasing status as a material consideration in the determination of planning applications. The first phase of statutory consultation for the LDF Preferred Options Development Plan Documents has now been completed.

4.4 This report takes account of the policies in statutory UDP 1998, and the emerging LDF, which reflect more closely current Council and London-wide policy and guidance.

4.5 Members are invited to agree the recommendations set out in section 2.1 which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and other material considerations set out in the report.

The London Plan (February 2004)

4.6 The Mayor's London Plan was approved in February 2004, and it provides the strategic planning policy framework for London.

4.7 One of the key objectives of the London Plan is the need to increase the supply of housing within London, and to this end the Plan sets out individual targets for London Boroughs. The target for Tower Hamlets is 41,280 additional homes between 1997 and 2016, with an annual monitoring target of 2,070 new homes.

4.8 In July 2005, the draft London Plan alterations (Housing Provision Targets) were published, and proposes an increase in Tower Hamlets' target to 3,115 new homes per annum, starting

from 2007. This would increase the overall housing target to 51,850 and require approximately 16,570 dwellings between now and 2016.

- 4.9 Another key objective is the need to increase the amount of affordable housing, and to that end Policy 3A.7 sets out a strategic target of 50% of housing proposals being affordable, whilst Policy 3A.8 states that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 4.10 The London Plan generally encourages tall buildings and large scale (residential) developments which achieve the highest possible intensity of use, in appropriate locations, provided they are compatible with the local context, respect London's built heritage, are sensitive to the impact on micro-climate and pay particular attention to privacy, amenity and overshadowing (Policies 3A.5, 4B.1, 4B.3).
- 4.11 Policies 3A.15-20 seeks to ensure for the further provision of community services, and in particular taking into account the needs of communities and other groups. The London Plan identifies a clear strategic need for an approach which ensures that throughout London, issues of equity and catering for the needs of all in society is addressed. It is for boroughs, working with locally based organisations to identify communities most at need and through the development process and other strategies, can contribute towards addressing such needs.
- 4.12 Policy 4B.6 seeks to ensure that future developments meet the highest standards of sustainable design, including measures to conserve energy, materials, water and other resources, and, reduce the impacts of micro-climatic effects. Policy 4B.7 seeks to ensure that developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. Finally, Policy 4B.9 specifies that all large-scale buildings including tall buildings should be of the highest quality design.
- 4.13 The following Unitary Development Plan **proposals** are applicable to this application:
- None applicable.
- 4.14 The following Unitary Development Plan **policies** are applicable to this application:
- DEV 1 Design Requirements.
 - DEV2 Environmental Requirements.
 - DEV3 Mixed Use Developments
 - DEV4 Planning Obligations.
 - DEV37: Development Affecting Listed Buildings
 - DEV40: Changes of Use and Listed Buildings
 - DEV50 Construction Noise
 - DEV55: Development and Waste Disposal
 - HSG2: Location of New Housing
 - HSG3 Affordable Housing
 - HSG7 Dwelling Mix and Type
 - HSG9 Density in Family Housing
 - HSG13 Standard of Dwellings
 - HSG16 Housing Amenity Space
 - T17 Planning Standards (Parking)
 - SCF1 Provision for Community and Social Facilities.
 - SCF4 Location of primary health care facilities.
 - SCF5 Provision of Community Care
 - SCF6 Location of Community Support Facilities.
 - SCF11 Meeting Places
- 4.15 The following Local Development Framework Core Strategy **Proposals** are applicable to this application:
- (1) City Fringe Area Action Plan (AAP)
 - (2) Development Site CF1 – Mildmay Hospital.
- 4.16 The following Local Development Framework Core Strategy **Policies** are applicable to this

application:

EE5	Mixed Use Development
HSG1	Housing Density
HSG2	Lifetime Homes
HSG3	Affordable Housing
HSG5	Social Rented/Intermediate Housing
HSG6	Housing Mix
HSG10	Supported Housing
HSG13	Housing Amenity Space
HSG14	Eco-Homes
SCF1	Social and Community Facilities
SCF2	Multiple Use of Social and Community Facilities
TR1	High Density Development in Areas of Good Public Transport
TR3	Transport Assessments
TR4	Travel Plans
TR7	Walking and Cycling.
UD1	Scale and Density
UD2	Tall Buildings
UD4	Accessibility and Linkages
UD5	High Quality Design
C1	Historic Sites/Conservation Areas
SEN1	Disturbance from Noise Pollution
SEN2	Air Quality
SEN3	Energy Efficiency
SEN5	Disturbance From Demolition and Construction
SEN6	Sustainable Construction Materials
SEN7	Sustainable Design
SEN9	Waste Disposal and Recycling
IM1	Securing Benefits.

4.17 The following Community Plan **objectives** are applicable to this application:

- Living safely.
- Living well.

5. **CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Housing Strategy Group**

The Urban Village does not fit neatly into any of the Housing policies. The site will comprise 100% affordable housing. There will be no S106 requirement for additional grant free units.

As the proposal is for intermediate housing, the normal housing mix is not applicable.

(2) **Environmental Health**

Overall support for the proposal subject to recommended conditions relating to Contaminated Land, Air Quality, and ventilation/extraction.

(3) **Highways**

General support subject to conditions relating to access arrangements (visibility splays), road safety audit and travel plan.

A S106 contribution for lighting, signage and general traffic management in the vicinity is required.

(4) **English Heritage**

Heritage Unit

Registers objections on the grounds of:

- Impact of the proposed tall building;
- Proposal will negatively impact upon the importance of St Leonard's Church;
- Development would be intrusive to the surrounding conservation areas and listed buildings; and
- Disputes the assessment on the local views.

Archaeological Unit

Recommendation for conditions to secure building recording and analysis and to secure a programme of archaeological work.

(5) **Horticulture & Recreation**

No response received.

(6) **Environment Agency**

No objections.

(7) **CABE (Commission for Architecture and the Built Environment)**

Supports the aims of the social programme and the way the proposals have been integrated into the existing fabric of the city.

Overall support for the proposal, subject to the securing of budgets and procurement issues.

(9) **Transport for London - Street Management**

No response received.

(10) **Cleansing Officer**

No response received.

(11) **BBC - Reception Advice**

It is not considered BBC policy to carry out a detailed review of such matters and we look to the applicant to carry out the necessary actions.

(12) **Crime Prevention Officer**

No comments received.

(13) **Strategic Social Services**

The proposals have full and strong support.

(14) **London Borough of Hackney**

Objects to the proposal on the grounds of the height and profile of the tower would have an unacceptable impact on the surrounding conservation areas and listed buildings. The proposal does not fall within the Hackney Tall Building Study and the proposal will close off views looking along Old Street.

(15) **Greater London Authority**

The mayor considered the matter at a meeting on 5 July 2006. The following

comments are an extract of the Stage 1 letter of the Mayor:

'... the Mayor has concluded that the application proposal offers an innovative residential-led mixed-use redevelopment scheme that secures:

- *community uses,*
- *health and employment and training opportunities,*
- *100% affordable housing,*
- *a true mixed-use tower building with high quality design aspirations to be secured at a more detailed stage later in a highly sustainable manner in terms of public transport accessibility, low levels of car parking provision and energy.*

The strategic benefits offered by this exemplary scheme are significant and need to be secured by further design improvements to enhance the residential amenities of future residents... '.

Full details of the Mayor's Stage 1 report are not available at the time of council officer's report being finalised. However, the full comments will be reported to members in an addendum report.

5.2 Responses from neighbours were as follows:

Original Scheme Consultation

No. Responses: 256 In Favour: 85 Against: 171 Petition: 1

Regulation 19 Information Consultation

No. Responses: 850+ In Favour: approx 50+ Against: approx 800+ Petition: 0

5.3 The comments received as a result of the second consultation process generally raised the same issues as the original consultation process. Furthermore, of the responses received a significant number were from people who reside outside of the borough. Additional comments are still being received at the time of this report being completed. Therefore, Officers will provide updated figure of consultation responses received to members within an addendum report.

5.4 A summary of the issues raised by the objections received from both consultation processes are as follows:

Land Use

- Use of the development is unacceptable (hospital, detox and social housing).
- Lack of family housing proposed.
- Dwelling mix is inappropriate.
- Lack of employment opportunities for new residents.
- Feasibility of commercial units.
- Location of proposal is unacceptable.
- Already an oversupply of A5 uses (hot food take-aways).
- The development will not help the housing shortage within the Borough.
- Development will offer no benefit to the local community.
- Proposed job creation is considered for short term only.
- Loss of day nursery centre.
- No assurance that the proposal will be there to serve the local need.
- Other detox units within close proximity to the site.
- Training facilities and programs should be made available to the wider community.

Design

- Height and impact of the 23 storey tower element.
- High density of the proposal is unacceptable and appears as overdevelopment.
- Development is out of scale with surrounding buildings.
- Negative impacts on surrounding conservation areas.
- Proposal will have a detrimental impact on local views.
- Loss of public space.
- The quality and quantity of landscaping is insufficient.

Amenity

- Overlooking and loss of privacy will result.
- Construction noise and impacts.
- New residents would suffer from noise pollution from surrounding roads.

Highways

- Increase in traffic and additional demand on existing transport services and car parking.
- Impacts of construction of the proposal to surrounding properties and traffic network.

Other matters

- Increase in crime and anti-social behaviour will result.
- Insufficient consultation process carried out by the applicants.
- Proposed affordable housing at risk of becoming private market housing in the future.
- Access to social services/community facilities for local residents should be safeguarded.
- Environmental Impact Assessment appears to be limited.
- Local residents should hold a position on any board of management.

5.5 Letters of support for the application were received from local residents and the following organisations:

- Spitalfields Crypt Trust.
- Future Builders England Limited.
- Tower Hamlets Primary Care Trust.
- North East London Strategic Health Authority.
- Shoreditch Tabernacle Baptist Church.
- Common Ground.
- NYC Department of Housing Preservation and Development.

5.6 A summary of the comments of support are as follows:

- A new purpose built Mildmay Hospital on the site and new services for HIV/AIDS will be beneficial.
- New flats affordable and intermediate housing will be beneficial.
- New health centre for 6 GP's will be beneficial.
- The proposal will improve security on the site and lead to better designed, safe public spaces.
- Family Housing and the rebuilding of the church on site will be beneficial.
- New opportunities for employment and training will be beneficial.
- There is a need for such a proposal within London.
- Current lack of appropriate 'move-on accommodation' and supported accommodation.
- No incidents reported with the Spitalfields Crypt Trust.
- Improved facilities for the Church will result.
- Additional primary health care facilities will result.
- Additional investment to the local area will result.
- The proposal is a strong example of a charity championing an innovative approach to public services.

- The proposal will provide innovative new models for housing and employment.
- The proposal will see 100% affordable housing provided.
- The design will enhance the area.

6. **ANALYSIS**

Land Use:

6.1 The proposal seeks to approval for the following land uses:

- 371 affordable dwellings;
- Mildmay Hospital and Detox centre;
- Mildmay Charity offices;
- A primary health care centre;
- A Church; and
- Retail/Commercial floor space.

6.2 In terms of the sites land use, the adopted UDP (1998) features no designations for the site. However, within the LDF and the City Fringe AAP, the Mildmay site has been identified as a specific site allocation (CF1), which seeks to allow for a mixed uses, predominantly featuring residential with small-scale retail/leisure and business class uses. It is therefore considered the proposed commercial elements (A1/A2/A3 and B1) of the scheme to be in accordance with the LDF site designations.

6.3 The City Fringe AAP allocates the site for mixed use and also specifies a residential density of 435 dwellings per hectare (dph). The scheme proposes a density of 451dph, which is broadly in line with Policies CFR7: New Housing and EE5: Mixed Use Developments. It is therefore considered that the provision of the residential and commercial components of the scheme comply with the Council's policies, as specifically stated within the site allocation.

6.4 Furthermore, both the adopted UDP and LDF encourage additional residential accommodation. Policy HSG2 relates to the development of new housing on non-residential sites where the site is not allocated for other uses. In addition, the housing policies contained within the LDF seeks to increase the number of dwellings within the Borough (HSG1), together with increased levels of affordable housing (HSG3). Policy HSG 10 establishes the need for supported housing for disadvantaged groups and seeks to encourage the provision of supported housing. The scheme proposes 371 flats, which 100% is allocated for affordable housing units.

6.5 The UDP strategic policies ST49 and ST50 seeks to support and encourage the provision of a full range of social and community facilities to meet the needs of all residents within the Borough and the provision of high quality medical services for all residents. The adopted Policy SCF1 further stipulates the encouragement of such uses, considered against the other land use priorities as determined by other policies within the UDP. Moreover, Policy SCF5 seeks to approve uses that provide for care in the community, particularly

"...people who misuse alcohol or drugs; people living with HIV/AIDS..."

Similarly, the LDF core strategy policy CS10 states that reducing health inequalities and providing convenient access to modern networks of primary and community based health services is a priority within the Borough. The scheme has the full support from the Council's Strategic Social Services unit, Tower Hamlets PCT and the North East London Strategic Health Authority.

6.6 The proposal incorporates a new church (place of worship), which will update the existing facilities currently on site, which also meets the objectives of CS9 and SCF1 of the LDF and SCF8 of the adopted UDP which seek to maximise use of community buildings

6.7 A feature of the Urban Village are a number of meeting/conference rooms, event spaces,

commercial areas, multi-purpose rooms, art rooms, roof terraces and the existing community hall. It is considered that to ensure that the scheme integrates well with the local community, through controlled management, the use of these areas should be made available to the public. This is consistent with the objectives of Policy SCF1 of the LDF, which seeks incorporate social and community facilities within new developments.

Housing

- 6.8 As previously stated, the proposal will provide 371 dwellings on site, of which 100% will be allocated for affordable housing, both key worker and socially rented units.
- 6.9 Both the adopted UDP and LDF Housing policies not only seek to increase the number of dwellings across the Borough, but the level of affordable housing associated with such developments. Policy HSG3 of the UDP requires a minimum level of 25% affordable housing, whilst the revised policies HSG3 seeks to increase this level to 35%. The Mayor's London Plan seeks to achieve 50% affordable units for all new developments London-wide. The submitted scheme far exceeds these requirements.
- 6.10 The policy HSG5 of the LDF requires that for affordable housing provision to address the needs of the Borough, the Council requires a ratio split of 80:20 for social rented to intermediate housing split. However, the policy allows some degree of flexibility with the ratio split on sites that comprise predominantly affordable housing where it meets Core Strategy 7 (Housing).
- 6.11 It is considered that the proposed tenure ratio split (73% social 27% intermediate) complies with both policy HSG5 and CS7 as the housing will meet a specific need within the Borough, to be contained entirely on site. The key worker housing is specifically designed for those working on site (such as nurses/social workers), associated with the intermediate housing for the previous patients of the detox unit. This results in a mixed, balanced, inclusive and environmentally sustainable housing community within the Borough.
- 6.12 Policy HSG8 of the LDF requires a balanced housing mix, including ensuring adequate choice in housing sizes are available for people within the borough. This requires a specific housing mix as follows:

Housing Type	Affordable Housing Component		
	Social Rented		Intermediate
	No Grant	With Grant	
One Bed	20	20	60
Two Bed	35	40	30
Three Bed	30	20	10
Four Bed	10	15	
Five & Six Bed	5	5	

- 6.13 The scheme will provide for the following mix across the site and tenures:

Accommodation	One Bed	Two Bed	Three Bed
No. Units	80	10	11
%	79	10	11

- 6.14 Whilst the scheme does not comply with Policy HSG6, the proposed mix is considered to be appropriate in this instance as the provision of the affordable housing is to meet a specific need within the Borough. The affordable housing, particularly the one bedroom units, form part of the Urban Village concept, as outlined in Section 4. This concept allows for both the key workers on site and socially rented/intermediate housing to be contained within one building, to ensure a successful integration back into society. The Urban Village allows for persons within the socially rented/intermediate housing, access to education, training and rehabilitation services onsite, making this scheme a unique proposal not only for Tower Hamlets, but London as a whole.
- 6.15 It has been acknowledged by the Housing Unit that the scheme does not fall neatly into any of the housing policies for the Borough. As such the normal housing mix is not considered

applicable in this instance. Furthermore, as a whole the proposal receives support from the housing team.

- 6.16 As previously stated, the Urban Village building houses 270 residential units of which 135 are designated for the ex-homeless and 135 for key workers. In identifying and responding to the needs of the homeless, the proposal is further supported by the LDF policy HSG 10: Support Housing, which aims to cater for the needs of vulnerable and dis-advantaged groups.

Density

- 6.18 The application site has a PTAL score of 6, and as such the London Plan and the Council's LDF recommend a density range of 450-700 habitable rooms per hectare (hrph) or 240-435 dwellings per hectare (dph). Furthermore, the scheme is specifically identified as a development site within the City Fringe AAP, which specifies a density range of up to 435 dph.

- 6.19 The proposed residential density at 451 dph slightly exceeds this range. It is considered in this instance that the resultant density is satisfactory and does not result in any demonstrable harm in terms of:

- Poor quality and amount of amenity space;
- Loss of privacy and overlooking issues;
- Sub standard quality of accommodation; and
- Meets a specified housing need within the borough.

- 6.20 The site is also well served by local shopping and leisure facilities. In particular, the majority of the users of the Urban Village will both live and work on the site, reducing any need from the site for public transport within the area.

Design

- 6.21 The applicant's approach to the design of the site as a whole has been influenced by the needs of the Partnerships involved. A number of buildings are proposed, as detailed in Section 3, ranging from 3 storeys to 23 storeys in height, with the tallest building located within the centre of the site. The scheme is designed in a contemporary manner using a range of form and materials, similar to the surrounding streetscapes for the buildings fronting Hackney Road and Austin Street. However, the tower introduces a whole new building form and materials, including coloured fins, copper panels, mirrored glass and perforated louvers.

- 6.22 The most contentious element of the Urban Village scheme is the 23 storey tower which has also resulted in a number of objections within the community. The application is accompanied by Environmental Impact Assessment reports, which includes a Townscape and Visual Impact Assessment. This report produces computer generated images of the tower from various view points around the site and wider area.

- 6.23 It is considered that the tower is well placed within the site and is set back and steps away from the main public spaces within the site and surrounding properties. The setting of the immediate area is considered to be improved, with much wider public space on the east and a semi-private courtyard on the west side of the site. This is further supported by the Council's Urban Design and Conservation team, who see the proposal responding well to local streets. Furthermore, a tower element as placed within its wider settings, will contribute positively to the local regeneration of the area. It is noted however, that in order for the project to be successful, it is reliant on its meticulous details and high quality finishes. Urban Design's support for the proposal requires the overall design quality to be retained and to be secured by means of conditions.

- 6.24 Comments received from CABI also offer strong support for the design of the project as a whole. The overall masterplan and urban design strategy for the site is considered to be successful, through the distribution of the building blocks through the site and the provision of open spaces and pedestrian permeability. The location of the tall building is supported and is considered to be "*distinctive and positive*". Similar comments relating to the quality of materials were also made. It is considered by CABI that the success of the building is dependant on the quality of materials and the local authority should ensure this remains through the planning and construction process. Further comments were made with regards

to on going maintenance of the building. It is further recommended that this is resolved through the implementation of a management plan which can be secured through the use of conditions.

- 6.25 It is considered that the remaining blocks, which range in height from 3 to 6 storeys, sit well within the immediate urban context. Where the blocks front Hackney Road and Austin Street, they are considered to address the street and continue with the existing urban grain. The new church at Hackney Road repairs the damaged streetscape that was left by the demolition of the Victorian church formally on the site. The block fronting Austin Street continues the Victorian terrace form along the street, similar to the south side.
- 6.26 The applicant has responded by confirming that the architects will be retained throughout the whole process, from planning to construction. In addition, they have confirmed and agreed to a condition in relation to the quality of the materials and assure the Council that the proposal will not be subject to a reduction in the quality of materials as result of budget constraints.
- 6.27 The applicants have carried out a preliminary BRE's Environmental Assessment Method (BREEAM) and EcoHomes assessments for the buildings. In each case, a "Very Good" rating is achievable, with the potential to achieve an "Excellent" rating as an aspiration. In addition, the applicant has further aspirations to reach the 10% renewable target identified in the Mayor's Draft Supplementary Planning Guidance on Sustainable Design and Construction. Moreover, the scheme incorporates a number of sustainable design elements, such as solar water heating, water conservation measures throughout, low energy lighting, natural ventilation where possible, centralised heating and hot water plants.

Conservation and Historic Buildings.

- 6.28 The application site features the grade II listed Shoreditch Tabernacle Church and is also surrounding by the Boundary Estate conservation area. To the north of the site are the grade II listed Leopold Buildings, fronting Columbia Road. Further to the south of the site is the grade I listed St Leonards Church, situated within the London Borough of Hackney.
- 6.29 The Council's Urban Design and Conservation team considers that the impact of the scheme on the listed church is limited. The settings around the listed building are now improved with much wider public space on its east and a semi-private courtyard to the west. The setting of the church has always been located within a tightly packed urban grain, without any significant views. Furthermore, the scheme allows for greater pedestrian permeability around the building. English Heritage made similar comment with respect to the listed church building, and considers that the scheme would not impact on the setting of the listed church hall building. However it should be noted that as a requirement, it should be ensured that no damaged is caused to the listed building through the demolition and construction phases of the development.
- 6.30 Furthermore, it is considered that the scheme would not impact negatively on the setting of the grade I listed St Leonards Church. The proposed tower is adequately set back within the centre of the site to ensure minimal impact to the church. Proposed view diagrams and images indicate that the tower would be largely concealed by the existing buildings and foliage. In addition, the tower would not have a detrimental impact to the setting of the listed buildings fronting Columbia Road. Although the tower will be visible, the effect will be experienced within the wider context of two other towers which currently influence the view looking along Columbia Road. It is considered that the development will appear very slender and of a high quality architecture. This view is further supported by the Council's Urban Design and Conservation team.
- 6.31 Where the proposal would have the greatest visual impact would be from the adjacent Boundary Estate conservation area. However, it is considered that this impact would not be detrimental to the conservation area as the tower would be partially concealed and framed by existing foliage. The tower would not affect the setting of the conservation area, which is firmly enclosed around the "circus". In summary, the tower impacts the sky setting and not the urban grain.
- 6.32 Nevertheless, English Heritage have objected to the scheme, advising that the tower would impact upon the setting of the Boundary Estate conservation area and surrounding listed

buildings. They consider that the tower would have an overbearing, intrusive and damaging impact on surrounding historic buildings and adjacent areas.

- 6.33 The Council's Urban Design and Conservation team have considered the concerns raised by English Heritage. However, as discussed in paragraphs 6.30 & 6.31, they consider that the development would not have a detrimental impact to the setting of the surrounding listed buildings and conservation areas. Furthermore, as previously stated, the scheme also receives the full support of CABE. It is therefore considered that the proposals meet the broad objectives DEV25, DEV29 & DEV39 of the adopted UDP and C1 of the LDF Core Strategy.

Open and Amenity Spaces

- 6.34 The proposal incorporates a series of public open amenity spaces, which also provide pedestrian connections between Hackney Road and Austin Street. Cooper's Garden, situated between blocks B and F, establishes a direct connection into the development. The space has a linear form which encourages pedestrian flows towards the newly created public spaces. In order to promote the space as a gathering area, a series of benches are provided. A water feature/fountain is also proposed further encouraging the use of this area as for gathering purposes. The central square in front of block E provides the main public gathering space within the scheme. A large, single specimen tree and surrounding planting will form the main focus and visual interest for the square. It is intended that this is a flexible space that could cater for activities ranging from outdoor performances to an informal market place.
- 6.35 A courtyard surrounded by blocks A to D and the listed church hall form the semi-private amenity space. This space features a gated access from Cooper's Gardens, and a controlled access through the church hall. It is intended that only the users of the surrounding buildings, church goers and local community groups with ties to the centre will have access to this space. The landscaping within the courtyard will be maintained by local community groups.
- 6.36 A number of semi-private roof terraces can be found on levels 3, 7 and 21 of block E, which are intended for use by the building residents. Specific details of these spaces are as follows:
- Level 3 – An accessible, hard surface terrace surrounded by an inaccessible band of planting around its edge. The planting will be similar to that at ground level.
 - Level 7 – With the planting mirroring the layout of the green spaces at ground level, the site wide landscape design becomes visually linked when viewed from the upper storeys of block E. Benches, similar to the ground level will also be provided.
 - Level 21 – A series of raised planters are strategically located together with a hard surface terrace area. Users will be able to move between the planters, enabling interaction and maintenance.
- 6.37 The majority of flats within blocks A, B and C and all of the townhouses in block D will feature private amenity space in the form of either winter gardens, balconies, roof terraces and courtyards.
- 6.38 It is considered that the provision of amenity spaces within the site meets the requirements contained within emerging policy HSG 13: Housing Amenity Space. The proposal provides both private and communal amenity space, with the later meeting the minimum size requirements of 6 metres in any one direction.

Impact Upon Residential Amenity.

Daylight/Sunlight/Overshadowing

- 6.39 In support of the application, the applicant has undertaken a daylight/sunlight assessment. The study has been carried out in accordance with the methodology and advice set out in the 'Building Research Establishment's' (BRE) guidance report, "*Site Layout Planning For Daylight and Sunlight*".
- 6.40 The guidelines provide different methods for daylight assessments. The method that officers have generally accepted as the most detailed and most meaningful tool, is the Average

Daylight Factor (ADF) method, as this takes into account internal room layouts and sizes, window positions and sizes, and also makes an allowance for reflectance of internal room surfaces. Windows which overlook the site and are north facing are not required to be assessed, as noted within the BRE guidelines.

- 6.41 The daylight and sunlight assessment undertaken as part of the Environmental Statement found that the proposed redevelopment would be generally acceptable with some localised impacts that are considered to be within acceptable standards for built up urban areas. The study considered the impacts on a number of properties in Hackney Road, Columbia Road, Austin Street and the Leopold Buildings. Dunmore Point, the adjacent tower block, has not been assessed since its separation distance from the site and its availability of sky from all directions around the site means it is relatively unaffected. It was considered not necessary to consider it within the daylight/sunlight assessments.
- 6.42 The BRE report sets out guidelines on how to assess the impact of proposals in terms of daylight and sunlight, by comparing existing daylight and sunlight conditions and the degree of change that would occur as a result of a proposal. The guidelines state that provided the loss of daylight or sunlight is kept above 20% then the occupants of adjoining buildings are not likely to notice any change in daylight or sunlight conditions. As such, a reason for refusal is unlikely to be sustainable on these grounds.
- 6.43 The results of the assessment of the relevant surrounding properties that has been undertaken and are summarised in the paragraphs below.
- 6.44 The following properties meet the requirements of the BRE Guidelines: -
- Rear of 40 Hackney Road
 - 6-12 Hackney Road
 - 2-16 Austin Street (with the exception of 1 window out of 16 assessed)
- 6.45 The rear of the Leopold Buildings does not fully meet the BRE guidelines. A total of 2 out of 12 windows fail the guidelines. However, none of the windows are living rooms or bedrooms and are not habitable rooms. The 2 windows in question are kitchens. The impact identified is considered to be acceptable and a reason for refusal is unlikely to be sustainable on these grounds.
- 6.46 The results of the assessment at Coll Sharp Court do not fully meet the BRE guidelines. A total of 4 out of 13 windows fail the guidelines. However, none of the windows are living rooms or bedrooms and are not habitable rooms. The 4 windows in question are kitchens. The impact identified is considered to be acceptable and a reason for refusal is unlikely to be sustainable on these grounds.
- 6.47 The assessment of 4-12 Columbia Road indicates it would fail to meet the BRE guidelines. A total of 8 windows would fail to the guidelines. These are not habitable rooms and are mostly kitchen windows. Although their will be noticeable reduction in light it is not considered a sustainable reason for refusal of the application.
- 6.48 The applicant's daylight assessment indicates that whilst the proposal will have an impact on the potential daylight in the context of the VSC values, it is considered that the relationship of the windows to the rooms that they serve is such that levels of daylight within the rooms will remain adequate. It considered only a small number of the windows assessed would fail to meet the BRE target compared to the number that would pass. Having regard to the urban context of the development, the results of the assessment are considered to be acceptable.
- 6.49 An analysis of the overshadowing has been undertaken for each hour between 8am and 5pm at the equinox (21 March). It would appear there is some momentary overshadowing to the open space to the east of the tower in the late afternoon. However, there is no overshadowing at midday or in the morning. There is no additional permanent overshadowing within the gardens and amenity areas of the existing buildings. The existing Church Hall and Mildmay Hospital contribute to the current overshadowing that occurs on the site. All public open spaces and residential gardens will continue to receive adequate sunlight in accordance with the relevant BRE guidelines.

Sunlight/Daylight within the Scheme.

- 6.50 The Council's consultants who reviewed the submitted EIA raised concerns that there was no sunlight and daylight assessment carried out within the development. As part of the Regulation 19 request, the applicants supplied this assessment based on a worse case scenario within the development site.
- 6.51 The results of this additional assessment were submitted as part of the Regulation 19 request and have been independently reviewed. The results indicate the potential impacts within the development site, in relation to sunlight and daylight, are satisfactory and generally meet the relevant BRE guidelines.

Overlooking

- 6.52 A number of the objections raised concerns with reference to the potential overlooking from the development and the resulting loss of privacy. The only blocks of the development that could potentially create direct overlooking and loss of privacy to the surrounding properties will be Block F (Mildmay Hospital and Detox Unit). This block would have the potential to directly overlook the rear of both properties at Hackney and Columbia Roads.
- 6.53 The Mildmay Hospital and Detox building will be four storeys in height and feature a number of terraces which could impact on the privacy of the abutting properties. It is not considered that there would be any significant impact in relation to overlooking to habitable rooms or private amenity spaces of these properties as a result of the new hospital building.
- 6.54 Nonetheless in order to ensure the amenity of residents is protected it is recommended that an amending condition detailing mitigation of impact on the windows and/or private amenity space of the abutting residential properties. Where there is considered to be direct overlooking, particularly from the terraces, mitigation measures (such as screening) will also need to be detailed.

Demolition and Construction Noise

- 6.55 Concerns have also been raised as to the potential demolition and construction noise impacts to the surrounding properties. As part of the submitted EIA report, the Noise and Vibration chapter details the impact of construction to the area.
- 6.56 The demolition and construction period for the proposed development is expected to be over a 3 to 4 year period. The demolition and construction activities are planned to be staggered to help minimise disruption caused by these activities. As part of the mitigation measures, a Deconstruction and Construction Method Statement (DCMS) will be required to be approved by the Council, prior to works commencing on site. The DCMS will also be required to comply with the Council's Code of Practice for Construction Sites.
- 6.57 In addition to the DCMS, the Council's EIA review consultants have recommended that the applicants also provide Construction Environmental Management Plan (CEMP) for approval by the Council, prior to the commencement of works. As part of the CEMP, the developer will be required to submit a monthly CEMP validation report to the Council to ensure that the control measures are being fully implemented.

Additional Concerns

- 6.58 As previously discussed within Section 5.3, a number of objections were received in response to the consultation of the application. The objections raised additional concerns to those discussed above and these are detailed below.

Anti-social Behaviour/Crime

- 6.59 A large number of the comments received made reference to the issue of anti-social behaviour and an increase in crime. The Mildmay Urban Village is considered to be a unique concept for address the needs of the hospital, detox unit, homeless persons, and intermediate housing. The concept is unique as it contains all the services required to ensure the users have a successful integration back into society. In addition, the development will also provide for 24 hour on site security. As a result, it is considered that the scheme would not cause additional crime or anti-social behaviour.

Affordable Housing becoming Private Sale

- 6.60 This concern is addressed through the provision of a signed S106 agreement, which requires that 100% of the housing on site will be affordable. Any future alterations to this agreement would require further planning approval.

Lack of Employment Opportunities for Local Residents and for short term.

- 6.61 Again this issue is addressed through the means of a signed S106 agreement, which would require the developer to incorporate local labour initiatives, particularly during the construction phases of the development.

- 6.62 It is anticipated that the completed development will provide approximately over 100 full time equivalent jobs, and 70 directly employed jobs during the construction phases.

Loss of Views to the TAB Centre and St Leonards Church.

- 6.63 It is considered that the loss of views is not a relevant planning grounds for objection, unless the views are considered to be of significant importance and noted within the UDP or LDF. The views to both the church and TAB centre are not listed as being of local significance and therefore not protected under planning policy.

Other detox facilities within close proximity to the site

- 6.64 Whilst it is acknowledged that there are other drug and alcohol/detox centres within the local area, it is considered that the proposed Urban Village is a unique concept, and as a result, will not impact upon the local community as the other centres may have.

Traffic and Transport.

- 6.65 The Traffic Assessment (TA) submitted as part of the application confirms that the proposed development can be safely and reasonably accommodated at this location. There will be a degree of impact upon the surrounding road network as a consequence of the demolition and construction period. However, the TA confirms that this can be accommodated and a Construction Traffic Management Plan (CTMP) will be formulated to control this aspect of the redevelopment. The proposal is considered to meet the requirements of UDP Policies T15 & T16 and TR1, and TR3 LDF policies.

- 6.66 The hospital is located in a highly sustainable location, readily accessible by public transport. In the future, if Crossrail and the East London Line Extension are constructed, both provide additional public transport access to the site. The Urban Village will further benefit from its proximity to these proposed facilities and it occupies one of the most appropriate locations within the Borough for this land use type.

- 6.67 The proposed development is highly sustainable with only 40 car parking spaces proposed and 100 cycle spaces. The main area of car parking is contained within the proposed basement, located below the tower. The adopted UDP policy T13 is met by the proposals as the offsite parking for the scheme effectively equates to operational use only. Similarly the parking provision meets the requirements of the transport policies TR1 and TR2 of the LDF.

- 6.68 Visitor parking is not provided with the exception of a small number of disabled parking bays. Visitors to the hospital are encouraged to use the various modes of public transport although LBTH residents with the appropriate parking permit would be able to park their vehicle in the surrounding residential streets. The Mildmay Hospital and detox building will also feature an ambulance drop off zone.

- 6.69 Adopted UDP Policy T9, which seeks to discourage non-essential journeys by private car, is also met by severely limiting on site parking compared with the unconstrained demand position. Only essential staff car parking is provided by the development. A Green Travel Plan (GTP) can provide a mechanism to further reduce car dependency and encourage use of non-car modes of transport further assists this position. The GTP will form part of the Section 106 legal agreement.

Environmental Impact Assessment

- 6.70 The submitted Environmental Impact Assessment (EIA) has been subject to consultation with the relevant statutory authorities, and has been advertised in compliance with statutory

requirements. The matters covered by the EIA were as follows:

- townscape and visual impact
- transport
- ecology
- soil and ground conditions
- water resources
- wind impacts
- daylight/sunlight and overshadowing
- telecommunications
- archaeology
- air quality
- noise
- socio-economic and community impacts
- construction and demolition
- cumulative impacts

6.71 Consultants were appointed to review and critique the documentation provided as part of the EIA. The review of the EIA led to a request for further information and/or reports to be submitted in accordance with Regulation 19. This request related specifically to matters within the demolition and construction, socio-economic, air quality, microclimate, daylight sunlight & overshadowing, cumulative impacts, as well as residual impacts and conclusions chapters. In accordance with the Regulations, the revised chapters were re-consulted upon and reviewed by the Council's review consultants.

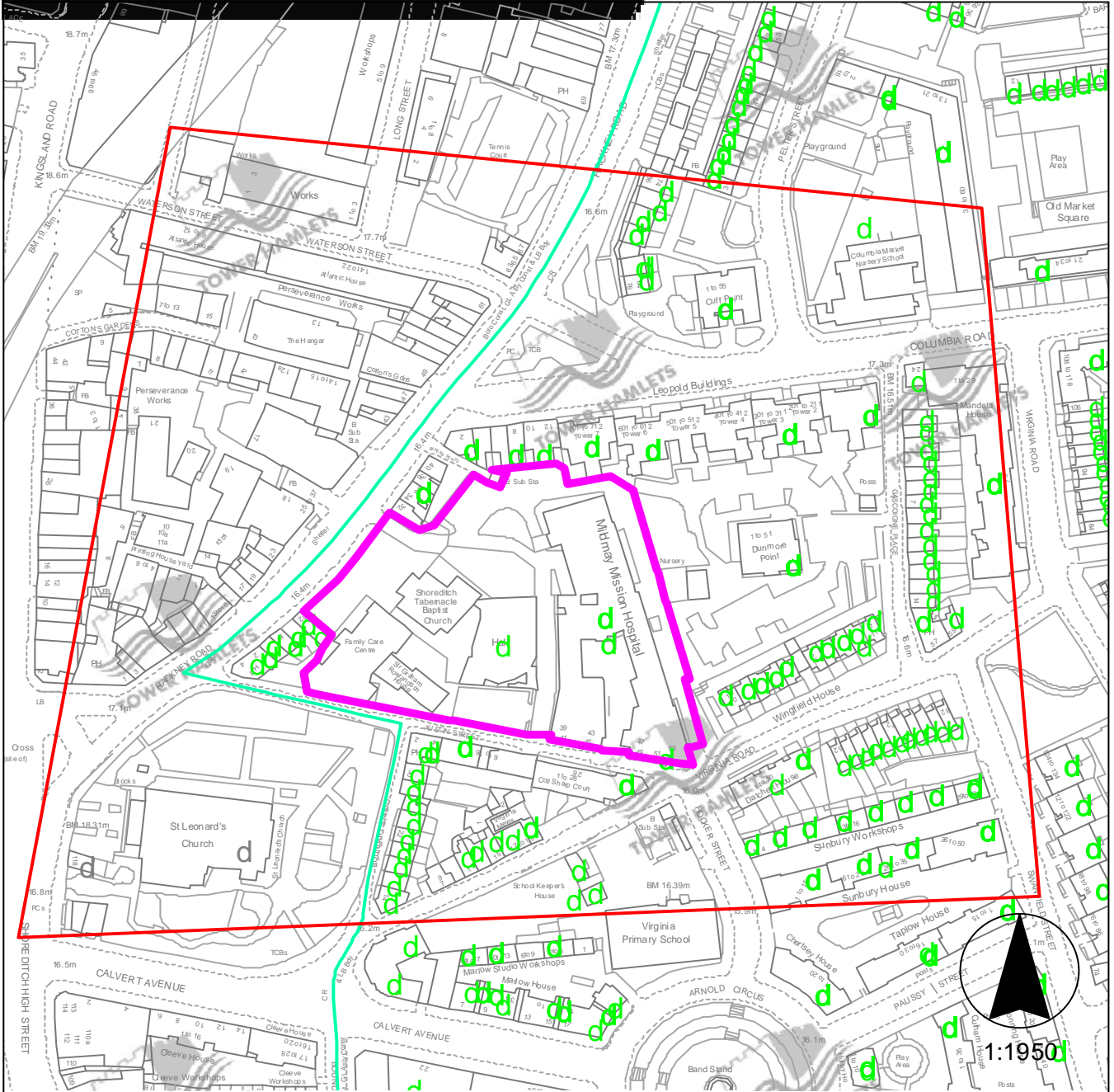
6.72 It was considered that the original EIA reports, together with the revised chapters were satisfactory in accordance with the requirements of the EIA Regulations. The planning obligations legal agreement and conditions will secure the relevant recommendations of the ES in terms of mitigation of identified impacts. It is the opinion of officers that the findings of the ES are robust and that the identified mitigation measures will ensure the proposed development will not lead to any substantial environmental impacts.

7. SUMMARY

7.1 On balance, the proposal is considered acceptable in land use, design, amenity and highways terms and in all other respects, subject to stringent conditions, the signing of a legal agreement and referral to the GLA.

7.2 Approval of the application is therefore recommended.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

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

Agenda Item 7.1

Committee: Strategic Development Committee	Date: 14 th September 2006	Classification: Unrestricted	Report Number:	Agenda Item Number: 7.1
Report of: Director of Development and Renewal Case Officer: Terry Natt		Title: Planning Application and Conservation Area Consent Location: Rodwell House, 100-106 Middlesex Street, LONDON E1 Ward: Spitalfields and Banglatown		

1. SUMMARY

1.1 Registration Details

Reference No: PA/06/00432

Date Received: 23/03/2006

Last Amended Date: 02/08/2006

1.2 Application Details

Existing Use:

10 storey office building and 150 space car park

Proposal:

Demolition of existing buildings and redevelopment by the erection of buildings between 5 storeys (26 metres) and 35 storeys (119 metres) high for mixed use purposes comprising 32,458 sq m of student accommodation, 772 sq m of residential, and 8,825 sq m of offices (B1), shop (A1), and gymnasium, and 186 sqm of community uses, formation of associated car parking and highway access as well as hard and soft landscaping works. (The application is accompanied by an Environmental Impact Assessment).

Applicant:

Middlesex SARL C/- DP9

Ownership:

GE Capital Commercial Financial Services Real Estate Properties Ltd and London Electricity Board

Historic Building:

N/A

Conservation Area:

Yes

2. RECOMMENDATION

2.1 That the Strategic Development Committee **grant** planning permission subject to the conditions outlined below

2.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.2 below, and the conditions and informatives outlined in Sections 2.4 and 2.5 below; and Section 278 of the Highways Act 1980, to include the matters outlined in paragraph 2.3 below.

2.1.2 That if the Committee resolves that planning permission be granted, that the application first be **referred to the Mayor of London** pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height.

2.1.3 That if the Committee resolves that planning permission be granted that the Committee **confirms** that it has taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

2.1.4 That the Committee **agree** that following the issue of the decision, a Statement be placed on the Statutory Register confirming that the main reasons and considerations on which the committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

2.2 Section 106 agreement to secure the following:

- (1) Provide £150,000 towards open space improvements to relieve the pressure that will arise from the new student housing on existing open space and recreational facilities within the Borough.
- (2) Provide £100,000 for public realm improvements within the vicinity of the site
- (3) Preparation of a right of way "walking agreement" for the widened Frying Pan Alley. (The walkway agreement is usually under Section 35 of the Highways Act).
- (4) Equipment upgrade to mitigate the adverse effects on DLR radio communications (Such as a booster to offset signal interruption).
- (5) Provide £250,000 towards Public Art/Cultural facilities including the preparation and implementation of a public art strategy including involvement of local artists.
- (6) Provide £150,000 towards employment initiatives such as the Local Labour in Construction (LliC) or Skillsmatch in order to maximise the employment of local residents.
- (7) Provide £1,444,820 towards healthcare to mitigate the demand of the additional population on health care services.
- (8) TV reception monitoring and mitigation.
- (9) Preparation of a Travel Plan (for both the residential and commercial component).
- (10) Completion of a car free agreement to restrict occupants applying for residential parking permits.
- (11) The community building facing Bell Street is to be provided at a peppercorn rent and maintained at the applicants cost.

2.3 Section 278 agreement to secure the following:

Repaving and improvement of Frying Pan Alley and the relocation of parking bays caused by the new parking and servicing entrance in Bell Lane

Conditions

2.4 That the following conditions be applied to any planning permission:

- (1) Time limit for Full Planning Permission
- (2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building;
 - Ground floor public realm (including open space and pedestrian route)
 - All external landscaping (including lighting and security measures), walkways, screens/ canopies, entrances, seating and litter bins;
 - The design of the lower floor elevations of commercial units including shopfronts and community space; and
 - Signage strategy.
- (3) Landscape Management Plan required

- (4) Parking – maximum of 4 cars and a minimum of 606 cycle spaces
- (5) Hours of construction limits (0800 – 1800, Mon-Fri)
- (6) Details of insulation of the ventilation system and any associated plant required
- (7) Hours of operation limits – hammer driven piling (10am – 4pm)
- (8) Wheel cleaning during construction required
- (9) Details required for on site drainage works
- (10) Black redstart habitat provision required
- (11) Land contamination study required to be undertaken
- (12) Full particulars of the refuse/ recycling storage required
- (13) Code of Construction Practice (referred to as Construction Method Statement in the ES), including a Construction Traffic Management Assessment required
- (14) Details of finished floor levels required
- (15) Details of surface water source control measures required
- (16) Biomass heating and Renewable energy measures to be implemented
- (17) Monitoring Control Regime for construction phase to be implemented
- (18) Details to ensure that the development incorporates gas protection measures
- (19) Bat Survey to be undertaken
- (20) Bat roosts and bird nest boxes to be incorporated into the fabric of the new buildings
- (21) Ground borne vibration limits
- (22) Details of the design of the cycle store required

2.5 Informatives

- (1) Corporation of London advice
- (2) Thames Water advice
- (3) Metropolitan Police advice
- (4) Environment Agency advice
- (5) Surface water drainage advice
- (6) Entertainment licensing advice
- (7) Site notice specifying the details of the contractor required
- (8) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

3. EXECUTIVE SUMMARY

- 3.1 The application comprises the erection of buildings between 26 metres and 119 metres high for mixed use purposes comprising 32,458 sq m of student accommodation, 772 sq m of residential, and 9,011 sq m of offices (B1), shop (A1), gymnasium and community uses, formation of associated car parking and highway access as well as hard and soft landscaping works.
- 3.2 The following is a summary of the assessment of the proposed scheme:
 - The Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and the Section 106 agreement.
 - The Greater London Authority has not yet provided their Stage One Response.
 - The proposed mix of uses comply with the UDP. However, there is some conflict with the emerging LDF.
 - The site has a Public Transport Accessibility Level (PTAL) of 6 (on a scale of 1 – 6, where 6 is the highest).
 - Improvements to the existing infrastructure capacity will be undertaken through the Section 106 agreement.
 - The proposal incorporates a number of sustainable development/ renewable energy initiatives.
- 3.3 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards transport, health, education, employment, training and open space. The scheme accords with the Council's and the GLA's policy objectives.

4. BACKGROUND

Location

- 4.1 The site is located approximately 200m east Liverpool St Station. The site has frontages to Middlesex Street, Strype Street, Bell Lane, and Frying Pan Alley.

Description of Site

- 4.2 The site extends to some 0.53 hectares in size and is currently occupied by a ten storey office building constructed in 1959, and a 150 space car park, located in a single storey basement. The office building is currently vacant.
- 4.3 The site has a level difference of three metres from the south west corner to the north eastern boundary. The highest part of the site is at the north east portion at Marsh Wall.

Surrounding Land Use

- 4.4 The area surrounding the site comprises a variety of buildings and includes a mix of uses. In particular, the site is bounded to the south by the six-storey (plus plant) Brody House and the Wexner Building. Both buildings are predominantly in residential use. To the north of the site is Frying Pan Alley, containing both commercial and residential properties. Brune House is located to the east of the site across Bell Lane and provides residential accommodation. Cutler's Gardens is to the west of the site across Middlesex Street.
- 4.5 The heights of buildings adjacent to the site vary from 3-4 storeys to 7-9 storeys. It is also relevant to note that in the immediate vicinity of the site, the Heron Tower, Swiss Re (both over 40 storeys in height), and the schemes at 201 Bishopsgate, Spital Square and St Boltolph's have all been approved for development of buildings of substantial height and scale.
- 4.6 The site is surrounded on all sides by conservation areas as designated in the London Borough of Tower Hamlets Unitary Development Plan (UDP) and in the City of London UDP. The Artillery Passage Conservation Area borders the site to the north, Wentworth Conservation Area to the south and the Middlesex Street Conservation Area to the west. A small portion of land on the southern boundary of the site falls within the Wentworth Conservation Area.
- 4.7 The site does not contain any listed buildings. However, there are a number of buildings on the statutory list in the vicinity of the site, the most approximate being No.22 Frying Pan Alley, which is Grade II listed.

Relevant Planning History

- 4.8 The existing Rodwell House was granted planning approval in 1959.
- 4.9 On 12th May 2004, planning permission was granted for the demolition of the existing buildings and the erection of a new single office building with a gross floor area of 42,609 sq. m. The proposal was divided into three main elements: a 23 storey central tower reaching a height of 120.5 metres; a west wing arranged over three storeys around an external courtyard; and a 5 storey high eastern wing arranged around a central atrium. The proposal also included 29 car parking spaces, 542 sq.m. of restaurant area at ground floor level (A3) and erection of a Class D1 community pavilion.

Description of the Proposal

- 4.10 The development proposal involves the demolition of the existing 10-storey office building, Rodwell House, and a basement car park, which were built in the late 1950s. It is proposed to erect a 35-storey (118.85m AOD) building including ground floor and mezzanine level. The five-storey east and six-storey west extensions are 28.95m and 35.80m in height respectively.
- 4.11 The site is arranged with a retail podium on the ground floor plus five-storey office, four-storey private residential and a four-storey student residential around two internal courtyards. At the centre of the development is a 35-storey tower of student residential accommodation, including a sky lounge at the top level of the tower for the student residents.

- 4.12 Three roof gardens are also proposed at levels 2, 3 and 5. A pavilion space is provided at ground floor level accessed from Bell Lane, which will be utilised for community purposes. (a space to be utilised for community purposes under the Section 106 agreement)
- 4.13 A total of 1100 units of student accommodation would be provided within the main tower and four storey podium block, all accessed from Frying Pan Alley via a secure entry system. The ground and first floors have a mixture of student amenity, classroom and office type accommodation. A variety of student room configurations (clusters, twin studio suites, double studios and studios) and communal areas/roof gardens has been provided.
- 4.14 The main frontage to Middlesex Street provides an entrance to five levels of office use sitting over the retail base. The office accommodation would consist of 5,404.2m² in area and has a four storey projecting bay above a colonnaded, glazed ground floor. The top floor is set back to link the office block with the student residential component behind it.
- 4.15 Retail uses are located along the external perimeter on ground floor level of the development, consisting of a total of 2,266.3m² of flexible retail space (six retail spaces are shown, however this space is flexible). They include shops (A1) and café/restaurants (A3). The residential block, comprising 11 residential units completes the streetscape between the Victorian six-storey corner block at 94-98 Middlesex Street and Brody House on Strype Street. This five-storey podium is designed as a base for the tower. The basement comprises space for refuse collection and storage, laundry, 606 cycle parking spaces, four car parking spaces and the gym. Plant rooms are located in both the basement and at the top floor of the tower.

The breakdown between uses and areas is contained in Table 4.16.

4.16 **Table 4.16**

Use Class	Details	Gross External Areas m ²
Student Accommodation (sui-generic)	1100 units	35,610
Private residential (C3)	11 x 2 bedroom flats	1,133
Commercial accommodation (mixed)	5 x retail units 1 x community pavilion Offices	8,917
TOTAL		45,660

5. **PLANNING POLICY FRAMEWORK**

Comments of the Chief Executive (Legal Services).

- 5.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted Tower Hamlets Unitary Development Plan 1998 (UDP), the adopted London Plan 2004, the Council's Community Plan, the Draft Local Development Framework and Interim Planning Guidance Notes.
- 5.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 5.3 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Chapel House Conservation Area in which the site lies
- 5.4 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents which will make up the Local

Development Framework (LDF). As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.

- 5.5 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan which reflect more closely current Council and London-wide policy and guidance.
- 5.6 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.
- 5.7 The following Unitary Development Plan **proposals** are applicable to this application:
- (1) Central Area Zone
 - (2) Archaeological importance or potential
 - (3) Special Policy Areas
- 5.8 The following Unitary Development Plan **policies** are applicable to this application:
- DEV1 Design Requirements
 - DEV2 Environmental Requirements
 - DEV3 Mixed Use Development
 - DEV4 Planning Obligations
 - DEV5 High Buildings and views
 - DEV12 Provision of Landscaping in Development
 - DEV18 Art and Development Proposals
 - DEV50 Noise
 - DEV55 Development and Waste Disposal
 - DEV56 Waste Recycling
 - DEV67 Recycled Materials
 - CAZ1 Developing London's regional, national and international role
 - CAZ3 Mixed use development
 - CAZ4 Diversity, character and functions of the Central Area Zones
 - EMP1 Encouraging New Employment Uses
 - EMP2 Retaining Existing Employment Uses
 - EMP3 Change of Use – office
 - EMP6 Employing Local People
 - HSG1 New Housing Development
 - HSG8 Access for People with Disabilities
 - HSG9 Density
 - HSG14 Special Needs Accommodation
 - HSG16 Amenity Space
 - T15 Transport and Development
 - T16 Impact of Traffic
 - T17 Parking Standards
 - T19 Pedestrians
 - T21 Pedestrians
 - T23 Cyclists
 - S6 New Retail Development
 - S10 New shopfronts
 - ART5 Arts and entertainment facilities
- 5.9 The following Draft LDF **proposals** are applicable to this application:
- (1) Central Area Zone
 - (2) City fringe Development Sites – CF9
- 5.10 The following Draft LDF Core Strategy Development Plan Policies/ City Fringe Area Action Plan **policies** are applicable to this application:

CFR1	Loss of office space
CFR8	Social and community facilities - Education
CFR10	Sustainability
CFR12	Transport capacity
CFR13	Connectivity
CFR14	Infrastructure and services
CS12	Reducing the need to travel
CS13	Sustainable Accessible Transport
CS15	Good Design
CS16	Density
EE5	Mixed Use Development
EE6	New Office Development
EE7	Redevelopment/ Change of Use of Employment Sites
RT2	Diverse and flexible shopping floorspace
HSG1	Housing Density
HSG2	Lifetime Homes
HSG12	Purpose built student housing
HSG13	Housing Amenity Space
SCF1	Social and Community Facilities
TR1	High Density Development in Areas of Good Public Transport Accessibility
TR2	Parking
TR3	Transport Assessments
TR4	Travel Plans
TR7	Walking and Cycling
UD1	Scale and Density
UD2	Tall Buildings
UD3	Public Art
UD4	Accessibility and Linkages
UD5	High Quality Design
UD6	Important Views
SEN3	Energy Efficiency
SEN4	Water Conservation
SEN5	Disturbance from Demolition and Construction
SEN6	Sustainable Construction Materials
SEN7	Sustainable Design
SEN9	Waste Disposal and Recycling
OSN3	Landscaping and Trees
IM3	Securing Benefits
IM2	Social Impact Assessment

5.11 The following Community Plan **objectives** are applicable to this application:

- (1) Creating and sharing prosperity
- (2) A better place for living well
- (3) A place for living safely

6. **CONSULTATION**

6.1 The following were consulted regarding this application:

(1) **Greater London Authority**

The Stage 1 response has not yet been received by Tower Hamlets Council. An addendum report will update the GLA's position if the Stage 1 response is received prior to the 14th September Strategic Development Committee Meeting.

(2) **Environment Agency**

The Environment Agency has no objection to the development.

(3) **Countryside Agency**

No formal representation provided.

- (4) **English Nature**
No comment
- (5) **English Heritage**
No objections or requests for conditions
- (6) **English Heritage Archaeology**
Recommended a number of conditions to secure a programme of archaeological work and a historic buildings assessment.
- (7) **Police**
No objection subject to conditions relating to security
- (8) **Transport for London**
To be included in GLA report.
- (9) **London Underground**
No objection
- (10) **London Fire and Emergency Planning Authority**
No comment
- (11) **Commission for Architecture & Built Environment (CABE)**
The proposal is not supported by CABE, who, although consulted, did not provide comments on the previously approved office scheme. CABE consider that the current proposal does not “...*enhance the qualities of its immediate location and setting*” and should not be approved by Tower Hamlets Council.
- (12) **City Corporation**
No objection
- (13) **London City Airport**
No safeguarding objection
- (14) **National Air Traffic Services Ltd.**
No safeguarding objection
- (15) **BBC - Reception Advice**
TV reception mitigation measures required
- (16) **British Waterways**
No objection.
- (17) **Thames Water Authority**
Recommended a number of conditions to ensure that foul and/ or surface water discharge from the site does not prejudice the existing sewerage system and to ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

(18) **Head of Highways Department**

- A Green Travel Plan is required for both the student accommodation and commercial component;
- The reduction in the number of car parking spaces to five is welcomed, along with the layout and access arrangements; and
- Recommended that a condition to ensure that a Construction Traffic Management Plan is carried out and approved prior to the commencement of the development. (This must also be a cumulative assessment that considers the exiting construction traffic at the time).

(19) **Environmental Health**

Air Quality

Recommended the following:

- Support for 'car free' development;
- Condition and Informative to ensure that the Code of Construction Practice (called Construction Method Statement in the ES) is approved by LBTH prior to the commencement of site works; and
- Condition to protect the amenity of future occupants and/ or neighbours in terms of air quality.

Noise and Vibration

Recommended the following:

- Night time works are not allowed and will be considered via dispensation process under a Section 61 agreement;
- The LBTH impulsive vibration limits are 1mm/s ppv and 3mm/s ppv at residential and commercial respectively;
- Adequate mitigation measures for the construction noise will be required and should be submitted as part of the Section 61 consent application in order to ensure the Council's 75dB(A) limit is complied with;
- The mitigation measures suggested for road traffic noise are adequate; and
- The developer is to obtain a Section 61 consent from the Environmental Health Department before commencement of work onsite.

Contaminated Land

The proposal is acceptable subject to conditions.

Micro-climate (Sunlight/ Daylight and Overshadowing)

"There are no omissions to the daylight, sunlight and overshadowing assessment in the Environmental Statement as defined by Regulation 19 of the 1999 EIA Regulations. The effects of daylight and right to light issues in respect to other properties have been addressed satisfactorily, but there are some areas of the assessment that could be improved." These are discussed below.

(20) **Sustainability officer**

Supports the provision of 606 cycle parking spaces. The development is generally acceptable subject to conditions.

(21) **Cleansing Officer**

Satisfied with the proposals for refuse and recycling provision.

(22) **Leisure Services/ Landscape Section**

No response

(23) **Head of Building Control**

A number of comments made to be incorporated as part of the building application.

(24) **Access Officer**

Amendments are necessary to comply with Part M of the Building Regulations. Internal spaces should be usable by all and incorporate the principles of inclusive access, i.e. accessible to people with disabilities, children, the elderly and infirm. This should include enlarged lounges and circulation spaces on ground and upper floors, wider corridor widths to enable access by wheelchairs and equal access to amenity services by people on all floors. The wheelchair housing should not all be concentrated together on two or three of the lower floors.

(25) **Crime Prevention Officer**

Made a number of comments with regard to access, safety, lighting and design.

6.2 Responses from neighbours of surrounding development and other interested parties were as follows:

No. Responses: 18 In Favour: 1 Against: 16 Petition: 1

6.3 Comments:

Land Use

- Inappropriate location for student accommodation
- The current application should not be assessed based on the approval granted in the previous application
- High proportion of student accommodation will create an imbalance between mix of uses in the area
- Students should ideally be located on-campus
- Transient occupiers contribute little to the local community
- Office development is more appropriate and in line with emerging planning policy
- The theme of residential use above retail is consistent with the surrounding area and should be supported

Height/ Density/ Scale

- Excessive height/ scale/ density
- Overdevelopment

Microclimate

- Negative impacts on the amount of sunlight/ daylight received (including Brody house)
- Creation of wind tunnels
- Proposal contravenes a legal right to light
- Impacts outlined in Environmental Statement are misleading and inaccurate, particularly with regard to daylight and sunlight access

Loss of Privacy/Increase in Noise

- The 24/7 use will impact on privacy and create nuisance for local residents
- There will be increased overlooking and a subsequent loss of privacy
- Some control of student bad behaviour required
- There should be no air-conditioning vents on Strype St

Design

- Building resembles a 1970s council block
- Horizontal villages do not work- it will create a ghetto environment conducive to drug dealers and anti-social behaviour
- Architectural drawings are inaccurate
- The overall design of the tower and proposed cladding is unsympathetic
- The plans ignore the local aesthetic and historical value of Brody House and surrounding streets
- Sheer size of proposed building is unacceptable

- Landscaping should be given priority with additional soft landscaping and trees
- Additional open space should be provided
- Provide gated roof garden for local residents
- What is the purpose of the community facility
- Loss of open space is not supportable
- Scale and design conflicts with art deco Brody House

Construction Impacts

- Negative construction impacts such as noise and dust

Transport/ Parking

- Not enough parking is proposed for residents in the area
- Loss of NCP car park not supported
- Negative impact on the surrounding road network and public transport links
- There should be no goods entrance onto Strype St

Infrastructure

- Additional strain on water supply/sewerage
- Relocate waste exit

106 Agreement

- Should be negotiated to improve Wentworth St conservation area

7. ANALYSIS

7.1 Land Use

7.1.1 The site is currently occupied by vacant office buildings. The site is inside the "Central Area Zone" designation of the UDP. Lower residential scale buildings are located to the west and south of the site.

Principle of Student Accommodation

7.1.2 Policy CAZ1 of the adopted UDP (1998) specifies that within the Central Area Zone, a balance of central London core activities compatible with fostering London's role as a commercial, tourist and cultural centre, will normally be permitted. Central London core activities include educational establishments. HSG14 states that the Council will seek to encourage the provision of housing to meet the needs of residents with special housing needs. It goes on: "*Such housing should be appropriately designed and suitably located*".

7.1.3 Paragraph 5.29 states that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects. It also notes: "*Additional provision could release dwellings elsewhere in the Borough in both the public and the private rented sector*".

7.1.4 The draft LDF Core Strategy and Development Control DPD issued in November 2005 states that purpose built student housing will be permitted in Tower Hamlets in appropriate locations, where Council determines that sufficient demand for this form of housing exists. In determining demand, Council will require sufficient evidence from the educational institution intended on utilising the accommodation, that their existing student resources are insufficient and the proposed built student housing in necessary to meet current or anticipated demand.

7.1.5 In conjunction with the Core Strategy DPD, Tower Hamlets has also completed a draft City Fringe Area Action Plan. The City Fringe Area Action Plan (CFAAP) identifies 100 Middlesex Street as lying within a major office development location and, on the basis of the previous existing approval for office development granted on 24th May 2004, allocates the site for Business (B1 a/b) use.

7.1.6 London Plan policy 3A.22 states that the Mayor will ensure that the needs of the education sector are addressed and will support the provision of student accommodation, subject to other policies contained in the London Plan.

7.1.7 With respect to the abovementioned policy directions, it is clear that there is some policy conflict with regard to student accommodation on this site. From a strategic perspective, there is a shortage of student accommodation across London. However, there is no indication as to the most appropriate locations for student accommodation. Prima facie, the use of this site for student accommodation may be considered inappropriate given the policy direction outlined in both the draft Core Strategy and draft CFAAP. However, the London Plan indicates that there is strong demand for student housing. The adopted UDP, whilst not specifically identifying the city fringe area as an area for student housing, is flexible in its approach. If educational facilities are an appropriate use in the CAZ, it is also considered that well-located or on-site student accommodation is also appropriate.

7.1.8 The key issue in this case is whether this CAZ site is appropriate for student accommodation in this location, particularly in preference to a wholly office use. To this end, the applicant has provided evidence of demand for the student accommodation in the local area and note that several higher education institutions including LMU, Whitechapel teaching hospital and Queen Mary College are in close proximity to this site.

7.1.9 In response to policies contained in the LDF Core strategy, the applicant has been required to provide further justification for the use of this site for student accommodation. The applicant states that:

"...there are many further and higher education institutions located in this part of London with the most notable being the London Metropolitan University based at Moorgate, Aldgate and Whitechapel. In addition, City University and London College of Fashion are also located in the vicinity. I have prepared a plan which identifies the colleges/institutions within a one mile radius of the site."

7.1.10 A map has been provided showing the location of higher education institutions. It is noted that there are over twenty higher education campuses located within approximately one mile of Rodwell House.

7.1.11 In respect of providing evidence for demand, the applicant notes: *"...the scoping report prepared by London Higher (a membership organisation that promotes and acts as an advocate for London's Higher Education) which is an umbrella body and has 43 member universities and colleges...contains details regarding up to date survey work of the members of London Higher and the need for student housing. The principal points to highlight are as follows:*

- In 2003/2004 there were almost 360,000 students studying in London's Higher Education Institutions. There is a proven level of demand for up to 10,000 student bed spaces.*
- There would appear to be significant margin for the provision of student accommodation (currently just 58% of first year students studying in London are living in accommodation provided by the Higher Education Institutions).*
- Most Higher Education Institutions have only sufficient supply to meet the demands of first year students (and not total demand in this respect). Whilst research indicates that many second and third year students would like to be housed in modern high quality accommodation.*
- Particularly, reference is made to the GLA's Review of Higher and Further Education in London which states that there are currently some 360,000 Higher Education Students in the Capital.*
- Early discussions have been held with some of the institutions in the immediate vicinity of this site, in particular LMU. A letter confirming the need for additional student housing in the Borough has been provided."*

Notably, the proposal provides for some of this demand in a location that is highly sustainable with easy access to public transport, and also to the main campus facilities for a number of central London Institutions.

7.1.12 In light of the information available, it has been demonstrated that there is local demand for student housing in this area. When considered against the policy situation with regard to student housing, it is clear that although emerging policy does not support student housing upon this site, the adopted UDP and the London Plan do provide strategic support for

student housing within the Borough. On balance, the use of this site for student housing is supportable.

Residential Component

- 7.1.13 The proposal provides 11 residential units, and is therefore consistent with the requirements of Policy HSG1 and Draft Core Strategy CS6 of the LDF which seeks to ensure that the Borough's housing targets are met. The London Plan housing target for Tower Hamlets is set at a minimum of 41,280 new homes to 2016. The revised Draft London Plan targets (late July 2005) propose to increase Tower Hamlets housing target for 1997 – 2016 to 51,850.

Commercial Component

- 7.1.14 A total of 8,825sq.m of commercial uses are proposed. This comprises a mix of Retail (A1, A2, A3) and Office (B1) at ground floor level and in the six storey building fronting Middlesex Street. The new office accommodation has been designed to replace the existing floorspace located within Rodwell House. Although smaller than the existing office floorspace within Rodwell House, the mix of uses and the likely employment will be similar, given the improvement in office quality. The proposed Community Use (D1) is approximately 180sqm.
- 7.1.15 The proposed office component complies with Policy S6 of the UDP and Policy RT4 of the Draft LDF Core Strategy document. The proposal generally accords with Policy EMP1 and Policy EMP2(1) of the UDP which seek the upgrading of employment sites already or last in employment use, to produce more employment opportunities for all sectors of the community. Given the direction of Tower Hamlets emerging policy, it is reasonable to expect a higher density of employment at this location. However, Policy 3B.4 of the London Plan notes that:

"..within the Central Activities Zone and the Opportunity Areas (ie: this sites location) wherever office floorspace is proposed, they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan..."

The proposal to include student accommodation on this site is supportable with respect to London Plan policy as the provision of student accommodation is a Mayoral objective. Similarly, the proposal is generally supported by the adopted UDP which seeks to encourage special needs housing "providing there is no loss of permanent housing of adverse environmental effects".

- 7.1.16 The proposal does not satisfy Policy EE7 of the Draft LDF Core Strategy document which requires the redevelopment of employment sites to increase capacity for employment. The proposal provides under the total existing provision of employment space, which, although a significant improvement in quality over the existing building, does not maximise the employment return for this site. Similarly, the proposal does not comply with the draft CFAAP which allocates the site for B1 use.
- 7.1.17 Importantly, it would be imprudent to refuse this scheme on the basis of the above policies given the draft status of both these documents. The planning inspectorate would most likely find in favour of the applicant, if this scheme were refused on policies contained in the unadopted LDF documentation.
- 7.1.18 On balance, the demolition of Rodwell House and the erection of new office and retail space within the development is supportable given a strategic requirement for a mix of uses and an improvement in the quality of office floor space within the CAZ.

7.2 EIA

- 7.2.1 The Council's consultants, Atkins, undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. The applicant has provided clarification on the following:
- i) Archaeology and Built Heritage;
 - ii) Noise and Vibration;
 - iii) Telecommunications; and

iv) Visual and Landscape

7.2.2 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

7.3 Height, Density and Scale

Height and Scale

7.3.1 In terms of scale, UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.

7.3.2 Policy UD1 of the Draft LDF Core Strategy specifies that the bulk, height, and density of development must consider the surrounding building plots, scale of the street, building lines, roof lines, street patterns and the streetscape. The development must also respond in a sustainable manner to the availability of public transport, community facilities and environmental quality.

7.3.3 Influencing the assessment of this scheme is a previously approved office development. In respect of height and scale the differences between the two schemes are follows:

- Height of the main tower is slightly less than the approved tower: 118.5m compared to 120.5 (approved)
- Height of office building facing Middlesex Street to be increased in height from 22m (inc. plant) to 23.8m (parapet) and 27.5m (plant)
- Height of student accommodation facing Bell Lane to be increased from 15m to 16.2m
- The single storey pavilion facing Strype St has been replaced with a four storey extension to the student accommodation with ground floor retail.

7.3.4 Policy UD2 of the Draft LDF Core Strategy states that tall buildings will be permitted in identified clusters as detailed in the Area Action Plans subject to a number of criteria. Further, the site is included in the "Proposed Tall Buildings Areas" in the Draft AAP. The proposal satisfies the relevant criteria of Policy UD2 as follows:

- the architectural quality of the building is considered to be of a high design quality;
- it contributes to an interesting skyline, and contributes to the general graduation of maximum building heights from west to east
- it meets the standards of sustainable construction and resource management;
- it meets the Council's requirements in terms of micro-climate;
- it enhances the movement of people, in particular along Frying Pan Alley
- appropriate planning obligations are included to mitigate the impact of the development on the existing social facilities in the area;
- the proposal satisfies the Council's requirements in terms of impact on privacy, amenity and overshadowing;
- The BBC have considered the proposal in terms of the impact on the telecommunications and radio transmission networks and concluded any impacts of the development can be mitigated via an appropriate clause in the S106 agreement;
- the transport capacity of the area now and in the future was considered as part of the Environmental Impact Assessment process. The Council's Highways Authority have concluded that the transport assessments submitted satisfy the Council's requirements (including the cumulative impact);
- a total of 1300 sqm of amenity space is provided at ground floor, which includes a internal squares and a widened Frying Pan Alley. The proposal also includes an appropriate S106 contribution to improve existing open spaces. The amenity space arrangements are considered to satisfy the Council's requirements;
- as discussed above, the mix of uses proposed are considered appropriate. The Council's urban design officer has recommended that the detailed design of the ground floor be conditioned to ensure that the development contributes to its surroundings at street level;

- the overall sustainability of the project is considered satisfactory.

7.3.5 With regard to the previous scheme, Council's Historic Building and Conservation Officer, the Council's Urban Design Officer and the officers of the GLA determined that the building's height and scale was appropriate for this location in principle. Whilst not being the sole determining factor with regard to the appropriateness of the current scheme, this does establish the acceptability of a large scale building on this site.

7.3.6 It is appropriate that this scheme be assessed in response to the differences between the approved office development scheme and the current scheme with regard to height and scale. Further discussion with regard to the impacts the changes between the schemes will make on the amenity of the surrounding area will be undertaken below. However, with regard to overall height and scale, the scheme is acceptable.

Density

7.3.7 Policy 4B.3 of the London Plan requires boroughs to maximise the potential of sites. The site has a Public Transport Accessibility Level (PTAL) level of 6 (which is the highest level on a scale of 1 to 6).

7.3.8 The Draft LDF City Fringe AAP has not applied a density to this site due to its being allocated for B1 (business) use.

7.3.9 The Council's Strategic Planning Team indicated that they considered that the density was inappropriate, unsustainable and should be resisted. In response, the applicant stated that they were confident that the potential impacts of the proposed development have been thoroughly tested, as demonstrated in the detailed supporting information submitted with the application and the fact that the previous approval would introduce a larger number of people to the area – albeit during traditional business hours. Where impacts have arisen, appropriate mitigation measures have been included as part of the S106 agreement. With regard to the appropriate weight to be given to the CFAAP, the document is still very much in draft form and Adopted UDP and London Plan, Draft LDF, should form the appropriate policy document for the consideration of the use of the scheme.

7.3.10 Notwithstanding, the Council will require major developments to correspond with necessary improvements in social and physical infrastructure to support the growth in student population.

7.3.11 In summary, the height, density and scale of the development is appropriate subject to the delivery of sufficient services infrastructure and social infrastructure. The developer has agreed to provide appropriate contributions to services and social infrastructure.

7.4 Views

7.4.1 The site does not lie within the foreground or background of any of the safeguarded strategic views listed in the Regional Planning Guidance (RPG) 3 Annex A: Supplementary Guidance for London on the Protection of Strategic Views, nor in the foreground or background of any of new views that are introduced in the Draft SPG London View Management Framework (GLA, April 2005).

7.4.2 A number of photomontages were submitted to assess the impact of the development on local views and local Conservation Areas. There are a small number of views within the conservation areas where the buildings would be seen, although the character and appearance of conservation areas and the settings and appearance of listed buildings seen in conjunction with the proposed buildings would be preserved. The impact on the character or appearance of a conservation area or the setting of a listed building would not be significant since, as in all such cases, modern buildings are already seen and influence the settings.

7.4.3 The height, bulk and scale of the previous approval were acceptable with regard to views and this situation has not changed with regard to the proposed scheme.

7.5 Amenity

Overlooking

- 7.5.1 Concerns have been raised with regard to the overlooking by the proposed student accommodation, particularly with regard to Brody House.
- 7.5.2 The windows facing Brody House have been designed in such a way as to minimise direct overlooking into the upper floors of Brody House. The sunken angled windows on the lower floors of the Bell St building have been set back a further 50cm from the Brody House side and rear elevations and do not provide direct viewing into the 1930s residential flat building. In this regard the proposal is considered acceptable. The 5th floor outdoor terrace has been set back a satisfactory distance from neighbouring Brody house to ensure overlooking is limited.

Daylight /Sunlight Access

- 7.5.3 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 7.5.4 The change in sky visibility or VSC method only provides an indication as to whether there will be changes in lighting levels. It does not necessarily reveal whether the predicted quantity and quality of light is adequate, following the construction of a new development. However, the ADF method provides a means for making such an analysis.
- 7.5.5 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive sunlight.

The daylight and sunlight assessment of the site

- 7.5.6 In relation to daylight, sunlight and overshadowing, an analysis of the difference between the previous scheme granted approval in 2004 (under the same policy standards) and the current scheme. This is appropriate given the previous scheme was considered acceptable in terms of impact on daylight and sunlight access. In respect of the impacts on Brody House (the closest residential property) The relevant changes are as follows:
- Height of student accommodation facing Bell Lane to be increased from 4 storeys to six storeys (15m to 16.2m)
 - The single storey pavilion facing Strype St has been replaced with a five storey (15.5m) building containing 11 residential flats accommodation with ground floor retail and servicing.

Daylight Results

- 7.5.7 20-22 Frying Pan Alley – It is accepted that most of the windows will lose more than 20% of their VSC (Vertical Sky Component). This is because the existing tower is not directly in front of their windows. However, the ADF (Average Daylight Factor) shows that the quality of light available within the properties will either be close to the existing or at a reasonable level assuming rooms are to be used as habitable rooms. On the basis that the quality of light remaining is close to British Standard BS8206 Part II, it has been concluded that the remaining light levels are reasonable.

Brune House – The revised proposal provides more light to this property than the originally proposed scheme. Due to the raising of the height of the tower and its slightly closer presence to Brune House, there is a reduction of in excess of 20% of the VSC to all the windows in this property. However, based on typical room sizes and uses for a building on this site, the levels of daylight are deemed acceptable based on the results of the ADF analysis.

Brody House – Whilst the proposed development has been kept low and set away 8.5m around Brody House, there are still some reductions of VSC in excess of 20%. However, ADF values are satisfactory although in comparison with the previous scheme it is accepted that there will be additional loss of light due to the increase in height to the west of Brody House, given the urban context of this site, this would not warrant refusal of the scheme.

23 Strype Street – This building contains residential on the first to third floors, the ground floor being used for retail purposes. Most of the windows will see a reduction of 20% in their VSC due to the closure of a thin vertical gap of sky which exists with the existing tower and will be reduced slightly due to the increased width of the proposed building. However, ADF analysis demonstrates that the quality of resultant light is reasonable and therefore acceptable.

92 Middlesex Street - Whilst some of the windows lose more than 20% of their VSC, the ADF analysis indicates that the quality of light remaining will still be at an acceptable level.

The Wexner Building – All windows in this building will lose more than 20% of their VSC. However, ADF analysis indicates that, with 10 exceptions, the light remaining will be at a reasonably high and therefore acceptable level. Of the 10 windows that are the exception, the level of remaining light is not unusual for a city centre location and is, on balance, still considered to be at an acceptable level in view of the location of this site and the character of the surrounding area.

Sunlight Results

- 7.5.8 20-22 Frying Pan Alley – Although some windows will lose more than 20% of their Annual Probable Sunlight hours (APSH), the resultant summer sunlight is close to BRE recommendations and in the view of officers is reasonable for such a location.

Brune House – Again, some windows will lose more than 20% of their Annual Probable Sunlight hours (APSH). However, it is again considered that the resultant level of sunlight (between a half and three quarters of the ideal criteria) is reasonable for a City Fringe location.

Brody House – There is no material loss of sunlight to this property.

The Wexner Building – Only 5 windows lose just over 20% of their sunlight. However, these already receive a low level of sun and the proposal will leave a similar amount. As such, it is not considered that a reason for refusal on loss of sunlight grounds could be justified relating to this building.

Both 23 Strype Street and 92 Middlesex Street do not have windows within 90 degrees of due south. The development will consequently have no impact on the amount of sunlight they receive.

Daylight and Sunlight Conclusions

- 7.5.9 BRE guidelines state quite clearly that different light criteria is often appropriate in city centres when compared to the more conservative approach adopted here by the applicant's consultant. Furthermore, because the applicant has designed appropriate heights and proportions to respond to neighbouring buildings facing the street, the proposal results in the level of daylight and sunlight to neighbouring properties being reduced because the existing podium buildings are significantly lower than neighbouring buildings.
- 7.5.10 Taking this on board, whilst the proposal clearly will have an affect to neighbouring buildings' light, the quality of the remaining light to adjacent residential properties would not be unacceptable or unusual for this city centre location. Therefore, on balance, the proposal is considered acceptable by Officers, following detailed consideration of the applicant's light study.

Sense of Enclosure

- 7.5.11 Objectors have also raised concerns relating to an increased sense of enclosure to their properties. Unlike, sunlight and daylight assessments, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of light. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, in the opinion of officers, this proposal does not create an unacceptable increase in the sense of enclosure to habitable rooms, particularly because of its City Fringe location. In these circumstances, a reason for refusal based on these grounds is not sustainable.

Noise

- 7.5.12 Subject to conditions restricting noise and discharge from any new plant proposed on this site, it is not considered that any unacceptable impact will be created by it. Furthermore, subject to conditions controlling the usage of the outdoor terrace areas, particularly on the 5th floor of the building facing Bell Lane, the terraces proposed are unlikely to materially affect the amenity of adjacent residents in terms of noise and disturbance.
- 7.5.13 Whilst some residents consider that the proposal could result in the exacerbation of noise from the 24/7 usage of the site by students, it is difficult to see how such a contention could reasonably be justified given the site's city fringe location and active surrounding street areas. As such, a reason for refusal based on these grounds could not be sustained.
- 7.5.14 Officers understand that the size of the proposed development creates concern about construction noise, debris from the site and traffic. In these circumstances, the Planning Department proposes to include a condition ensuring a stringent construction environmental management plan to this scheme to minimise noise and disturbance to residents caused by construction noise, debris and traffic.
- 7.5.15 Consequently, it is considered that the proposal complies with Policy DEV2 of the UDP which seeks to ensure that adjoining buildings are not adversely affected by loss of privacy or a material deterioration of their daylighting and sunlighting conditions.

7.6 Housing

- 7.7.1 The scheme provides a total of 11 residential units and 1100 student housing units. In respect of policy, the student housing units count towards Tower Hamlets overall housing targets as set by the GLA, but do not meet Tower Hamlets housing needs.
- 7.7.2 However, student housing has a sui generis status and is cannot be assessed with regard to the standard Housing policies including affordable housing, housing density and open space requirements.
- 7.6.1 With respect to the 11 residential units, Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space. No private amenity space has been provided for the 11 flats with the exception of a terrace located on the 5th floor.
- 7.6.2 Given the site is located within the CAZ, it is not surprising there is little or no provision of open space for the residential flats. Whilst some form of outdoor terrace or balcony would otherwise be required in urban locations such as this, it is considered that such additions would complicate amenity concerns for neighbours due to additional overlooking and noise. On the basis that this central urban location with restricted opportunity to provide the standard amounts of open space required by the SPG, the provision of no open space for these 11 units is consistent with other residential properties in the area and the application does not warrant refusal on this basis.

7.8 Access and Transport

Access

- 7.8.1 Vehicular access to the basement parking area, for 4 cars and bicycles is provided from Bell Lane. Secondary access to the basement for bicycles area is provided from Strype St. Servicing of the small retail units and provision of a private drop off point will also occur from Strype Street. Primary access is to be provided from Frying Pan Alley for access to the student accommodation and the office accommodation has frontage and access to Middlesex Street.
- 7.8.2 The pedestrian environment will be improved through the opening up of the site and the creation of new routes and vistas. This will be enhanced by the ground floor retail uses and the widening of Frying Pan Alley to provide a more accessible pedestrian connection between Middlesex Street and Bell Lane. Appropriate conditions will be included for lighting, signage and the inclusion of quality materials along the pedestrian route.
- 7.8.3 The Council's Highways officer has confirmed that the transport assessments provided as

part of the Environmental Statement considered the cumulative traffic related impacts of the proposed development with other developments. These were found to be acceptable.

Parking

- 7.8.4 The application proposes 4 car parking and 606 secure bicycle spaces at basement level. It is recommended that the S106 agreement include a clause to ensure that the development is 'car free', ensuring that no controlled parking permits are issued to the new residents of the development, thus alleviating additional pressure on the surrounding streets. Overall, the car parking and cycle parking provisions are in accordance with the standards set out within the UDP and London Plan and are at a level, which supports current Government guidance on encouraging trips by other means.
- 7.8.6 Transport for London have indicated they will support the number of cycle spaces proposed. An appropriate condition is recommended to ensure that the cycle spaces are satisfactory.
- 7.8.7 Although not specifically relevant to the number of spaces provided, the applicant has proposed that a number of the bicycle spaces be occupied by pool bikes. It is envisaged that a scheme be established that will operate in a similar manner to the increasingly popular car clubs in that students will be able to hire bikes upon making a reservation via the internet or with the concierge. This is the first scheme of this type proposed for London and should be supported as an idea.

Public Transport

- 7.8.7 The site is well served by public transport and has a public transport accessibility level (PTAL) of 6a. As the high density proposed is above those set out in Table 4B.1 of the London Plan, contributions for transport infrastructure improvements will be required via the S106 agreement to ensure that the development can be accommodated within the transport network. This will be detailed in the addendum report.

Servicing and Refuse Provisions

- 7.8.8 Servicing for each of the residential buildings would be minimal (apart from furniture delivery). The retail and office units will be serviced using light goods vehicles at the entry/exit provided from the controlled access on Bell St. The Council's Waste Services officer has confirmed that the non-recyclable and recyclable waste storage and handling aspects of the scheme are acceptable.
- 7.8.9 The Council's Highway officer has assessed the servicing and refuse provisions and concluded that they are satisfactory. It is recommended that a condition be included to ensure the adequate provision of storage of refuse and recycling facilities.

7.9 Design and External Appearance

7.9.1 Context

The current application is a re-casting of an existing permission for an office-led scheme for the site in favour of a student housing complex which also includes retail and office floorspace and a community 'pavilion'. The massing of the current application broadly follows that of the consented scheme, but the overall density of development at podium level appears to be higher.

7.9.2 Street-based buildings and streetscape

In terms of its streetscape strategy, the current application offers positive improvements over existing conditions:

- Existing low-grade and inactive frontages at street level on Middlesex Street, Strype Street, Bell Lane and Frying Pan Alley will be replaced by active (retail) uses rather than by offices, as in the consented scheme;
- The existing low podium of Rodwell House will be replaced by infill development which provides a higher quality streetscape;
- Frying Pan Alley will be upgraded to support its role as an important east-west pedestrian route, with active retail frontages, the entrance to the student residential tower and new landscaping;

There are several differences in scale and character in the street frontage buildings between the consented scheme and the application scheme which will have impacts on the streetscape:

- On the Middlesex Street frontage, the office building (with retail at street level) would rise about half a storey higher (Ground (G) + 5 storeys + plant room with the application scheme compared to G (high) + 4 storeys with the consented scheme. This would create a more dominant façade along Middlesex Street than the consented scheme, but this has been tempered by the fully glazed elevation and transparency at ground level and through the opening up a pedestrian link from Middlesex Street to Courtyard 1.
- On Bell Lane, the application scheme rises to G + 4 storeys compared to G + mezzanine + 2 storeys with the consented scheme. Bell Lane would appear more enclosed as a street and the open aspect from some of the existing flats to the east would be reduced by the higher building.
- On the Strype Street frontage, the application proposal fills the gap between the Wexner Building and Brody House with a G + 4 storey block whereas the consented scheme included a single-storey community 'pavilion' with the office tower rising behind. It is recognised that creating a built-up frontage on Strype Street will have townscape benefits in that it will reintroduce enclosure to the street edge; as well as an active frontage. Therefore this change to the layout of the scheme is acceptable.
- In response to concerns regarding the location and usability of the community space, the applicants have reconsidered and have now agreed to provide 155sqm of gross area at ground floor to be used for community purposes to be agreed with the Council. This is satisfactory, and will be subject to condition

7.9.3 Form and treatment of the Tower

In terms of visual and environmental impact the most significant element of the proposal is the 35-storey tower itself, replacing the existing 9-storey Rodwell House. Its building envelope has been reduced from that of the consented scheme – from 126 m AOD to 119m AOD and its width from 24m to 19 m, reflecting a change of function from office to student accommodation, resulting in a slightly lower and narrower tower. External modelling and architectural treatment are markedly different from that of the consented scheme, which was composed of a series of distinct and readily identifiable elements. The architects have submitted material to show the build-up of the composition to provide for a more distinct and easily read composition; this provides for more clarity in the understanding of the various elements in the scheme.

7.9.4 The tower as proposed also differs from the consented scheme in that it does not rise from the ground at both ends; its only full height elevation is that of the north (entrance) façade on Frying Pan Alley, whereas the consented scheme also presented a full height façade to the south, facing Strype Street, so that it met the ground along two elevations, rather than rising from a podium on three sides, as the proposal does.

7.9.5 Any tall building in this particular location will be highly visible and prominent, viewed in the round from all directions as a freestanding landmark above the far lower and generally consistent level of the surrounding Conservation Areas. The proposed tower will be as much as twelve times higher than some of the existing buildings at its base, such as the flats facing it on the east along Bell Lane.

7.9.6 The pre-eminence of the tower is likely to continue in an immediate local context. The tower will never form part of any local cluster of high-rise buildings, instead rising dramatically upwards far above the prevailing streetscape. Hence it will always be viewed as a single, stand alone building and will remain a dominant presence in the Conservation Areas. However, because the building will form part of the tower cluster of the City and be seen in direct juxtaposition with Swiss Re and other towers, it has a particular responsibility for its place in the London skyline.

7.9.7 The widespread visibility and impact of the tower are acknowledged in the applicants' own *Townscape, Visual Impact & Cultural Heritage Assessment*, which includes 21 selected viewpoints. Although this presentation of views is incomplete, it is clear that in the majority of these views the tower will cause a radical change of character, notably because it will contrast so strongly with the prevailing scale and streetscape of the Conservation Areas.

- 7.9.8 Apart from its height, the impact and prominence of the proposal is compounded by the fact that it takes the form of a high slab rather than a slender tower, with its long east and west elevations and short north and south frontages reflecting the double-banked internal plan. Hence, depending on the viewpoint, the tower can appear as a relatively slender form, as a solid slab or as a combination of the two. The impact of the tower will be especially strong in views from the east and west, where its long elevations will have the greatest 'slab' effect
- 7.9.9 This impact was identified as an important design issue in the development of the consented scheme and led to an acceptable and balanced solution.
- 7.9.10 In considering the proposals it is important to recognise that the tower will contain not standard office floorspace, as the consented scheme, but vertical clusters of student accommodation. This needs to find an appropriate architectural expression which distinguishes it from office or other categories of floorspace.
- 7.9.11 The design approach adopted here has been to fragment the basic slab form of the tower into a series of planes or layers which are then clad in a flat curtain wall skin. This flush skin is composed of combinations of solid, glazed and perforated panels, with a colour range of light silver/light blue metallic and glass finishes.
- 7.9.12 These façade elements are combined to produce facades which incorporate varying degrees of 'randomness' as illustrated in the indicative perspective views, ranging from a regular pattern of fenestration with a strong vertical emphasis to staggered, offset panels and glazing units, varying floor by floor. The overall effect is claimed to be that of a "shimmering" façade, with visual interest created by the random patterning and varied materials.
- 7.9.13 This randomising approach has several effects. Firstly, the varying randomness makes it difficult to judge the true scale of the tower, since individual floors can only intermittently be read and secondly the clarity of the layered building form developed in earlier proposals has been lost. However, the details submitted show a clear expression on the edges of the floor slabs at each level to produce a scaleable horizontal emphasis to the facades.
- 7.9.14 Although the concept of a continuous building skin composed of randomised elements is frequently presented as a design solution for the cladding of large buildings, this approach remains uncharted territory and an unproven strategy for a building of this size and prominence with such a close relationship to the Conservation Areas. These enormous, highly prominent elevations will be viewed under a variety of weather and lighting conditions, by day and by night and also in the longer term, when the materials will have been subject to exposure and ageing. Nevertheless, there is a cogent design rationale underpinning these proposals. Further, conditions will be applied to any consent to allow for further development of the proposals in detail.
- 7.9.15 The tower element of the proposal in particular fails to prove that it meets the standard of design quality required of a highly prominent tall building in such a sensitive location.
- 7.9.16 CABE's response to the current planning application, on which they were consulted by the Council, is that the current proposal does not enhance the qualities of its immediate location and setting.
- 7.9.17 Notwithstanding CABE'S response, the applicant has provided Council with details showing that there are now clearly expressed the horizontals at floor edges, shown in the new renderings submitted to the Council, which should help to signal the vertical scale of the building overall and to provide for a more cogent composition. There has also been attention paid to the overall silhouette of the building. However bearing in mind the scale of the tower, and that the facade treatment, whilst innovative does not appear to have any direct precedent that we can view for comparison in London, it would be prudent to Condition for full details of the exterior as well as for a full-size sample panel for on site approval.
- 7.9.18 Conclusions
Current information provides for reassurance that the tower can achieve the required quality. However, a set of comprehensive conditions is recommended to cover the detailed

development and implementation of this highly innovative facade approach.

7.10 Access and Inclusive Design

7.10.1 Policy HSG8 of the UDP requires the Council to negotiate some provision of dwellings to wheelchair standards and a substantial provision of dwellings to mobility standards – this should also extend to student housing.

7.10.2 The Council’s access officer has been critical of various aspects of the scheme, particularly the scheme’s apparent non-compliance with Part M of the Building Regulations 1999. To this end an informative will be added to an approval requiring the scheme comply with the Building Regulations.

7.10.3 Other relevant issues include the concentration of wheelchair housing on selected floors and circulation space. With regard to wheelchair housing, there is a strong argument for the “peppering” of wheelchair units throughout the development and this would be the desired outcome in terms of mixed and balanced communities. However, the concentration of units allows for a better quality of services to be provided on the relevant floors and is safer with regard to emergency ingress/egress. On this basis, the scheme is acceptable.

7.11 Sustainable Development/ Renewable Energy

7.11.1 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. The proposal includes a biomass heating plant at basement level. The proposal is generally consistent with the London Plan energy policies and an appropriate condition will be included to ensure the implementation of the proposed renewable energy measures.

7.12 Biodiversity

7.12.1 It is recommended that an appropriate condition be included to ensure that biodiversity roofs on the blocks facing Middlesex Street and Bell Lane (6 and 5 storeys respectively), consisting of “brown roof” rubble are included to enhance opportunities for the nesting and foraging of black redstarts.

7.13 Planning Obligations

7.13.1 An analysis of the impacts of the development on the locality has been undertaken. In keeping with the ODPM Circular 05/2005, a number of requirements for planning obligations have been identified to either:

- Prescribe the nature of the development (e.g. by requiring that a given proportion of the housing is affordable);
- Compensation for loss or damage caused by the development (e.g. loss of open space); or
- Mitigate the development’s impact (e.g. through increased public transport provision).

7.13.2 The identified planning obligations meet all of the following tests:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale in kind to the proposed development; and
- (v) reasonable in all other respects.

7.13.3 Refer to the table below for a summary of the Section 106 Heads of Terms.

Planning Obligation Heads of Terms	Prescribe/ Compensate/ Mitigate	Contribution sought
Landscape and Open Space		
Open space improvements to relieve the pressure that will arise from the new housing on existing overcrowded open space and recreational facilities	Mitigate	£150,000

Public Realm Improvements		
Public realm improvements within the vicinity of the site	Mitigate	£100,000
The scheme provides for additional open space adjacent to Frying Pan Alley. The ground floor open space is publicly accessible from south-west to north-east. A right of way "walking agreement" to accommodate this additional public realm will be necessary.	Prescribe	N/A
Employment initiatives & Local Labour		
<ul style="list-style-type: none"> • LiIC: Project to allow local people to gain access to construction employment • Skillsmatch: A partnership job brokerage service to address the recruitment needs of the owner and its contracts and maximise the employment of local residents 	Prescribe	£150,000
Public Art		
Contribution to public art/cultural facilities including the preparation and implementation of a public art strategy including the involvement of local artists	Prescribe	£250,000
Healthcare Contribution		
Mitigate the demand of the additional population on health care services ¹	Mitigate	£1,444,820
TV monitoring and Reception	Mitigate	N/A
Preparation of a Travel Plan	Prescribe	N/A
Car Free Agreement	Prescribe	N/A
To restrict occupants of the student accommodation and residential units applying for residential parking permits		
Community Building		
The community building facing Bell Street is to be provided at a peppercorn rent and maintained at the applicants cost	Prescribe	N/A
Section 278 Agreement		
S278 agreement to repave and improve Frying Pan Alley and the relocation of parking bays caused by the new parking and servicing entrance on Bell Lane.		

Total: £2,094,820

7.13.4 The above contributions are considered reasonable in order to address the impacts of the scheme

8. SUMMARY

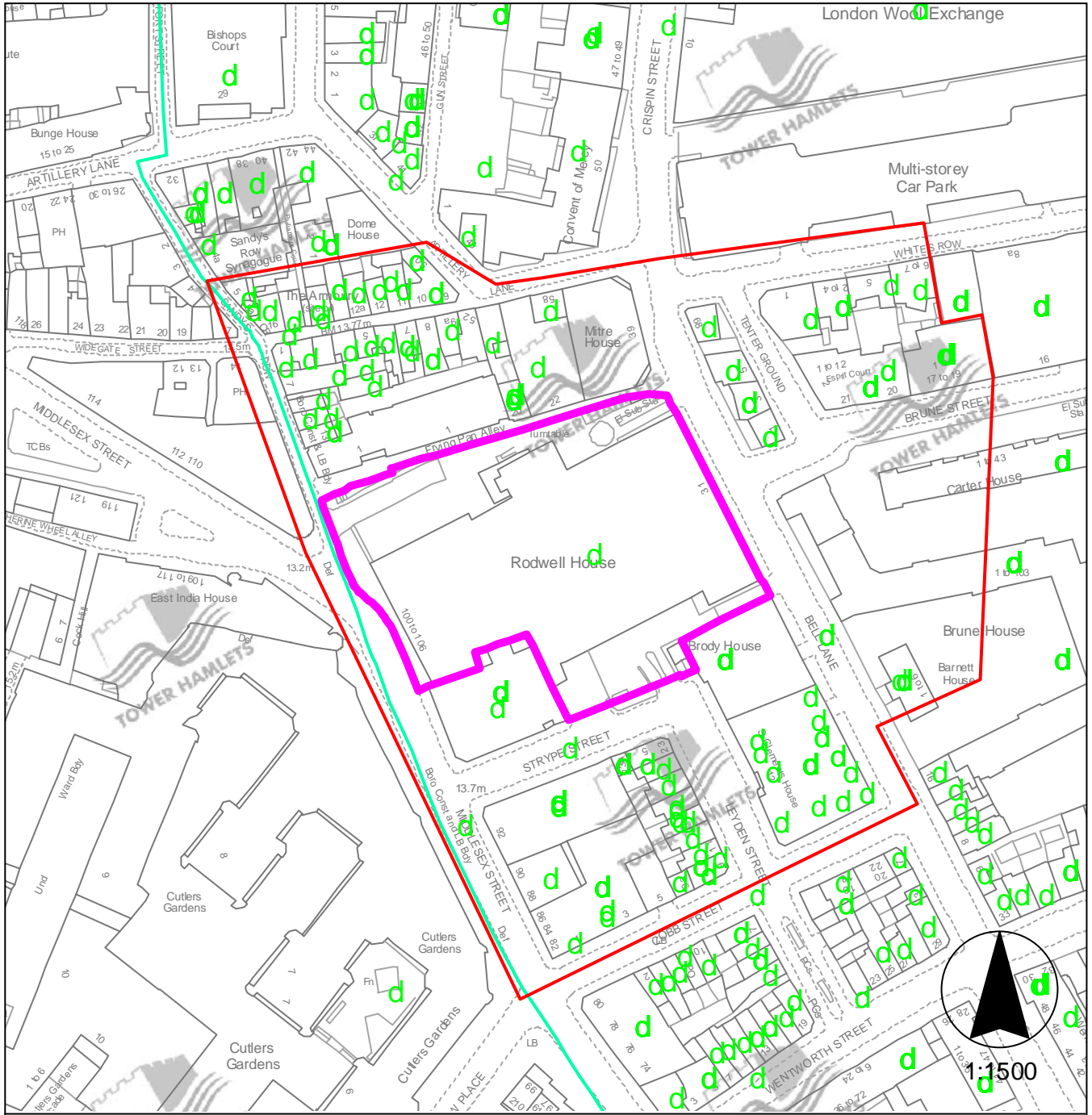
7.1 The site has good access to public transport facilities and provides a high quality mixed use development. The proposed tower will provide a landmark and contribute to the regeneration of the wider area.

7.2 The proposal is broadly supported by adopted strategic planning policy, even though the emerging policy would not support the use of this site for predominantly student accommodation.

¹ HUDU Model applied

- 7.3 An Environmental Statement was submitted with the application, which has been reviewed by the Council's independent consultants. Following this, further information was submitted, which together with the Environmental Statement is considered to satisfactorily identify the likely impacts and the necessary mitigation measures.
- 7.4 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards transport, health, education, employment, training and open space.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

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Agenda Item 7.2

Committee: Strategic Development Committee	Date: 14 th September 2006	Classification: Unrestricted	Report Number:	Agenda Item Number: 7.2
Report of: Director of Development and Renewal		Title: Town Planning Application and Conservation Area Consent		
Case Officer: Terry Natt		Location: Land bounded by Whitechapel High Street, Colchester Street, Buckle Street Inc car park and Braham Street, London E1		
		Ward: Spitalfields and Banglatown		

1. SUMMARY

1.1 Registration Details

Reference No: PA/06/00510
PA/06/00525

Date Received: 31/03/2006
Last Amended Date: 02/08/2006

1.2 Application Details

Existing Use:
Proposal:

10 storey office building and 150 space car park
In outline, the erection of three predominantly commercial buildings with a total floor area of 110,960 sq. m Building A 22 storeys (102.5m) high, building B 20 storeys high (93.5m) and Building C 4 storeys high (32.7m) to provide 84,305 sq. m. of offices (B1) and 2,805 sq. m. of retail and basement car park for 40 vehicles and associated plant accommodation.

The removal of Aldgate gyratory and closure of Braham Street to create a new park and other associated changes to the existing highway arrangement. New pedestrian route to Drum Street. New entrance to Aldgate east underground station.

The application is accompanied by an Environmental Impact Assessment.

Applicant: Tishman Speyer

Ownership: Greater London Authority, Transport for London, Tower Hamlets Council, Valston International Ltd, Peter Nelkin, Jeremy Ornstin, Deltalevel Ltd, P&O Nedlloyd Ltd, Dreamframe Ltd and Dreamleaf Enterprises Ltd, Leslie & Godwin Investments Ltd, Standon Nominees Ltd (Inc in Jersey), Pendragon Motor Group Ltd, Ofex Holdings plc, the Royal College of Psychiatrists, The Royal Bank of Scotland plc, National Westminster Properties TQ2 Ltd, Mourant & Co Trustees Ltd and Mourant Property Trustees Ltd

Historic Building: N/A
Conservation Area: Yes – Whitechapel High Street

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grants** planning permission subject to:

2.1.1 The completion of a legal agreement pursuant to Section 106 of the Town and

Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.2 below, the conditions and informatives outlined in Sections 2.4 and 2.5 below; and Section 278 of the Highways Act 1980 with Transport for London, to include the matters outlined in paragraph 2.3 below.

- 2.1.2 That if the Committee resolves that planning permission be granted, that the application first be **referred to the Mayor of London** pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height.
- 2.1.3 That if the Committee resolves that planning permission be granted the Committee **confirms** that it has taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 2.1.4 That the Committee **agree** that following the issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

2.2 Section 106 agreement to secure the following:

- (1) Provide £2,000,000 towards the provision of a landscaped park to the western end of Braham Street
- (2) Preparation of a right of way "walking agreement" for crossing through the proposed site across all areas of public realm created by the proposal.
- (3) Provide £140,000 towards employment initiatives such as the Local Labour in Construction (LiC) or Skillsmatch in order to maximise the employment of local residents.
- (4) Provide £140,000 towards healthcare to mitigate the demand of the additional population on health care services.
- (5) Provide £150,000 for the preparation and implementation of a public art strategy including involvement of local artists to be managed by Whitechapel Art Gallery
- (6) TV reception monitoring and mitigation.
- (7) Preparation of a Green Travel Plan

2.3 A Section 278 agreement with Transport for London to secure the following:

- (1) To fund to a maximum of £3,373,800 off site highway works involving the removal of the Aldgate gyratory prior to the commencement of works on site.

Conditions

2.4 That the following conditions be applied to any planning permission:

- (1) Time limit for outline planning permission
Reserved Matters:
 - Landscaping including park layout
 - External appearance of buildings
- (2) The submission and approval of the following details:
 - The external appearance of the buildings
 - Samples of materials to be used on external faces of the buildings

- Ground floor public realm (including linkages to underground and pedestrian route)
- All external landscaping (including lighting and security measures), walkways, screens/ canopies, entrances, seating and litter bins;
- The design of the lower floor elevations of commercial units including shopfronts
-
- (3) Condition requiring gyratory works are done prior to commencement of development
- (4) Park required to be completed prior to occupation of buildings
- (5) Access to Aldgate East Underground station to be completed prior to occupation of buildings
- (6) Parking – maximum of 40 cars and a minimum of 380 cycle spaces
- (7) Hours of construction limits (0800 – 1800 Mon-Fri)
- (8) Details of insulation of the ventilation system and any associated plant required
- (9) Hours of operation limits – hammer driven piling (10am – 4pm)
- (10) Wheel cleaning during construction required
- (11) Details required for on site drainage works
- (12) Black redstart habitat provision required
- (13) Land contamination study required to be undertaken
- (14) Implementation programme - archaeological works
- (15) Full particulars of the refuse/ recycling storage required
- (16) Code of Construction Practice (referred to as Construction Method Statement in the ES), including a Construction Traffic Management Assessment required
- (17) Statement required to minimise the impact on Air Quality
- (18) Details of finished floor levels required
- (19) Details of surface water source control measures required
- (20) Biomass heating and renewable energy measures to be implemented
- (21) Monitoring Control Regime for construction phase to be implemented
- (22) Bat Survey to be undertaken
- (23) Bat roosts and bird nest boxes to be incorporated into the fabric of the new buildings
- (24) Ground borne vibration limits
- (25) Details of the design of the cycle store required

2.5 That the following informatives be provided to the applicant for information:

- (1) Thames Water advice
- (2) Metropolitan Police advice
- (3) Environment Agency advice
- (4) Surface water drainage advice
- (5) Entertainment licensing advice
- (6) Site notice specifying the details of the contractor required
- (7) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

3. EXECUTIVE SUMMARY

3.1 The following is a summary of the assessment of the proposed development:

- The development would result in significant changes to the Aldgate area. It involves the removal of the Aldgate gyratory system and the construction of the new park that have the potential to create a new focus for this amenity-depleted area of the city fringe.
- The application is supported by an Environmental Impact Assessment which is satisfactory. This includes the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended section 106 agreement.
- The Greater London Authority has provided its Stage One Response.
- The proposed mix of uses complies with the land use policies of the Council's Unitary Development Plan and the emerging Local Development Framework.
- The site has a Public Transport Accessibility Level (PTAL) of 6 (on a scale of 1 – 6, where 6 is the highest).
- Improvements to the existing infrastructure capacity will be undertaken through the proposed section 106 agreement.

- The proposal a number of sustainable development/ renewable energy initiatives would be incorporated.

3.2 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards the removal of the gyratory, health, employment, training and the landscaping of a new park. The scheme generally accords with the Council's and the GLA's policy objectives.

4. BACKGROUND

Site and surroundings

- 4.1 The site is located at the eastern end of the Aldgate gyratory traffic island within the city fringe area and Whitechapel. It measures approximately 1.55 hectares and extends across two existing sites and all of Braham Street to create one large development area. A vacant conference and leisure building, a Lloyds bank, and several Victorian buildings currently occupy the site to the north of Braham Street. To the south of Braham Street, the site is occupied by a multi-storey car park.
- 4.2 The gyratory system was implemented in the 1970s to relieve traffic congestion at the intersection of the inner ring road and Whitechapel High Street. The northern part of the gyratory site falls into the Whitechapel High Street Conservation Area.
- 4.3 The area surrounding the site comprises a variety of buildings and includes a mix of uses. Immediately to the north of the site is Whitechapel with a mix of high street uses including banks, Aldgate East tube station and Whitechapel Art gallery. London Metropolitan University is located to the east of the site, on the opposite side of Commercial Road. To the south of the site is a mix of predominantly commercial uses including offices, workshops and cafes.
- 4.4 The heights of buildings adjacent to the site vary from 3-4 storeys to 7-9 storeys. Generally, larger scale buildings are located to the south of the site, with smaller scale buildings located to the north along Whitechapel.
- 4.5 The site has excellent access to the public transport network, with a public transport accessibility level index of six. Aldgate East is the closest underground station providing access to the District and Hammersmith & City lines. The Circle and Metropolitan lines can be accessed at the nearby Aldgate station, whilst Fenchurch Street station (mainline services to Essex) and Tower Gateway (Docklands Light Rail) are both within walking distance. Ten bus routes currently operate on Whitechapel High Street. The Aldgate gyratory surrounding the site is part of the Transport for London strategic road network.

Proposal

- 4.6 Application is made for outline planning permission, for the demolition of existing buildings and construction of a predominantly office scheme with ground floor retail uses. It is requested that siting, design of the buildings, means of access and landscaping are determined with external appearance of the buildings reserved.
- 4.7 The development comprises three predominantly commercial buildings with a total floor area of 110,960 m². The largest building (known as Building A) would be 22 storeys and 102.5 metres (m) AOD in height. The scheme then steps down to Building B which is 20 storeys and 93.5 m AOD in height, and Building C which is 4 storeys and 32.7 m AOD in height.
- 4.8 The design is predominantly based on interaction with the permitted scheme at 2 Aldgate Union (The Marsh Centre). Key components comprise:
- Retail use of approximately 2,805 sqm Gross External Area (GEA);
 - Office use of approximately 84,305 m² GEA;
 - Subsurface parking provision for 40 vehicles and 380 bicycles;
 - New pedestrian route to Drum Street; and a
 - New underground entrance to Aldgate East Underground Station.

- 4.9 The proposal also involves the creation of a new public park with a café on the part of the gyratory to the south of the adjacent Marsh Centre. In order to facilitate this new park, the existing gyratory system is to be removed. The street network is to be returned to its original layout, with Whitechapel High Street reinstated into a two-way road containing three eastbound lanes and two westbound lanes. The carriageway on Whitechapel High Street would be widened to accommodate the proposed two way system. Colchester Street would be realigned to provide a through route from Commercial Street to Leman Street. The traffic islands at the Mansell Junction, the Commercial Street junction and the Commercial Road junction would be modified to allow southwest bound through traffic. Five staggered pedestrian crossings would be provided.
- 4.10 The scope of the application is limited to the above proposals and does not include proposed gyratory improvements along Whitechapel and Commercial Road. These will be subject to a 278 agreement. A land swap between the applicant and TfL is required to facilitate the scheme. Due to the interaction between Aldgate plots 3 and 4, the new park and the streetscape changes, the effects of the gyratory changes are considered within the Environmental Statement.

5. **PLANNING POLICY FRAMEWORK**

Comments of the Chief Executive (Legal)

- 5.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted Tower Hamlets Unitary Development Plan 1998 (UDP), the adopted London Plan 2004, the Council's Community Plan, the Draft Local Development Framework and Interim Planning Guidance Notes.
- 5.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 5.3 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Whitechapel Conservation Area in which the site is partially located.
- 5.4 Whilst the adopted UDP 1998 is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF). As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 5.5 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan which reflect more closely current Council and London-wide policy and guidance.
- 5.6 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.
- 5.7 The following Unitary Development Plan **proposals** are applicable to this application:
- (1) Central Area Zone
 - (2) Strategic Roads
 - (3) Major Proposals – Proposal 118 for Employment Uses, Business Uses, B1, A1.
- 5.8 The following Unitary Development Plan **policies** are applicable to this application:
- DEV1 Design Requirements

DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV5	High Buildings and views
DEV12	Provision of Landscaping in Development
DEV18	Art and Development Proposals
DEV50	Noise
DEV55	Development and Waste Disposal
DEV67	Recycled Materials
CAZ1	Developing London's regional, national and international role
CAZ3	Mixed use development
CAZ4	Diversity, character and functions of the Central Area Zones
EMP1	Encouraging New Employment Uses
EMP2	Retaining Existing Employment Uses
EMP3	Change of Use – office
EMP6	Employing Local People
T7	The Road Network
T10	Strategic Traffic Management
T15	Transport and Development
T16	Impact of Traffic
T17	Parking Standards
T18	Pedestrians
T19	Pedestrians
T21	Pedestrians
T23	Cyclists
S6	New Retail Development
S10	New shopfronts
ART5	Arts and entertainment facilities

5.9 The following Draft LDF **proposals** are applicable to this application:

- (1) Central Area Zone
- (2) City fringe Development Sites – CF12c Allocation – Mixed Use, Residential, Public Open Space

5.10 The following Draft LDF Core Strategy Development Plan Policies/ City Fringe Area Action Plan **policies** are applicable to this application:

CFR1	Loss of office space
CFR9	Open Space
CFR10	Sustainability
CFR12	Transport capacity
CFR13	Connectivity
CFR14	Infrastructure and services
CF17	Tall buildings
CS2	Job Creation
CS3	London as World City
CS11	Education and Skills
CS13	Sustainable Accessible Transport
CS15	Good Design
CS16	Density
CS22	Open Spaces
CS25	Securing Benefits
CS26	Masterplans and development Briefs
EE5	Mixed Use Development
EE6	New Office Development
EE7	Redevelopment/ Change of Use of Employment Sites
EE9	Central Activities Zone
EE10	Commercial densities
RT2	Diverse and flexible shopping floorspace
TR1	High Density Development in Areas of Good Public Transport Accessibility
TR2	Parking
TR3	Transport Assessments

TR4	Travel Plans
TR7	Walking and Cycling
UD1	Scale and Density
UD2	Tall Buildings
UD3	Public Art
UD4	Accessibility and Linkages
UD5	High Quality Design
UD6	Important Views
SEN3	Energy Efficiency
SEN4	Water Conservation
SEN5	Disturbance from Demolition and Construction
SEN6	Sustainable Construction Materials
SEN7	Sustainable Design
SEN9	Waste Disposal and Recycling
OSN3	Landscaping and Trees
IM3	Securing Benefits
IM2	Social Impact Assessment

5.11 The following Community Plan **objectives** are applicable to this application:

- (1) Creating and sharing prosperity
- (2) A better place for living well
- (3) A place for living safely

6. **CONSULTATION**

6.1 The following were consulted regarding this application:

(1) **Greater London Authority**

Tower Hamlets has received the Stage 1 Response from the GLA which concluded that: *“The provision of a substantial amount of modern quality office floorspace in this location, with associated employment opportunities, is fully consistent with the London Plan. The development should fulfil the aspirations of Tower Hamlets Council to create a new sense of place in this location, and to provide a landmark development that marks the city gateway to the borough”.*

Remaining issues from a strategic planning perspective include the submission of the application in outline form (and thus being assured that the design will be satisfactory upon submission of reserved matters); energy; and an agreement on a satisfactory s106 to secure the necessary highways works and delivery of the new park. These issues are discussed later in this report and are considered to have been satisfactorily resolved.

(2) **Environment Agency**

No objection subject to conditions relating to runoff control.

(3) **English Nature**

No comment.

(4) **English Heritage**

No objection subject to conditions securing a programme of archaeological work.

(5) **Transport for London**

Significant highways, footways and public realm improvements are proposed as part of the development. These include the removal of Aldgate gyratory and the reinstating of two-way traffic on Whitechapel High Street. It is an aspiration that the highways scheme will provide pedestrian crossings, creating a safer more direct alternative to the existing and often confusing subway network. A new public park is

also to be created as a result of the closure of Braham Street. These proposals aim to bring wide improvements to the currently traffic dominated area. Reinstating two-way traffic on Whitechapel High Street will also improve the interchange between modes and the new public spaces will create an alternative, more pedestrian friendly route through the area. Improved and safer cycle access through the area should also be delivered by the removal of the gyratory. These changes also aim to greatly improve accessibility for all users with new at-grade crossing and fully accessible bus stops.

Analysis and modelling are currently being progressed, to inform the design of the new highways and footways. Although TfL strongly supports the removal of the gyratory, it can only give it's in principle support to the proposed changes at this stage. TfL will only be able to make a full assessment and give complete comments on the highways proposal once the detailed analysis is complete.

TfL has quoted a significant sum to be contributed by this development to be applied to a funding pool for the delivery of the highways works (including removal fo the gyratory) and other public transport improvements in the area. This will be secured by way of a section 278 agreement between TfL and the applicant. TfL expects other developments nearby to also contribute to this pool.

With regard to other issues, modifications have been made to the scheme to increase substantially the number of cycle parking spaces to 393 and reduce the number of car parking spaces to 40. these modifications comply with the requirements of the London Plan and the UDP.

(6) **City Corporation**

No objection.

(7) **BBC - Reception Advice**

Advises TV reception mitigation measures required.

(8) **Head of Highways Development**

Satisfied that TfL lead on negotiations regarding traffic matters for this site given the status of the roads.

(9) **Environmental Health**

Contaminated Land Officer

Recommends a condition requiring an investigation to assess the nature and extent of any contamination and details of appropriate mitigation measures.

Air Quality

Recommends:

- Development should be 'car free';
- A condition and informative to ensure that the Code of Construction Practice (called Construction Method Statement in the ES) is approved by LBTH prior to the commencement of site works; and
- Condition to protect the amenity of future occupants and/ or neighbours in terms of air quality.

Noise and Vibration

Advises:

- The developer should obtain a section 61 consent from Environmental Health before commencement of work on site. Night time works should not be allowed

- except by dispensation;
- Adequate mitigation measures controlling construction noise will be required and should be submitted as part of the application for Section 61 consent;
- The mitigation measures suggested for road traffic noise are adequate.

(10) **Landscape Section**

“The proposed open space in the place of Braham Street is welcome given the acute deficiency of open space in this part of the Borough. This site lies in Whitechapel ward (in LAP3). Tower Hamlets adopted its Open Space Strategy on 11.1.2006. This included an assessment of open space quantity and needs. It found that Whitechapel ward has less than 0.4 ha. public open space per 1000 residents. This is only one third of the Borough standard for provision of public open space (and less than one sixth of the National Playing Fields Association standard of 2.4 ha./1000). All new open space is therefore welcome.

Given these circumstances we are looking for a new public open space that meets some of the needs of the existing and proposed local residents for play and casual ball games. This design is very limited in ambition, being a passive space with no provision for any active use”

As a reserved matter, the layout of the park has not been resolved in its final form. Upon receipt of details relating to the landscaping of the new park, Council's landscape section will be consulted.

(12) **Corporate Access Officer**

Satisfied subject to the public realm being usable by all.

(13) **Crime Prevention Officer**

Made a number of comments recommending conditions be added with regard to access, safety, lighting and design.

6.2 Public Consultation

The proposal has been advertised on site and in the press and consultation undertaken with owner occupiers in the vicinity. Responses were as follows:

No. Responses: 9 In Favour: 0 Against: 9 Petition: 0

6.3 Comments received may be summarised as follows:

Planning Policy

- Planning justification for the scheme remains unclear.
- Public consultation exercise was inappropriately undertaken.
- No substantive community benefits are proposed.
- The scheme is premature with respect to the emerging Masterplan for Aldgate.
- The proposed scheme is not deliverable given the reluctance of all owners to sell to the developer.

Land Use

- Buildings should not be used for offices, but rather workshops, shops and warehouses accommodation.
- The scheme fails to provide any housing.

Height/ Density/ Scale

- The new buildings would dwarf historic buildings on Leman and Alie Streets.
- Inappropriate height considering the low scale of development in the surrounding

- area.
- Overdevelopment.

Microclimate/sustainability

- Loss of daylight resulting from overshadowing
- Sustainability issues need to be resolved

Overlooking/Loss of Privacy/ Noise

- In crease in numbers of people in immediate area will result in an unacceptable level of noise

Design/Conservation

- No details of refuse delivery locations is shown
- The character of redeveloped buildings should be keeping with the surrounding area
- Development takes no account of listed buildings in Alie Street, Lemman Street and Buckle Street
- Sidoli's café (15/17 Lemman St) should not be demolished

Construction Impacts

- Traffic noise and disturbance from long construction period will result in loss of amenity

Transport/ Parking

- Increased parking demand and servicing access using Buckle Street
- Too much car parking is proposed
- Not enough car parking is provided
- Alie Street is too narrow to become a major thoroughfare
- Noise resulting from an increase in traffic will result
- Alie Street should be pedestrianised

Infrastructure

- No assessment of the impact on gas and electricity infrastructure has been undertaken

7. ANALYSIS

7.0 It is considered that the main issues arising from this application are land use, design including height density and scale, affect on the character of the Whitechapel Road Conservation Area, impact on views, amenity, access and transport, sustainability, biodiversity and planning obligations.

7.1 Land Use

7.1.1 The site is currently occupied by a mix of office buildings, roadways and unmaintained Victorian shops. The site is inside the "Central Area Zone" designation of the UDP.

Office Component

7.1.2 The current office floorspace of the existing buildings is 17,952 sq m would be increased to 84,305sqm The office component complies with with the employment policies EMP1 and in particular policy EMP2 (1) of the UDP. The existing employment site is underdeveloped considering its location and the office-led-mix of uses proposed would provide new exceptional quality office and retail spaces. This would result in a significant increase in the density of jobs in the Aldgate area. . The proposal also satisfies Policy EE7 of the Draft LDF Core Strategy document with respect to maximising employment on individual sites and

increasing employment opportunities. To ensure local people gain access to employment during and post construction, contributions will be sought from the applicant via a Section 106 agreement.

7.1.3 The Draft City Fringe AAP (CFAAP) identifies the immediate area as being located within a major land use local points, an area for key public realm/street improvements and within a proposed tall building area. It designates the site as "CF12c" which allocates the preferred use of the site for Mixed Use, Residential (C3) and public open space purposes.

7.1.4 However, the GLA have noted that contrary to the site-specific objectives contained in the CFAAP, the proposal complies with the London Plan:

"The provision of a substantial amount of modern high quality office floorspace in this development is fully consistent with the policy aspirations of the London Plan and the draft City Fringe Opportunity Area Framework to promote the intensification of development in appropriate locations. The significant amount of new employment opportunities that will be provided will support London's critical mass of financial and business services. The development will add momentum to the regeneration of the city fringe that has commenced in recent years."

7.1.5 The mixed-use policy of the London Plan (3B.4) is also relevant to this development. This seeks increases in office floorspace to be accompanied by a mix of uses including housing, unless such a mix would demonstrably conflict with other policies. The London Plan acknowledges that for a location such as this, with particular scope to support London's critical mass of financial and business services, off-site provision of housing, or an equivalent contribution, is appropriate. However, the GLA notes that:

"...one of the most significant benefits resulting from the development will be the transformation of the gyratory into a public open space. The benefits of this transformation represent ample justification for the majority of the financial obligations associated with the scheme to be directed towards the road re-alignment works and the new park."

In this circumstance, it is appropriate that housing and therefore an affordable housing contribution is not sought on this site.

Retail Component

7.1.6 Policy S6 of the UDP notes that permission for new retail development will normally be given where there will be no impact of district shopping centres, appropriate amenity concerns are addressed and the site is well served by public transport.

7.1.7 Policy EE5 of the draft Core Strategy supports complementary mixed use development as does the CFAAP which identifies the site as appropriate for a mix of uses. Policy RT4 of the Draft LDF Core Strategy document supports the inclusion of retail at ground floor level.

7.1.8 A total of 2,800 sq.m of Retail (A1, A2, A3) at ground floor level is proposed. Whilst the in-principle inclusion of retail units at ground floor is arguably contributory as an ancillary use on site rather than a mix of uses, it has been established that a true mixed use development is not appropriate on this site. However, the inclusion of retail units at ground floor level is supported. The retail units will provide active frontage and thus security, along with a degree of retail services for the occupiers of the offices above.

Park/Public open space

7.1.9 The creation of public open space, through the removal of the gyratory is supported by the UDP and CFAAP. The scheme to remove the gyratory is as much a proposal by the developer as it is by the Mayor and TfL. Indeed, the GLA notes:

"This project is identified as one of the Mayor's 100 spaces and the development will contribute significantly to its delivery. Creating a network of linked public open spaces is a key part of the draft City Fringe Opportunity Area Planning Framework, and the removal of the Aldgate gyratory and introduction of a new park is central to this. The new open space will sit between the existing public open spaces of the Guinness Estate to the west and Altab

Ali Park to the east.”

The Council's landscape section supports the creation of a park at this location and will provide comments on the proposed final design once submitted as reserved matters.

- 7.1.10 Details relating to the layout and design of the park have not been finalised, and will be dealt with in reserved matters. The developer will work closely with the GLA to establish an appropriate design response to be considered by the Council at a later date. The ongoing maintenance of the park is the responsibility of the owner who in this case is TfL. A condition will be added requiring a management and maintenance agreement be in place prior to the commencement of any work on site.

7.2 EIA

- 7.2.1 The Council's consultants, Bureau Veritas undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council's request, the applicant submitted further information to mitigate and clarify queries raised by Bureau Veritas.
- 7.2.2 The Environmental Statement and Environmental Statement Addendum have been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

7.3 Height, Density and Scale

Height

- 7.3.1 In terms of scale, UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 7.3.2 Policy UD1 of the Draft LDF Core Strategy specifies that the bulk, height, and density of development must consider the surrounding building plots, scale of the street, building lines, roof lines, street patterns and the streetscape. The development must also respond in a sustainable manner to the availability of public transport, community facilities and environmental quality.
- 7.3.3 The Council and GLA share similar concerns that the submission of the application in outline form gives too much scope for inappropriate design response at reserved matter stage. The joint CABE and English Heritage 'Guidance on Tall Buildings', states that: "Proposals for tall buildings should not be supported unless it can be demonstrated through the submission of fully worked-up proposals that they are of the highest architectural quality. For this reason neither CABE nor English Heritage consider that outline planning applications would be appropriate."
- 7.3.4 The applicant's justification is that: *"The application is submitted in outline form due to the need to secure certain milestones in terms of land agreements, stopping up orders and demonstration of commitment prior to conversion to detailed status via the submission of the remaining reserved matter (external appearance only) once the re-alignment proposals are committed to by TfL."*
- 7.3.5 The GLA considers that: *"The applicant's justification is accepted to a certain extent, as it would be costly to complete the remaining architectural details required to support a full application, and there is currently no guarantee that the closure of the gyratory, which is fundamental to this development, will be acceptable to all parties. The submission of this application for a tall building, in outline, is not consistent with government guidance or the London Plan. There are reasons behind this approach, but these are not sufficient in themselves to justify an exception to the government guidance and London Plan policy. It therefore remains for the applicant and Tower Hamlets Council to demonstrate to the Mayor that there are sufficiently robust measures built into any outline planning permission to guarantee that the final detailed design of the towers would be of the highest quality as set out on Policy 4B.9 of the London Plan. The reputation of the architects (twice recent*

winners of the Stirling prize) provides confidence that the final design will be world-class – assuming that they are retained for the detailed work.”

7.3.6 In response to the concerns raised by the GLA, the applicant has indicated that the same architects (Wilkinsons) will be retained for the final detailed design. Tower Hamlets will include in conditions, requirements for design and finishing material to be of the highest quality, commensurate with this building's location and status. Indicative visual information submitted by the applicant indicates that the proposal will be of a high quality design.

7.3.7 Policy UD2 of the Draft LDF Core Strategy states that tall buildings will be permitted in identified clusters as detailed in the Area Action Plans subject to a number of criteria. Further, the site is included in the “Proposed Tall Buildings Areas” in the Draft AAP. Indicative submissions indicate that the proposal satisfies the relevant criteria of Policy UD2 as follows:

- the architectural quality of the building is to be of the highest design quality;
- it contributes to an interesting skyline, providing a landmark building in this section of the City Fringe;
- it meets the standards of sustainable construction and resource management;
- it meets the Council's requirements in terms of micro-climate;
- it enhances the movement of people, particularly through the removal of the gyratory;
- appropriate planning obligations are included to mitigate the impact of the development on the existing facilities in the area;
- the proposal satisfies the Council's requirements in terms of impact on privacy, amenity and overshadowing;
- the BBC have considered the proposal in terms of the impact on the telecommunications and radio transmission networks and concluded any impacts of the development can be mitigated via an appropriate clause in the S106 agreement;
- the transport capacity of the area now and in the future was considered as part of the Environmental Impact Assessment process. TfL strongly support the scheme and have concluded that the transport assessments submitted are satisfactory (including the cumulative impact);
- detailed design and landscape treatment will be submitted as reserved matters and will be required to be of an exceptional design;
- the overall sustainability of the project is considered satisfactory.

7.4 Views

7.4.1 The site does not fall within any local or strategic viewing corridor, but is within the background of a new view from City Hall that was introduced in the Draft SPG London View Management Framework (GLA, April 2005) where the White Tower (Tower of London) can still be seen uncluttered from modern developments. However, the height of the two linked towers has been determined by this view so as to not appear above the Tower of London when viewed from Queen's Walk.

7.5 Amenity

Assessing daylight and sunlight

- 7.5.1 A Daylight/Sunlight analysis has been prepared by Delva Patman associates. To assess the proposed development's potential impact on daylight, sunlight, overshadowing, light spillage and solar glare on neighbouring properties a series of baseline assessments were undertaken.
- 7.5.2 The nearby City Reach Apartments is the poorest performer when testing the potential for daylight on the face of the windows. However, the total amount of daylight received by this building complies with the minimum required for habitation. It is reasonable to suggest that all other surrounding residential properties considered within this report would also comply with the daylight/sunlight guidelines and as such will be considered to remain adequately lit as a result of the Proposed Development being built out.
- 7.5.3 The overshadowing assessment concludes that there will be no adverse impact created by permanent overshadowing on the local public amenity space adjacent to the proposed

development site, including the proposed amenity area on Braham Street.

- 7.5.4 The light spillage analysis indicates that following careful lighting design with reference to the Institute of Lighting Engineers and considering the existing night-time levels in city centre locations, the impacts are considered to be of negligible or minor adverse impact.
- 7.5.5 The solar glare analysis indicates that there will be a negligible to minor adverse impact from daytime solar glare but this is not considered to be detrimental to the safe movement around the roads and pavements surrounding the proposed development.
- 7.5.6 The cumulative Impact Assessment indicates that the additional adjacent proposed developments should cause minimal additional impact on residential amenity considered as part of this assessment.
- 7.5.7 Overall, the analysis undertaken demonstrates that given the approach recommended by the BRE Report, the impact of the proposed development is acceptable in daylight, sunlight, overshadowing, light spillage and solar glare terms. The proposal complies with Policy DEV2 of the UDP which seeks to ensure that adjoining buildings do not suffer a material deterioration of their daylighting and sunlighting conditions.

7.8 Access and Transport

Access

- 7.8.1 Vehicular access to the basement parking area, for cars, motorcycles and bicycles is provided from Buckle Street. A lorry lift access is also located next to the existing basement entrance from Buckle Street.
- 7.8.2 The pedestrian environment will dramatically alter for the better through the removal of the gyratory. In combination with the new park to the west of Leman Street, it is also proposed to create new and improved pedestrian routes along Drum Street, through the centre of the development, and between Commercial Road and Leman Street, between Drum Street and Buckle Street.
- 7.8.3 Improved circulation of pedestrians will be achieved through widened and improved public open spaces to the western end of Drum Street, the eastern side of Leman Street and the creation of a new underground entrance and park. Emergency access will be retained along the southern boundary of the park.
- 7.8.4 TfL have assessed the transport assessments provided as part of the Environmental Statement and also considered the cumulative traffic related impacts of the proposed development with other developments. TfL's proposed works associated with the removal of the gyratory include the diversion of traffic along Commercial Road onto Whitechapel High Street, the creation of one-way southbound access via the redirected Colchester Street and Leman Street, and most significantly, the closure of Braham Street along its full length. Full details regarding the treatment of pedestrian and traffic movements, including the location of pedestrian and vehicular traffic calming measures are to be finalised and submitted for detailed approval.

Parking

- 7.8.5 The application proposes 40 car parking spaces at basement level. Overall, the car parking provisions are in accordance with the standards set out within the UDP and are at a level, which supports current Government guidance on encouraging trips by other means. The GLA support the low level (40 spaces) of parking proposed. The following are also proposed in the basement:
- 40 car parking spaces of which 15 have been allocated for disabled drivers
 - 380 secure cycle spaces
- 7.8.6 Transport for London and the Council's UDP support the number of vehicular and cycle spaces proposed.

Public Transport

- 7.8.7 The site is well served by public transport and has a public transport accessibility level (PTAL) of 6a. TFL has sought contributions from the applicant to cover the cost of the gyratory and this will be secured by way of a S106 agreement.

Servicing and Refuse Provisions

- 7.8.8 The retail and office units will be serviced using the basement ramp and lorry life accessed from Buckle Street. Further details, including a waste management plan, will be required by way of condition. This will include the details of the treatment of non-recyclable and recyclable waste storage and handling aspects of the scheme.

7.9 Design and External Appearance

- 7.9.1 The buildings on 15 and 17 Leman Street, at the corner with Buckle Street, are Victorian age edifices that are not derelict and add character to the area. The proposal has been amended to exclude these buildings from the subject site and it is no longer proposed that these buildings be demolished.

- 7.9.2 The proposed development takes the form of three elements – the two office towers buildings A and B (22 and 20 storeys) occupying the northern part of the site linked by a glazed bridge at higher levels over a pedestrianised Drum Street to form a larger floorplate and a lower building C (5 storeys) which lies south of the proposed east-west pedestrian route.

- 7.9.3 The development envelope adopted has been partly determined by the limits set by the Strategic View from the south. With the development quantum proposed this leads to an intensive development of the site which will signal a dramatic change in the character of Aldgate and in the western end of Whitechapel High Street. As part of an emerging cluster of high-rise buildings at Aldgate, the development will have a considerable impact in terms of the local microclimate and shadowing of sections of Whitechapel High Street, notably by building A.

- 7.9.4 The site layout of Aldgate 3 and 4 has been progressively reviewed and refined in tandem with the emerging Aldgate Masterplan, notably the east-west pedestrian link between buildings B and C, which will join the new urban park along Braham Street to sites in the east. This link has been widened, re-configured and re-aligned to improve this important connection, which now offers a better line of sight. The south face of building B at ground level has been restructured to provide a double-height colonnade and overall the link is a considerable improvement on the earlier version.

- 7.9.5 This generosity of scale is not repeated in the ground level treatment of building A, where the 21 storeys of building above bear down upon a base formed by a standard floor height of retail floorspace, giving it a crushed and ungenerous appearance. This proportion should be reconsidered. The retail floorspace in building C is narrow and unconvincing in format, being shallow and tapering. This area would need to be reconsidered during further design development.

- 7.9.6 For a project of this size and importance in a central location a planning application only in outline would not normally be considered sufficient to guarantee the necessary level of architectural quality, since so much depends upon the way in which the proposed buildings are detailed and upon the build quality. This is especially important in the case of a design which is essentially composed of glazed geometric volumes and repetitive floorplates, where the external envelope will form such an important part of the visible architecture.

- 7.9.7 The outline application approach is only acceptable if there is continuity of appointment of the architects from the present outline application through to detailed design and implementation. As noted earlier, the applicant will retain the architects for the detailed design stage.

- 7.9.8 Based on the indicative illustrations in the Façade Report, the architecture of the complex would follow mainstream models, with some elevational variety created by measures to reflect building orientation and natural ventilation options for certain façades. The

considerable mass of the buildings is marginally eased by the gently curving plan form.

7.9.9 The proposal complies generally with the design requirements of the adopted UDP and the draft Core Strategy. However, as noted, full detailed design will form part of the reserved matters and will be required by condition.

7.10 Access and Inclusive Design

7.10.1 Key concerns relate to the provision of an accessible public toilet; ensuring the new entrance to the underground is accessible, with lifts provided; keeping the amount of steps within the proposed public open space to a minimum; and providing a variety of types of seating. As the application is in outline form, very little detail with respect to access has been provided. A condition requiring full details of the above concerns will be required for any permission.

7.11 Sustainable Development/ Renewable Energy

7.11.1 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. The GLA concluded that *“Although the scheme is at outline stage, the applicant has identified measures to marginally exceed the 2006 Part L requirements through energy efficient design alone and proposed as its preferred choice a tri-generation gas-fired fuel cell. In order for the renewables issue to be resolved, the applicant should provide further detail on the potential to commit to hydrogen now, including details of any feasibility limitations. Following that, it should demonstrate other renewable energy technologies that can complement the fuel cell and details of the viability limitations”*. An appropriate condition will be included to ensure the implementation of the proposed renewable energy measures.

7.12 Biodiversity

7.12.1 It is recommended that an appropriate condition be included to ensure that biodiversity roofs consisting of “brown roof” rubble are provided to enhance opportunities for the nesting and foraging of black redstarts.

7.13 Planning Obligations

7.13.1 An analysis of the impacts of the development on the locality has been undertaken. In keeping with the ODPM Circular 05/2005, a number of requirements for planning obligations have been identified to either:

- Prescribe the nature of the development (e.g. by requiring that a given proportion of the housing is affordable);
- Compensation for loss or damage caused by the development (e.g. loss of open space); or
- Mitigate the development’s impact (e.g. through increased public transport provision).

7.13.2 The identified planning obligations meet all of the following tests:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale in kind to the proposed development; and
- (v) reasonable in all other respects.

7.13.3 Refer to the table below for a summary of the Section 106 Heads of Term.

Planning Obligation Heads of Terms	Prescribe/ Compensate/ Mitigate	Contribution sought
Landscape and Open Space		
Creation of new park to the Western end of Braham Street	Prescribe	£2,000,000
Public Realm		
A right of way “walking agreement” through the site will be necessary.	Prescribe	N/A

Employment initiatives & Local Labour		
<ul style="list-style-type: none"> • LliC: Project to allow local people to gain access to construction employment • Skillsmatch: A partnership job brokerage service to address the recruitment needs of the owner and its contracts and maximise the employment of local residents 	Prescribe	£140,000
Public art/Culture Contributions		
Implementation of a public art strategy, to be managed by the Whitechapel Art Gallery, to add to the enjoyment of the development and contribute to creating a sense of place and identity	Mitigate	£150,000
Healthcare Contribution		
Mitigate the demand of the additional office population on health care services ¹	Mitigate	£140,000
TV Reception	Mitigate	N/A
Preparation of Green Travel Plan	Prescribe	N/A
Section 278 Agreement		
S278 agreement to carry out highway work including removal of the gyratory.		£3,373,800

Total: £5,803,800

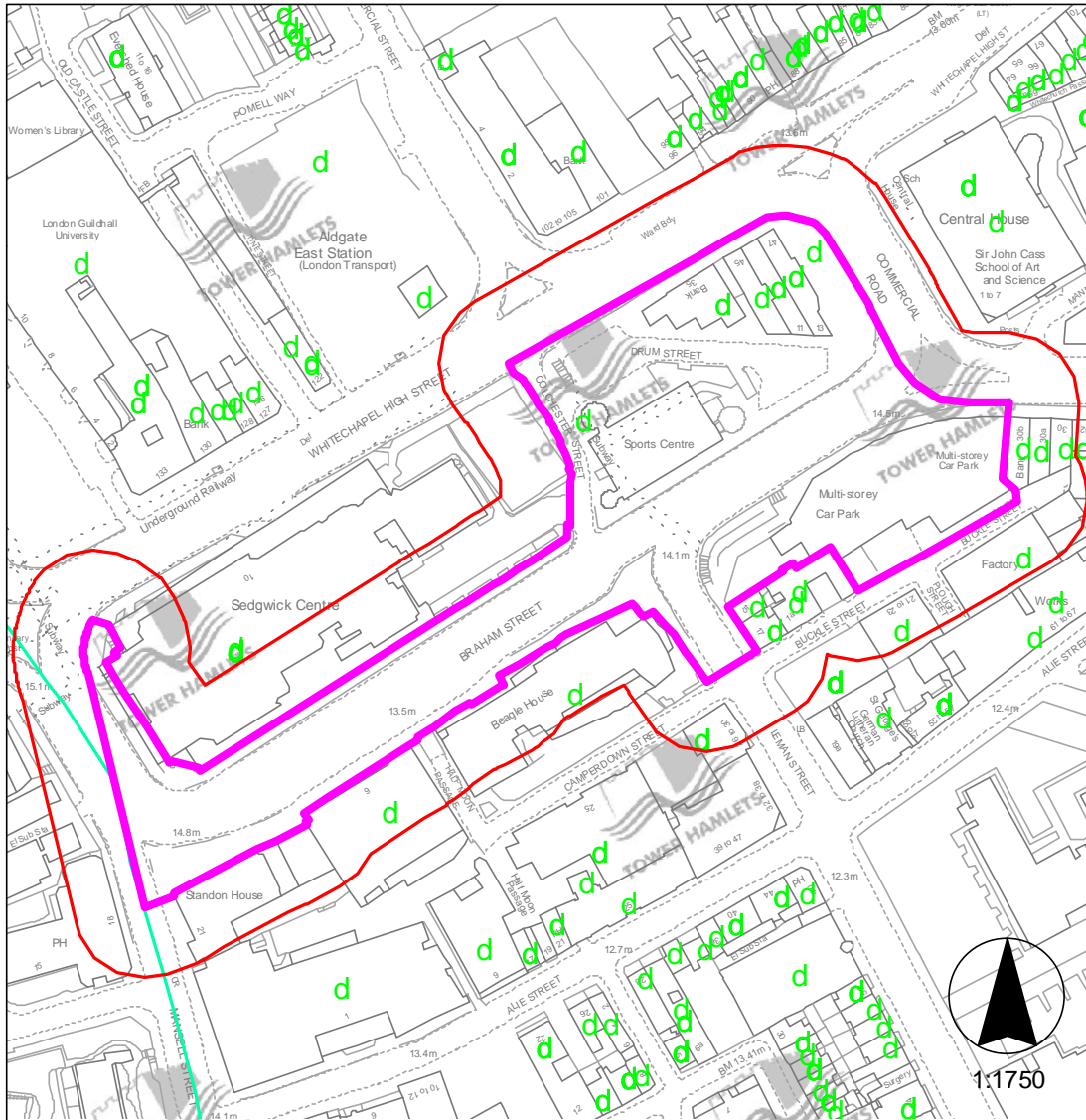
8. SUMMARY

- 8.1 The site has good access to public transport facilities and provides a high quality office-led development. The proposed towers will provide a landmark and contribute to the regeneration of the wider Aldgate area.
- 8.2 The GLA stated that the proposal is broadly supported by strategic planning policy and is particularly supportive of the removal of the gyratory and the creation of a new park. In addition, the proposal provides additional office floorspace to provide opportunities for employment.
- 8.3 An Environmental Statement was submitted with the application, which has been reviewed by the Council's independent consultants. Following this, further information was submitted, which together with the Environmental Statement is considered to satisfactorily identify the likely impacts and the necessary mitigation measures.
- 8.4 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards the removal of the gyratory, the creation of a new park, health, employment and training.

¹ HUDU Model applied

Land Bound By Whitechapel High Street, Colchester Street, Buckle Street Inc Car Park And Braham Street, Braham Street, London, E1

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Agenda Item 7.3

Committee: Strategic Development Committee	Date: 14 th September 2006	Classification: Unrestricted	Report Number:	Agenda Item Number: 7.3
Report of: Director of Development and Renewal		Title: Town Planning Application		
Case Officer: Angelina Eke		Location: 132 St Paul's Way, London, E3 4AL		
		Ward: Mile End East		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/02066

Date Received: 16/12/2005

Last Amended Date: 05/01/2006

Drawing Nos. for decision: 260-3: 000; 111A; 113; 100A; 101A;102A; 106A; 107A; 109A; 110A; 201A; 202A; 203A; 204A; 205A; 206A.

1.2 Application Details

Existing Use: Scaffolding yard and ancillary office buildings.

Proposal: Erection of four blocks of 6, 7, 10 and 11 storeys (plus basement) to provide a 2,667sq.m. Medical Centre (Class D1) and 36 flats (15 x 1 bed, 16 x 2 bed and 5 x 3 beds) with 8 off-street parking bays and landscaping/communal outdoor space.

Applicant: Poplar HARCA Limited
Ownership: Poplar HARCA Limited
Historic Building: N/a
Conservation Area: N/a

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grants** planning permission subject:

A Any direction by the Mayor of London pursuant to the Town & Country Planning (Mayor of London) Order 2000, as an application for new buildings exceeding 30 metres in height.

B The completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act to secure obligations under the following Heads:

- (1) Car free arrangements.
- (2) Local Labour in construction.
- (3) 38% affordable housing provision for social rent measured by floor space.
- (4) TV reception monitoring and mitigation.
- (5) The adoption of a Travel Plan in respect of the Medical Centre
- (6) To ensure the provision and satisfactory management of the Medical Centre.

C An agreement pursuant to section 278 of The Highways Act to secure the funding of repairs to the public highway.

D The following conditions:

- (1) Three-year time limit.
- (2) Details of external materials to be submitted for written approval.
- (3) Details of hard and soft landscaping including the provision of green roofs to be submitted for written approval.

- (4) Approved landscaping scheme to be implemented.
- (5) Building, engineering or other operations shall be carried out between the hours of 8.30 am and 6.00pm Mondays to Fridays and 9.00am –1.00pm Saturdays only with no works to take place Sundays or Public Holidays.
- (6) Any power/hammer driven piling/breaking out of material to take place between 10.00am and 4.00pm Mondays to Fridays only.
- (7) The details of sound insulation /attenuation measures and ventilation as specified in the submitted consultants report to be undertaken to the Council's satisfaction.
- (8) Land Contamination – investigation and remediation measures
- (9) Wheel cleaning
- (10) Submission of a statement to minimize the impact on Air Quality to be submitted and agreed in writing by the Local Planning Authority (LPA).
- (11) The submission and approval of a Sustainability Statement to include details of the ground source heat pump system to be agreed in writing in consultation with the Greater London Authority.
- (12) Details of bicycle storage in accordance with the standards set out in the Tower Hamlets Unitary Development Plan to be submitted, approved and thereafter implemented and maintained.
- (13) The dwellings shall be built to lifetime home standards with at least 10% of the units accessible by wheelchair users.

3. BACKGROUND

Site and surroundings

- 3.1 The application site is a former scaffolding yard consisting of open storage areas and a 2-storey ancillary office building. It measures 0.172 hectares situated at the junction of St Paul's Way with Selsey Street. A mix of predominantly residential uses surrounds the site.
- 3.2 St Paul's Way bounds the site to the north. To the west and south are predominantly residential blocks, comprising part of the Burdett Estate that is owned by the applicants – Poplar HARCA. Adjoining the site to the east is a vacant plot of land subject to an extant planning permission for twenty-eight flats within two four storey residential blocks. St Paul's Primary School is situated to the north of the application site.
- 3.3 The site is 10 minutes walking distance to Devons Road Docklands Light Railway (DLR) station. Bus services run along St Paul's Way.

Proposal

- 3.4 Full planning permission is sought for the redevelopment of the site to provide a primary health care centre at ground and first floors with 36 flats above. The proposal includes a basement area containing plant and ancillary storage area.
- 3.5 The proposed medical centre would comprise 2,667 sq. m within a two-storey podium block. At ground floor there would be 10 consultation rooms, a retail pharmacy and general administrative areas. On the second floor, there would be a dental suite, minor procedure accommodation and physiotherapy consultation areas. The Medical Centre would operate seven days a week between 8.00 am and 10.00 pm. Eight off street parking spaces would be provided for the Centre at the southern end of the site. Two bays are proposed for disabled users.
- 3.6 The residential element proposes 36 flats (15 x 1 bedrooms, 16 x 2 bedrooms and 5 x 3 bedrooms), 23 units for private sale and 13 affordable units. No parking is proposed for the residential development.
- 3.7 There would be 511 sq. m of amenity space within the overall scheme. At ground floor level, 145 sq m of landscaping is proposed towards the eastern boundary of the medical centre. Within the residential element, a communal amenity area of 192 sq. m is proposed for the sale units and 174 sq. m for the affordable units.

4. PLANNING POLICY FRAMEWORK

Comments of Assistant Chief Executive (Legal Services)

- 4.1 The existing and emerging policy framework against which the Committee is required to consider planning applications includes the adopted London Plan 2004, the Council's Community Plan, the adopted Unitary Development Plan 1998, the draft Local Development Framework 2005 (LDF), and the Council's

Community Plan.

- 4.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, as far as it is material to the application as well as any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents, which will make up the Local Development Framework (LDF). As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 4.5 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out above which have been made based on the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.
- 4.6 The following Unitary Development Plan **proposals** are applicable to this application:
- (1) 132-134 St. Paul's Way: Proposal No. 92: Residential.
- 4.7 The following Unitary Development Plan **policies** are applicable to this application:
- ST20 To ensure that sufficient land is buildings are available to meet Borough's target.
- SC49 To support and encourage the provision of community and social facilities.
- ST50 To ensure that sufficient suitable land to enable the provision of a high quality medical service.
- SCF4 Support for Primary Health Care facilities.
- DEV 1 Design Requirements.
- DEV2 Environmental Requirements.
- DEV3 Mixed Use Developments.
- DEV4 Planning Obligations.
- DEV5 High Buildings and Views.
- DEV8 Views.
- DEV12 Landscaping.
- DEV13 Tree Planting.
- DEV50 Environmental Impact of Major Developments.
- DEV51 Contaminated Land.
- DEV55 Development and Waste Disposal.
- EMP1 Promoting Employment Growth.
- EMP2 Retaining Existing Employment Uses.
- HSG2 New Housing Developments.
- HSG3 Affordable Housing.
- HSG7 Housing Mix and type.
- HSG8 Dwelling Accessibility.
- HSG9 Maximum Density.
- HSG13 Internal standards for residential developments.
- HSG16 Amenity space.
- T9 Strategic Traffic Management.
- T13 Off Street Car parking.
- T15/T16 Transport and Development.
- T17 Planning Standards.
- OS9 Children's Play space.
- 4.8 There are no draft LDF Core Strategy and Development Control Development Plan Document **Proposals** applicable to the application site.
- 4.9 The following Core Strategy and Development Control Development Plan Document **Policies** are

applicable to this application:

CS7	Creating Sustainable and Balanced Communities
CS8	Affordable Housing
CS9/CS10	Social and Community facilities and healthy living
CS12	Reducing the need to travel
CS14/15	Community safety through good design
CS16	Density
CS24	Utilities
CS25	Securing S106 benefits
EE5	Mixed Use Developments
EE7	Redevelopment/Change of use of employment sites
EE11	Relocation of Business
UDI	Scale and Density
UD2	Tall Buildings
UD4	Accessibility and Linkages
UD5	High Quality Design
UD6	Important Views
HSG1	Housing Density
HSG2	Life Time Homes
HSG3/6	Affordable Housing Provision /Housing Mix
HSG13	Housing Amenity Space
HSG14	Eco-Homes
SEN1	Disturbance from noise pollution
SEN2	Air Pollution/Air Quality
SEN3	Energy Efficiency
SEN5	Disturbance from demolition and construction
SEN 6/7	Sustainable Design and Construction Material
SEN9	Waste Disposal and Recycling
SEN10	Contaminated Land
OSN3	Landscaping and Trees
TR1	High Density Development & transport
TR2	Parking
IMI	Securing benefits

The Spatial Development Strategy for Greater London (The London Plan)

- 4.10 The London Plan 2004 provides the strategic planning policy framework for London.
- 4.11 One of the key objectives of the plan is to expand the supply of affordable housing within London. The target number of affordable homes to be achieved in Tower Hamlets between 1997 and 2016 is 41,280, which translates into an annual target of 2,070 homes (9% of the London total). However, the 2006 draft London Plan Alterations (Housing Provision Targets) has increased this to 51,850 with an annual target of 3,115 homes.
- 4.12 Policy 2A.1 of the London Plan summarises the Mayor's approach to securing sustainable developments and lists a series of criteria against which all applications will be considered. A key consideration is the optimisation of previously developed sites by seeking to achieve the highest possible intensity of use in appropriate locations provided amongst other things that the development is compatible with the local context, respects the built heritage, is sensitive to the impact on microclimate and minimises any adverse impact on residential amenity.
- 4.13 In respect of achieving the overall and annual affordable housing targets, Policy 3A.7 of the London Plan sets out a strategic aim that 50% new housing developments should be affordable. Policy 3A.8 of the Plan recommends discretion as to how the targets may be achieved and suggests that within private residential and mixed-use proposals; the maximum reasonable amount of affordable housing should be achieved, taking into account other material factors including site costs, the availability of public subsidy and other scheme requirements.
- 4.14 Within the London Plan, the site lies within the East London Sub-Region, which has been prioritised for development, regeneration and infrastructure improvements. Among other matters, the strategic priorities for East London (Policy 5C.1) are to:

- Identify capacity to accommodate new job and housing opportunities within mixed-use developments;
- Maximize the number of additional homes, including affordable housing by exceeding housing provision targets set out in the Plan and secure mixed and balanced communities.

4.15 London Plan Policy 3A.17 advises of the need for boroughs to promote the objectives of the NHS's Plan regarding the delivery of health care.

Government Advice

4.16 PPS1 – Delivering Sustainable Development (Feb. 2005). Among other aspects of sustainable development, PPS1 seeks to promote high quality inclusive design in the layout of new developments and individual buildings. Design that fails to take the opportunity available for improving the character of an area should not be accepted.

4.17 PPG3 – Housing encourages redevelopment of brownfield land with higher densities where appropriate.

4.18 PPG13 – Transport (2001). Sets out Government policy for the integration of planning and transport and the achievement of sustainable development. Advises against the setting of minimum parking standards and says developers should not be asked to provide more parking than they require.

4.19 The following Community Plan **objectives** are applicable to this application:

- (1) A better place for living safely – reduction in crime and improved safety.
- (2) A better place for living well – quality affordable housing and access to better health care facilities
- (3) A better place for creating and sharing prosperity – enhancing employment opportunities, more jobs for local people and higher living standards.

5. CONSULTATION

5.1 The following were consulted regarding this application:

(1) **Head of Highways Development**

No objections to the residential accommodation being 'car free' or to the low level of parking proposed for the Medical Centre. Recommends that a Travel Plan for the medical facility should form part of a legal obligation, a section 278 agreement to secure the funding of highway and footway repairs and a condition to secure adequate bicycle provision for the residential development.

(2) **Environmental Health**

Recommends conditions to protect air quality, to secure decontamination and mitigate noise impact. Is concerned that the Building Research Establishment's guidelines regarding sunlight and daylight are not fully met.

(4) **Social Housing Group**

Advises that the proposed 39% affordable housing measured by habitable rooms exceeds the Council's target of 35%, this would be wholly social rented with no intermediate housing. The unit mix for the affordable housing provides 30% family accommodation against a target of 45%. The unit mix for the market housing provides only one 3 bed unit (4% against a target of 25%). On balance, taking into account the additional affordable housing offered, the affordable housing proposals and unit mix are acceptable.

(5) **Corporate Access Officer**

No objection in principle.

(6) **Cleansing Officer**

No objection in principle

(7) **Greater London Authority (GLA)**

At Stage 1 referral, the Mayor has concluded that the principle of the development is broadly supported and the design is of a high quality. Details of access arrangements, lifetime homes, noise insulation, sustainability, cycle parking and the provision of affordable housing need further consideration. In these regards, the applicant has submitted a revised Design Statement that confirms the dwellings would be built to lifetime home standards, at least 10% would be accessible by wheelchair users and an appropriate condition is recommended. It is also recommended that noise insulation, cycle provision, a sustainability statement and the details of a ground source heat pump system are secured by condition. The proposal meets LBTH policy regarding the amount of affordable housing.

(8) **Metropolitan Police (Crime Prevention)**

No response received.

(9) **Education Dept**

No objections in principle. Advises that no contribution to education is necessary, as local facilities are adequate.

(10) **Tower Hamlets Primary Care Trust,**

Fully endorses the scheme.

5.2 The application has been advertised on site and in east End Life and notification given to 84 owner/occupiers in the vicinity. Responses from neighbours were as follows:

No. Responses: 5 In Favour: 0 Against: 5 Petition: 0

The representations received may be summarised as follows:

- The scheme would add to the congestion within the area.
- The proposals have a significantly greater density than recommended in both the London Plan and the LDF Preferred Options. Densities should be reduced in line with emerging policy.
- The scheme has unacceptable daylight/sunlight implications including shadowing of Bellmakers Court to the east.
- The scale and height is out of context with the adjoining buildings.
- There was no site notice posted.
- The scheme would have unacceptable impacts on amenity and quality of life for nearby residents
- The mix of housing should address the undersupply of family housing and provide a wider range of housing choice.
- The floorspace of the 2 bed and 3 bed units is inadequate.
- The flats should be provided with adequate amenity space.

5.3 Date officer site visit undertaken: 16th January 2006.

6. **ANALYSIS**

6.1 The key planning considerations arising from the proposal are considered to be:

- Land use, particularly the acceptability of a mixed-use development,
- Housing including dwelling mix and affordable housing provision,
- Design and the acceptability of a tall building,
- Impact on residential amenity, and
- Highway considerations.

Land Use

6.2 The application site is a former employment generator. UDP policy EMP2 and policy EE7 of the Preferred Options of the Local Development Framework (LDF) oppose proposals resulting in the loss of such sites, except where the loss can be justified. Exceptions exist, for example where the loss is

compensated by a good quality building likely to generate a good density of jobs on suitably located land not proposed for employment use or alternatively, where a non B class proposal is considered, against the resulting employment the gains afforded by the individual scheme.

- 6.3 It is estimated that the Medical Centre and pharmacy use would create some 50 new jobs. This compares favourably with the 8 jobs provided by the scaffolding yard and it is considered that policies EMP2 (UDP) and EE7 (LDF) are satisfied.
- 6.4 UDP Policy DEV3 emphasises the potential benefits mixed use developments provides on former employment sites. This emphasis is followed through in Policy EE5 of the Preferred Options of the LDF. Current government guidance, both regional and national, support mixed use proposals, particularly on brownfield sites.
- 6.5 It considered that overall the application site is suitable for a mixed-use scheme comprising a medical centre with residential due to its close proximity to infrastructure and services, including good access to public transport. The 'Residential' site designation in the UDP Proposals Map provides further support for a residential led proposal.
- 6.6 UDP Policy SC4 provides support for the creation of new primary health care facilities in residential areas subject to consideration on residential amenity. The medical centre would to provide a modern, integrated health facility, as part of the localised NHS care network for the Borough. The application site is one of four local sites actively being promoted for the provision of new medical centres by the Primary Health Care Trust (PCT). Three other PCT facilities are planned at St Clements, St Andrews and the Stepney Centre in Harford Street. The provision of a medical centre at ground and first floors at St Paul's Way would enhance vitality, and create an active frontage where non exists at present.
- 6.7 Overall, no objection is seen to a comprehensive redevelopment of the site for medical and housing purposes.

Housing

- 6.8 The redevelopment of previously used land to a more intensive level accords with national planning guidance (PPG3: Housing) which encourages redevelopment of brownfield land with higher densities where appropriate. The development would deliver substantial regeneration benefits and the residential units proposed, including new affordable housing, family units and would make a valuable contribution to local and strategic housing needs in keeping with Policies HSG1 and HSG2 of the UDP.
- 6.9 The development would provide 36 residential units as follows:

	Total Number of Units	% of Total Units
1 bed	15	42%
2 bed	16	44%
3 bed	5	14%

The proposed mix is considered satisfactory in terms of UDP policy HSG7 that expects new housing developments to provide a mix of unit sizes where appropriate including a “substantial proportion” of family dwellings.

Affordable Housing Component

- 6.10 The proposal would provide affordable housing at a rate of 38% of the residential floorspace (39% by habitable rooms) which exceeds the requirement of UDP policy HSG3 that seeks a Borough-wide average of 25% of affordable housing as a target for larger residential schemes and the minimum target of 35% set by policy HSG3 of the emerging LDF. The affordable housing would be wholly rental which is favoured by the Council.
- 6.11 The affordable housing would provide the following dwelling mix:

	Total Number of Units	% of Total Units
1 bed	5	38%
2 bed	4	31%

3 bed	4	31%
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6.12 There would be an over provision of 1 bedroom units and an under provision of family units compared with the Basic Needs Assessment Model within the Council's Housing Need Study 2004 that identified an overall affordable housing requirement of 20% 1 bedroom units, 35% 2 bedroom, 30% 3 bedroom and 15% 4 bedroom. The Housing Strategy Team advises that the mix is not entirely satisfactory on policy grounds. However, it reflects the competing objectives being achieved for the site and the affordable component overall exceed policy requirements.

Market Housing Component

6.13 The draft LDF requires the unit mix for any market component of a residential scheme should be 25% 1 bedroom, 50% 2 bedroom and 25% 3 bedroom units. The market component proposed comprises:

	Total Number of Units	% of Total Units
1 bed	10	44%
2 bed	12	52%
3 bed	1	4%

6.14 Again there would therefore be an over provision of 1 bedroom units and an under provision of family accommodation assessed against policy HSG6 of the emerging LDF.

6.15 Overall, with regard to the dwelling mix for both the market and affordable components, Members may consider an exception to emerging policy is justified in this instance given the location of the housing above a health centre and the provision of affordable housing in excess of requirements with the whole of the affordable housing being intended for social rent.

Density

6.16 The London Plan 2004 and the Council's UDP 2004 provide a density, location and parking matrix that links density to public transport accessibility. The site has a PTAL of 3 where both sites advocate a density guideline 300-450 habitable rooms per hectare (hrph) for urban sites.

6.17 The proposal achieves a density of 569 hrph. Whilst this is higher than advocated by the development plan, the guidelines are intended to provide a relative rather than absolute approximation of a site's overall capacity to support a development. The London Plan seeks to maximise development that accords with local context and in this instance, given the local context and infrastructure (schools, community facilities and public open spaces), the density proposed is considered appropriate.

Design

6.18 The proposal would comprise two integrated elements - a two-storey podium building for the medical centre and four residential towers, arranged as two sets of interlocked blocks lying to the south and north of the site. The tallest two blocks fronting St Paul's Way would be for the private sale flats and would be 11 storeys and 9 storeys respectively, whilst the two affordable housing blocks to the south of the site would be 8 storeys and 6 storeys high.

6.19 UDP Policy DEV1 requires proposals to take account of and be sensitive to the character of the surrounding area in terms of design, bulk, scale and use of materials. UDP Policy DEV6 says that outside the Central Activities Zone (CAZ) tall buildings may be acceptable subject to considerations of design, siting, the character of the locality and the effect on views. Policy UD1 of the Preferred Options of the Local Development Framework (LDF) says the bulk and height of development must consider the surrounding building plots, the scale of the street, building lines, rooflines, street patterns and the streetscape. Policy UD2 of the emerging LDF says that outside the Action Area Plans tall buildings may be may be considered subject to assessment against specified environmental criteria.

6.20 The London Plan provides that tall buildings should be appropriate to the overall local context and achieve the highest possible design. The Mayor advises that the design of the buildings is of high quality and raises no strategic concern.

- 6.21 The design is intended to produce a landmark building that may serve as a catalyst for the regeneration of the wider area. Overall, the design of the scheme is felt to be well considered and of a high quality. It is considered that the site can accommodate the tall buildings proposed without harm to the local setting. The development should result in a distinctive and attractive addition to the local townscape and the medical centre would add welcome diversity and vitality at street level. The design proposes green roofs, which is welcomed.
- 6.22 The residential units would provide adequate internal residential space, meeting UDP Policy HSG13 and the Council's Planning Supplementary Guidance (SPG) in terms of room sizes. Overall, it is considered that satisfactory residential amenity would ensue.
- 6.23 The scheme responds to the requirement of policy 3A.4 of the London Plan and would provide all new units to lifetime homes standards with at least 10% of the units designed to be easily adaptable to wheelchair standards. The scheme therefore complies with policy HSG8 of the UDP1998 and policies UD4 and HSG2 of the emerging LDF.

Residential Amenity

- 6.24 The main planning issues relating to residential amenity are impacts on daylight and sunlight reaching surrounding properties and overlooking together with resultant conditions within the development itself.
- 6.25 A sunlight and daylight report accompanied the planning application. This analyses the impacts of daylight/sunlight/overshadowing arising from the scheme and its effects on surrounding properties, including Underhill House and Bellmakers Court and proposed the new residential blocks at 132A St Paul's Way adjoining Bellmakers Court. Origin Housing Association (formerly Griffin Housing Association) now owns the site of these new buildings. The report also analyses natural light within the four residential towers proposed. The report follows the recommendations of the British Research Establishment's (BRE) publication 'Site layout planning for daylight and sunlight: a guide to good practice.'

Impact on adjacent buildings

- 6.26 The assessment shows that there will be some impact arising from the scheme. However, these would be relatively insignificant and the assessment concludes that the northernmost part of the ground floor flats at Underhill House (opposite on Selsey Street), the ground and first floors flats (within the north and south blocks) of Bellmakers Court and the three properties to the south and south east of the site, will fall slightly below the recommended BRE lighting levels. All other areas will comply with the BRE recommendations. On balance, the results would not compromise residential amenity unacceptably in an urban context such as this.

Impact of proposal on 132A St Paul's Way

- 6.27 This is an empty site at present. The BRE Guidelines for the Vertical Sky Component (VSC) would be met from the second floor upwards on both the north façade of southern block and south façade of the northern block. The lighting levels on the northern facade along St Paul's Way would be satisfactory. Overall, it is considered that the daylight/sunlight impacts are acceptable, resulting in minimal overshadowing.

Daylight/Sunlight/Overshadowing within the development

- 6.28 Acceptable lighting levels would be achieved to all windows without balconies located above first floor in the residential block. Those windows under balconies do not achieve the minimum VSC guidelines. However, it is common that windows with horizontal obstructions above generally receive a comparably lower quality of daylight than windows without obstructions. Only two windows on the bottom floor of the north and south blocks, immediately above the medical centre, would fall slightly below recommended BRE guideline.
- 6.29 However, where windows with light falling below the recommended VSC levels are assessed using the BRE's average daylight factor (ADF) method of calculation, which is a more sophisticated technique to determine the quality and level of light within habitable rooms; the calculations show that all habitable rooms would achieved recommended lighting levels of 1% in bedrooms, 1.5% in living

rooms and 2% in kitchens.

- 6.30 Sunlight levels reaching the southern elevations of the proposed towers would meet or exceed BRE guidelines.
- 6.31 In terms of overlooking, the separation distances between the proposed building and most of the adjoining properties would be acceptable with overlooking is minimized.
- 6.32 Overall, the overlooking and overshadowing impacts would be minimal and would not result in demonstrable harm. Given the urban context, it is considered that a refusal based on minor conflict with daylighting guidelines could not be sustained.

Highway considerations

- 6.33 The site is easily accessible by walking, cycling and public transport. Limited to eight parking spaces, the scheme would not adversely affect conditions on the public highway. Heavy traffic formerly associated with the scaffolding yard would be removed. It is intended to service the Medical Centre from Selsey Street but deliveries would be infrequent and the proposed arrangements are considered satisfactory. The car free arrangements for the new housing are considered satisfactory subject to the execution of an agreement that prohibits residents and employees from purchasing on-street parking permits.

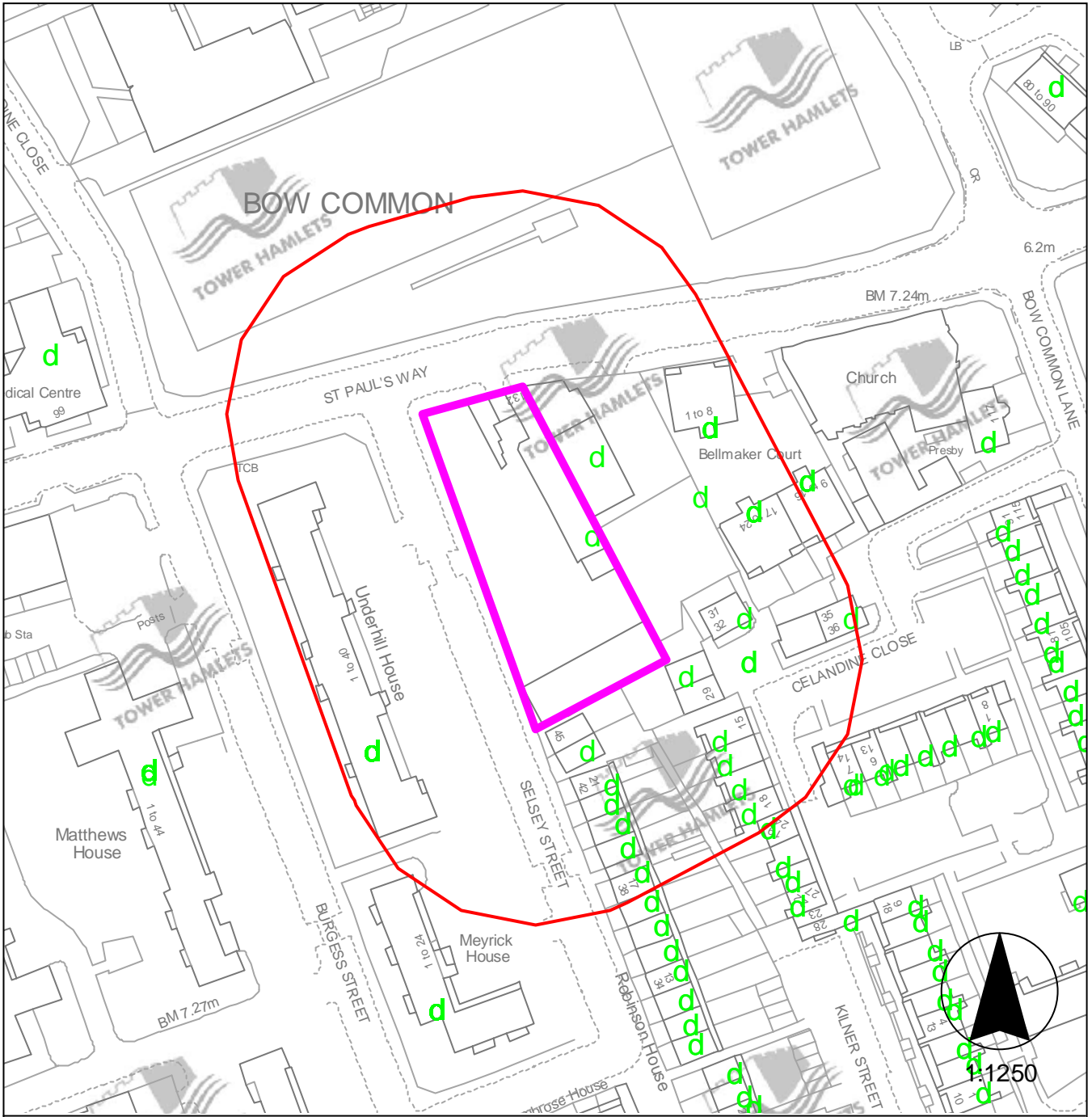
Comments on objections received

- 6.34
- With restricted car parking and a 'car free' agreement, the scheme would not add to congestion or unacceptably impact on the amenity or quality of life in the surrounding area. Heavy scaffolding vehicles would be removed.
 - Although there would be some conflict with the Building Research Establishment's sunlight and daylight guidelines, conditions would be adequate in an urban location such as this.
 - It is considered that tall buildings are justified on this corner site.
 - It is confirmed that site notices were posted both initially and following the submission of revised plans.
 - Members may consider the dwelling mix justified given the location of the housing above a health centre and the provision of affordable housing in excess of requirements with the whole of the affordable housing intended for social rent.
 - The Council's Supplementary Planning Guidance on room sizes would be met.
 - Whilst there would be minor shortfalls in the private amenity space provided by the individual terraces, communal open space exceeds guidelines and the public open spaces of Furze Green and Mile End Park are within walking distance.

7. SUMMARY

- 7.1 The scheme meets with the overall strategic aims of the London Plan, being of high-density redevelopment of a brownfield site. There would be no conflict with the Council's employment policies and redevelopment to provide a medical centre and housing would be appropriate in land use terms. Affordable housing requirements would be exceeded. There is some conflict with emerging dwelling mix policies. However, that could be justified given the location of the new housing above a medical centre and the amount of affordable housing proposed that would be wholly for social rental. The Mayor considers that the proposed tall buildings produce no strategic concerns. The scheme produces no material highway considerations.
- 7.2 No planning objections are raised and it is recommended that planning permission be granted subject to the execution of the legal agreements and conditions referred to at section 2 above and any direction by the Mayor of London.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

132 St Paul's Way, London, E3 4AL

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Agenda Item 7.4

Committee: Strategic Development Committee	Date: 14 th September 2006	Classification: Unrestricted	Report Number:	Agenda Item Number: 7.4
Report of: Corporate Director of Development and Renewal		Title: Planning Application		
Case Officer: Scott Schimanski		Location: 120 – 132 Chrisp Street, London E14		
		Ward: East India and Lansbury		

1. SUMMARY

1.1 Registration Details

Reference No: PA/06/0266

Date Received: 15/2/2006

Last Amended Date: 10/8/2006

1.2 Application Details

Existing Use:

Light industrial, warehouse (B2, B8).

Proposal:

Demolition of existing light industrial buildings and erection of a building comprising 15 storeys plus roof terrace to provide restaurant/café (Class A3) and office/commercial unit (Class A1, A2, A3, B1) on the ground floor with 59 residential units above.

Applicant:

Landview Properties LTD

Ownership:

Landview Properties LTD

Historic Building:

No

Conservation Area:

No

Drawing Numbers

100 Rev B, 101 Rev B, 102 Rev B, 103 Rev B, 104 Rev B, 105 Rev B, 106 Rev B, 130 Rev B, 131 Rev B, 140 Rev B, 141 Rev B, 142 Rev B, 143 Rev B, 144 Rev B, 150 Rev B, 151 Rev A, 160 Rev B, 161 Rev B, 162 Rev B, 700 Rev B, Documents: Planning & Design Statement, TV Reception Study, Daylight & Sunlighting Study dated 7 July, Structural Design Statement, Statutory Utilities Search, Flood Risk Assessment, Sustainable Energy Strategy & Ecohomes Pre-Assessment, Acoustic Report, Environmental Wind Study, Transport Assessment.

2. RECOMMENDATION:

- A. That the Strategic Development Committee **grant** planning permission subject to the conditions outlined below:
- i The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.2 below, and the conditions and informative outlined in Sections 2.4 and 2.5 below; and Section 278 of the Highways Act 1980, to include the matters outlined in paragraph 2.3 below.
 - ii That if the Committee resolve that planning permission is granted, the application is first referred to the Mayor of London, pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height and involving more than 500 residential units
 - iii That if the Committee resolve that planning permission be granted, that the Committee confirms that it has taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
 - iv That the Committee agree that, following the issue of the decision, a Statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans and & UDP		Development Control 020 7364 5338

by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

B The execution of a legal agreement under section 106 of the Town and Country Planning Act and section 278 of the Highways Act to secure:

- 1) The provision of 34% affordable housing
- 2) The provision of land in connection with the development of public open space/piazza, on Carmen Street
- 3) Car free development
- 4) Local Labour in construction
- 5) Contribution towards education provisions (£35,000)
- 6) Travel plan
- 7) The provision of disable parking spaces along Chrisp Street

C The conditions outlined below:

- 1 Permission valid for 3 years.
- 2 Full particulars of external materials to be submitted for the Council's written approval prior to the commencement of construction of the development.
- 3 Details of hard and soft landscaping treatment to be submitted for the Council's written approval. The approved landscaping shall be implemented prior to the occupation of any part of the proposed development of any part of the development.
- 4 Landscape maintenance.
- 5 Details of any proposed walls, fences and railings to be submitted for the Council's written approval.
- 6 Details of refuse storage to be submitted for the Council's written approval.
- 7 Details of cycle store to be submitted for the Council's written approval.
- 8 Site investigation regarding any potential soil contamination to be carried out and any remedial work to be agreed in writing by the Council.
- 9 Details of sound insulation/attenuation measures, including for windows, to be submitted for the Council's written approval;
- 10 Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00am and 6.00pm Mondays to Fridays and between the hours of 9.00am and 1.00pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 11 Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00am and 4.00pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 12 Details of external lighting to be provided.
- 13 The development of the site should not begin until a statement to minimise the impact on Air Quality is submitted to and agreed by the Local Planning Authority for written approval.
- 14 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water storage capacity during 1 in 100 year conditions has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 15 Development shall not commence until details of on site drainage works have been submitted to, and approved in writing by, the Local Planning Authority. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed as approved.
- 16 No structure should be installed within a distance of 5 metres from the outer edge of the DLRL railway, without prior written consent of DLRL.
- 17 Prior to the commencement of any works, full details of the design and construction methodology shall be submitted to and approved by DLRL.
- 18 During construction the developer is to ensure that any boundary fences are not compromised and that a boundary wall is maintained to stop ingress onto DLRL railway.
- 19 Hours of operation for the commercial office unit 08:00 – 20:00.
- 20 Hours of operation of Class A3 unit 07:30 – 23:00.
- 21 Details of any extract system for the Class A3 unit to be submitted to the Council for approval.
- 22 Full details of the means of access required.

Informatives

- 1 Any development adjacent to DLRL railway is conducted in accordance with the DLRL document entitled 'Guidance for Developers'.
- 2 Precaution must be taken that nothing can fall onto the railway during or after the construction

and demolition, with particular reference to the use of cranes or other equipment used above the height of the railway.

3. BACKGROUND

Site and Surroundings

- 3.1 The application site covers an area of 0.1165 hectares and is situated on the eastern side of Chrisp Street and on the south side of Carmen Street. The Docklands Light Railway (DLR) track runs along its eastern boundary. Formerly a milk depot, the site is now unoccupied and derelict. The state of the buildings on the site has a significant negative impact upon the street scene.
- 3.2 The site adjoins two recently consented schemes, the new DLR station known as Langdon Park and a 17 storey mixed use residential scheme directly to the north known as 71 Carmen Street. This scheme is for 158 dwellings with ground floor commercial space.
- 3.3 Opposite the site, to the western side of Chrisp Street, the area is residential in nature. However, it is relatively industrial to the north and south, with a general existing built form that is similar to the application site. The site is located close to shopping facilities, community services and amenity space and is well served by a range of public transport options. It is in the immediate vicinity of Chrisp Street District Shopping Centre.

Planning History

- 3.4 There is no relevant history on the site.

The Proposed Development

- 3.5 The proposed development involves the demolition of existing buildings on the site and its redevelopment to provide a 15 storey mix use building. The development would accommodate 64.13 sqm of commercial/community floorspace, 180.53sq.m of Class A3 space and 59 residential units comprising 20 one bed, 24 two bed and 15 three bed units. The proposal would include a range of landscaped amenity space including children's play space as well as cycle parking.
- 3.6 The building is a fifteen storey building (height 48.4m) providing commercial and restaurant floor space at ground level and residential above. The building comprises of three components to form a 'U' shape. The first is a five storey block located closest to Chrisp Street. This section contains a commercial unit at ground level with socially rented residential units above. This section will be faced with a dark brick. At fifth floor level is a roof terrace which contains a children's play space and landscaping. The main component of the building is a north-south block which is generally rectangular in shape. Materials include white render for external walls. A covered communal terrace is located at the fifteenth level. The third section of the building is an eleven storey northern wing. This section has a curved north face and also contains a roof terrace. Facing material for the northern wall is aluminium cladding panels. Glass balconies with metal channel trim are located on the east and western elevations.
- 3.7 Of the 59 residential units, 34% would be affordable by floorspace (of which 70% would be social rented and 30% intermediate/shared ownership). The residential density of the proposed development is 589 habitable rooms per hectare (hrh).

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

- 4.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted Tower Hamlets Unitary Development Plan 1998 (UDP), the adopted London Plan 2004, the Council's Community Plan, the Draft Local Development Framework and Interim Planning Guidance Notes.
- 4.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations

4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF). The emerging policies in the LDF as the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.

4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging Local Development Framework which reflect more closely current Council and London-wide policy and guidance.

4.5 In accordance with Article 22 of the General Development Order 1995 members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.

4.6 The following Unitary Development Plan **proposals** are applicable to this application:

- (1) New Station at Langdon park/Carmen Street

4.7 The following Unitary Development Plan **policies** are applicable to this application:

- | | | |
|------|--------------|--|
| (1) | Policy DEV1 | Urban Design |
| (2) | Policy DEV2 | Environmental Requirements |
| (3) | Policy DEV3 | Mixed Use Development |
| (4) | Policy DEV4 | Planning obligations |
| (5) | Policy DEV6 | Tall buildings outside Central Area Zones |
| (6) | Policy DEV12 | Provision of landscaping |
| (7) | Policy EMP1 | Encouraging new employment uses |
| (8) | Policy EMP2 | Retaining Existing Employment Uses |
| (9) | Policy EMP8 | Encouraging small business growth |
| (10) | Policy EMP10 | Development elsewhere in the Borough |
| (11) | Policy HSG2 | Location of New Housing |
| (12) | Policy HSG3 | Affordable Housing |
| (13) | Policy HSG7 | Dwelling Mix and Type |
| (14) | Policy HSG8 | Mobility housing |
| (15) | Policy HSG9 | Density |
| (16) | Policy HSG16 | Housing Amenity Space |
| (17) | Policy T15 | Location of new development |
| (18) | Policy T17 | Planning standards |
| (19) | Policy S6 | Requirements for new retail development |
| (20) | Policy SCF4 | Location of Primary Health care facilities |
| (21) | Policy SCF6 | Location of facilities |

4.8 The following Local Development Framework Preferred Options **Proposals** are applicable to this application:

Flood Protection Area

4.9 The following Local Development Framework Preferred Options: Core Strategy and Development Control Development Plan (Preferred Options) Document **Policies** are applicable to this application:

- | | | |
|------|-------|--|
| (1) | EE5 | Mixed Use |
| (2) | EE6 | New Office Development |
| (3) | EE7 | Redevelopment/Change of Use of Employment Sites |
| (4) | EE8 | Small and Flexible Workspaces |
| (5) | RT6 | Night Time Economy |
| (6) | HSG1 | Housing Density |
| (7) | HSG2 | Lifetime Homes |
| (8) | HSG3 | Affordable Housing Provisions |
| (9) | HSG4 | Calculating Affordable Housing |
| (10) | HSG5 | Affordable Housing Social Rented/Intermediate Split |
| (11) | HSG6 | Housing Mix |
| (12) | HSG12 | Housing Amenity Space |
| (13) | HSG13 | EcoHomes |
| (14) | TR1 | High density development in areas of good public transport accessibility |
| (15) | TR2 | Parking |

- (16) TR3 Transport Assessment
- (17) TR4 Travel Plans
- (18) TR7 Walking and Cycling
- (19) UD1 Scale and Density
- (20) UD2 Tall Buildings
- (21) UD5 High Quality Design
- (22) SEN5 Disturbance from Demolition and Construction
- (23) SEN6 Sustainable Construction Materials
- (24) SEN7 Sustainable Design
- (25) SEN9 Waste Disposal and Recycling
- (26) SEN10 Contaminated Lands
- (27) SEN11 Flood Protection and Tidal Defences
- (28) OSN3 Landscaping and Trees
- (29) IM2 Social Impact Assessment

4.10 The following Community Plan **objectives** are applicable to this application:

- (1) A better place for living safely
- (2) A better place for living well

5. CONSULTATION

5.1 The following were consulted regarding this application:

(1) **Greater London Authority (GLA)**

The scheme represents a positive contribution to the regeneration of the area. It provides a high-density, good quality design with an acceptable affordable housing provision and housing mix. Additional information concerning servicing of the site and the coordinating and implementation of the piazza, the provision of disabled parking and access, the inclusion of family size units within the market shares and children's play space is required.

Amended plans have been received and demonstrate the inclusion of children's play space, information pertaining to the servicing of the site and the inclusion of family size units within the market component. The implementation of the piazza will be included within planning obligations. Disabled parking will be ensured by way of a S106 agreement.

Amended plans have been sent to the GLA for comment, however at the time of writing this report no response had been received.

(2) **Docklands Light Railway**

The applicant has incorporated DLRL's requirements within the proposal. The DLRL believes that in conjunction with the adjoining scheme, the proposal will enhance the street scene and will create a safer and more attractive approach to the new station. Furthermore, the proposal will encourage use of the new Langdon Park Station. DLRL is extremely supportive of the application.

(3) **Access Officer**

Columns at the base of the tower should be banded or have a cobbled surface at the base. Documentation should be submitted to explain how and why the design is accessible to all.

(4) **Environmental Health**

Contamination

Recommends that any consent granted should be conditioned to ensure that the developer notifies the Council of any potential contamination, odorous or unusual ground conditions encountered during ground works. In addition, the developer of the site must carry out an investigation to classify any waste soil arising from the ground works to allow the citing of an appropriately licensed landfill facility for disposal of the waste.

Daylight & Sunlight

Comments not received prior to completion of report. To be reported in an update report.

Noise

Comments not received prior to completion of report. To be reported in an update report.

(5) **Housing Association Co-ordination Group**

There are no 4 bedroom units on the site with the developer. However, it was noted that the submitted toolkits including 4 bedrooms illustrate a development which is not viable. The rented to intermediate split is 69/31% by habitable rooms. Although the dwelling mix in the open market segment of the scheme does not meeting LDF targets, the overall development provides 34% grant free accommodation.

(6) **Head of Education Building Development**

The daylight and Sunlight Study carried out does not illustrate how the proposal will impact upon Langdon Park School which is located to the east of the site beyond the DLR tracks. The proposed developer should pay contributions for additional school places. The mix of units proposed gives rise to a need for an additional 7 primary school places and 4 secondary school places equalling £161,830. The funding received would be pooled with other contributions to provide additional school places to meet need across the Borough.

(7) **Tower Hamlets Primary Care Trust**

There is no excess capacity in this part of the Borough and a health contribution of £289,122 or £3,639 per unit is requested to mitigate the need for new health facilities.

(8) **Head of Highways**

No objections raised subject to coordination of the construction of the piazza with adjoining re-development project and the construction of the Langdon Park DLR station. Planning obligations are also requested for general highway improvements and a S278 legal agreement to carry out off-site highway improvements.

5.2 Responses from neighbours were as follows:

No. Responses: 3 In Favour: 0 Against: 3 Petition: 0

The objections were on the following grounds:

Landuse

- High street stores should be located within Chrisp Street to operate in conjunction with the Chrisp Street Market
- No need for additional shops and restaurants within the area
- The area is overcrowded and development is occurring on every bit of open space
- Inadequate infrastructure in the area (Doctors and Schools)

Design

- The development is out of character with the low rise housing in the locality
- The development goes against the ethos of Lansbury Estate
- No development in the area should be greater than three storeys

Amenity

- Loss of privacy of adjoining residential properties
- Noise, dust, pollution created during construction
- Impact the development would have upon parking in the area
- The construction of an additional high rise tower in the locality may lead to increases in anti-social behaviour and crime
- The skyline is disappearing as a result of high rise buildings

6. **ANALYSIS**

- 6.1 The key issues in this case are the acceptability of the proposed change of use in light of the Council's employment policies, and the physical impact of the redevelopment proposals on their surroundings with in respect of design, amenity and highways implications. This needs to be considered, in the context of the Council's policies and in the context of the potential for the adjacent major infrastructure that could be provided by Langdon Park DLR Station.

LANDUSE

Langdon Park DLR Station

- 6.2 Of major significance to the proposal is that the Council has made a long standing commitment to support the development of a new Docklands Light Railway station in this area. A new station would improve accessibility and reduce journey times for local people wishing to travel to destinations such as Stratford and Canary Wharf. This project has been supported for some time by local residents. Furthermore, the new station would support new development on the eastern side of the railway.
- 6.3 Docklands Light Railway Limited has secured funding through the Community Infrastructure Fund (CIF) to construct the proposed Langdon Park station. Single Regeneration Budget (SRB) monies are also available for the scheme. DLRL are aware of the application proposal and are fully in support. DLRL and LBTH are keen to ensure that both this and the new station proposals are integrated and interface opportunities are defined and agreed. This is consistent with Policy T1 of the Tower Hamlets UDP and Policy TRN 4 of the deposit draft UDP.

Employment

- 6.4 The proposal is for a redevelopment of a former employment generating site (Milk Depot) for a more intensive mixed use. Although previously an employment generator, the site is not located within a designated employment area and has remained derelict for more than four years. The Adopted UDP employment policies promote employment growth (EMP1) that meets the needs of local people (EMP6). The Council also opposes development resulting in a loss of employment generating uses (EMP2). However, the Council will consider exceptions to EMP2. For example where:
- the loss of employment generating land is made good by replacement with good quality buildings
 - any new development is likely to generate a reasonable density of jobs
 - if the site is no longer suitable for the previous use, and
 - if a site has remained vacant for a reasonable length of time.
- 6.5 Although the application involves the loss of employment generating floorspace, the space is unused and its loss is made good by the creation of a high quality building containing new employment floor space. The employment floorspace proposed is smaller than previous. However, it will accommodate a higher employment density. The proposed uses of the site are also considered to be more compatible with the surrounding residential environment and in line with the Council's housing policies (see below). The removal of the previous industrial use is also favoured given restrictions on servicing and accessibility for goods to and from the site. In this context, the redevelopment of the application site to provide a mixed commercial/residential scheme is acceptable and in line with Policy EMP2
- 6.6 The proposal involves the redevelopment of previously unused land. This principle of redevelopment of the site for a more intensive purpose is therefore in accordance with national planning guidance (PPG3 Housing) which encourages redevelopment of brownfield land and to higher densities where appropriate.
- 6.7 At present the site provides approximately 535 square metres of employment floorspace. However, it is currently vacant. The proposed development would replace this with approximately 245sqm of flexible, high quality employment generating floorspace to be used for both commercial and A3 purposes. Although the proposal provides a reduction in employment floorspace, it is capable of delivering a substantially higher density of jobs than existing. This is because a milk depot only produces a limited amount of jobs in comparison with the number of jobs office and restaurant floor space would create. The proposed commercial units are small in size. However, they provide sufficient space to accommodate services for the needs of the area, particularly pedestrian traffic moving to and from the new DLR station. The units compliment commercial activities further along Chrisp Street (Chrisp Street Market) and will not adversely affect amenity of the residential properties above. The proposed employment generating floor space is therefore considered a far more appropriate form of development in terms of use and accessibility. Consequently it is acceptable in terms of the Council's land use objectives (EMP2).

Housing

- 6.8 The proposed residential use is in line with the objectives of PPG3 which encourages the re-use of under used brownfield sites for housing. This is particularly pertinent at this site which is currently under-utilised yet has significant regenerative potential particularly in the light of its strategically important location adjacent to the site of the proposed Langdon Park DLR Station. The proposed development would deliver substantial regeneration benefits and the residential units proposed, including the high level of affordable accommodation and family units, would make a valuable contribution to local and strategic housing needs in keeping with Policy HSG1 and HSG2 of the Tower Hamlets UDP and HSG 3 of the emerging LDF.

Affordable Housing Component

- 6.9 The proposed development would provide 59 residential units which would be arranged as 20 one bedroom units, 24 two bedroom units and 15 three bedroom units. The proposal seeks to provide affordable housing at a rate of 34% of habitable rooms or 33% of residential floor space, which would equate to 1590 square metres from a total of 4875 square metres. The affordable housing floorspace would be split 70:30 between rented and shared accommodation, producing figures of 1058 sqm (12 units) and 505 sqm (8 units) respectively. The affordable housing would comprise the following dwelling mix:

9 x 1 bedroom units = 45% of units
4 x 2 bedroom units = 20% of units
7 x 3 bedroom units = 35% of units

- 6.10 At 45% for one bed units, the proposal exceeds the Council's recommended provision of one bed units of 20% as demonstrated with Council's emerging LDF. However, the proposal at 35% does exceed Council's requirements for three bedroom units (30%). In support of the proposed mix, the applicant has also demonstrated interest from an RSL (The Places for People Group) which supports the accommodation mix and tenure proposed. In addition, the scheme exceeds Council requirements for three bedroom units within the private component of 25%. The mix proposed is also supported by the GLA and provides a unit mix that would promote a balanced community.
- 6.11 Although the proposed 70:30 split in terms of rented/intermediate housing does not conform with the Council's standard of 80:20, it does conform with the GLA requirements in the London Plan and has been recently accepted elsewhere in the Borough. Overall, an appropriate mix of residential units is proposed and the units comply with the Council's minimum floorspace guidelines. On balance, the proposal is considered acceptable.

Market Component

- 6.12 The draft Local Development Framework requires that the unit mix for any market component of a residential scheme be 25% for 1 bedroom, 50% for 2 bedroom and 25% for 3 bedroom units. The market component proposed comprises:

11 x 1	Bedroom	28% of units
20 x 2	Bedroom	51% of units
8 x 3	Bedroom	21% of units

- 6.13 The proposed market component would provide an adequate range of unit sizes ranging from one bedroom units to family size units. The mix would provide a balanced and sustainable housing mix to ensure adequate choice in housing size is available to all people in the Borough and as such meet the goals of HSG6 of the emerging LDF policy HSG6.
- 6.14 In summary, the proposed housing provision is considered to satisfy the Council's current and emerging housing policies and accords with Government guidance which seeks to create sustainable, mixed and balanced communities. The Greater London Authority has advised that on balance, the proposal is considered acceptable.

Density

- 6.15 The application site is located within the boundary of the Leaside Action Area Framework in the Deposit emerging Local Development Framework which anticipates a residential density of up to 300 habitable rooms per hectare (hrh). The site also has a PTAL score of 3 which would normally permit a residential density of up to 450hrh.

6.16 The site is located in an area of good public transport accessibility, which following construction of the new DLR station, would be improved to a PTAL score of 4 which would normally permit a residential density of 700hrh. The net residential density of the proposed development is approximately 1476 hrh. A higher density residential development is supported in this strategically important location by PPG3, PPG13 and the London Plan. The landmark character of the proposal and its potential role as a catalyst in the regeneration of this part of the Borough would also support the density proposed. Furthermore, the development will not result any of the normal amenity issues associated with a high density scheme, such as:

- Loss of daylight/sunlight
- Loss of privacy
- Inadequate amenity space
- Small unit/room sizes

6.17 Accordingly, the site it is considered appropriate for a development of the scale and density proposed.

Design And Form Of The Development

6.18 The existing buildings are in a state of despair and presently detract from the character and amenity of the area. The buildings facing both Carmen Street and Chrisp Street in particular have a 'deadening' effect on the streetscene. The buildings also prevent the development of the new Langdon Park DLR station. The proposed redevelopment provides an opportunity to significantly enhance this area in both urban design terms and improved access to public transport.

6.19 The design approach seeks to reconcile the opportunity to deliver a landmark building at the site with the need to respect the character of this area. Together with the adjoining scheme (71 Camon Street) to the north, the applicant has designed the scheme to incorporate a tower to "signpost" the anticipated new Langdon Park DLR station. The design helps to define the location of the existing footbridge across the DLR tracks. The building with its stepped design would provide an active frontage to Chrisp Street with an interesting design. The active ground floor uses and a mix of lively employment and residential activity can contribute to the quality of the street environment, increase natural surveillance in the area, and subsequently discourage anti-social behaviour and crime.

6.20 The proposed development has been amended in response to officer's concerns. The amendments included re-modelling of the building to reduce the 'crushed' proportions of the ground floor level, and the introduction of children's play space at 5th floor level. The changes improve the proportions of the building and creates consistency between the proposed and the approved adjoining development to the north. The overall design is considered acceptable and consistent with Policies DEV1 and DEV6 of the Tower Hamlets UDP and Policies UD1 and UD7 of the Deposit Draft UDP

Impact on Residential Amenity

6.21 The massing and layout of the proposed buildings responds positively to the site's urban context and seek to achieve acceptable residential amenity standards in relation to privacy, sense of enclosure and daylight and sunlight within habitable rooms overlooking the central courtyard.

6.22 The daylight and sunlight assessment submitted with the application demonstrates that the proposed development would not result in any unacceptable levels to either existing residential properties or the proposed units located to the north of the site.

6.23 Despite being located adjacent the DLR lines, the site falls within the relatively low Noise Exposure Category "A/B" of PPG24. As such, it is recommended that windows with higher sound attenuation than normal single glazing should be fitted to habitable rooms along with sound attenuating ventilators. Accordingly, subject to the provision of appropriate noise attenuation measures, an acceptable residential environment can be attained at the site for prospective occupiers consistent with the requirements of DEV2.

Amenity Space

6.24 The proposal would provide communal amenity space in the form of a central hard landscaped courtyard and three roof terraces, one at 5th floor level, another at the 11th floor and a final one at the 15th level. In addition, each of the units is served by a private balcony. The proposed amenity space would compliment existing areas of open space in the vicinity of the site, namely Langdon Park to the east and Bartlett Park to the west. The total provision of amenity space is generally consistent with

the Council's standards. In addition, the 5th floor level terrace includes children's play space. This is accessed from the social rented wing of the development.

- 6.25 The arrangement of the proposed scheme is also acceptable to ensure that the privacy of occupiers would not be harmed, whilst the proposed communal and private amenity space is generally consistent Council's standards.

Highways And Parking Issues

- 6.26 The proposed development provides no off street parking. Policy TR2 of Council's emerging LDF suggests limiting the use of individual cars thereby reducing the amount of road traffic. This policy is supported by the London Plan and states that attempts to reduce both on and off-street parking should be made where PTAL rating between 4 and 6 occur. With the construction of the DLR station, the site will have a PTAL rating of 4 and therefore falls within these bounds. To ensure that the scheme does not adversely impact upon street congestion, the developer has agreed to enter into a legal agreement for a car free development. In addition, the developer has also agreed to submit a Travel Plan which demonstrates practical measures that relate specifically to the needs of the development to reduce travel by private vehicle for commuting and encourage more sustainable modes of transport.
- 6.27 The level of parking is therefore in keeping with the standards set out in the Council's policies and is acceptable in view of the site's present public transport accessibility. Servicing and access for refuse vehicles would be via Carmen Street. It is anticipated that an appropriate informal arrangement can be achieved to ensure refuse collection outside of peak pedestrian travel times. In addition, the scheme also provides 1 secure bicycle space for each of the residential units.

Section 106 Agreement

- 6.28 Policy DEV4 of the adopted UDP and Policy EM1 of the emerging LDF make clear that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 6.29 Government advice on the use of planning obligations is set out in Circular 05/2005, which states that planning obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*. Generally, they should be used in the following three ways: -
1. They may be used to prescribe the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable.
 2. Secondly, they may require a contribution to compensate against loss or damage that will result from a development. For example loss of open space.
 3. Thirdly, obligations may be used to mitigate the impact of a development. For example through improvements to public transport provision, education and health facilities.
- 6.30 The Circular also makes clear that planning obligations should only be sought where they meet the following tests:-
1. Relevant to planning;
 2. Necessary to make the proposed development acceptable in planning terms;
 3. Directly related to the proposed development;
 4. Fairly and reasonably related in scale and kind to the proposed development, and
 5. Be reasonable in all other respects.
- 6.31 After consultation with the Tower Hamlets Primary Care Trust and the Council's Head of Education Building Development, a combined financial contribution of £450,952 was requested. The education contribution was based on the estimated increased child yield of 11 that would ensue as a result of the development. The medical contribution was based on the population uplift and sought both capital and revenue funding.
- 6.32 After presenting this figure to the applicant, it was claimed that if a payment of such size was made, a significant reduction in the amount of affordable housing would have to be agreed. As such, four toolkit's demonstrating costs were requested.
- 6.33 A tool kit is a cost analysis of a scheme and, the likely revenue it would generate. The kit identifies costs associated with a proposed development and then works out if a proposed scheme is viable.

- 6.34 A Three Dragons Affordable Housing Toolkit as recommended by the GLA, was subsequently submitted. It demonstrated four scenarios, these being:
- Present scheme (34% Affordable Housing)
 - The scheme entirely compliant with council's policies
 - A scheme including some four bed room units
 - A scheme where all requested S106 contributions were included
- 6.35 The submitted toolkits illustrated that for the following reasons:
- The cost of the land
 - Construction costs
 - Handing over a section of the site to the DLR, and
 - The required 34% affordable housing,

A maximum financial contribution of £35,000 for S106 purposes is only possible in this instance. All the other scenarios showed that the development would not be viable in any form.

- 6.36 Although falling short of amounts requested, the proposed benefits associated with the scheme include:
- Improved public transport for the area
 - Regeneration of a disused site, and
 - The general enhancement of the surrounding area.
- 6.37 It is noted, that at present, the proposed approved new DLR station cannot proceed within the removal and subsequent redevelopment of this site. The proposal includes the provision of 34% affordable housing with a mix of one, two and three bedroom units. As stated previously, the application also includes the transfer of land for the construction of the DLR and the creation of a large piazza that would front the station, each of which have financial implications upon the developer. As such, given the submitted information together with the significant benefits created by the redevelopment of the site, the proposed arrangements are considered reasonable and acceptable given that the only viable option within submitted toolkits.

Response to Objectors

- 6.38 In response to concerns that the development will impact upon the privacy of nearby residential properties, the position of the development on the site, together with the width of Crisp Street and orientation of nearby dwellings results in no loss of privacy to occupiers of nearby properties.
- 6.39 In terms of the appearance of the development and the character of the area, the scheme is a contemporary development which will compliment both the recently approved scheme at 71 Carmen Street and the new DLR station.
- 6.40 Although different from existing housing stock, the proposal is expected to enhance the appearance and character of the area. The height and density of the scheme is considered acceptable as it is position adjacent to an approved DLR station, provides adequate amenity space and is within close proximity to two parks.
- 6.41 In response to the lack of infrastructure in the area, if approved the scheme will contribute to the improvements of educational facilities in the area and will allow the DLR to be constructed. Both of these would result in improved infrastructure for the whole community. With respect to the development leading to increases in anti-social behaviour, the development has an active frontage at ground level and an adequate dwelling mix to allow for a more sustainable residential environment. It is noted that noise, dust and pollution created during construction will be controlled by way of condition.

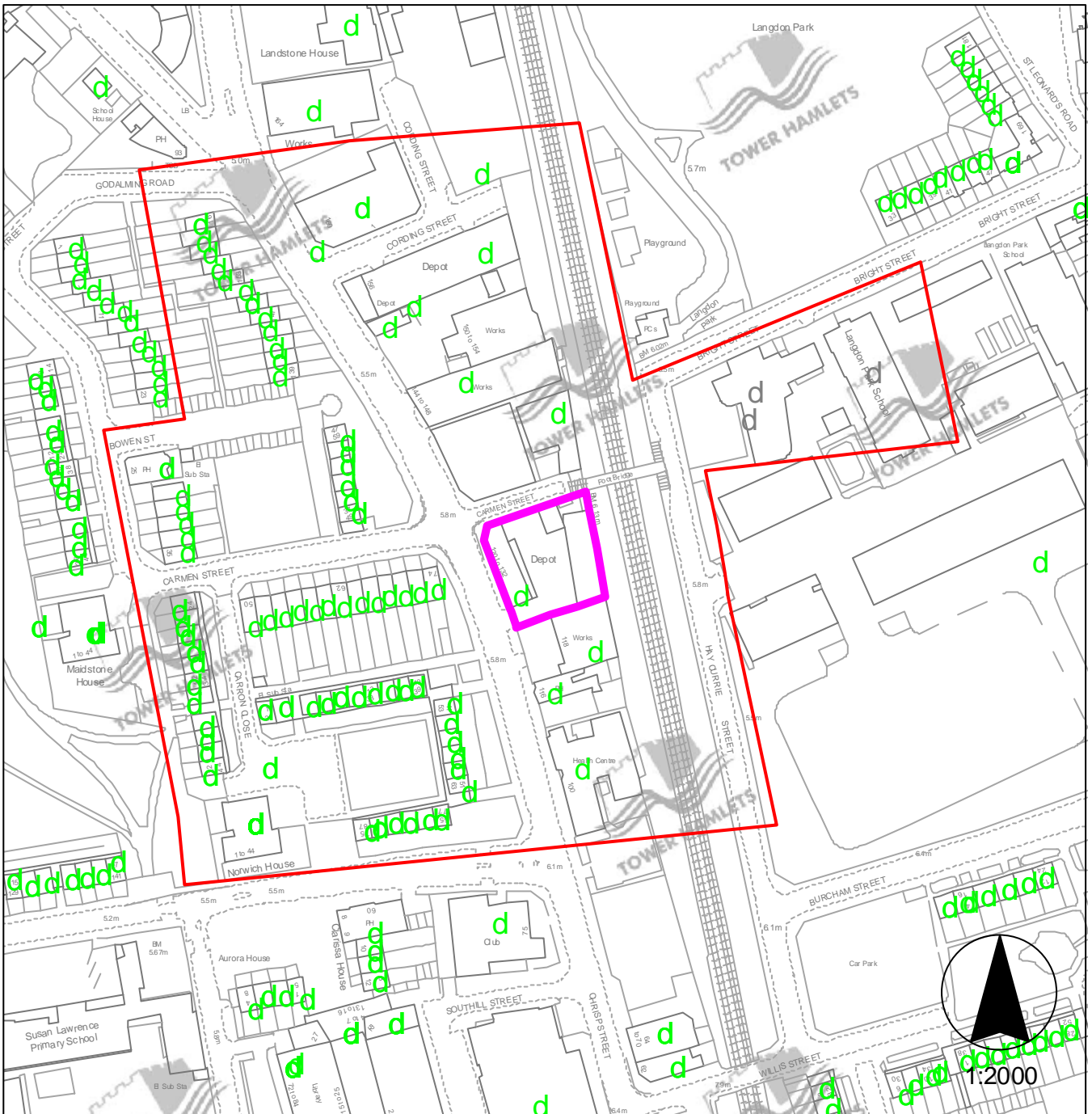
7. SUMMARY

- 7.1 The proposal is generally acceptable when considered in terms of its land use mix and its impact on existing uses. It would deliver employment opportunities and an appropriate mix of residential units, including high proportions of affordable and family sized units. In particular, the affordable housing units proposed would make a valuable contribution to local and strategic need.
- 7.2 The proposal would comprise a high quality piece of contemporary architecture. It would be of a

scale and height that responds to the site's strategic importance, and would also relate to the existing urban context and emerging development in the area. The proposal together with the adjoining residential scheme will enhance the area in urban design terms and could act as a catalyst to stimulate further regeneration both in this part of the Borough, as well as assisting in providing a gateway and signpost to the proposed new DLR station at Langdon Park.

- 7.3 The development is acceptable in policy terms in relation to land use, design, amenity space provision, residential amenity standards, and highways issues including car parking and access. Accordingly it is recommended that planning permission be granted in line with the recommendations of section 2 of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

120 to 132 CHRISP STREET, LONDON E14

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Agenda Item 8

Committee: Strategic Development Committee	Date: 14 th September 2006	Classification: Unrestricted	Report No.	Agenda Item No. 5
Report of: Head of Democratic Renewal and Engagement Originating Officer: Louise Fleming		Title: Procedure for Hearing Objections Ward(s) affected: N/A		

1. SUMMARY

- 1.1 This report proposes a revised procedure for hearing objections at meetings of the Strategic Development Committee, following a request by that committee to review these procedures. The current procedure is attached at Appendix 1 to this report. A revised procedure is proposed and is attached at Appendix 2.

2. RECOMMENDATIONS

- 2.1 That the Strategic Development Committee adopts the revised procedure set out in Appendix 2 for hearing objections at its meetings.
- 2.2 That Development Committee be notified of this decision.

3. BACKGROUND

- 3.1 At its meeting on the 7th June 2006, the Development Committee agreed minor amendments to the procedure for hearing objections at meetings of the Development, Strategic Development and Olympics Development Committee which has been in place for a number of years.
- 3.2 The Strategic Development Committee, at its meeting on 19th July 2006, resolved that the procedure for hearing objections should be reconsidered at its next meeting as it was felt that a revised procedure would be more suitable for the types of applications which it considered.

4. CURRENT PROCEDURE

- 4.1 The current procedure permits one person to speak in objection to an application and one person to speak in support, for up to 5 minutes each. The objector will normally be a local resident and the supporter will normally be the applicant's agent. If more than one person wishes to speak, then a spokesperson is nominated.
- 4.2 There is also separate provision for Members of the Council, who are not members of the Committee, to speak on behalf of their local residents. This provision is set out in the Planning Code of Conduct which is in the Council's Constitution and is separate from this procedure.

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

Brief description of *background paper*

Tick if copy
attached

If not supplied,
name and telephone
number of holder
Louise Fleming
Senior Committee Officer
020-7364 4878

None

5. PROPOSED PROCEDURE

- 5.1 At its meeting on 19th July 2006, the Strategic Development Committee felt that there would be merit in re-examining the procedure for hearing objections. Members felt that the Committee would be considering larger planning applications which would have more impact on the wider community and would attract more public interest. Therefore it was suggested that more than one objector, representing different views or areas of the community, be allowed to address the Committee.
- 5.2 In settling on an acceptable procedure members need to consider where an appropriate balance lies between allowing representations to be made to the Committee and not taking up so much time that the Committee is unable to conduct and conclude its business. Whilst it is important for the public to have an opportunity to address the committee, it is also important for members to have sufficient time to debate items before coming to a decision on them. In considering where to strike this balance officers have also looked at what neighbouring Councils' practices are (see part 6 below for a summary).
- 5.3 It was originally suggested that 3 speakers should be allowed for up to 3 minutes each with the applicant having the same length of time. This suggestion recognises that in allowing more speakers it is necessary to reduce the length of time allocated to each speaker so that there is still sufficient time for the committee to conduct its business. However this model would mean that on any item something like 20 minutes could be spent hearing representations (this calculation allows 30 seconds hand-over time between speakers). More time would be taken if there were also visiting members. This could absorb a significant amount of committee time and prevent the committee completing its business. An alternative would be to only allow 2 speakers as a matter of routine, with the chair having discretion to allow an additional speaker for very large and controversial items.
- 5.4 Below is a calculation of the percentage of time that would be taken out of a 3 hour meeting by three alternative models: the current arrangements, 2x3 minute slots for objectors and 3 x3 minute slots for objectors. The applicant or their supporters has the same length of time as objectors in the interests of fairness.

No of items with speakers	1	2	3	4	5
Current model	6%	12%	18%	24%	31%
2x3 minute model	8%	15%	23%	30%	38%
3x3 minute model	11%	22%	33%	44%	56%

- 5.5 It is suggested that the best model for providing sufficient opportunity for the public to address the committee, but still ensuring that it does not occupy so much time that the committee could struggle to complete its agenda is the 2x3 minute model. As stated earlier, the chair would always have discretion to allow additional speakers where an item was very large and controversial.
- 5.6 The recommended new procedure is attached at Appendix 2. The main changes are summarised as follows:
- 2 speaking "slots" for objectors, of 3 minutes each.
 - A single speaking "slot" for the applicant/supporter(s) of either 3 or 6 minutes – equivalent to time allowed for objectors.
 - Visiting ward councillors will be allowed to speak for up to 3 minutes each.

- The Committee Clerk should be notified in writing or by e-mail on the Friday prior to the meeting.
- Requests will be on a first come, first served basis (as with the current procedure).
- Requests made before the agenda has been published will not be accepted.
- The chair has discretion to vary the procedures for exceptional circumstances or in the interests of natural justice.

5.7 Ward councillors will be limited to 3 minutes each as Wards can have up to 3 members and more than one may want to speak.

5.8 The Committee Clerk should be given at least three working days notice of requests to speak (i.e. the Friday before the meeting) to enable all parties to be informed in time to make the necessary preparations before the meeting.

5.9 Requests are made on a first come first served basis at present. This is the fairest way to determine who the speakers will be at the meetings.

5.10 Requests made before the agenda has been made available to the public will not be accepted. This is to ensure that all objectors have time to read the report and decide if they want to speak and not be “beaten to it” by someone who has received advanced warning of the committee date.

5.11 If any items on the agenda are particularly controversial then the Chair would have the discretion to allow an additional speaker. This gives the procedure the necessary degree of flexibility to deal with exceptional circumstances.

6. NEIGHBOURING COUNCILS

6.1 Neighbouring Council’s currently operate the following procedures:

Newham 5 minutes for objector and 5 minutes for applicant. If there is more than one speaker then two people will be able to speak, *only* if they will be making different points. Usually objectors are asked to elect a spokesperson. The 5 minute limit still applies.

Hackney 5 minute slots for both objectors and supporters. If there is more than one person who wishes to speak, the 5 minute slot will be divided up among all the speakers. Multiple speakers will be asked to elect a spokesperson.

Greenwich 5 minutes split among all objectors wishing to speak and 5 minutes for applicant.

Southwark 3 minutes each for objector; applicant; supporter living within 100m of site; and ward councillor. If there is more than one person from any of the four categories permitted to speak then the 3 minutes will be split between them.

Lambeth 3 minutes split among all objectors wishing to speak and 3 minutes for applicant. More time allowed only on major applications.

Waltham Forest Up to 3 speakers (either objectors or supporters) for 3 minutes each; 3 minutes for the applicant; and 3 minutes for any visiting ward councillors.

7. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

- 7.1 Members may recall that a request was made at the last meeting of the Committee for the matters raised in this Agenda Item to be considered during the course of that meeting.
- 7.2 Knowles on Local Authority Meetings (Fourth Edition) summarises the Common Law requirements for agenda items to be made available for public inspection at least 5 clear days in advance of any proposed meeting.
- 7.3 In the case of urgent agenda items the chair of the committee needs to be persuaded that the item is urgent if he is to exercise his discretion to allow the agenda item to be heard.
- 7.4 As part of its continued review of planning procedures, the Assistant Chief Executive (Legal Services) in conjunction with the Director of Development and Renewal are working towards a form of relevant planning procedures to assist members in determining Planning Applications in the future.

PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

1. The Clerk to the relevant committee must be informed at least 3 days prior to a meeting of an applicant's or objector's request to speak at the committee regarding a planning application on the agenda for determination at that meeting.
 - a) Applicants will not be expected to address a planning committee, where there are no objections to an application and where officers are recommending approval.
 - b) Where officers are recommending refusal of an application, requests to speak from applicants will be accepted and submitted to the relevant Chair/committee for ratification.
2. All requests to speak should be confirmed in writing or by e-mail, at least 3 days in advance of the meeting. This should confirm the details of the intended spokesperson and include contact telephone numbers.
3. Requests to speak will be submitted to the relevant committee through the Chair, and members must formally agree to permit a member of the public to speak.
4. Only one person will be permitted to speak in objection to an application, and one person will be invited to respond to the objection. This will usually be the applicant or their nominee. In the case of there being more than one objector, the Clerk should suggest that the objectors liaise prior to the meeting and choose a spokesperson to represent them.
5. Each spokesperson will be allowed no more than five minutes to address the committee. The distribution of additional information to Members at the meeting will not be permitted.
6. Committee members, at the discretion of the Chair, may ask questions of any spokesperson on points of clarification only.
7. At the close of a speaker's address and the question and answer session, if one is held, the spokesperson must take no further part in the proceedings of the meeting, unless directed by the Chair of the committee.
8. Every effort should be made to ensure applicants are informed of their right of reply, which will also be five minutes, if there are objectors wishing to speak against any application. This may be done through the planning officer.

**DEVELOPMENT COMMITTEE
STRATEGIC DEVELOPMENT COMMITTEE
OLYMPICS DEVELOPMENT COMMITTEE**

PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 1) When a planning application is reported on the agenda as a Planning Application for Determination at one of the Council's Development Committees, objectors and the applicant/supporters will be able to address that Committee on any planning issues raised by the application, provided that they follow the procedures set out below.
- 2) For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- 3) All requests to address a Committee meeting should be confirmed in writing or by e-mail to the Committee Clerk by 4pm on the Friday prior to the meeting. This communication should confirm the details of the intended spokesperson and include contact telephone numbers. The Clerk will not accept requests before the agenda has been published. For objectors, the allocation of slots will be on a first come, first served basis. For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 4) The order for addressing committee will be:
 - a) Objector(s)
 - b) The applicant or supporter(s)
 - c) Non-committee Member(s) wishing to address the committee (limited to 3 minutes each)
- 5) These will all be verbal presentations only. The distribution of additional material or information to Members at the Committee is not permitted.
- 6) At the close of a speaker's address the person must take no further part in the proceedings of the meeting, unless directed by the Chair of the Committee.
- 7) Committee members, at the discretion of the Chair, may ask questions of any spokesperson on points of clarification only.
- 8) Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the Chair will ask the Committee if any Member wishes to speak against the application. If no Member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.
- 9) The Chair has the ability, at his/her discretion, to vary these procedures where there are exceptional circumstances or in the interests of natural justice.