

Meeting of the

# **STRATEGIC DEVELOPMENT COMMITTEE**

---

**Thursday, 16 November 2006 at 7.30 p.m.**

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## **A G E N D A**

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### **VENUE**

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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Rofique U Ahmed</b>	
<b>Vice-Chair: Councillor Choudhury</b>	<b>Alibor</b>
<b>Councillor Ohid Ahmed</b>	Councillor Stephanie Eaton, (Designated Deputy for Councillor Louise Alexander)
<b>Councillor Louise Alexander</b>	Councillor Carli Harper-Penman, (Designated Deputy for Councillors Ohid Ahmed, Rupert Bawden, Ahmed Omer and Alibor Choudhury)
<b>Councillor Rupert Bawden</b>	Councillor Waiseul Islam, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
<b>Councillor Rupert Eckhardt</b>	Councillor Rania Khan, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
<b>Councillor Ahmed Hussain</b>	Councillor Joshua Peck, (Designated Deputy for Councillors Ohid Ahmed, Rupert Bawden, Ahmed Omer and Alibor Choudhury)
<b>Councillor Abjol Miah</b>	Councillor M. Mamun Rashid, (Designated
<b>Councillor Ahmed Adam Omer</b>	

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](mailto:louise.fleming@towerhamlets.gov.uk)

**LONDON BOROUGH OF TOWER HAMLETS**  
**STRATEGIC DEVELOPMENT COMMITTEE**

**Thursday, 16 November 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.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. UNRESTRICTED MINUTES</b>		
To confirm as a correct record of the proceedings the unrestricted minutes of the extraordinary meeting of the Strategic Development Committee held on 3 <sup>rd</sup> October 2006.	1 - 12	
<b>4. RECOMMENDATIONS</b>		
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.		
<b>5. PROCEDURE FOR HEARING OBJECTIONS</b>		
To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	13 - 14	
<b>6. PLANNING APPLICATIONS FOR DETERMINATION</b>	<b>15 - 16</b>	
6 .1 33-37 The Oval, London E2 9DT	17 - 24	Bethnal Green North
6 .2 Land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3	25 - 36	Bromley-By- Bow
6 .3 Land bounded by Bow Common Lane, Furze Street and Devons Road, Devons Road, E3 (Outline)	37 - 52	Bromley-By- Bow
6 .4 Site to the south of Westferry Circus and west of Westferry Road, London E14	53 - 60	Millwall
6 .5 33-35 Commercial Road including existing car park to rear and part of Assam Street, London E1	61 - 82	Whitechapel

**6 .6 Site formerly known as 44-46 Prescott Street and 2-20  
South Tenter Street, Prescott Street, London**

**83 - 96**

**Whitechapel**

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON TUESDAY, 3 OCTOBER 2006**

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

**Members Present:**

Councillor Rofique U Ahmed (Chair)

Councillor Ohid Ahmed  
Councillor Louise Alexander  
Councillor Alibor Choudhury (Vice-Chair)  
Councillor Rupert Eckhardt  
Councillor Ahmed Hussain  
Councillor Ahmed Adam Omer

Councillor Waiseul Islam  
Councillor Joshua Peck

**Other Councillors Present:**

Councillor Denise Jones  
Councillor Bill Turner

**Officers Present:**

Isobel Cattermole	– (Service Head, Resources, Children's Services)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Neil Weeks	– (Legal Advisor)
Ian Wilson	– (Interim Chief Executive)
Louise Fleming	– Senior Committee Officer

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Rupert Bawden and Abjol Miah. Councillors Josh Peck and Waiseul Islam deputised respectively.

**2. DECLARATIONS OF INTEREST**

Councillor Josh Peck declared a personal interest in item 6 which related to Bonner Primary School, as he had been approached by local residents.

Councillor Rofique Ahmed declared a personal interest in item 6 as the local ward member for Mile End & Globe Town.

Councillor Louise Alexander declared a prejudicial interest in item 8.1 which related to Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS, as she had submitted an objection to the Council in respect of the application.

Councillor Ahmed Hussain declared a personal interest in item 8.1 as the application involved the NHS and he was employed by a local PCT (Primary Care Trust).

### **3. UNRESTRICTED MINUTES**

The minutes of the meeting held on 14<sup>th</sup> September 2006 were confirmed and signed as a correct record by the Chair.

### **4. RECOMMENDATIONS**

4.1 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.

4.2 The Committee RESOLVED that, in the event of recommendations being made by the 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.

### **5. PROCEDURE FOR HEARING OBJECTIONS**

The Committee noted the procedure for hearing objections.

### **6. BONNER PRIMARY SCHOOL**

Mr Neil Weeks, Interim Senior Planning Lawyer, introduced the report and informed the Committee that two requests for deputations had been received, Mr Tom Ridge on behalf of the Save the Bonner School Campaign and Mr Martin Tune on behalf of Bonner Primary School. He advised the Committee to hear the representations of the two deputations, after which he would give detailed legal advice as to the Committee's powers in relation to the item.

Members expressed concern that the item had come before the Committee when it related to a decision made by the Cabinet. The view was also expressed that Members should hear the legal advice before deciding whether or not to hear the speakers.



Mr Weeks explained that the report had been generated by a motion passed at the meeting of the Council on 13 September 2006 to “refer the demolition of the Old Bonner School to a meeting of the planning committee to enable officers to consult on this decision, and enable a proper debate involving residents and councillors...”. The motion should have been referred to the Cabinet, which had originally made the decision to demolish the school. The Strategic Development Committee did not, therefore, have any discretion to make any recommendations. However, it was felt that the motion should be reported to the Committee for information, due to the level of concern on the issue expressed by full Council.

The Committee resolved that pursuant to Rule 27 of the Council Procedure Rules to suspend Rule 20.1 to enable the deputations to make their representations.

Mr Tom Ridge spoke on behalf of the Save the Bonner School Campaign in objection to the demolition. His letter of representation had been circulated to Members prior to the meeting. In particular, he disagreed with the statement in the report to the Committee which stated that the demolition of unlisted buildings was not a matter which required planning consent and made reference to paragraph 29 of Circular 10/95.

Mr Martin Tune, Headteacher of Bonner Primary School, spoke in support of the demolition of the old school. His letter of representation was tabled for Members at the meeting. He stressed the need for improving external curriculum and outdoor play facilities for the pupils and the newly built school building was preferred by both staff and children at the school.

Mr Weeks provided the Committee with legal advice relating the demolition of buildings. In reference to paragraph 29 of Circular 10/95, other than a dwelling-house or a building adjoining a dwelling-house, the demolition of a building did not constitute development, as stated in section 55 of the Town and Country Planning Act 1990 and the Town and Country Planning (Demolition – Description of Development) Direction 1995. The demolition of a dwelling-house or a building adjoining a dwelling-house was permitted by virtue of class 31 of the General Permitted Development Order (GPDO) subject to a prior notification procedure and other limitations. Circular 10/95 constituted government guidance on planning controls over the demolition of certain buildings. The Circular only applied to those buildings where there were planning controls over demolition. This would only be the case where a dwelling-house or a building adjoining a dwelling-house was involved and the advice in paragraph 29 could only be applicable in those circumstances. Article 4(3) of the GPDO did not permit any development which was contrary to any condition imposed on a planning permission granted under Part III of the 1990 Act. Therefore, when a dwelling-house or a building adjoining a dwelling-house required demolition as part of a redevelopment, the advice in paragraph 29 of Circular 10/95 pointed out that the local planning authority could impose conditions controlling the proposed demolition as part of its consideration of the redevelopment. Article 4(3) provided the power to do this. That was not the case with Bonner School. The matter fell squarely

within the provisions of the Town and Country Planning (Demolition – Description of Development) Direction 1995 and its demolition was therefore, as a matter of law, outside the scope of planning control as it did not constitute development. Something that did not constitute development could not be brought within the scope of statute by reference in a circular.

Mr Weeks also advised the Committee of its powers and functions, as set out in Part 3 of the Council's Constitution. They did not include power to review decisions by the Cabinet to demolish unlisted buildings. While the decision to let the contract to demolish the old school might raise significant issues of local interest in some quarters, it was not a matter listed within the terms of reference of the Strategic Development Committee, or indeed of the Development Committee. Accordingly, the terms of the motion did not disclose a proper reference to an "appropriate body or individual" as required by Part 4 of the Constitution. If the motion as passed formed an item of business on an agenda of either Committee then officers would be obliged to advise that committee, in due course, that it did not have the remit to make decisions on demolition.

The motion, howsoever it came about was, nevertheless, at least a formal expression of concern by the Council, as a corporate body, that the demolition of the old school should be reconsidered. In these circumstances, it could be difficult to persuade a judge that the demolition of the building should not be restrained prior to the matter being dealt with by the Council one way or another.

The motion was plainly in direct conflict with the Cabinet's decision of December 2002 which had been implemented. If it was only referred to the Strategic Development Committee to confirm that it has no jurisdiction to consider the demolition of the old school building, there would be a risk attached of further injunctive proceedings and consequential uncertainty. The matter could have been returned back to the full Council but there would be nothing it could do to resolve the issue. Accordingly, the Committee was advised that the motion would be referred to Cabinet, which authorised the demolition, to consider it and make a key decision on its merits.

Members asked questions relating to the reasons for the Council's opposition to the listing of the building; the allegation that the applicant had not stated in the original application that demolition would be involved; the difference between a dwelling-house and a building; the need for playground space and whether alternatives had been sought.

Mr Weeks informed the Committee that the representations made by the Council in respect of the listing of Bonner School were made as the owner of the building and were based on an assessment of the educational needs of the area, the history of the development and the Council's contractual obligations. Both English Heritage and the Secretary of State agreed that the building should not be listed. No challenge had been made to the decision within the following statutory 28 day period.

Mr Michael Kiely, Head of Development Decisions, confirmed that the original planning application had, in fact, been publicised in accordance with statutory requirements by the posting of a site notice and writing to local residents. He also informed the Committee of the Council's dual role as the owner of the land and the Local Education Authority. It would have been improper for the Council not to have made representations to English Heritage regarding the listing of the building. Mr Kiely also reiterated the legal advice given in relation to Circular 10/95 relating to demolition and stressed that a local authority could only operate within the power granted to it, otherwise it would be undertaking an ultra vires act.

Ms Isobel Cattermole, Head of Strategic and Operational Services – Children's Services, informed the Committee of the alternative options which had been explored for the provision of outdoor play space for the children at Bonner School. She explained that it was not feasible to use an area on the opposite side of a busy road and that the Council had a duty of care to the pupils of the school.

Mr Weeks reminded Members that the appropriate forum for questions was at the meeting of the Cabinet and reminded Members that the Committee had no power to make a decision on the issue. Mr Weeks was asked if there had been anything reviewed by the Courts which could assist the Committee. Mr Weeks advised that this particular matter had been looked at by both the Administrative Court and the Court of Appeal who had both upheld the Council's position. Members expressed concern that there would not be an opportunity when the matter was discussed at Cabinet to ask questions. However, the Committee was given an assurance that any Member wishing to ask a question on the matter at the meeting would be given an opportunity to do so.

On a vote of 5 for, 1 against and 3 abstentions, the Committee RESOLVED that it confirmed that the demolition of unlisted buildings is not a matter which requires planning consent and under the functions set out in the Council's Constitution, the Committee has no power to consider the demolition of the old school building.

## **7. WEIGHT OF THE LOCAL DEVELOPMENT FRAMEWORK PRIOR TO ITS ADOPTION BY COUNCIL**

Mr Michael Kiely, Head of Development Decisions, presented the report which contained advice relating to the emerging Local Development Framework and the appropriate weight to be attached to it when considering planning applications. Members were reminded that each planning application would have to be determined on its own individual merits.

The Committee RESOLVED that the policies within the Local Development Framework, approved on 13<sup>th</sup> September 2006, generally be given significant weight as a material consideration when determining planning applications, prior to its adoption and note that the adopted Unitary Development Plan remains the statutory planning instrument until such time.

The Committee NOTED that

- (i) the weight of the policies in the Local Development Framework is likely to increase as each successive stage towards adoption is reached. Furthermore, the weight of individual policies may vary depending on the outcome of the consultation on the submission Development Plan Documents; and
- (ii) the Council may seek to refuse a planning application on the grounds of prematurity. However, it will be required to clearly demonstrate how the granting of that planning permission would prejudice the outcome of the Development Plan Document process.

The Committee adjourned for a short break at 9.00 pm and resumed at 9.10 pm.

## **8. DEFERRED, ADJOURNED AND OUTSTANDING ITEMS**

### **8.1 Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS (Weavers)**

Councillor Louise Alexander left the room and did not return for the duration of the item.

Mr Stephen Irvine, Development Control Manager, presented the report which detailed the reasons for refusal for based on views expressed by Members at the meeting of the Committee held on 14<sup>th</sup> September 2006. It was proposed that only reasons 1 and 3 as detailed in the agenda report be put forward as the grounds for refusal.

On a vote of 5 for and 2 against, 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 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); and

- a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detox unit plus parking, serving and cycle bay provision, landscaping and highway works

on land bounded by Hackney Road and Austin Street including Mildmay Mission Hospital, Hackney Road, London E2 7NS be REFUSED for the following reasons:

- 1) The development would be insensitive to the context of the surrounding area, by reason of design, mass, scale, height and use of materials. As such the proposal is contrary to:
  - a) Policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998, which require development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk, scale and the use of materials and the development capabilities of the site;
  - b) Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan 2004 that provide location and assessment criteria for tall buildings;
  - c) Policy DEV6 of the Tower Hamlets Unitary Development Plan 1998 in that the development does not meet the criteria for high buildings located outside the Central Area Zone;
  - d) Policy UD1 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005, which requires the bulk, height and density of the development to relate to surrounding building plots and blocks and the scale of the street;
  - e) Policy UD2 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005, which requires tall buildings outside identified tall building clusters to satisfy a number of development criteria;
  - f) Policy DEV2 of the Local Development Framework (Submission Document) Core Strategy and Development Control Development Plan Document 2006, which requires development to be designed to the highest design quality standards; and
  - g) CP48 and Policy DEV27 of the Local Development Framework (Submission Document) Core Strategy and Development Control Development Plan Document 2006, which specify the criteria to assess tall buildings.
- 2) The proposed development would have an adverse impact upon the residential amenity of surrounding owners/occupiers particularly in terms of impact on daylight and sunlight and overlooking from the proposed roof terrace of the hospital building. As such the proposal is contrary to:

- a) Policy DEV2 of the Tower Hamlets Unitary Development Plan 1998 which requires the protection of the amenity of residential occupiers in terms of loss of privacy or material deterioration of day lighting and sun lighting conditions;
- b) Policy UD2 of the Preferred Option: Core Strategy and Development Control Development Plan Document 2005, which requires tall buildings outside of the central area not to result in adverse impacts on the privacy, amenity or overshadowing or surrounding properties; and
- c) Policy DEV1 of the Local Development Framework (Submission Document) Core Strategy and Development Control Development Plan Document 2006, which requires development to protect, and where possible seek to improve, the amenity of existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in the loss of privacy to, nor enable the overlooking of, adjoining habitable rooms; not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms, create an inappropriate sense of enclosure to surrounding buildings and open space; and not adversely impact on visual amenity.

Councillors Ohid Ahmed, Rofique Ahmed, Alibor Choudhury, Josh Peck and Ahmed Omer voted for the recommendation. Councillor Rupert Eckhardt and Councillor Ahmed Hussain voted against.

## **8.2 Rodwell House, 100-106 Middlesex Street, London E1 (Spitalfields & Banglatown)**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the 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 sq m of community uses, formation of associated car parking and highway access as well as hard and soft landscaping works at Rodwell House, 100-106 Middlesex Street, London E1.

Mr Stephen Irvine, Development Control Manager, presented the officers report and the update report. He outlined the differences between the current and approved applications in terms of scale and height. He informed the Committee that the applicant had agreed to a number of conditions to address the concerns of the residents. The residents of Brody House had therefore withdrawn their objections. However, two residents of the Wexner Building expressed their disappointment at the withdrawal of the objection and reiterated their original objection.

Members asked questions relating to the Local Development Framework and the response from English Heritage. Mr Irvine informed the Committee that English Heritage had responded to the first, but not the second application.

On a vote of 5 for and 2 against, the Committee AGREED that the application for the 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 sq m of community uses, formation of associated car parking and highway access as well as hard and soft landscaping works at Rodwell House, 100-106 Middlesex Street, London E1 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 Sections 1.4 and 1.5 below; and Section 278 of the Highways Act 1980, to include the matters outlined in paragraph 1.3 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 confirm 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 A Statement be placed on the Statutory Regulatory 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) 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 healthcare 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.
- 12) Production of a Management Plan relating to the student accommodation

1.3 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

1.4 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;
  - 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 (8 am to 6 pm Mon-Fri)
- 6) Details of insulation of the ventilation system and any associated plant required
- 7) Hours of operation limits – hammer driven piling (10 am to 4 pm)
- 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 bourne vibration limits
- 22) Details of the design of the cycle store required
- 23) Restrict hours of use for roof terrace on 5<sup>th</sup> floor of the Bell Lane building to the following:
  - Monday to Friday: 8 am to 6 pm
  - Weekends and Bank Holidays: 12 noon to 6 pm
- 24) Conditions requiring details for approval in respect of acoustic treatment and detailed design of windows on the 1<sup>st</sup> to 4<sup>th</sup> floors on the southern elevation of the Bell Lane façade facing Brody House.
- 25) Acoustic mitigation measures at the lower level of the southern elevation of the tower.

#### 1.5 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

The meeting ended at 9.40 p.m.

Chair, Councillor Rofique U Ahmed  
Strategic Development Committee

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# Agenda Item 5

## **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 Decision 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.

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# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> November 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Michael Kiely		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the committee in an update report.

## 3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 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.
- 3.2 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.
- 3.3 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.4 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.5 Whilst the adopted UDP 1998 is the statutory development plan for the borough (along with the London Plan), 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

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		See reports attached for each item

progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.

- 3.6 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 3.7 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

# Agenda Item 6.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> November 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Ila Robertson		<b>Ref No:</b> PA/06/01393	
		<b>Ward:</b> Bethnal Green North	

## 1. APPLICATION DETAILS

**Location:** 33-37 The Oval, London, E2 9DT  
**Existing Use:** Scheme approved under PA/05/00421 partly constructed on site.  
**Proposal:** Demolition of existing building. Redevelopment to provide a five storey building for use as 2 Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats). Amendments to the scheme granted permission on 15th December 2005 (PA/05/421).(Further Revisions).

**Drawing Nos:** 001 REV C, 002 REV D, 003 REV C, 004 REV C and 005 REV B  
**Applicant:** Neptune Group  
**Owner:** Neptune Group  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that it:

- a) Is a suitable land use for the site and satisfies environmental and safety criteria adopted by the Council;
- b) Does not result in material harm to the amenity of residents or to the character and environment of the adjacent area.

## 3. RECOMMENDATION

3.1 That the Local Authority give the Health and Safety Executive:

- advanced notice of its intention to grant permission,
- 21 days from the date of the notice to give further consideration of this matter and allow them to consider whether they wish to request that the Secretary of State call-in this application for her determination.

3.2 That the Committee resolve to **GRANT** planning permission subject to:

- A. The prior completion of a **legal agreement** to secure the following aspects secured under the original scheme PA/05/00421:
  - a) Car free agreement
  - b) Repaving / S 278 highways works
  - c) Environmental improvements to The Oval.

- 3.3 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

#### **Conditions**

- 1) Three year Time Limit
- 2) Reserved matters:
  - (i) External materials;
  - (ii) External lighting;
  - (iii) Hard and soft landscaping.
- 3) Landscape Maintenance
- 4) Construction Hours
- 5) Cycle Storage
- 6) Refuse Storage
- 7) Site Investigation
- 8) Sound Insulation
- 9) Signage for the western outdoor area

#### **Informatives**

- 1) Permission subject to Section 106 legal agreement.
- 2) Environmental Health
- 3) Signage

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

#### **Proposal**

- 4.1 A scheme was approved for the site on the 12<sup>th</sup> December 2005. However, following interventions by the Health and Safety Executive and the National Grid regarding the proximity of the development to the adjacent gas holders various discussions were held with the developer and a revised scheme was developed. The amended scheme results in the occupied areas of the building being set back by 18m from gas holders.

The revised scheme provides two Class B1 units on the ground floor with 14 residential flats above being 6 one bedroom, 6 two bedroom and 2 three bedroom flats. The access arrangements have altered slightly from the previously approved scheme.

#### **Site and Surroundings**

- 4.2 The previously approved scheme (PA/05/00421) has been partially constructed on site with the reinforced concrete structural framework for the five storey building complete. Works have been ceased until the revised scheme has been considered by Council.

The surrounding area consists of commercial uses with various light industrial, manufacturing and offices uses. To the west of the site is situated a large works site comprising of four gas holder tanks.

To the north of the site is Regents Canal and a number of residential developments are located along the northern side of the canal.

#### **Planning History**

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



PA/05/00421 Planning permission approved on the 15 December 2005 for the demolition of existing building and redevelopment to provide a five-storey building comprising 3 business units (B1) on the ground floor with 14 flats above (6 one bedroom flats, 6 two bedroom flats and 2 three bedroom flats).

## 5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### Unitary Development Plan

Proposals:	SVCA	Strategic View Consultation Area
Policies:	DEV1 & 2	General design and environmental requirements
	DEV3	Mixed use development
	DEV4	Planning obligations
	DEV50	Development and Noise
	DEV51	Contaminated Land
	EMP2	Retaining Existing Employment uses
	HSG2	Location of New Housing
	HSG7	Dwelling Mix and Type
	HSG9	Density
	HSG13	Internal Standards for Residential Developments
	HSG15	Development Affecting Residential Amenity
	HSG16	Amenity Space
	T15	Location of New Development
	T16	Traffic Priorities for New Development
	T17	Planning Standards
	T21	Pedestrian Needs in New Development
	T24	Cyclist needs in New Developments

### Emerging Local Development Framework

Proposals:	CP50	Strategic View Consultation Area
	C6	Development Site (refer AAP)
Core Strategies:	CP1	Creating Sustainable Communities
	CP4	Good Design
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP41	Integrating Development with Transport
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Facilities
	DEV22	Contaminated Land
	DEV23	Hazardous Development & Storage of Hazardous Substances
	EE2	Redevelopment/ Change of Use of Employment Sites
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes

HSG7      Housing Amenity Space

**Supplementary Planning Guidance/Documents**

Residential Space Standards

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

N/A

**Government Planning Policy Guidance/Statements**

PPG3      Housing

PPG24     Planning and Noise

**Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely

A better place for living well

**6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

**LBTH Design and Conservation**

6.2 No objection

**LBTH Highways**

6.3 No objection, as s278 and s106 agreement has already been secured by previous planning permission PA/05/00421.

**LBTH Environmental Health**

6.4 No objection, subject to conditions being included to control hours of construction, sound insulation and site investigations due to contaminated land.

**Health and Safety Executive (Statutory Consultee)**

6.5 Objects to the scheme advising that there are sufficient reasons on safety grounds for the scheme to be refused.

**National grid (Statutory Consultee)**

6.6 No objection, subject to the occupied parts of the building being more than 18 metres from the nearest gas holder(s). However, the scheme as currently constructed on site appears considerably closer than the 18 metres shown on the submitted plans and the valid planning permission and construction appears to be continuing despite LBTH directing applicant to stop work.

Recommends that potential ignition sources within the open area adjoining the gas holders are restricted in accordance with the Institute of Gas Engineers document SR4.

(Officers visited the site on the 16<sup>th</sup> October 2006 and confirm that building works have ceased).

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 23 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 0                      Objecting: 0                      Supporting: 0  
No of petitions received:                      N/A

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land use
2. Design and Amenity
3. Health and Safety
4. Highways

### **Land use**

- 8.2 The principle of a mixed use development in this locality has already been accepted because of the granting of planning permission on the 15<sup>th</sup> December 2005 (PA/05/00421). The scheme still includes provision of 307sqm of employment generating B1 use class floor space on the ground floor. The residential accommodation on the upper floors does not involve the loss of any existing employment generating floorspace. The application is therefore considered to be consistent with UDP Policy EMP2. It is therefore considered in land use terms that the revised scheme is acceptable.
- 8.3 The UDP policies HSG1 and HSG2 seek to encourage residential proposals within localities which are adequately serviced and where an overall satisfactory residential environment can be assured. Given the location of the site, the design of the proposed buildings and residential use within the vicinity, it is considered that this test is met.
- 8.4 The proposed mix of units (6 one bedroom, 6 two bedroom and 2 three bedroom flats), in consideration of the urban context of the site and the existing nature of the building, is acceptable in accordance with policy HSG7 of the adopted Unitary Development Plan.

### **Design and Amenity**

- 8.5 The proposed revised building design is considered acceptable in terms of the requirements set out under the UDP. In particular, the revisions to the scheme are restricted to the rear of the building where it has been redesigned to achieve an 18m set back from the western gas holders. There have been no alterations to the overall height, massing or scale of the proposal as previously granted.
- 8.6 The amended design has been reviewed by Council Design officers. No objections have been raised.
- 8.7 The adopted Council UDP policies HSG15, DEV2 and DEV50 place a particular emphasis on protecting the amenity of existing and prospective surrounding residential occupiers. It is considered that the scheme provides a satisfactory level of amenity for potential occupants with the provision of both communal and exclusive amenity spaces and unit sizes in excess of the minimum space standards. Furthermore, given the location and design of the building

it is not considered that the amenity of any adjoining residential properties will be affected.

### **Health and Safety**

- 8.8 The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the consultation distance of major hazard installations/ complexes and pipelines.
- 8.9 Their assessment indicates that there is a risk of harm to people at the proposed development. As such, the HSE's advice is that there are sufficient reasons, on safety grounds for advising against the granting of planning permission in this case. However, they do not give specific reasons why they consider this, other than to indicate that there is a possibility that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Moreover, they admit that the likelihood of a major accident occurring is small.
- 8.10 National Grid have advised that they have no specific objection to the proposal, subject to all occupied parts of the scheme being set back by 18 metres from the gas holder tanks. This is the distance they consider is sufficient to ensure the safety of adjacent people. National Grid has also recommended that potential ignition sources are restricted within the open areas directly adjacent to the gas works site in accordance with Gas Engineers document SR4.
- 8.11 The building has been redesigned following the above comments to ensure that the occupied parts of the building are set back by 18m from the nearest gas holder. This distance provides a sufficient separation to ensure that, if an incident did occur at the adjoining site, the occupants would be adequately protected. It is therefore considered that the proposal accords with policy DEV 23 of the emerging LDF submission document, which states that Council will resist proposals where it would cause a significant hazard to health unless suitable mitigation measures have been demonstrated.
- 8.12 In addition, it is recommended that potential ignition sources should be restricted within the open areas directly adjacent to the gas works site. It is therefore considered that a condition should be included to ensure that signage is installed within the rear communal open terraces and courtyards clearly advising future users of this restriction.
- 8.13 As mentioned in section 3.1 of the report, the Council must refer the application back to HSE for a 21-day period if they propose to approve this application. This is to allow them time to consider this matter further, to give sound planning reasons justifying a potential refusal of this application and an opportunity to request that the Secretary of State calls-in this application for her determination. Nevertheless, the Council do not consider that there are sufficient grounds to justify a refusal of this application in this instance.

### **Highways**

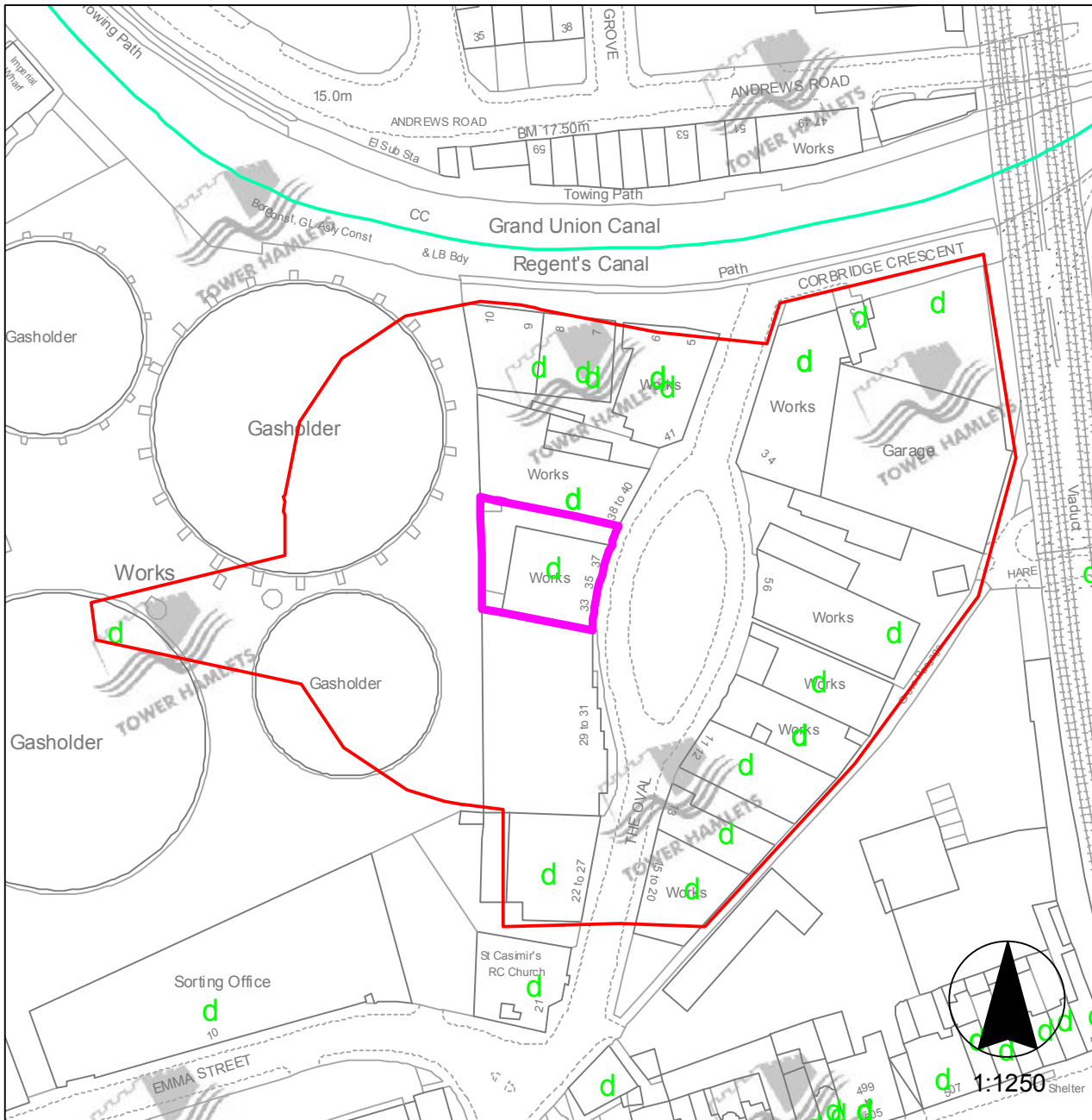
- 8.5 The application site is well serviced by public transport links. The site is located within a 5min walk of the Cambridge Heath railway station that serves both North London and provides access to Liverpool Street Station. The site is within easy walking distance of Bethnal Green Road, Cambridge Heath Road and Hackney Road that are well served by numerous bus routes

The original scheme incorporated both a 'car-free' and streetscape contribution of £21,000 as part of the s106 agreement. To ensure that development would not add pressure to the existing on-street parking in the locality. It is considered that the existing agreement should be carried over to the revised scheme to ensure that the car-free status is maintained.

- 8.7 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL

PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

## 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 6.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> November 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning application for decision	
<b>Case Officer:</b> David Gittens		<b>Ref No:</b> PA/06/01096	
		<b>Ward(s):</b> Bromley By Bow	

## 1. APPLICATION DETAILS

<b>Location:</b>	Land Bounded By Bow Common Lane, Furze Street and Devons Road, Devons Road, E3.
<b>Existing Use:</b>	Temporary public open space.
<b>Proposal:</b>	Construction of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and of 220 sq. m. of A1 (Shop), A2 (Financial and professional services, B1 (Business) or D1 (Non residential institution).
<b>Drawing Nos:</b>	697_200; 697_210; 697_1001; 697_1010; 697_1011; 697_1012; and 697_1013; 697_1500 and 697_1550.
<b>Applicant:</b>	Telford Homes
<b>Owner:</b>	London Borough of Tower Hamlets
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	No

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### Reasons for grant

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- In principle, the redevelopment of the site to provide 78 residential units and 220 sq m of A1/A2/B1 or D1 commercial floor space is acceptable, subject to an appropriate planning obligations agreement and conditions to mitigate against the impact of the development and minimise any adverse impact for future occupiers of the proposed development; and
  - It is considered that the proposed use would not have an adverse impact on the residential amenity of the surrounding properties. A number of conditions are recommended to secure submission of details of materials, landscaping, external lighting, sound insulation, and to control noise and hours of construction.

## 3. RECOMMENDATION

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

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		David Gittens 020 7364 5369

- A. Referral to the **Secretary of State** pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, as a departure from the Development Plan involving an alternative development on land allocated for public open space and industrial employment in the Tower Hamlets Unitary Development Plan 1998.
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
  - a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
  - b) A financial contribution of £345,000 for the improvement of Furze Green open space (£2,500 per saleable habitable room) and the possible treatment of Furze Street as a Closure/Home Zone.
  - c) A contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road.
  - d) Local labour in construction;
  - e) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.
- C. An agreement under section 278 of the Highways Act to fund highway resurfacing and repaving adjacent to the site at Bow Common Lane and Furze Street and for the removal of a redundant crossover on Devons Road.

3.2 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

#### **Conditions**

- 1) Permission valid for 3 years.
- 2) Details of external materials to be submitted for the Council's written approval prior to the commencement of the development.
- 3) Details of hard and soft landscaping treatment to be submitted for the Council's written approval.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 5) Investigation and remediation measures for land contamination
- 6) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 7) Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 8) Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 9) Details of any external lighting to be submitted to the Council for written approval.
- 10) Any other condition(s) considered necessary by the Head of Development Decisions

#### **Informatives**



- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
  - 2) With regard to Conditions 5 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
  - 3) You are advised that any change of use of the Class A1, A2, B1 or D1 floorspace hereby permitted should accord with Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development Order) 1995.
  - 4) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
  - 5) You should consult the Council's Highways Development Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY regarding any alterations to the public highway.
- 3.3 That, if by 28<sup>th</sup> February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

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

##### **Proposal**

- 4.1 Application is made for the redevelopment of this existing temporary open space site for the construction of 78 residential units comprising one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height from 3 to 6 storeys and the creation of 220 sq.m. of A1/A2/B1 or D1 commercial floorspace.
- 4.2 Of the 78 residential units it is proposed that 25 will be affordable and 53 for private sale. This would equate to 35% affordable housing provision by habitable rooms. In total, there would be 36 one-bedroom units, 31 two-bedroom units, 9 three-bedroom units and 2 four bedroom units. The commercial floorspace would be provided on the ground floor on the Devons Road frontage.

##### **Site and Surroundings**

- 4.3 The site covers an area of 0.3 hectares and is bounded by Bow Common Lane to the west, Devons Road to the north, Furze Street to the east, and a collection of industrial sites to the south. The site is currently used as a temporary public open space. The uses to the south of the site include a printing works, vehicle repairs and an open yard used for the breaking and storage of heavy commercial vehicle parts.
- 4.4 Adjoining the site to the south east, fronting Hawgood Street and Limehouse Cut is the modern 3/4 storey Invicta Close/Alphabet Square development of residential and live/work units. To the east of the application site is Furze Green, a 0.8 hectare Council owned public open space. At the north end of Furze Green is a recently constructed children's play area.
- 4.5 The wider area surrounding Furze Green and along Devons Road and Bow Common Lane comprises predominantly of residential blocks that vary in height from 4 to 6 storeys.
- 4.6 The site is located approximately 300 metres from Devons Road DLR station to the east, providing services between Stratford, Canary Wharf and Lewisham. There are three bus routes serving the site (309, 323 and D8 services) and the site is located approximately 600 metres east of Burdett Road, which carries further bus routes.

##### **Planning History**

- 4.7 The site was owned by the Greater London Council (GLC) and in 1982, the GLC resolved to seek planning permission for the temporary treatment of the corner of Devons Road and Furze Street as open space. At the time of writing, officers have been unable to determine whether permission was subsequently granted. The application site was subsequently laid out as temporary public open space by the GLC and on abolition was transferred to Tower Hamlets by the Greater London Residuary Body. The GLC erected a Notice on the land to advise that it was for the temporary use of the public. This notice has since been maintained.
- 4.8 In November 2005, a Council prepared development brief for the Furze Street area was approved by Cabinet as Interim Planning Guidance. The Development Brief refers to the application site, the mixed commercial sites to the south and the open space to the east.
- 4.9 The Development Brief promotes a range of uses including residential development, affordable housing and new employment opportunities, together with a framework for improvements to Furze Green. It proposes the redevelopment of the temporary open space comprising the application site to deliver a comprehensive development solution.
- 4.10 This application forms the first of potentially three phases of residential-led mixed use development schemes within the boundary of the Furze Street Area Development Brief. A report on an outline planning application for the redevelopment of this site plus a further two adjoining phases are also included within this agenda.
- 4.11 There are no previous planning decisions relevant to the site of this application.

## 5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### Unitary Development Plan

Proposals: No 85 Land Between Furze St, Devons Road & Bow Common. Allocated for Business Use and Open Space – Development Brief to be prepared.

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed use Developments
DEV12	Landscaping
DEV13	Tree Planting
DEV17	Street Furniture
DEV18	Public Art
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV57	Nature Conservation
DEV59	Use of Land for Nature Conservation
EMP6	Employment of Local People
HSG2	New Housing Development
HSG3	Affordable Housing
HSG8	Wheelchair Accessible Housing
OS1	Protection of Open Space
OS4	Planning permission for temporary open space.
OS7	Loss of Open Space
T9	Discourage Non-Essential Private Car Journeys
T13	Essential Parking Needs
T15	Capacity of Transport System
T17	Parking Standards

## Emerging Local Development Framework

Proposals: C34 Development site within forthcoming Central Area Action Area Plan boundary. Designation undetermined.

Core Strategies:

CP1	Creating Sustainable Communities
CP2	Equality of Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth
CP9	Employment Space for Small Businesses
CP15	Provision of a Range of Shops and Services
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix and Type
CP22	Affordable Housing
CP25	Housing Amenity Space
CP27	High Quality Social and Community Facilities to Support Growth
CP30	Improving the Quality and Quantity of Open Spaces
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development With Transport
CP42	Streets for People
CP46	Accessible and Inclusive Environments
CP47	Community Safety

Policies:

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV9	Sustainable Construction Materials
DEV10	Disturbance From Noise Pollution
DEV12	Management of Demolition and Construction
DEV15	Waste and Recyclables Storage
DEV17	Transport Assessments
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
EE1	Land Adjoining Industrial Location
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provision in Individual Private residential and Mixed use Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space

## Planning Standards

Planning Standard 1:	Noise
Planning Standard 2:	Residential Waste Refuse and Recycling Provision
Planning Standard 4:	Tower Hamlets Density Matrix
Planning Standard 5:	Lifetime Homes

**Supplementary Planning Guidance/Documents**  
Furze Street Area Development Brief

**Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPG24	Planning and Noise

**Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

**6. CONSULTATION RESPONSE**

**LBTH Parks**

- 6.1 Regrets the loss of open space but takes some comfort in the potential to turn Furze Street into a Home Zone that may create an environment in which people feel their children can safely play outside their front doors and supplement the remaining open space of Furze Green. Supports the section 106 financial contributions to improve Furze Green and look forward to working with the developer and local community in delivering an improved local amenity with increased access and permeability.

**LBTH Housing**

- 6.2 The scheme provides 35% affordable housing by habitable rooms in accordance with policy. The 80:20 ratio between rental and intermediate housing is satisfactory. There is a shortfall in family accommodation in affordable housing with 32% being provided. In the market housing, there is an over provision of one bed units and an under provision of three bed units or larger (10% as against a target of 25%).

**LBTH Education**

- 6.3 Taking account of the cumulative impact of residential developments throughout the Borough, recommend that a contribution is sought from the applicant for 9 additional primary school places @ £12,342 = £111,078.

**LBTH Environmental Health**

- 6.4 Advises that there is a potential noise conflict between the mixed usage of the proposed residential and the adjacent industrial uses.

**LBTH Highways**

- 6.5 The site is well served by public transport. As no off street parking is proposed a car free agreement is recommended. The repaving of both footways and resurfacing of the carriageway of Furze Street is required including the footway frontage of Bow Common Lane. The development will create a redundant crossover on Devons Road which will need to be removed. These works will be carried out by the Council, under a section 278 agreement at the developer's cost.

**Tower Hamlets Primary Care Trust**

- 6.6 Based on 2 years revenue contribution, calculates that the proposal would generate a

requirement in revenue and capital contributions respectively of £296,321 + £62,200 = £358,521.

### **Metropolitan Police, Crime Prevention Officer**

- 6.7 No objections. Makes security recommendations which are either to be management issues or could be dealt with when reserved matters are approved.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 270 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	6	Objecting:	5	Supporting:	1
No of petitions received:	Nil				

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

### Objecting

Open Space:

The proposals would result in an unacceptable loss of open space and mature trees.

Design:

The proposed six storey building would be unattractive.

Amenity:

- The proposal would give rise to a loss of sunlight and daylight. If Area 1 is developed independently there will be significant noise intrusion from the industrial uses on the neighbouring sites.
- Units located on the ground floor adjacent to the proposed commercial and associated service areas will be afforded limited aural and visual privacy.
- There is no acoustic report accompanying the application.
- Rear private open space of the proposed townhouses is afforded little privacy from living areas and associated private amenity areas in the adjacent 4-6 storey apartment buildings proposed.

Highways

The absence of car parking is inappropriate and conflicts with the development brief

Underdevelopment:

- The proposals represent an underdevelopment of the site and do not make the best and most economic use of land.
- The approval of an application in the form currently submitted would have a detrimental effect in terms of the future development potential of adjoining property.

### Supporting

- The open space at Devons Road end is often used by fly tippers.
- The improvement of Furze Green can only benefit the area as currently it is not very accessible due to the perimeter being surrounded by metal railings.
- The proposed retail units will give residents more choice and shops closer to home.

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Housing policy
3. Residential density
4. Design
5. Amenity issues
6. Highways issues
7. Section 106 obligations.

### Land Use

8.2 The principle land use issues relate to the loss of the temporary open space and the acceptability of the proposed uses.

8.3 As mentioned, the site was laid out as open space on a temporary basis. The 1998 UDP designates the application site as Open Space/Industrial Employment Area. UDP Policy OS1 safeguards sites allocated for open space. UDP policy OS4 says temporary planning permission will normally be granted for temporary public open space where land would otherwise remain vacant. The Plan says that such permission will not prejudice the ultimate grant of planning permission for other appropriate development. UDP policy OS7 resists loss of public open space having significant recreation or amenity value except inter-alia *“where the development is laid out as temporary open space in accordance with policy OS4”*. The Council’s emerging LDF Policy OSN2 states that development on open space will only be allowed if ancillary to an open space function.

8.4 Policy CP19 of the Council’s emerging LDF states that the Council will seek to direct all the required housing provision to brownfield sites appropriate for housing. The LDF Proposals Map designates the site as a development site within a forthcoming Central Area Action Area Plan.

8.5 A key objective of the Furze Street Area Development Brief is to promote the co-ordinated redevelopment of the existing industrial area and temporary open space to secure a high quality mixed use development providing new employment opportunities and new housing. The Brief says this is to go in hand with improvements to the quality of Furze Green Open Space for use by the local community. Consequently, the developer has agreed to a one-off payment for the improvement of Furze Green.

8.6 Overall, the loss of open space and redevelopment of the site to include the mix of new uses accords with the Furze Street Area Development Brief and the spirit of UDP policy OS7. The scheme would contribute towards meeting local housing needs, the small commercial units would provide uses serving the local community and overall no land use objection is raised.

### Housing Policy

8.7 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Emerging LDF Policy HSG2 states that the Council require the intermediate and market housing to provide an even mix of dwelling sizes including a minimum provision of 25% family housing comprising 3, 4, and 5 plus bedrooms to meet

housing needs.

8.8 The application proposal would provide 78 residential units in the following mix:

	<b>Total No. of Units</b>	<b>% of Total Units</b>	<b>HSG2 policy requirement</b>
1 Bed	36	46%	
2 Bed	31	40%	
3 Bed	9	11.5%	25%
4 Bed	2	2.5%	
<b>TOTAL</b>	<b>78</b>	<b>100%</b>	

8.9 Whilst there would be a shortfall of family accommodation assessed against the emerging LDF, at the time the application was in formulation, the Furze Street Area Development Brief did not require family units in the market accommodation. However, the applicant has redesigned the scheme to include 10% family units by habitable room on the basis of anticipated changes in policy. This is considered acceptable.

8.10 Policy CP19 of the Council's emerging LDF states that all housing should contribute to the Council's housing need whilst Policy CP22 of the LDF states that the Council will seek a minimum of 35% affordable housing on developments proposing 10 new dwellings or more. Emerging LDF Policy HSG3 states that in seeking to negotiate the maximum reasonable amount of affordable housing on individual mixed use schemes, the Council will have regard to the economic viability of the proposal, other site requirements, including other planning contribution requirements and the need to ensure that new housing development responds Emerging LDF Policy HSG10 states that affordable housing will be calculated using habitable rooms as a primary measure to allow for the most suitable mix of housing. The proposed residential mix includes 35% affordable housing on a habitable room basis.

8.11 The affordable housing for rent would comprise the following dwelling mix:

	<b>Number of Units</b>	<b>Number of Habitable Rooms</b>	<b>% of Total Habitable Rooms</b>	<b>LBTH Housing Needs Survey (Unit Basis)</b>
1 Bed	6	12	20%	20%
2 Bed	7	21	36%	35%
3 Bed	4	16	27%	30%
4 Bed	2	10	17%	15%
<b>TOTAL</b>	<b>19</b>	<b>59</b>	<b>100%</b>	<b>100%</b>

8.12 The applicants have agreed that 35% of all habitable rooms shall be affordable housing which complies with the emerging LDF policy. They have also agreed to an 80/20 split between the affordable rent/intermediate housing tenure. In terms of habitable rooms the application includes 44% of the rented provision as 3 and 4 bed family houses by habitable room. This is very close to the expected minimum indicated as required by the Council's Housing Needs Survey.

8.13 These houses have been designed as substantially larger than the Council's minimum size standards and overlook Furze Green.

### **Residential density**

8.14 In policy HSG9 of the UDP an upper figure of 247 habitable rooms per hectare is given for new residential densities although exceptions are given. LDF Policy CP20 states that the Council will seek to maximise residential densities, taking into account the individual relative merits of sites and their proposals

8.15 The site has a public transport accessibility level (PTAL) of 3 where the recommended density range advocated by the London Plan and the emerging LDF is up to 450 habitable rooms per hectare (hrph). Such a density was proposed in the Furze Street Area Development Brief. At a density of 712 (hrph) the density of the scheme exceeds this level. However, the scheme is still considered to be acceptable in the context of UDP Policy HSG9 in that:

- The development is located in an area with reasonable access to public transport, open space and other local facilities (in this case buses directly serving the site and located 300 metres from Devons Road DLR station);
- The proposal does not result in any consequence typically seen in an overdeveloped site (i.e. poor size of flats, significant loss of light to adjacent properties, loss of privacy/overlooking of adjacent amenity space, lack of amenity space etc); and
- The proposal meets the other standards for new development in the UDP.

### **Design**

8.16 The proposal has generally been designed in accordance with the Development Brief and is considered to achieve all the design principles developed in the brief. Whilst slightly higher than anticipated, the bulk and massing is considered acceptable given the context of the site.

8.17 The scheme proposes variations in height and massing at appropriate locations which it is considered would produce interest and character. The two blocks, both on Devons Road and Furze Street, would be aligned with the back edge of the pavements as anticipated by the Development Brief to help reinforce the existing street edge.

8.18 All the residential units meet with the Council's space standards and in some instances these are exceeded substantially. The distance between habitable room windows exceeds the Council's minimum standards. Although there is some overlooking of private amenity spaces to dwellings on Furze Street from the main block on Devons Road, this would be to a level that is generally consistent with urban locations. Most units within the scheme would have direct access to private amenity space whilst there would be over 500 square metres of private communal open space at ground floor level. In addition, the site is located adjacent Furze Green to which improvements would be made. Accordingly, amenity space provision is considered acceptable.

8.19 All the housing is designed in accordance with 'Lifetime Homes' requirements, 10% of which shall be wheelchair accessible.

8.20 Overall, it is considered that the proposal represents a scale, massing and design which would respond well to the site's context, including its relationship with Furze Green and emerging development in the area.

### **Amenity**

8.21 The applicants have provided an analysis of the shadowing that the scheme would cause. This indicates minimal impact for approximately 2 hours per day for part of the year upon the residential block across the road at 213 Devons Road (on the corner of Furze Street) and for approximately an hour per day for part of the year on the residential blocks on the northern side of Devons Road. It is considered that satisfactory conditions would ensue.

8.22 It is accepted that there is the potential for the proposed residential accommodation to experience noise and disturbance from the existing industrial uses, scrap yards nearby and the commercial unit within the development. However, as mentioned, this application forms the first of potentially three phases of residential-led redevelopment schemes in the Furze Street area. Problems could only potentially arise if the other phases did not proceed.



Accordingly it is recommended that, any planning permission be conditioned to require a detailed noise study with measures to be implemented to protect future occupants of the residential accommodation from noise disturbance.

## **Highways**

- 8.23 Proposing no car parking, the scheme has little implication for conditions on the public highway. A “car free “ arrangement that prohibits the occupants of the development from applying for residential parking permits is recommended together with a section 278 agreement under the Highways Act to fund essential improvements to the adjoining highways. The applicant has also agreed to make a financial contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road.

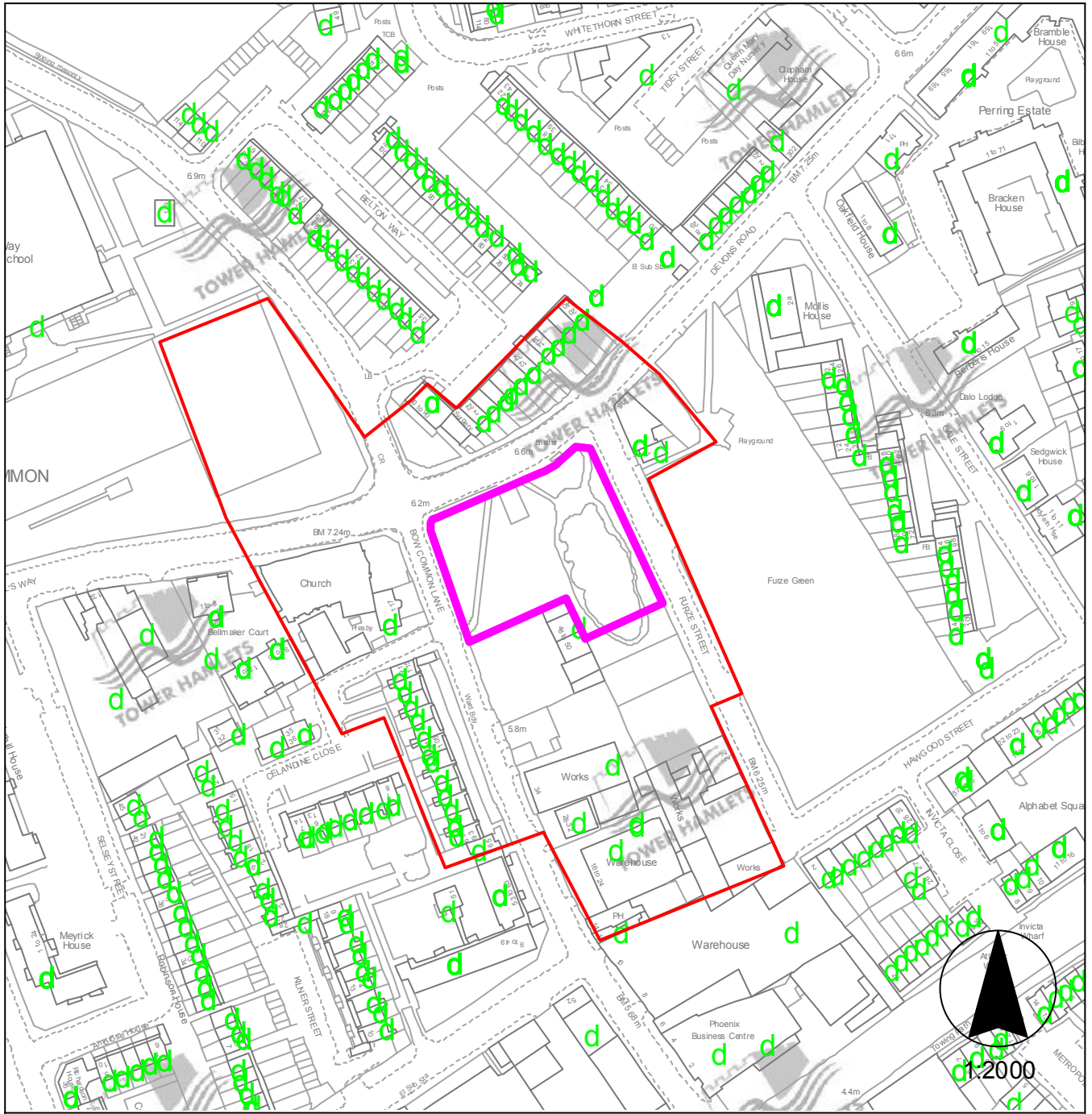
## **Section 106 obligations**

- 8.24 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging LDF say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.25 The Education Department has calculated that the proposal would generate a child yield of 26 additional primary school places in the area requiring a total contribution of £111,078. Tower Hamlets Primary Care Trust calculated that, overall the proposal could generate a requirement of £358,521 (£296,321 in revenue contributions and £62,200 in capital contributions) in respect of increased demands on health services.
- 8.26 However, with the development involving the loss of open space, investment into the improvement of the adjacent Furze Green open space, which is an aim of the Furze Street Area Development Brief is considered of greater importance. Accordingly, it is recommended that the sums that would normally be requested from an applicant in respect of Education and Health be replaced by a sum for the improvement of the open space.
- 8.27 The Secretary of State advises that planning obligations should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and to be reasonable in all other respects. The applicants have agreed to the planning obligations to mitigate against the impact of the proposed development set out in Section 3B of this report.
- 8.28 It is considered that the planning obligations recommended in section 3.1B and the conditions in section 3.2 of this report are appropriate in this case and accord with the government guidance.

## **9 CONCLUSION**

- 9.1 In land use, housing, design and traffic terms the development is considered satisfactory. Whilst it would involve the loss of temporary public open space, this would be compensated by improvements to Furze Green that would make it have greater utility for the local community. All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# 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 Bow Common Lane and Furze Street on Devons Road, Devons Road, London, E3

# Agenda Item 6.3

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> November 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.3
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for decision	
<b>Case Officer:</b> David Gittens		<b>Ref No:</b> PA/06/01097	
		<b>Ward(s):</b> Bromley By Bow	

## 1. APPLICATION DETAILS

- Location:** Land Bounded By Bow Common Lane, Furze Street and Devons Road, Devons Road, London, E3.
- Existing Use:** Temporary open space, scrap yard, industry and warehousing.
- Proposal:** In outline, demolition of existing buildings and the construction of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 220 sq m of A1 (Shop), A2 (Financial and professional services, B1 (Business) or D1 (Non residential institution) and 640 sq m of B1 (Business) or D1 (Assembly and leisure) floorspace.
- Drawing Nos:** 697\_200; 697\_210; 697\_1000; 697\_1100; 697\_1101; 697\_1102; and 697\_1103; 697\_1104; 697\_1105; 697\_1106; 697\_1120;
- Applicant:** Telford Homes
- Owner:** Luminus, Visionhire, Barry Shotter, Ali Soyer Abraham Hadjailt, Edward Leszek Gradosielski, Peter Richard Whiley, Derek Neal Chapman, Newspace Developments Limited, Barbara Beatrice Chambers, London Borough of Tower Hamlets.
- Historic Building:** No
- Conservation Area:** No

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### Reasons for grant

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- In principle, the redevelopment of the site to provide 215 residential units and 220 sq m of A1/A2/B1 or D1 commercial floorspace and 640 sq m of B1 or D1 commercial floorspace is acceptable, subject to appropriate planning obligations agreements and conditions to mitigate against the impact of the development and minimise any adverse impact for future occupiers of the proposed development; and
  - It is considered that the proposed use would not have an adverse impact on the residential amenity of surrounding properties. A number of conditions are recommended to secure submission of reserved matters and submission of details of external lighting, sound insulation, and to control noise and hours of construction.

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		David Gittens 020 7364 5369

### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

- A. Referral to the Secretary of State pursuant to the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999, as a departure application involving an alternative development on land allocated for public open space and industrial employment in the Tower Hamlets Unitary Development Plan 1998.
- B The prior completion of a legal agreement to the satisfaction of the Chief Legal Officer to secure the following:

#### **Phase 1**

- a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
- b) A financial contribution of £345,000 for the improvement of Furze Green open space (£2,500 per saleable habitable room) and the possible treatment of Furze Street as a Closure/Home Zone.
- c) A financial contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road.
- d) Local labour in construction.
- e) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.

#### **Phases 2 and 3**

- a) Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
- b) A financial contribution of £180,000 to undertake Home Zone treatment of Furze Street or alternatively an estimated financial contribution of £50,000 to break out and turf Furze Street;
- c) Preparation of a right of way "walkway agreement" for crossing through the site between Bow Common Lane and Furze Street;
- d) A financial contribution of £20,000 towards signage and pedestrian and cyclist routes in the vicinity;
- e) A financial contribution towards public transport services;
- f) A financial contribution towards education to mitigate the demand of additional population on education facilities;
- g) A financial contribution towards healthcare in accordance with the NHS HUDU model to mitigate the demand of the additional population on health care services on the delivery of phases 2 and 3;
- h) A financial contribution to support access to employment initiatives;
- i) A financial contribution of £35,000 towards public art;
- j) Local labour in construction;
- k) 'Car free' arrangements to restrict the occupants of the development from applying for residents parking permits.

- C That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

#### **Conditions**

- 1) Time limit for outline planning permission.

## **Phase 1**

- 1) Submission and approval of the landscaping treatment of the site to include hard and soft treatments, any gates, walls and fences.
- 2) The materials to be used on the external faces of the development.
- 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 4) Investigation of land contamination and the implementation of remediation measures.
- 5) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Council's approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 6) Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 7) Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 8) Details of any external lighting.

## **Phases 2 and 3**

- 1) No development shall commence until such time as the owner of the land enters into an agreement pursuant to section 106 of the Town and Country Planning Act in respect of the matters referred to in paragraph "B Phases 2 and 3" above.
- 2). The submission and approval of the following reserved matters:
  - a) The design of the buildings.
  - b) External appearance of the buildings.
  - c) The landscaping treatment of the site to include hard and soft treatments, any gates, walls and fences.
- 3) The materials to be used on the external faces of the development.
- 4) 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 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 5) 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.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season.
- 7) The submission of a Noise Survey and details of sound insulation/attenuation measures, to protect future residents from noise and vibration for the Councils approval in writing. The sound insulation/attenuation measures as approved shall be implemented and thereafter maintained unless otherwise agreed in writing.
- 8) Details of external lighting.
- 9) Details of recycling, refuse storage and collection to be submitted for the Council's

written approval.

- 10) Investigation of land contamination and the implementation of remediation measures.
- 11) Details of surface and foul water drainage systems.
- 12) No soakaways shall be constructed in contaminated ground.
- 13) Details of foundation design.
- 14) Any other condition(s) considered necessary by the Head of Development Decisions.

### **Informatives**

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
  - 2) With regard to Phase 1 Condition 4 and Phases 2 and 3 Condition 9 (Decontamination), you should contact the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY and the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts, AL10 9EX. Tel: 08708 506 506.
  - 3) With regard to Phase 2 Conditions 10, 11, and 12 (measures to prevent pollution of ground/surface water, foul and surface drainage system, and foundation design) you should contact the Environment Agency, Apollo Court, 2 Bishops Square Business Park, St Albans Road West, Hatfield, Herts AL10 9EX. Tel: 08708 506 506.
  - 4) You are advised that any change of use of the Class A1, A2, B1 or D1 floorspace hereby permitted should accord with Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development Order) 1995.
  - 5) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY.
  - 6) You should consult the Council's Highways Development Department, Mulberry Place (AH), 4th Floor, PO Box 55739, 5 Clove Crescent, London E14 1BY regarding any alterations to the public highway.
- 3.3 That, if by 28 February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

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

### **Proposal**

- 4.1 Application is made for demolition of existing buildings and the construction of 215 residential units including one, two and three bedroom apartments and three and four bedroom town houses in blocks ranging in height between 3 and 6 storeys and the creation of 220 sq m of A1 (Shop), A2 (Financial and professional services), B1 (Business) or D1 (Non residential institution) and 640 sq m of B1 or D1 floorspace.
- 4.2 The proposal involves the provision of a group of seven closely placed blocks fronting Devons Road at 5 storeys, terminating with a 6 storey block on the corner with Furze Street. The remainder of the northern part of the site would have 3 storey houses and 4 storey blocks fronting Furze Green. Bow Common Lane would be fronted by three blocks of between 4 and 5 storeys. The proposal incorporates a pedestrian walkway that runs between the southern end of Furze Street and Bow Common Lane.
- 4.3 Of the 215 residential units it is proposed that 67 will be affordable and 148 will be private for sale. This would equate to 35% affordable housing provision by habitable rooms. In total, there will be 96 one-bedroom flats, 88 two-bedroom flats, 15 three-bedroom flats, 8 three-bedroom town houses, and 8 four-bedroom town houses. The commercial floorspace would be provided on the ground floor; concentrated primarily on the Devons Road and Bow Common Lane frontages.

- 4.4 The northern part of the site (Phase 1) is subject to an application for detailed planning permission (PA/06/1096) reported elsewhere on this agenda and in that respect the two schemes are identical. Landscaping is reserved by both applications and in respect of the southern part of the site (Phases 2 and 3), this application seeks approval to siting, means of access with the design and external appearance of the buildings reserved for future determination.

### **Site and Surroundings**

- 4.5 The site covers an area of 0.94 hectares and is bounded by Bow Common Lane to the west, Devons Road to the north, Furze Street to the east, and other commercial uses to the south. The northern third of the site is currently a temporary open space that was initially laid out in the early 1980s by the former Greater London Council (GLC). It was subsequently transferred to Tower Hamlets by the Greater London Residuary Body. The GLC erected a Notice on the land to advise that it was for the temporary use of the public. This notice has been maintained by the Council. The uses within the rest of the site include a printing works, vehicle repairs and an open yard used for the breaking and storage of heavy commercial vehicle parts.
- 4.6 Adjoining the site to the south east, fronting Hawgood Street and Limehouse Cut is the modern 3/4 storey Invicta Close/Alphabet Square development of residential and live/work units. To the east of the application site across Furze Street is Furze Green, a 0.8 hectare Council owned publicly open space. At the north end of Furze Green is a recently constructed children's play area.
- 4.7 The wider area surrounding Furze Green and along Devons Road and Bow Common Lane comprises predominantly of residential blocks that vary in height from 4 to 6 storeys.
- 4.8 The site is located approximately 300 metres, from Devons Road DLR station to the east, providing services between Stratford, Canary Wharf and Lewisham. There are three bus routes serving the site (309, 323 and D8 services) and the site is located approximately 600 metres east of Burdett Road, which has additional bus routes.

### **Planning History**

- 4.9 The northern most part of the development site was initially laid out as temporary public open space in the early 1980s by the former Greater London Council (GLC) and was subsequently transferred to Tower Hamlets by the Greater London Residuary Body. The GLC had erected a Notice on the land to advise that it was for the temporary use of the public. This notice has since been maintained.
- 4.10 A number of minor planning permissions have been granted for a few of the commercial sites over the last 15 years or so that are not relevant to this application.
- 4.11 In July 1992, the Council served an enforcement notice on the southern part of the site on the western side of Furze Street requiring that the use of the land for the storage of scrap stop.
- 4.12 In February 2005, the Planning Inspectorate dismissed an appeal by the current applicant against the Council's refusal of planning permission for the redevelopment of part of the current application site on the west side and southern end of Furze Street by the erection of a building between 5 to 9 storeys high for use as 130 residential flats, 979 sq. m of floorspace for use as Class A1 (Shop), A3 (Food and drink), B1 (Business) or B8 (Storage and distribution) with car parking in a semi basement. At 1,119 habitable rooms to the hectare (hrph) net, the Inspector agreed that the scheme was an overdevelopment and did not comply with the Council's dwelling mix policies.

4.13 In November 2005 the Furze Street Area Development Brief for was approved by the Council’s Cabinet as Interim Planning Guidance. The Development Brief area principally covers the application site and the Furze Green open space to east.

4.14 The Development Brief promotes a range of uses including residential development, affordable housing and new employment opportunities. It also presents a clear framework for improvements to Furze Green linked to developer contributions arising from the redevelopment of the temporary open space within the northern part of the application site to deliver a comprehensive development solution.

## 5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### Unitary Development Plan

Proposals: No 85 Flood Protection Areas  
Land Between Furze St, Devons Road & Bow Common  
Allocated for Business Use and Open Space – Development Brief to be prepared

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed use Developments
DEV12	Landscaping
DEV13	Tree Planting
DEV17	Street Furniture
DEV18	Public Art
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV57	Nature Conservation
DEV59	Use of Land for Nature Conservation
EMP6	Employment of Local People
HSG2	New Housing Development
HSG3	Affordable Housing
HSG8	Wheelchair Accessible Housing
OS1	Protection of Open Space
OS3	Implementation of a Programme of (open space) Improvements, subject to resources
OS4	Planning permission for temporary open space
OS7	Loss of Open Space
T9	Discourage Non-Essential Private Car Journeys
T13	Essential Parking Needs
T15	Capacity of Transport System
T17	Parking Standards

### Emerging Local Development Framework

Proposals: C34 Development site within forthcoming Central Area Action Area Plan boundary. Designation undetermined.

Core Strategies:

CP1	Creating Sustainable Communities
CP2	Equality of Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth



CP9	Employment Space for Small Businesses
CP10	Strategic Industrial Locations and Local Industrial Locations
CP11	Sites in Employment Use
CP15	Provision of a Range of Shops and Services
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix and Type
CP22	Affordable Housing
CP25	Housing Amenity Space
CP27	High Quality Social and Community Facilities to Support Growth
CP30	Improving the Quality and Quantity of Open Spaces
CP37	Flood Alleviation
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development With Transport
CP42	Streets for People
CP43	Better Public Transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety

Policies:

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV9	Sustainable Construction Materials
DEV10	Disturbance From Noise Pollution
DEV12	Management of Demolition and Construction
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
EE1	Land Adjoining Industrial Location
EE2	Redevelopment/Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provision in Individual Private residential and Mixed use Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space

**Planning Standards**

Planning Standard 1:	Noise
Planning Standard 2:	Residential Waste Refuse and Recycling Provision
Planning Standard 4:	Tower Hamlets Density Matrix
Planning Standard 5:	Lifetime Homes

**Supplementary Planning Guidance/Documents**

Furze Street Area Development Brief

## **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPG24	Planning and Noise
PPG25	Development and Flood Risk

**Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

## **6. CONSULTATION RESPONSE**

### **LBTH Parks**

- 6.1 Regrets the loss of open space but takes some comfort in the potential to turn Furze Street into a Home Zone that may create an environment in which people feel their children can safely play outside their front doors and supplement the remaining open space of Furze Green. Supports the section 106 financial contributions to improve Furze Green and look forward to working with the developer and local community in delivering an improved local amenity with increased access and permeability.

### **LBTH Housing**

- 6.2 Whilst the detailed application for area 1 proposes 35% affordable housing, the remaining phases are slightly under at 34%. Since this is an outline application, and its deliverability is uncertain the affordable housing element should meet the minimum 35% policy level.

### **LBTH Education**

- 6.3 Recommend that a contribution is sought from the applicant for additional primary school places as follows:

Phase 1 - 9 primary places @ £12,342 = £111,078  
Phase 2 - 6 primary places @ £12,342 = £74,052  
Phase 3 - 11 primary places @ £12,342 =£135,762

Total £186,027

### **LBTH Environmental Health**

- 6.4 Concerned at potential for noise conflict between the proposed residential and adjacent industrial uses. Recommends a Noise Survey and details of sound insulation/attenuation measures to protect future together with a condition to secure decontamination.

### **LBTH Highways**

- 6.5 The site location is well served by public transport. The DLR at Devons Road and numerous bus routes are available on Bow Common Lane, Devons Road and Burdett Road, all within easy walking distance. However no off street parking is proposed. Therefore a section 106 car free agreement is required. The repaving of both footways and resurfacing of the carriageway of Furze Street is required including the footway frontage of Bow Common Lane. The development will create a redundant crossover to the Devons Road frontage which will need to be removed. These works will be carried out by the Council, under a S278

agreement at the developer's cost.

### **Environment Agency**

6.6 No objection subject to conditions safeguarding against water pollution.

### **Tower Hamlets Primary Care Trust**

6.7 Based on 2 years revenue contribution, calculate that the three separate phases would generate the following requirement in revenue and capital contributions respectively:

Phase 1: £296,321 + £62,200 = £358,521

Phase 2: £197,957 + £48,950 = £246,907

Phase 3: £331,159 + £75,450 = £406,609

Total £1,011,767

## **7. LOCAL REPRESENTATION**

7.1 A total of 270 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 5            Objecting: 4            Supporting: 1  
No of petitions received: Nil

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

### Objecting

Open Space:

- The proposals would result in an unacceptable loss of open space and mature trees.

Design:

- The proposed six storey building would be unattractive.

Amenity:

- The proposal would give rise to a loss of light.
- The proposals do not recognise the fact that if Area 1 (the northern part of the site) is developed independently there will be significant noise intrusion from the industrial uses on the neighbouring sites.
- Units located on the ground floors of Areas 1 and 3, adjacent to the proposed commercial and associated service areas will be afforded limited aural and visual privacy.
- There is no acoustic report accompanying the application.
- Rear private open space of proposed townhouses would be afforded little privacy from living areas and associated private amenity areas in the adjacent 4-6 storey apartment buildings proposed.

Highways:

- The absence of car parking is inappropriate and conflicts with the development brief.

## Supporting

- The existing industrial buildings and scrap yard do not fit in with the other residential buildings around it.
- The open space the Devons Road end is often used by fly tippers.
- The suggested redevelopment of Furze Green can only be of benefit to the area as currently the green is not very accessible due to the entire perimeter being surrounded by metal railings.
- The proposed retail units will give residents more choice and shops closer to home.

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- On behalf of Luminous Group that owns a considerable proportion of the development site. Discussions need to occur immediately between the applicant, Luminous Group, and the Council to provide certainty of implementation across the site.

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land use
2. Housing policy
3. Residential density
4. Design
5. Amenity issues
6. Highways issues
7. Section 106 obligations

### **Land Use**

8.2 The principle land use issues relate to the loss of the temporary open space; the loss of employment use; and the acceptability of the proposed uses.

8.3 As mentioned, the site was laid out as open space on a temporary basis. The 1998 UDP designates the application site as Open Space/Industrial Employment Area. UDP Policy OS1 safeguards sites allocated for open space. UDP policy OS4 says temporary planning permission will normally be granted for temporary public open space where land would otherwise remain vacant. The Plan says that such permission will not prejudice the ultimate grant of planning permission for other appropriate development. UDP policy OS7 resists loss of public open space having significant recreation or amenity value except *inter-alia* "where the development is laid out as temporary open space in accordance with policy OS4". The Council's emerging LDF Policy OSN2 states that development on open space will only be allowed if ancillary to an open space function.

8.4 UDP policy EMP1 promotes employment growth that meets the needs of local people and opposes development resulting in a loss of employment generating uses (EMP2). However, exceptions to EMP2 will be considered for example where the loss of employment generating land is made good by replacement with good quality buildings likely to generate a reasonable density of jobs.

8.5 Policy EE2 of the emerging LDF states that proposals for redevelopment/change of use and/or a reduction in employment floorspace may be considered where the site is considered unsuitable for continued employment use due to its location accessibility, size and condition; and where the creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal.

- 8.6 Policy CP19 of the Council's emerging LDF states that the Council will seek to direct all the required housing provision to Brownfield sites appropriate for housing whilst policy CP20 states that the Council will seek to maximise residential densities, taking into account the individual relative merits of sites and their proposals. The LDF proposals map designates the site as a development site within forthcoming Central Area Action Area Plan boundary.
- 8.7 At present the overall site contains approximately 2,993 square metres of employment floorspace across a range of ownerships and different uses. Some of these uses are particularly incompatible with residential locations.
- 8.8 The applicants anticipate that there is significant potential for the employment uses proposed within the modern buildings to have a greater employment density than the existing commercial floorspace on the site. In addition they state that studies of this part of East London indicate that there is a demand for accommodation from businesses that are residential compatible.
- 8.9 The key objectives of the Furze Street Area Development Brief was to promote the co-ordinated redevelopment of the existing industrial area and temporary open space to secure a high quality mixed use development providing new employment opportunities, new housing including affordable and family accommodation. This was to go in hand with improvements to the quality of Furze Green Open Space and its use by the local community.
- 8.10 In this context the loss of open space and redevelopment of the whole site to include the mix of new uses as proposed is in keeping with the Furze Street Area Development Brief. Further, in refusing planning permission in 2004 for the redevelopment of the southern part of the site alongside Furze Street, the Council did not raise any land use objection. The Inspector said: *"I agree with this approach. The scheme would secure the removal of an incongruous and unsightly use from an area that is primarily residential in character and a more effective use of urban land, providing housing and employment opportunities."*

### Housing Policy

- 8.11 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Emerging LDF Policy HSG2 states that the Council require the intermediate and market housing to provide an even mix of dwelling sizes including a minimum provision of 25% family housing comprising 3, 4, and 5 plus bedrooms. Whilst LDF Policy HSG3 states that in seeking to negotiate the maximum reasonable amount of affordable housing on individual mixed use schemes, the Council will have regard to the economic viability of the proposal, other site requirements, including other planning contribution requirements and the need to ensure that new housing development responds to housing needs.
- 8.12 The proposal would provide 215 residential units with the following mix:

	Number of Units	% of Total Units	HSG2 Policy Requirement)
1 Bed	96	44.5%	
2 Bed	88	41%	
3 Bed	23	10.5%	25%
4 Bed	8	4%	
<b>TOTAL</b>	<b>215</b>	<b>100%</b>	<b>100%</b>

- 8.13 Whilst there would be a shortfall of family accommodation assessed against the emerging LDF, at the time the application was in formulation, the Furze Street Area Development Brief did not require family units in the market accommodation. However, the applicant has redesigned the scheme to include 23.5% family units by habitable room on the basis of

anticipated changes in policy. This is considered acceptable.

8.14 Policy CP19 of the Council's emerging LDF states that all housing should contribute to the Council's housing needs whilst Policy CP22 of the LDF states that the Council will seek a minimum of 35% affordable housing on developments proposing 10 new dwellings or more. Emerging LDF Policy HSG3 states that in seeking to negotiate the maximum reasonable amount of affordable housing on individual mixed use schemes, the Council will have regard to the economic viability of the proposal, other site requirements, including other planning contribution requirements and the need to ensure that new housing development responds. Emerging LDF Policy HSG10 states that affordable housing will be calculated using habitable rooms as a primary measure to allow for the most suitable mix of housing. The proposed residential mix includes 35% affordable housing on a habitable room basis.

8.15 The affordable housing for rent would comprise the following dwelling mix:

	<b>Number of Units</b>	<b>Number of Habitable Rooms</b>	<b>% of Total Habitable Rooms</b>	<b>LBTH Housing Needs Survey (Unit Basis)</b>
1 Bed	16	32	20%	20%
2 Bed	19	57	35%	35%
3 Bed	8	32	20%	30%
4 Bed	8	40	25%	15%
<b>TOTAL</b>	<b>51</b>	<b>161</b>	<b>100%</b>	<b>100%</b>

8.16 The applicants have agreed that 35% of all habitable rooms shall be affordable housing which complies with the current LDF policy. They have also agreed to an 80/20 split between the affordable rent/intermediate housing tenure. In terms of habitable rooms the application includes 45% of the rented provision as 3 and 4 bed family houses by habitable room. This is in line with the expected minimum indicated as required by the Council's Housing Needs Survey.

8.17 The houses have been designed as substantially larger than the Council's minimum size standards.

8.18 All the residential units meet with the Council's space standards and in some instances these are exceeded substantially, which is welcomed.

### **Residential density**

8.19 Policy HSG9 of the UDP provides a guideline of 247 habitable rooms per hectare for new residential densities although exceptions are given. LDF policy CP20 states that the Council will seek to maximise residential densities, taking into account the individual relative merits of sites and their proposals.

8.20 The site has a public transport accessibility level (PTAL) of '3' where the anticipated density range would normally be up to 450 habitable rooms per hectare (hrph), in accordance with the London Plan and the emerging LDF. This was adopted in the Furze Street Area Development Brief. At an average density of 634 hrph the density of the scheme exceeds this level. However, the scheme is considered acceptable in the context of UDP Policy HSG9 in that:

- The proposed development is located in an area with reasonable access to public transport, open space and other local facilities (in this case buses directly serving the site and located 300 metres from Devons Road DLR station),
- The proposal does not result in any consequence typically seen in an overdeveloped site (i.e. poor size of flats, significant loss of light to adjacent properties, loss of privacy/overlooking of adjacent amenity space, lack of

amenity space or a development out of context with its surroundings.

## **Design**

- 8.21 The proposal has generally been designed in accordance with the Development Brief and achieves all the design principles developed in the brief. Whilst slightly higher than what was anticipated in the Development Brief, the bulk and massing is successfully resolved creating a scheme that is still much lower than some of the recent developments in the area and far more compatible with the local context than the scheme refused by the Planning Inspectorate in 2005.
- 8.22 The scheme has achieved variations in height and massing at appropriate locations and has therefore produced interest and character. The blocks are mainly positioned at the back edge of the pavement as anticipated by the Development Brief to help reinforce the existing street edge and define new pedestrian routes.
- 8.23 The family units, the houses in particular, are appropriately located directly facing Furze Green or with relatively direct access to it.
- 8.24 The distances between habitable room windows meet or exceed the Council's minimum standards. The external design details have been provided for Phase 1 part only. Although there would be some minor over looking of private amenity spaces within all phases of the proposal, this would be to a level that is generally consistent with urban locations. Most units within the scheme would have direct access to private amenity space whilst there is over 500 square metres of private communal open space available within Phase 1. In addition, the site is located adjacent Furze Green to which improvements would be made as a result of the scheme. Accordingly, the amenity space proposed is considered acceptable.
- 8.25 All the housing is designed in accordance with 'Lifetime Homes' requirements, 10% of which would be wheelchair accessible.
- 8.26 Overall, it is considered that the proposal represents a scale, massing and design which would respond well to the site's context, including its relationship with Furze Green and emerging development in the area.

## **Amenity**

- 8.27 In support of the application, the applicants have provided an analysis of the shadowing that the scheme would cause. Review of this information would indicate that only Phase 1 of the scheme causes any overshadowing. As mentioned in the accompanying report, impact on the residential block across the road at 213 Devons Road and across Devons Road would be minimal.
- 8.28 Should the development proceed in phases, there is the potential for the proposed residential accommodation to experience noise and disturbance from the existing industrial uses nearby. Accordingly it is recommended that, should planning permission be granted, that the applicants provide a detailed noise study with recommendations to protect future occupants of the residential accommodation from noise disturbance.

## **Highways**

- 8.29 The scheme has been considered by the Council's Highways Department who consider that the non provision of car parking is acceptable. They recommend that "car free" arrangements be put in place to restrict the occupants of the development from applying for residents parking permits together with a section 278 agreement under the Highways Act to fund essential improvements to the adjoining highways.

## **Section 106 obligations**

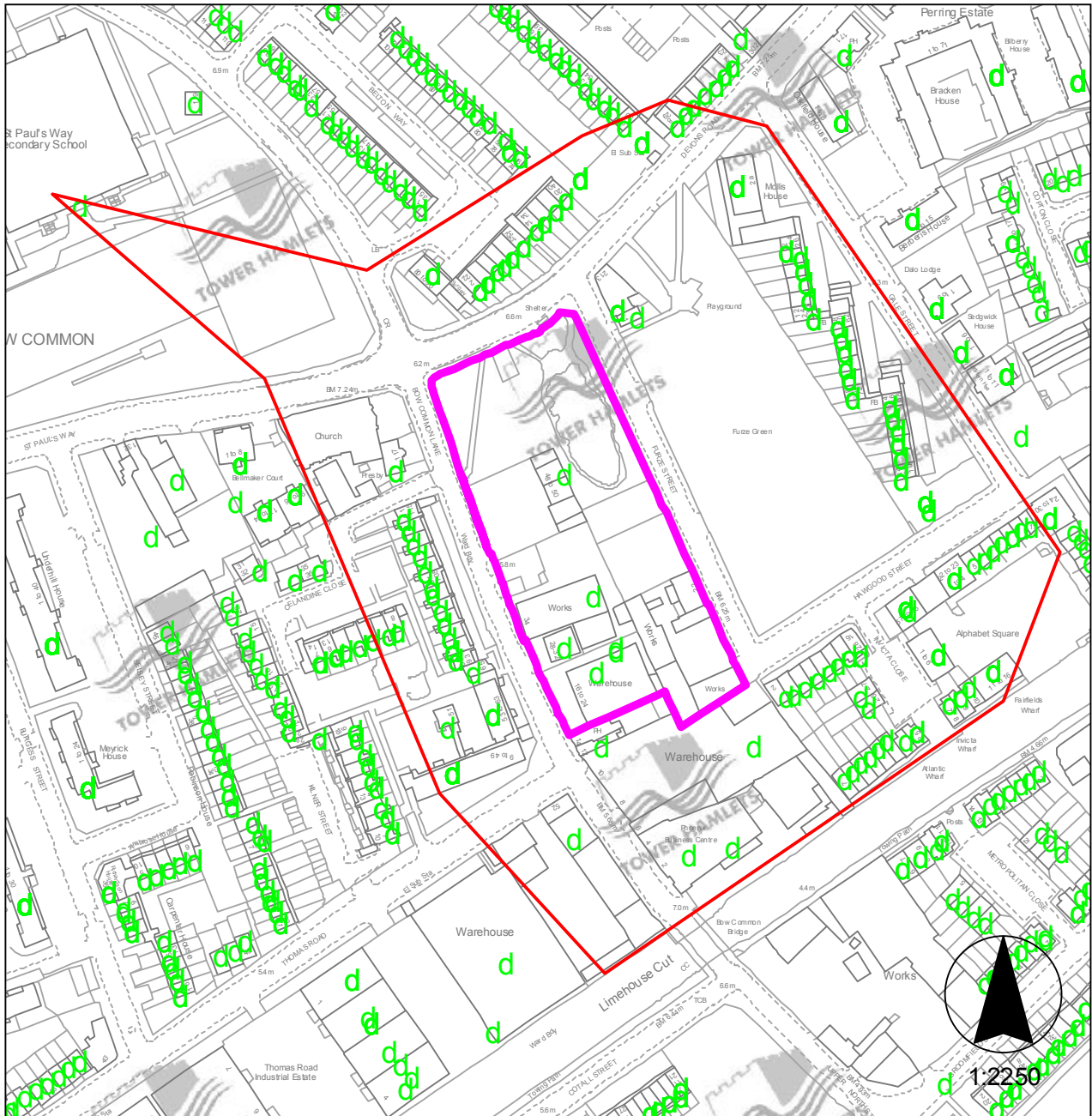
- 8.30 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging LDF make clear that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.31 The Secretary of State advises that planning obligations should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and to be reasonable in all other respects. The applicants have agreed to make the following planning obligations to mitigate against the impact of Phase 1 of the proposed development:
1. Affordable housing provision of 35% of the proposed residential units measured by floor space with an 80/20 split between rented/shared ownership;
  2. A financial contribution of £2,500 per saleable habitable room towards the improvement of Furze green open space;
  3. A financial contribution of up to £30,000 towards a safety audit and mitigation works at the junction of Furze Street and Devons Road;
  4. Local labour in construction; and
  5. 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.
- 8.32 The Education Department has calculated that the proposal would generate a child yield of 26 additional primary school places in the area requiring a total contribution of £320,892. Tower Hamlets Primary Care Trust calculated that, overall the proposal could generate a requirement of £1,012,037 (£825,437 in revenue contributions and £186,600 in capital contributions) in respect of increased demands on health services.
- 8.33 Whilst the ownership and likelihood of an outcome in respect of Phase 1 is certain, this is less so with regard to Phases 2 and 3. Accordingly, it is expected that the elements that would normally be secured by s106 agreement that relate to Phases 2 and 3 should be secured by a "Grampian" condition as recommended above.
- 8.34 In relation to this, the certainty of Phase 1 of the proposals provides the necessary funding for the improvement and on-going management of Furze Green. Accordingly, it is considered appropriate that Phase 1 should not provide any obligations in respect of financial contributions to Education and Health provision.
- 8.35 It is considered that the planning obligations recommended above are appropriate in this case and accord with the Government's guidance.

## **9 CONCLUSIONS**

- 9.1 In land use, housing, design and traffic terms the development is considered satisfactory. Whilst it would involve the loss of temporary public open space, this would be compensated by improvements to Furze Green that would make it have greater utility for the local community. The scheme would secure the removal of an incongruous and unsightly use from an area that is primarily residential in character and a more effective use of urban land, providing housing and employment opportunities. All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# 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

## Land Bounded By Bow Common Lane and Furze Street on Devons Road, Devons Road, London, E3

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# Agenda Item 6.4

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> November 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.4
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Laura Webster		<b>Ref No:</b> PA/06/1790	
		<b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

<b>Location:</b>	Site to the south of Westferry Circus and west of Westferry Road, London, E14.
<b>Existing Use:</b>	Car parking / vacant land
<b>Proposal:</b>	Erection of a Marquee style "temporary" structure (4865sqm) for a maximum of 2 months to cater for corporate entertainment events for the clients of Canary Wharf Plc within a period between 4th and 20th December 2006 with a 750-3500 guest capacity and opening hours of 11am to 4.30pm for daytime events and 18.30pm to 00.30am for evening events. (AMENDED DESCRIPTION - PLEASE NOTE CORRECT OPENING HOURS AND TIME PERIOD)
<b>Drawing Nos:</b>	Site plan, dated 6/09/06, drawing no. 001F proposed plans, Drawing no. 003 proposed elevations, aerial photograph titled 'event partners 2006 a', drawing no. 002E proposed site plan.
<b>Applicant:</b>	Dish 2 LTD
<b>Owner:</b>	Canary Wharf LTD
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### Reason(s) for Grant:

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- In principle, the use of the site for a temporary period up to 2 months for events between 4<sup>th</sup> and 20<sup>th</sup> December 2006 is acceptable, subject to appropriate conditions to control the operation of the marquee;
  - It is considered that the proposed use would not have an unacceptable impact on the residential amenity of the surrounding properties during the time period. A number of conditions are recommended to control noise, hours of operation and the temporary time period; and
  - Given the good accessibility of the site via public transport, it is considered that the temporary use of the site for events would not have a significant impact on traffic congestion and the current parking arrangements. Parking for contractors is available on site and taxi marshals will be available to organise taxi arrangements.

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Laura Webster 020 7364 2690

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission and the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

#### Conditions

- 1) Temporary Time Period (removal of structure by 8<sup>th</sup> January 2007)
- 2) Hours of Operation (Events held between 11:00am to 00:30am Monday to Fridays between 4<sup>th</sup>-20<sup>th</sup> December 2006).
- 3) The noise mitigation measures below shall be implemented at all times:
  - The noise level at the main speakers should be set at 70dB(A) at 10m within the entertainment marquee.
  - The music speakers must face towards the eastern limit of Westferry Circus.
  - 2.4m high Stirling boards or equivalent wooden boards be close jointed to a minimum width of 3.6m (minimum surface density 10kg/m<sup>2</sup>). These are to be installed centrally behind each main loudspeaker to the south and also to the west of the loudspeakers to minimise noise transfer to adjoining neighbours and to the south side of the River Thames.
  - At least one security guard will be on duty for every 100 guests and a minimum of 12 guards will be on duty for each event to ensure quiet and orderly movements.

#### Informative

- 1) Sound testing is to be carried out on Tuesday night in accordance with the submitted noise report.
- 2) Any external lighting must be positioned in a way that would not cause a hazard to navigation in the River Thames.
- 3) Taxi marshals must be present at the events to ensure orderly movements and organisation of taxis.

### 4. PROPOSAL AND LOCATION DETAILS

#### Proposal

- 4.1 The application proposes a marquee style temporary structure for corporate entertainment for the clients of the Canary Wharf Plc between 4<sup>th</sup> and 20<sup>th</sup> December. The application proposes a temporary period of up to 2 months with a 750-3500 guest capacity and opening hours of 11:00am to 16:30pm for daytime events and 18:30pm to 00:30am for evening events.
- 4.2 The proposal has been amended since the application was originally received. The initial description outlined a period of three months. However, this has since been amended to a maximum period of two months. In addition, the events schedule has been confirmed and would be Monday to Fridays only between the 4<sup>th</sup>-20<sup>th</sup> December 2006 and the description amended accordingly.
- 4.3 The event timetable has been submitted with the application and outlines only one of the events will finish at 00:30am. Most events are scheduled to finish at 23:45pm and only two of the scheduled events will hold the full 3500 guest capacity, most events will have 1000 or less guests.

## Site and Surroundings

- 4.3 The application site consists of land used for car parking covering an area of 4865 square metres. The application site is bounded by Westferry Circus to the north and Westferry Road to the east. To the west of the site is the River Thames and to the south are residential apartments. The character of the surrounding area is a mixture of residential, mixed commercial and offices.
- 4.4 The residential uses within the area are situated to the south of the site and are generally modern housing development.

## Planning History

- 4.5 None Relevant

## 5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### Unitary Development Plan

Proposals:	N/A	
Policies:	Policy DEV1	Design Requirements
	Policy DEV2	Environmental Protection
	Policy DEV50	Noise
	Policy DEV55	Development and Waste disposal
	Policy T16	Traffic priorities for new development
	Policy T17	Transport - Planning Standards

### Emerging Local Development Framework (Submission Document)

Proposals:	N/A	
Spatial Strategies:	CP2	Equality of opportunity
Schedules:	N/A	
Policies:	Policy DEV1	Amenity
	Policy DEV10	Disturbance from Noise Pollution
	Policy DEV15	Waste and Recyclables Storage
	Policy DEV17	Transport Assessments

### Planning Standards

Planning Standard 1:	Noise
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### Supplementary Planning Guidance/Documents

N/A

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

N/A

### Government Planning Policy Guidance/Statements

PPG24 Planning and Noise

### Community Plan

The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

## 6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### LBTH Highways

6.2 No Objections

### LBTH Environmental Health

- 6.3
- No objection providing 'the noise level at the main speakers should be set at 70dB(A) at 10m within the entertainment marquee'.
  - The predicted levels at the 3 sensitive facades will be;
    1. Four Seasons (Riverside) – 40dB(A)
    2. Mermaid Court – 33dB(A)
    3. Cascades – 39dB(A)
  - In addition to the above, we still require monitoring of events as stated in 3.6 of the noise report

### Port of London Authority

6.4 No objection in principle however, details of any external lighting to be proposed should be required to be submitted by condition to ensure that it does not cause a hazard to navigation. (OFFICER COMMENT: AN INFORMATIVE WOULD BE ATTACHED TO ANY PERMISSION WITH REGARD TO THIS MATTER)

## 7. LOCAL REPRESENTATION

7.1 A total of 320 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and by way of site notice on the site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 62      Objecting: 62      Supporting: 0  
No of petitions received: 0

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

- Noise disturbance
- Amount of people would create noise late at night
- Little sound proofing to a marquee
- Proposal is not suitable in a residential area
- More suitable sites available elsewhere
- 00:30am is too late
- Congestion would be caused by the amount of people
- 3 month 'temporary' period is too long
- Insufficient parking available on site

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Amenity Issues
2. Highways
3. Noise

## **Land Use**

- 8.2 This application for a temporary permission up to 2 months does not raise any land use issues. The site is included in the Central Area Zone in the UDP 1998.

## **Amenity Issues**

### **8.5 Residential Amenity**

Given the nature and location of the proposal, loss of light, loss of privacy and overlooking to neighbouring properties are not considered to be relevant issues within this application. Residents have raised concern over noise disturbance and congestion associated with the events to be held at the site. Noise and any relevant highways issues are discussed in greater detail below under the appropriate headings. Residents also raised concern that the area is a residential area and therefore the proposal is not appropriate in this location. Whilst there is a high residential population in the area, it is considered that the area has a mix of uses and the site has been chosen given its size that is large enough to accommodate such a proposed use.

### **8.6 Amenity of surrounding commercial uses**

Commercial uses in the area are predominantly office uses and subject to appropriate conditions to control the use, it is not considered that the proposal would have an adverse effect on the amenity of these uses given the temporary time period and location of the site.

## **Highways**

- 8.8 The site is located in an area with good public transport accessibility. The proposal would provide corporate entertainment for the clients of the Canary Wharf Plc. It is therefore anticipated that people would walk to the venue from Canary Wharf, however underground parking is available at Canary Wharf. Public transport and taxis would be available to transport people after the events. Taxi marshalls would be on site at the end of the event to control waiting taxis. The main entrance and pedestrian access to the marquee would be to the north of the site off Westferry Circus and it is considered pedestrian movements to and from the site will be between the site, Canary Wharf itself and the tube and DLR stations. Therefore it is considered a large majority of movement associated with people arriving and leaving the event should be to the north of the site away from any residential properties to the south of the site. A bus stop and lay-by are situated on the Westferry circus itself and would provide an area for any coaches to drop off and pick up. It is considered that there is sufficient space for any coaches, taxis or cars to drop people off and turn round.
- 8.9 Policy T17 requires that new development takes into account parking and loading arrangements. The site has a service access to the south of the site and there would be parking on site available for contractors associated with the proposal.

## **Noise**

- 8.10 A noise survey was carried out by the London Office of Bureau Veritas in October 2006. The recommended noise mitigation measures outlined within the report are summarised below:
- At least one security guard will be on duty for every 100 guests and a minimum of 12 guards will be on duty for each event to ensure quiet and orderly movements.
  - To minimise the impact to noise sensitive buildings it is proposed that the speakers all be made to face towards the eastern limit of Westferry Circus.
  - It is proposed that 2.4m high Stirling boards or equivalent wooden boards be close jointed to a minimum width of 3.6m (minimum surface density 10kg/m<sup>2</sup>). These are to

be installed centrally behind each main loudspeaker to the south and also to the west of the loudspeakers to minimise noise transfer to residential properties such as Cascades to the south side of the River Thames.

- Noise of entertainment 10m from main speakers 70dB(A)

- Predicted façade noise at Four Seasons 40dB(A)
- Predicted façade noise at Mermaid Court 33dB(A)
- Predicted façade noise at Cascades 39dB(A)

(The above are considered appropriate as outlined by LBTH Environmental Health) LBTH Environmental Health consider that 40dB is quieter than street level noise.

- It is proposed to carry out the required sound testing on the evening of Tuesday 5<sup>th</sup> December 2006. Testing will determine optimum settings that ensure that the noise limits are fully met on the south side of the Thames at Cascades and at the Four Seasons Hotel.

8.11 Policy DEV 50 set out by the UDP 1998 considers noise as a material consideration in the determination of planning applications and outlines that appropriate noise mitigation measures may be secured using conditions. It is recommended that the above noise mitigation measures as set out in the noise report are secured by a condition.

8.12 The noise sensitive area to the south of the site incorporates a large residential development. The residential properties are situated over 100 metres away from the proposed marquee. The schedule of events is between 4<sup>th</sup> and 20<sup>th</sup> December with no events taking place on Saturdays or Sundays and would be enforced by way of condition. Whilst it is inevitable that some noise will be audible on the days when events are being held, it is considered that given the predicted level of noise to the sensitive facades as outlined in the noise report, in conjunction with the short timetable of events between Monday and Fridays, any impact would not be significant enough to warrant a refusal in this case.

8.13 LBTH Environmental Health's recommendations outlined in paragraph 6.3 have been placed as conditions on this application to ensure the residential amenity of nearby occupiers is not harmed to an unacceptable degree during the event time period.

### **Other Planning Issues**

8.14 With regard to refuse collection and litter, it is the responsibility of the applicant to ensure any refuse is disposed of in an appropriate manner and that the site is cleared after the events and removal of the marquee.

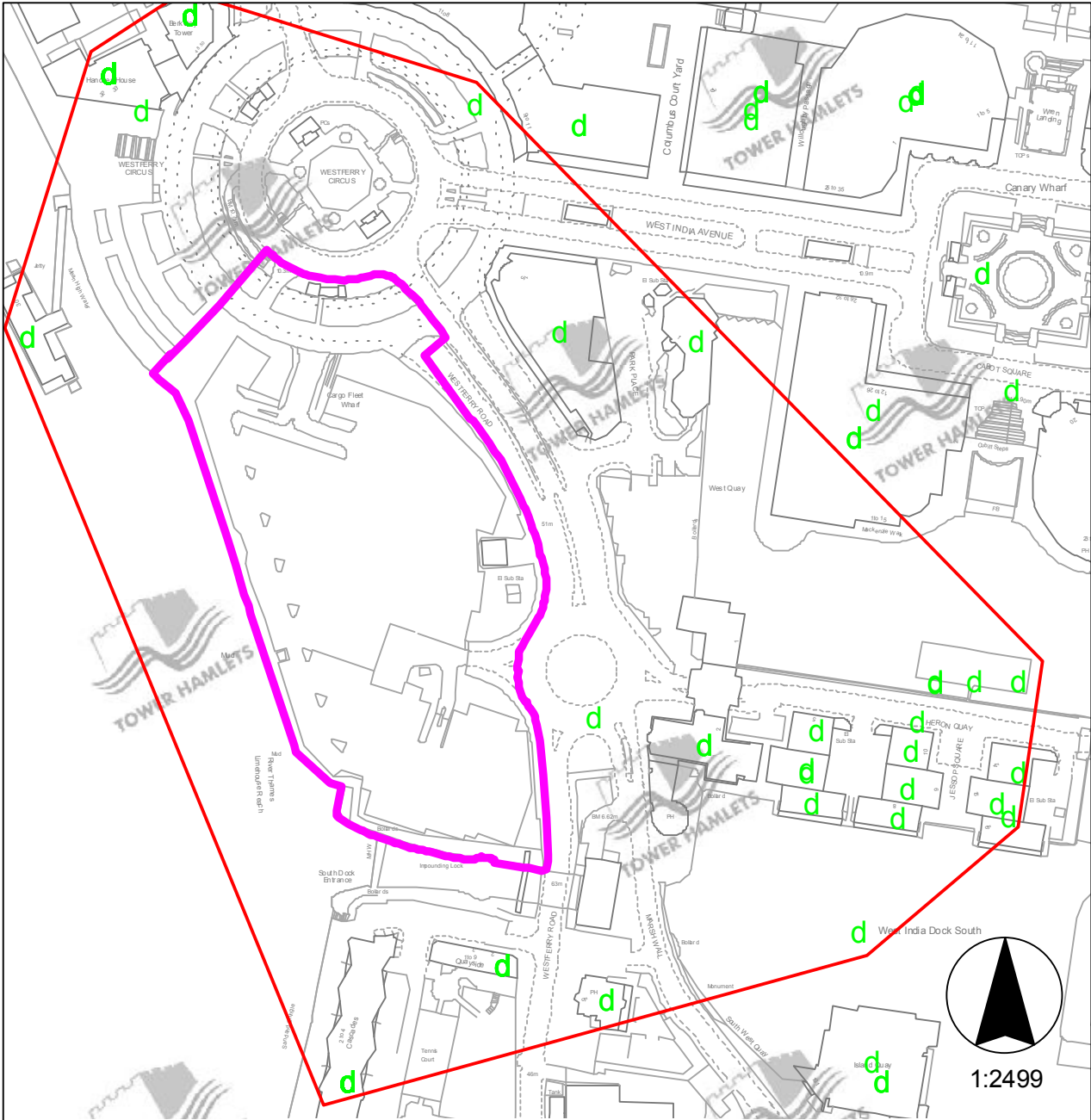
8.15 Given the temporary nature of the proposed marquee that will be removed within 2 months following its construction, it is not considered that design and appearance forms a fundamental issue within this application. Nevertheless, it is considered that the scale and design of the proposed marquee within this location would not appear unduly dominant nor would it significantly detract from the character of the area.

### **Conclusions**

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



# 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

**Site to the south of Westferry Circus and west of Westferry Road, London, E14.**

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# Agenda Item 6.5

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> November 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.5
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Applications for planning permission and listed building consent.	
<b>Case Officer:</b> Tim Porter		<b>Ref No:</b> PA/06/01050 and PA/06/01051	
		<b>Ward:</b> Whitechapel	

## 1. APPLICATION DETAILS

**Location:** 33-35 Commercial Road including existing car park to rear & part of Assam Street, London, E1

**Existing Use:** Open Car Park and Grade 2 listed building used for retail and warehousing

**Proposal:** PA/06/01050

Redevelopment by the erection of 10 storey and 35 storey buildings to provide 782 rooms of student accommodation with ancillary, leisure kitchen / dining facilities, offices (Class B1) and Uses Classes A1, A2, A3, A4 & A5, the change of use of the existing Grade II listed building to offices and retail uses and the provision of 670 cycle spaces.

The application for planning permission is supported by an Environmental Impact Assessment (EIA)

### PA/06/01051

**Drawing Nos:** Listed building consent for the partial demolition and refurbishment of the existing Grade II listed building.  
30-000, 30-001, 30-010, 30-020, 30-030, 30-040, 30-050, 30-060, 30-070, 30-080, 30-090, 30-110, 30-140, 30-200, 30-260, 30-320, 30-500, 30-501, 30-502, 30-503, 30-600, 30-601, 30-602, 81-001, 81-002, 81-003, 81-004, 81-005, 81-501, 81-502, 81-503, 81-601, 81-602, 82-001, 82-002, 82-003, 82-004, 82-005, 82-006, 82-007, 82-008, 82-501, 82-502, 82-503, 82-601, 82-602, 91-001, 91-501, and 91-502.

**Applicant:** Broadstone Limited  
**Owner:** Broadstone Limited  
**Historic Building:** Grade II listed building  
**Conservation Area:** No

## 2. RECOMMENDATION

2.1 1. That the Committee resolve to **REFUSE** planning permission for the following reasons:

2.2 (1) The proposal would result in overdevelopment of the site and provide an excessively high building that would be insensitive to the character of the surrounding area by reason of design, bulk, scale, density and height contrary to Policies DEV1 and Policy DEV5 of the Tower Hamlets Unitary Development Plan 1998, Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the

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

Brief Description of background papers:      Tick if copy supplied for register

Name and telephone no. of holder:

Application, plans, adopted UDP. draft  
LDF and London Plan

Tim Porter  
020 7364 5291

London Plan 2004, and Policy DEV2, CP48 and Policy DEV27 of the Local Development Framework Core Strategy and Development Control Submission Document and Policy CRF12 of the emerging City Fringe Action Area Plan.

(2) The proposal would result in an unjustified density resulting in demonstrable harm contrary to Policy HSG9 of the Tower Hamlets Unitary Development Plan 1998, Policy HSG1 of the Tower Hamlets Local Development Framework, Core Strategy and Development Control Development Control Submission Document and Policy 4B.3 of the London Plan 2004.

(3). The development would adversely affect the setting of a grade 2 listed building contrary to Policy DEV39 of the Tower Hamlets Unitary Development Plan 1998 and CON1 of the Tower Hamlets Local Development Framework, Core Strategy and Development Control Development Control Submission Document.

2.3 **2.** That the Committee resolve to **REFUSE** listed building consent for the following reasons:

2..4 (1)The development would fail to preserve features of special architectural or historic interest which the listed building possesses contrary to Policy DEV36 of the Tower Hamlets Unitary Development Plan 1998, Policy CON1 of the Tower Hamlets Local Development Framework Core Strategy and Development Control Submission Document and national advice in Planning Policy Guidance Note 15.

### **3. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

3.1 Application is made for full planning permission for the redevelopment of the site as follows:

- Erection of a 10 storey and 35 storey buildings to provide 782 rooms of student accommodation and ancillary leisure facilities, offices (Class B1) and retail /food and drink uses (Classes A1, A2, A3, A4 & A5) with 670 cycle spaces and associated communal and private amenity space
- The change of use of existing Grade II listed building to offices and retail.

#### Student Accommodation

3.2 The student rooms would be housed in a new 35 storey building at the centre of the site and on the top 5 floors of a 10 storey podium building to the southeast corner of the site. The development would provide 14,528sq.m of student accommodation. A listed building on the main frontage of Commercial Road would provide the entrance to the tower through the listed building. The development would provide 760sqm of ancillary leisure floor space in the basement incorporating an indoor swimming pool and gymnasium for the use of the student residents.

#### Office & Retail Floor Space

3.3 The total gross floor space of the office and retail uses would be 4,327sq.m. The development is expected to provide approximately 225 jobs. It would provide a range of office (B1) and retail (A1), Financial and professional services (A2), - Restaurants and Cafes (A3), - Drinking Establishments (A4), and Hot food takeaway uses (A5) accommodated in the three buildings as follows:

- A1 to A5 uses on levels 33, 34 and part of the ground floor of the Tower. The retail uses on the top floors are intended for student ancillary activities.
- A1 – A5 uses on the lower ground floors and the fifth floor of the refurbished listed building. The intervening three floors would be given over to B1 use.

- A1 – A5 uses on the ground and fifth floor of the podium building. The intervening three floors will be given over to B1 use.

### Amenity Space

- 3.4 There would be 2,657 m<sup>2</sup> of private and communal amenity space including ‘winter gardens’ on every alternative floor of the tower, roof terraces, a rear grassed area above the basement swimming pool and a new public square fronting Commercial Road.

### Car and Cycle Parking Provision

- 3.5 There are no car parking spaces proposed although four loading bays and turning areas for emergency and service vehicles are proposed off Assam Street. A total of 670 cycle parking spaces would be housed at basement level.

### Listed Building Alterations

- 3.6 Post-1847 extensions to the listed building would be demolished to expose the original building including the demolition of front and rear extensions and the replacement of the existing roof with a new steel roof.

### **Site and Surroundings**

- 3.7 This 0.37 hectare site is currently partially occupied by a surface car park on the northern portion providing approximately 80 parking spaces. The remainder of the site south of the car park is occupied by a range of retail and employment uses contained within the Grade II listed former St George’s Brewery building and additions to that building fronting onto Commercial Road and to Assam Street to the rear. The applicant has estimated that the site currently provides employment for approximately 30 people.
- 3.8 The area surrounding the site comprises a variety of building heights and mix of uses. The site is bound to the west by the rear of the Naylor building at 16 – 40 Whitechurch Lane (a 6/7 storey residential building) and to the north at 15 Adler Street (6/7 storey residential building). The buildings to the west on the corner of Commercial Road and Whitechurch Lane are predominantly commercial 3 storeys high. To the east it is bounded by the rear of the properties at 1 – 13 Adler Street (5 storey commercial building) and the Morrison Buildings (5 storey residential building) and to the south by Commercial Road.
- 3.9 Altab Ali Park (formerly St Mary’s Gardens), one of the few public open spaces in the Aldgate area, is located immediately to the north of the building 15 Adler Street. The site is in close proximity to the London Metropolitan University (LMU) City Campus at Aldgate.
- 3.10 The site is not located within a conservation area, the nearest being the Whitechapel High Street Conservation Area to the north. There are a number of buildings on the statutory list the vicinity of the site including:
- The Gunmaker’s Company building at 32 and 34 Commercial Road.
  - The Hall and Proof House at 46-50 Commercial Road (across the road from the site).
  - A K2 telephone kiosk outside 48 Commercial Road.
  - The wall of the former St. Mary’s Churchyard, Whitechapel Road.
  - A tomb in the south east corner of the former St. Mary’s Churchyard, Whitechapel Road.
  - The Passmore Edwards Library, Whitechapel High Street (currently being adapted for an extension to the adjoining Grade I listed Whitechapel Art Gallery).
  - St. George’s German and English Schools at no.’s 55, 57 and 59 Alie Street.
  - Whitechapel Bell Foundry at 32 – 43 Whitechapel Road.
  - There is also a locally listed building at 17 Whitechurch Lane.

## Planning History

- 3.11 PA/04/01830: Listed building consent granted for alterations to shop front to provide new entrance and separate access to upper floor office space on the front side of the ground floor including alteration to the existing shopfront.
- 3.12 The original listed 1847 St. George's Brewery was constructed by John Furze & Company's Brewery and was used as such until 1901 when it was converted into a bonded warehouse and whisky bottling plant.
- 3.13 Post 1901 the brewery building underwent a number of alterations. The water tank and brewery equipment were removed and the roof was rebuilt. Substantial additional areas of warehousing and other equipment were added to the front and the rear of the building along Commercial Road and Assam Street.
- 3.14 Following the end of the warehouse use, the interior of the original building was subdivided and used for retail and employment uses. The building was listed in 1973 in a response to a threat of demolition.
- 3.15 The Council recently approved a development at 52, 54 – 58 Commercial Road to the south of the site on the opposite side of Commercial Road. This development would have a maximum height of 17 storeys. The Council also recently approved the redevelopment of Aldgate Union with buildings up to 22 storeys.

## 4. POLICY FRAMEWORK

- 4.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

### Unitary Development Plan

- 4.2 Proposals: Central Area Zone  
Proposal 117. Site on Whitechurch Lane and north of Assam Street allocated for partially for B1 (Business), B8 (Storage and distribution) and A1 (Shop)  
Partially as a Special Policy Area where a diverse and balanced mix of use is to be maintained
- 4.3 Policies:
- |       |   |
|-------|---|
| DEV1  | Design Requirements   |
| DEV2  | Environmental Requirements                                    |
| DEV3  | Mixed Use Developments  |
| DEV4  | Planning Obligations  |
| DEV5  | High Buildings and views                                      |
| DEV12 | Landscaping Provision   |
| DEV18 | Public Art  |
| DEV50 | Construction Noise  |
| DEV51 | Contaminated land   |
| CAZ 1 | Developing London's regional, national and international role |
| CAZ 3 | Mixed use development   |
| CAZ 4 | Diversity, character and functions of the Central Area Zones  |
| EMP 1 | Encouraging New Employment Uses                               |
| EMP 2 | Retaining Existing Employment Uses                            |
| EMP 3 | Change of Use – office  |
| EMP 6 | Employing Local People  |
| HSG1  | Quantity of Housing   |
| HSG8  | Access to Housing   |
| HSG9  | Density   |

HSG 14	Special Needs Accommodation
HSG16	Housing Amenity Space
T15	Transport & Development
T16	Impact of Traffic
T17	Planning Standards (Parking)
T21	Improvement of Existing Pedestrian Routes
T23	Cyclists
S6	New Retail Development

### Emerging Local Development Framework

4.4	Proposals:	CF39	Employment (B1), Retail (A1, A2, A3, A4), Residential (C3) Public Open Space.
4.5	Core Strategies:	IMP1	Planning Obligations
		CP1	Creating Sustainable Communities
		CP2	Equal Opportunity
		CP3	Sustainable Environment
		CP4	Good Design
		CP5	Supporting Infrastructure
		CP7	Job Creation and Growth
		CP8	Central Activities Area
		CP11	Sites in Employment Use
		CP15	Range of Shops and Services
		CP19	New Housing Provision
		CP20	Sustainable Residential Density
		CP24	Special Needs Housing and Specialist Housing
		CP25	Housing Amenity Space
		CP30	Improving the Quality and Quantity of Open Space
		CP31	Biodiversity
		CP38	Energy Efficiency and Production of Renewable Energy
		CP39	Sustainable Waste Management
		CP40	A Sustainable Transport Network
		CP41	Integrating Development with Transport
		CP42	Streets for People
		CP46	Accessible and Inclusive Environments
		CP47	Community Safety
		CP48	Tall Buildings
		CP49	Historic Environment
		CP50	Important View
4.6	Policies:	DEV1	Amenity
		DEV2	Character & Design
		DEV3	Accessibility & Inclusive Design
		DEV4	Safety & Security
		DEV5	Sustainable Design
		DEV6	Energy Efficiency & Renewable Energy
		DEV9	Sustainable Construction Materials
		DEV10	Disturbance from Noise Pollution
		DEV11	Air Pollution and Air Quality
		DEV12	Management of Demolition and Construction
		DEV15	Waste and Recyclables Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV19	Parking for Motor Vehicles
		DEV20	Capacity of Utility Infrastructure

DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV27	Tall Buildings Assessment
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
HSG1	Determining Residential Density
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
CON1	Listed Buildings
CFR1	Spatial Strategy
CFR5	Open Space
CFR6	Infrastructure and Services
CFR7	Infrastructure Capacity
CFR8	Waste
CFR9	Employment uses
CFR10	Residential Uses
CFR11	Retail and Leisure
CFR12	Design and Building Form
CFR13	Connectivity
CFR14	Site Allocations

### **Supplementary Planning Guidance/Documents**

- 4.7                      Designing Out Crime  
Residential Space  
Landscape Requirements

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

- 4.8                      3A.10              Special Needs Housing  
3A.22              Education  
3B.4                Mixed Use Development  
3D.12              Biodiversity  
4A.7                Energy Efficiency and Renewable Energy  
4A.8                Energy Assessment  
4A.9                Providing for Renewable Energy  
4A.10              Supporting the provision of renewable energy  
4A.14              Reducing Noise  
4B.1                Design Principles for a compact city  
4B.2                Promoting world class architecture and design  
4B.3                Maximising the potential of sites  
4B.4                Enhancing the Quality of the Public realm  
4B.5                Creating an inclusive environment  
4B.6                Sustainable Design and construction  
4B.7                Respect Local context and communities  
4B.8                Tall buildings, location  
4B.9                Large scale buildings, design and impact  
4B.10              Built Heritage  
4B.11              Heritage Conservation  
4B.12              Historic Conservation-led regeneration  
4B.15              View Protection  
5B.2                Central Activities Zone

### **Government Planning Policy Guidance/Statements**

- 4.9                      PPS1                Delivering Sustainable Development



PPG3	Housing
PPG15	Planning and historic environment
PPG24	Planning & Noise
PPS22	Renewable Energy

## Community Plan

4.10 The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

## 5. CONSULTATION RESPONSE

5.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### Environmental Health

#### 5.2 Contaminated land

The proposal is acceptable subject to conditions.

#### 5.3 Air Quality

The proposal is acceptable subject to conditions.

#### 5.4 Sustainability

- This northern end of Commercial Road falls within an area with the densest population of Black Redstarts in London. The area is categorised by English Nature as an area of national significance for that species. Black Redstarts have been recorded in the immediate vicinity of the site. No specialist or specific Black Redstart survey has been undertaken and the data provided in the Ecology report is insufficient. To mitigate the impact that the development will have on the local Black Redstart population, the developer seeks specialist advice on what sort of green roof to install
- The developer should mitigate the potential habitat loss in an area known for bats with the creation of bat habitats.

#### 5.5 Noise

- The final glazing specification needs to be agreed with Environmental Health.
- Operational plant noise needs to be designed to be 10 dB below the lowest recorded background noise.
- Construction hours should be limited to LBTH working hours policy.
- Any proposed extract ventilation systems needs to be approved by Environmental Health.

#### 5.6 Sunlight/ Daylight

- The submitted Sunlight/ Daylight Report is unsatisfactory. The impact of the proposed scheme development on the following buildings requires a more detailed assessment on the following (a) Naylor Building West (b) Morrison Building (c) 1-13 Adler Street.

- More information in respect of the ADF results for the above buildings and how they were arrived at is required.
- The shadow Analysis for March 21st and December 21st cannot be interpreted.
- Figures for Annual probable sunlight hours are required.

#### 5.7 Highways Development

- No objection subject to a “car free” agreement and a section 278 agreement to carry out associated highway works.
- The cycle provision of 670 spaces is considered excessive.
- The total student accommodation would have a significant effect on the local road hierarchy with increased pedestrian loadings on the colleges connecting links. An analysis of the increased pedestrian effects should be submitted for approval.
- A Green Travel Plan will be required plus the appointment of a Travel Plan co-ordinator.
- A Construction Traffic Management Plan should also be submitted covering demolition and the new build operations.

#### 5.8 Education

No observations.

#### 5.9 Cleansing Officer

No response.

#### 5.10 Horticulture & Recreation

No response.

#### 5.11 Corporate Access Officer

No response.

#### 5.12 Primary Care Trust

No response.

#### 5.13 Government Office for London

No response.

#### 5.14 Greater London Authority

The proposal had not yet been presented to the Mayor for Stage 1 comments at the time of preparing this report. Informally the GLA has advised the applicant:

- *“The principle of a tall building is suitable for this central location, as identified in the emerging City Fringe Opportunity Area planning framework, but the project needs to be of an outstanding design quality to meet London Plan Policy. The tower is very tall for its context, being a bit further away from the Aldgate gyratory than existing and proposed tall buildings at the gyratory. Given that the scale of the tower is very different than that of buildings in the immediate vicinity, it requires a very engaging architecture and the proposal needs further development in that respect.*
- *The plans to develop the listed warehouse look convincing but the integration of the warehouse, the new open space on Commercial Road and the tower need to be further developed.”*

### 5.15 **Transport for London**

No response.

### 5.16 **Environment Agency**

Objects. The proposal would cause an unacceptable risk of pollution to groundwater because an old borehole is on site and not accounted for in the current EIA. Details should be submitted to the Agency regarding the current state of the borehole and any intentions on using or dealing with it.

### 5.17 **The Countryside Agency**

No formal representation.

### 5.18 **English Heritage**

- Advises that the existing roof of the brewery should be retained and considers the proposed additional storey would be an intrusive structure detrimental to the appearance of the listed building. The early twentieth century additions to the original building are of historic and architectural merit in their own right and worthy of retention.
- The position of the proposed circular tower, hard up against the former brewery, would be severely detrimental to the setting of the listed building. It would be very poorly related to surrounding small scale development and impact upon the views of several listed buildings.
- Particularly concerned regarding the impact of the proposal on the Tower of London, a World Heritage Site which due to the damage done to its setting by surrounding tall buildings, UNESCO are considering putting in their at risk category. The proposed tower would have a significant impact on the listed Whitechapel Bell Foundry and on several conservation areas including Myrdle Street.
- If planning permission is granted conditions are recommended to secure a programme of archaeological work and a historic buildings assessment.

### 5.19 **English Nature**

- Recommends that the applicant provides further information regarding the status of bats at the site. It would be more appropriate to landscape some of the green roofs proposed to create habitat for the black redstarts.

### 5.20 **Historic Royal Palaces**

Compared to many other proposals, the proposal's impact on the Tower of London would be 'slight' but disagrees that this additional intrusion into the backdrop of the Tower of London would be 'beneficial' as claimed by the developer; rather it would be a distraction, whose shape would make it an object of attention.

### 5.21 **Health and Safety Executive**

The nearby Gun Makers Company on Commercial Road is a hazardous installation. Whilst it is expected that the probability of a major accident involving explosion is low, should planning permission be granted, the Explosives Inspectorate would need to review the explosives facilities licence.

### 5.22 **CABE**

- Do not consider that a convincing argument has been made for a tall building on this constrained site; either as a piece of urban design or architecture in its own right, or in

- policy or townscape terms as the site falls outside the Aldgate cluster.
- The scheme seems to be driven by the commercial imperative to achieve a certain quantum of accommodation on a restricted site and is justified by potential, and as yet unproven, regeneration benefits.
  - Meeting demand for student housing is not a good enough reason to build tall and doubtful that this site or programme calls for a 'beacon', the regeneration benefits of which remain to be seen.
  - Given the nature of this complex, dense and historic context, a different, quieter approach to stitching the site back into the area may be more appropriate.
  - Doubtful that first-class design quality necessary of this prominence is achievable within a budget for student housing.
  - Proposal does not come to terms with the difficulties of developing a tall building on a tight, enclosed site.
  - The tall building does not seem to have sufficient space around it and sits uncomfortably close to the listed building.
  - Architecture of the tower has failed to respond to the asymmetrical site.
  - The public should be able to enjoy a building of this prominence from ground level and understand the form in its urban setting; as proposed, the tower meets the ground from the back street across a service yard.
  - Composition of the three buildings on the site is tight and uncomfortable. The listed building is crowded by the tower and podium buildings.
  - Not convinced by the design of the podium building. Building up the party wall significantly higher than its neighbour has resulted in a blank and prominent elevation that fails to address the street.
  - The design of the top of the building needs further refinement.

#### **5.23 London Fire & Civil Defence Authority**

No response.

#### **5.24 Corporation for London**

No objection.

#### **5.25 BBC**

The tower will produce a noticeable shadow in respect of television and radio signals.

#### **5.26 London Fire and Emergency Planning Authority**

No response

#### **5.27 London City Airport**

No safeguarding objection.

#### **5.28 Thames Water Utilities**

Recommends 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.

#### **5.29 Crime Prevention Officer**

No comment

## 6. LOCAL REPRESENTATION

6.1 A total of 572 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:                      Objecting: 18              Supporting: 1  
No of petitions received:              1 objecting containing 164 signatories

6.2 The following local groups/societies made representations:

- Aldgate Triangle Residents Association (which consists of 285 individual apartments across 5 buildings in close proximity to the proposed development)

6.3 One supporting letter has been received in support of the proposed land uses.

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

### 6.4 Urban Form

- The height of the 10 and 35 storey tower blocks are out of context with the surrounding environment and the listed building. This is not an appropriate location for a building of this height.
- The development is too dense and cramped.
- The relationship between the 35 storey and 10 storey blocks is arbitrary and the later will have a damaging effect upon the streetscape of Commercial Road.
- The location of the 35 storey tower is largely hidden at the lower level by the adjoining development. It does not relate to the grain of the area and cannot be justified in urban design terms as marking a particular strategic point in the urban fabric.
- The tall building in this location would create an unfortunate precedent and prejudice the potential for creating more coherent and satisfactory urban fabric in the area.
- The proposal represents an intensive and gross overdevelopment and will not make a positive contribution either to the regeneration of the area or its visual improvement.
- The architectural quality and design is poor and inappropriate.
- The building has been designed from an energy efficient viewpoint and not a practical living viewpoint.
- The development is not sympathetic to the predominantly residential character of the area.
- The base area around the tower is far too small to justify this scale of development. The proximity of the tower to existing residential and business properties is intrusive.
- The scheme is contrary to Council planning policy as the development does not take into account existing design, bulk, scale and height of neighbouring buildings, it does not reflect the existing street patterns, architecture or heritage and lies outside the Aldgate tall building cluster
- Being on the fringe of the city, it is understood that tall commercial buildings could encroach into this part of London. The proposal however is primarily residential and any business interest is second to that.

### 6.5 Environmental Factors

- The height and form of the development would cause substantial environmental damage, through the impact of overshadowing, increased wind speeds, overlooking, loss of privacy and light which will affect the amenity of adjoining buildings and the open space

to the north.

- Increased noise caused by construction; the concentration of 1000+ residents/ employees in a very small area; the associated leisure facilities and commercial facilities;
- Traffic congestion.
- The windows of the communal areas will open out onto the Naylor Buildings Courtyard, causing disturbance and noise.
- The green space proposed in the new development will look directly into the rear bedrooms of the ground floor flats in Naylor Building East.
- The development will lead to severe worsening of the noise issues in Altab Ali park due to the spill over of student residents in this area during various periods of the day and night;
- The construction traffic will be very disruptive in terms of noise, dust and general disruption.

#### 6.6 Land Use

- The amount of student accommodation represents an unacceptable concentration of this single use in an area of mixed uses.
- Fears of late opening hours.
- The development would not create as many employment opportunities as one would expect for such a large building so close to the city.

#### 6.7 Traffic

- The increase in pedestrian numbers would have a negative impact upon Assam Street
- There is insufficient parking for residents and the undisclosed volume of business parking requirements.
- Traffic congestion from the development could impact upon emergency vehicles in addition to disrupting the existing thoroughfare.

#### 6.8 Social Issues

- The development will have a social impact on the community where the balance of social groups will tip in favour of students, greatly out-numbering local residents.
- The development will result in an enclosed community.
- The student population will result in an increase of drunk, disorderly and potentially violent incidents in the area.
- The living spaces are very cramped with the communal area being too small for the number of residents. This would mean students would seek out Altab Ali Park for their leisure activities. This would become a student enclave and have adverse impacts upon the residents within the Aldgate Triangle development, particularly from noise and anti-social behaviour.
- There are security concerns regarding who would be able to access the building and surrounding area.

#### 6.9 Heritage Issues

The development pays no regard to the adjacent listed building fronting Commercial Road nor the shape and form of the adjoining Morrison Buildings. It would effectively devalue the historic contribution these two buildings make to the heritage and streetscape of this area.

6.10 The following issues were raised in representations, but they are not material to the determination of the application:

- Additional burden of significant numbers of non-Council tax paying residents, which will be met by the Aldgate Triangle residents.

- Devaluation of property prices.
- Prospective new residents will be put off from the area due to the highly visible student dominated development.
- Selling or buying property will become difficult during the construction phase.
- The long term viability of the tower is questionable. The apartment rental costs are excessive, especially when you add in the service charge, which the developers say they will be building into the monthly rental. The monthly rent works out to be approximately £650 - £700 per month.
- There is a concern that the notification period occurred during the summer holiday break when many interested parties were out of London on holiday.

## 7. MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the Committee must consider are:

1. Land Use
2. Impact on local context
3. Density
4. Open Space
5. Amenity
6. Access and Transport
7. Sustainable Development and Renewable Energy
8. Access and Inclusive Design
9. Listed building issues

### Land Use

7.2 The site is allocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998 partially for B1 (Business), B8 (Storage and distribution) and A1 (Shop) purposes and partially as a Special Policy Area within a designated Central Area Zone where a diverse and balanced mix of use is to be maintained.

7.3 On the Proposals Map of the Council's emerging Local Development Framework the site is allocated (Site CF39) for employment, residential, retail and public open space. It also lies within a higher education cluster identified by the City Fringe Action Area Plan (CFAAP) that forms part of the emerging LDF. Given the latter, the propose land uses would appear acceptable. An assessment of each use category is provided below:

### Principle of Student Accommodation

7.4 Policy CAZ1 of the adopted UDP 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. UDP policy 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*".

7.5 UDP Paragraph 5.29 of HSG14 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*".

7.6 Policy CP24 of the LDF Submission Document states that the Council will promote special needs and specialist housing by inter alia focusing purpose built student housing in close proximity to the London Metropolitan University at Aldgate. This is supported by the inclusion of the site within a higher education cluster identified by the CFAAP.

7.7 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.

7.8 The key issue in this case is whether this CAZ site is appropriate for student accommodation, particularly in preference to a priority office use. The applicant has provided evidence of demand for the student accommodation in this locality, stating:

*“There are three higher education institutions (HEIs) with a physical presence in Tower Hamlets (LMU, LSE, and Queen Mary and Westfield College). In addition, there are four HEIs that have a physical location just beyond the Tower Hamlets boundary. In total, these seven HEIs have a student population of over 120,000 (as at 2004/ 2005).”*

7.9 The applicant has also made the following points concerning demand:

- There are almost 350,000 students studying in London’s Higher Education Institutions. The GLA estimates that only 38,000 places are made available in university halls of residence.
- A study area within 1 – 2 miles of the site indicated that there are 51,630 students potentially based in the study area, using London-wide data from the Higher Education Statistical Agency (HESA).
- HESA indicates that 25% of students live at home and study. Applying this portion to the 51,630 students based in the study area suggests that there are almost 39,000 students potentially seeking accommodation in the study area.
- There are only 3,664 HEI or student-only but independently operated ‘bed-spaces’ available in Tower Hamlets. Accordingly, approximately 34,000 students are likely to seek accommodation in competition with low-income housing.
- A cautious estimate suggests that there is a shortfall of at least 27,000 student residential ‘bed-spaces’ in the Tower Hamlet area.
- A letter from the London Metropolitan University confirming that they have circa 38,000 students and 1,300 student bed spaces in a number of small halls. The letter confirms LMU’s willingness to discuss the provision of additional student housing.

7.10 The proposal would meet some of this demand in a location within easy access to public transport, and also to the main campus facilities of a number of central London educational Institutions, particularly the London Metropolitan University. There is ample evidence that there is local demand for student housing and policies in the adopted UDP, the emerging LDF and the London Plan provide strategic support for student housing in this location.

#### Commercial

7.11 The proposed commercial 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.

7.12 The erection of new office and retail space in the CAZ is also supported by the emerging LDF.

7.13 The proposed leisure facility for a swimming pool and gym that is ancillary to the proposed student accommodation is also acceptable.

#### **Impact on Local Context**

##### Height, Scale, Bulk and Design



7.14 Policy DEV 5 of the UDP defines a high building as one that exceeds 20 metres in height. The policy states that the Central Area Zone is considered suitable for high buildings. The policy states:

“In Central Area Zones permission may be given for high building development provided:

- The proposal satisfies policies DEV1 and DEV 2; (Policies that seek to protect amenity, ensure development accords with the surrounding context and be sensitive to the character of the surrounding area in terms of design, bulk, scale, the use of materials and the development capabilities of the site);
- The proposal will not harm the essential character of the area or important views; and
- The building would identify and emphasise a point of visual significance, both locally and in relation to the urban scene, over the whole area from which it would be visible.”

7.15 Policy CP 48 of the LDF Core Strategy and Development Control Development Plan Document supports the development of tall buildings at Aldgate. The site however lies outside the Aldgate Tall Building Cluster identified by the Plan. The policy goes on to say the Council may consider proposals for tall buildings outside the cluster if adequate justification is made. All proposals for tall buildings must:

- Contribute positively to a high quality, attractive environment;
- Respond sensitively to the surrounding local context;
- Not create unacceptable impacts on the surrounding environment;
- Contribute to the social and economic vitality of the surrounding area; and
- Not create unacceptable impacts on social and physical infrastructure.

7.16 Policy DEV1 of the emerging LDF Core Strategy requires development to protect, and where possible improve the amenity of surrounding building occupants and policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development.

7.17 Policy DEV27 of the emerging LDF Core Strategy provides a suite of criteria that applications for tall buildings must satisfy. Schemes must:

- be sensitive to the site’s context;
- achieve high architectural quality;
- outside the Aldgate cluster demonstrate that alternative built forms have been considered;
- positively contribute to the skyline and assist to consolidate clusters;
- not adversely impact on conservation areas or listed buildings;
- visually integrate with the streetscape and present a human scale development at street level;
- respect local character and seek to incorporate and reflect local distinctiveness.

7.18 The site lies within the Aldgate and Spitalfields sub-area identified in the City Fringe Action Area Plan that forms part of the LDF. Policy CRF12 of the CFAAP specifies the design and built form principles that are to apply in the sub-area. These affirm that tall buildings will be focussed around Aldgate Union in accordance with policies DEV27 and CON5. The policy says that building height throughout the sub-area should respect and complement the central cluster at Aldgate Union. In locations close to established residential areas, building height should be based on the effective transition between established and new buildings. The management of strategic views is emphasised.

7.19 The heights of buildings adjacent to the site vary from 3-7 storeys. In considering the character of the local Aldgate area, there are three noticeable urban scales:

- Low rise historic urban fabric (1 -6 stories);
- Mid-rise development from the past 30 years (7-12 storeys); and
- Recently approved developments of modern, increasingly tall buildings (up to 17 residential storeys to the south of the site and up to 22 commercial storeys around Aldgate Gyratory to the west).

7.20 The proposed 10 and 35 storey towers would have a height of approximately 35 m and 95.1 m above ground. It is considered that the proposed design, bulk, scale, density and height of development would result in an overdevelopment of the site that pays little regard to the surrounding character, including the setting of the Grade 2 listed building. The failures of the proposal can be demonstrated in the following summary:

- The development would be significantly higher than all buildings within the local Aldgate area, including the tall building cluster around the Aldgate Gyratory.
- The site is not identified for landmark development. This would have a negative impact on the skyline, being located outside the identified tall building cluster at Aldgate Union.
- The design approach is considered highly insensitive as a 35 storey building in the middle of the urban block would result in a “free-standing” element towering above surrounding buildings of significantly lower heights.
- The location of the tower would be largely hidden at the lower level by the adjoining development and would not relate to the grain of the area. The building would fail to integrate into the streetscape and surrounding area.
- The attention given to the context beyond the site boundaries is minimal.
- The public realm in and around the building has not been designed to high standards to facilitate inclusive design. The validity and possible potential for public use of the open space along Commercial Road remains to be justified.
- The proposed design of the 10 storey podium building does little to articulate the façade of the building or minimise its massing. The building up of the party wall is significantly higher than the Morrison Building to the east and would result in a blank and prominent elevation that would have a damaging effect upon the streetscape of Commercial Road.
- The composition of the three buildings on the site is not appropriate.

7.21 The proposal also produces significant conflict with Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan 2004 that provide location and assessment criteria for tall buildings. The GLA has noted that the tower is very tall for its context, being located outside of the tall building cluster of existing and proposed tall buildings at the Aldgate gyratory.

### Views

7.22 The applicant provided a *Townscape & Visual Impact Assessment as part of the Environmental Impact Assessment*, which assessed 12 selected viewpoints. In a number of views the proposed tower would have a significant level of impact upon the townscape. Officers are unconvinced that the quality of the design, the appearance and composition of the three buildings would have the benefits claimed.

7.23 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. The tower element of the development would be visible to the right of the White Tower and immediately behind the Salt Tower turret, with a further 5 storeys plus roof element being visible to the right of the turret. Royal Historic Palaces and English Heritage have both raised concerns regarding the impact of the development upon this view, particularly where the tall building is located outside of the tall

building cluster at Aldgate gyratory.

7.24 The Environmental Statement has been reviewed by Atkins on behalf of the Council. Atkins identified that the ES does not adequately confirm that the development would not have an adverse impact on the wider townscape. Atkins commented as follows regarding the townscape assessment:

- *The assessment focuses on the local conservation areas and listed buildings...but relatively little information is provided for other neighbouring areas.*
- *No explanation or justification for the extent of the study area is provided and, as such, the impact assessment may not fully describe wider effects of the proposed development.*
- *There is little information describing other townscape elements, such as its fabric and overall character.*
- *The assessment focuses on the potential for visual impact on the neighbouring conservation areas but does not consider other effects, such as changes to streetscape, urban fabric, urban form, etc.*
- *The impact assessment tends to discuss the beneficial aspects of the scheme only...failing to consider any negative issues such as the loss of skyline, scale and massing of the building, etc. Whilst the overall conclusion of the assessment may in fact be valid, a balanced argument leading up to this conclusion is missing.*

#### Effect of the setting of the Listed Building

7.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.*

7.26 Policy DEV39 of the UDP states that *“Development which adversely affects the setting of a listed building including any landscaped areas or garden areas will be resisted”*. Policy CON 1 of the emerging LDF Core Strategy states that *“planning permission will not be granted where development will adversely impact upon the setting of a listed building.”*

7.27 Officers consider:

- The proximity of the 35 storey tower to the listed building would be harmful to the character and setting of the Grade 2 listed building.
- The podium building would be overbearing and insensitively close to the listed building, especially at the upper levels.
- The additional staircase to the rear (west end) of the listed building would be inappropriate and harmful to the character and setting of the listed building.
- The proposed treatment of the space to the north of the former brewery has not been considered carefully. As proposed, it would be harmful to the setting of the listed building.

#### **Density**

7.28 The scheme would result in a residential density of 2,130 hrph (habitable rooms per hectare). This substantially exceeds the guidance of 247 hrph provided by Policy HSG9 of the UDP 1998. Policy HSG9 sets out four circumstances where higher densities may be acceptable, these include:

- The development would be for special needs housing or non-family housing;

- The development is located within easy access to public transport, open space and other local facilities;
- The dwellings are part of a substantial mixed use development or are a small in-fill development; or
- It can be demonstrated that the development meets all other standards for new dwellings in the Plan and does not conflict with the Council's policies for the environment.

7.29 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policy HSG1 of the LDF Core Strategy. These both include the implementation of a density, location and parking matrix, which links density to public transport availability as defined by PTAL (Public Transport Accessibility Level) scores which are measured on a scale of 1 (low) – 6 (high). Policy HSG1 of the LDF Core Strategy requires the local context and character to be taken into account.

7.30 The site is excellently served by public transport with a PTAL of 6, the highest available. For 'central site's with a PTAL range of 4 to 6, the recommended density of 650-1100 hrph allows for very dense development, large building footprints and buildings of four to six storeys and above, consistent with larger town centres all over London and much of Central London.

7.31 Policy 4B.3 of the London Plan seeks to encourage the highest possible intensity of use compatible with the local context.

7.32 The proposed density of 2130 hrph exceeds the upper level of the recommended density range approximately twice. Whilst the density recommendation is a guide only, the proposed density coupled with the tall building to achieve this, is considered to result in an overdevelopment of the site that would impact unacceptably on the character and context of the area to the east of Aldgate.

### **Open Space**

7.33 UDP Policy HSG16 and Local Development Framework Submission Document Policy HSG13 both state that all housing developments should include the adequate provision of amenity space. The Council's SPG 'Residential Space' states that for non-family housing a minimum area of 50 sq. m, plus an additional 5sq. m over 5 flats is required. This equates to a requirement of 832 sq. m of amenity space at 33 – 35 Commercial Road.

7.34 Student accommodation is a sui generis use and cannot readily be assessed against standard open space requirements. However, the development would provide the following amenity areas:

- Winter garden (772sqm).
- A triangular public open space fronting onto Commercial Road some 380sqm in area.
- A garden area on the northern rear portion of the site for resident student use. This will take the form of a 700sqm grass roof terrace over the swimming pool, with a planted northern boundary.

7.35 Whilst there are a number of design concerns with the proposed forecourt along Commercial Road, overall the proposed amenity area is considered sufficient for a specialist housing use.

### **Amenity**

### Environmental Impact Assessment

7.36 The impact of the development on the amenity of the surrounding properties and existing residents has been considered in the Environmental Impact Assessment (EIA) submitted by the applicant. The EIA sets out to demonstrate that the impact on the surrounding microclimate has been fully tested. The Council's consultants Atkins highlighted a number of

areas where additional information or clarification should be provided. There are two Regulation 19 omissions concerning:

### *Ecology*

There is a Regulation 19 omission to the ecological assessment in the ES and this consists of insufficient bat survey data. Bats are a European Protected Species and therefore the Planning Authority must have sufficient information to enable it to weigh protected species issues when considering a planning application so that it can fulfil its duty under the Habitats Regulations 1994. A bat survey was recommended prior to the granting of any planning permission so that the status of bats at the site can be determined and any necessary mitigation measures for their protection identified.

### *Townscape and visual assessment.*

The main shortcoming of the assessment is that it states at the outset that the scheme is considered to be positive, rather than discussing this within the study itself. It is considered that the assessment should consider the proposals from an impartial and balanced view, outlining both positive and negative aspects and acknowledging alternative opinions. As the assessment's methodology is not balanced in its consideration of likely impacts, this is considered to be a Regulation 19 omission.

### Overlooking

- 7.37 Concerns have been raised with regard to the overlooking by the proposed student accommodation, particularly with regard to Naylor Building. The windows facing Naylor Building North and West are set back approximately 24 m, a separation that complies with Policy DEV2 of the UDP where a separation distance of 18 m between opposing habitable rooms is considered acceptable. The 10 storey podium building has been designed to minimise impact of overlooking upon the Morrison Building where habitable rooms are set back from the façade. The development would be setback approximately 8 metres from the building to the east that is in commercial use.
- 7.38 Overall, it is not considered that there would be unacceptable overlooking and the proposal is considered acceptable in line with Council policy and the CAZ designation.

### Daylight /Sunlight Access

- 7.39 A daylight and sunlight assessment of the site has been undertaken by the applicant. LBTH Environmental Health Department is not satisfied with the information provided. Atkins also state that the provision of more thorough baseline data and measurements of existing daylight levels for both properties adjoining the site would have added more clarity and strength to the assessment.

### Noise

- 7.40 The applicant has also submitted an acoustics assessment that assesses noise during construction and following the occupation of the building. This statement has also been assessed by LBTH Environmental Health. It is concluded that there are several technical errors in the reports that need further clarification. Atkins consider, that due to the choice of impact assessment criteria used in the noise assessment, the significance of the potential adverse impacts of the proposed construction works may have been underestimated. However, it is considered that there are no fundamental issues arising that could not be overcome by conditions limiting construction hours and by further information to determine standards of acoustic glazing.

### Wind

- 7.41 Overall, Atkins has advised that the wind assessment provides very thorough and robust consideration of potential impacts arising from the proposed development. The result of the wind assessment concludes that the wind speeds at all locations are consistent with the expected pedestrian use of the site. In particular the tall building is conical and should not produce the problems typically found with tall slab sided buildings.

#### Electronic Interference

- 7.42 The assessment does indicate that the proposed development is likely to adversely impact signal levels and reception. Atkins advised that further post-construction evaluation of the actual impact arising from the development should be agreed with the Council prior to the granting of any planning permission with mitigation measures agreed.

#### **Access and Parking**

- 7.43 All vehicle access to the site would be via Assam Street, which would be modified at its eastern end to provide a hammerhead to accommodate emergency access for high reach fire vehicles. Adjoining the hammerhead would be four vehicle bays for delivery, service and maintenance vehicles. The Council's Highway Development Department considers these arrangements satisfactory.
- 7.44 The scheme proposes no car parking spaces. This would accord with the standards set out within the UDP and London Plan which supports current Government guidance on encouraging trips by other means. The 670 secure bicycle spaces at basement level are considered satisfactory. No objections have been raised to refuse arrangements.

#### **Sustainable Development/ Renewable Energy**

- 7.45 The London Plan and the Local Development Framework – Core Strategy and Development Control Submission Document contain policies to ensure the environmental sustainability of new development. LDF Policy DEV6 requires major development to incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.

The applicant has submitted an energy statement which outlines the proposed and potential energy efficiency and renewable energy measures within the scheme. No issue is taken with this and any planning permission could be conditioned to secure the implementation satisfactory measures. The development achieves an eco-homes rating of “very good.”

#### **Access and Inclusive Design**

- 7.46 Policy HSG8 of the UDP requires the Council to negotiate a provision of dwellings to wheelchair standards and a substantial provision of dwellings to mobility standards – this should extend to student housing.
- 7.47 Policy HSG9 of the emerging Local Development requires new housing to be built in accordance with Planning Standard 5: Lifetime Homes with at least 10% of all new housing being wheelchair accessible or easily adaptable for residents that are wheelchair users.
- 7.48 The development would provide 782 student rooms of which 40 (5%) have been designated for disabled use. The development does not comply with planning policy. Notwithstanding this, the applicant has indicated that in-built flexibility has been designed into the structure allowing different sizes and room configurations and arrangements for disabled people could again be conditioned by any planning permission.

## Listed Building Issues

7.49 Planning Policy Guidance (PPG) Note 15 states that '*cumulative changes affecting the history of use and ownership are themselves an aspect of the special interest of some buildings*' (paragraph 3.13). It is considered that a number of the C20th additions comprise elements of special interest to the listed building.

7.50 Policy DEV36 of the UDP states:

*“Consent will not normally be granted for the demolition or partial demolition of any listed building except where a strong case for demolition exists having regard to:*

- *The relative importance of the building both architecturally and historically;*
- *The condition of the building and the estimated costs of its repair; and*
- *The importance of any alternative use for the site.”*

7.53 Further, Policy CON1 of the LDF Submission Document states that “*applications for demolition of listed buildings will be resisted...except in exceptional circumstances*”.

7.54 As mentioned, English Heritage advise that they are unable to support the development as it stands. Officers consider that there is no adequate case for the demolition proposed and the alteration to the Grade 2 listed building would fail to properly preserve its special architectural and historic interest. The issues of particular concern are as follows:

- The demolition of the previous duty paid warehouse and also the Director's office adjacent to the Morrison Building;
- The additional storey, added to the Grade 2 listed building in approximately 1900 is considered successful both internally and externally. The Council is opposed to its removal. The replacement floor proposed for the same level is also opposed.

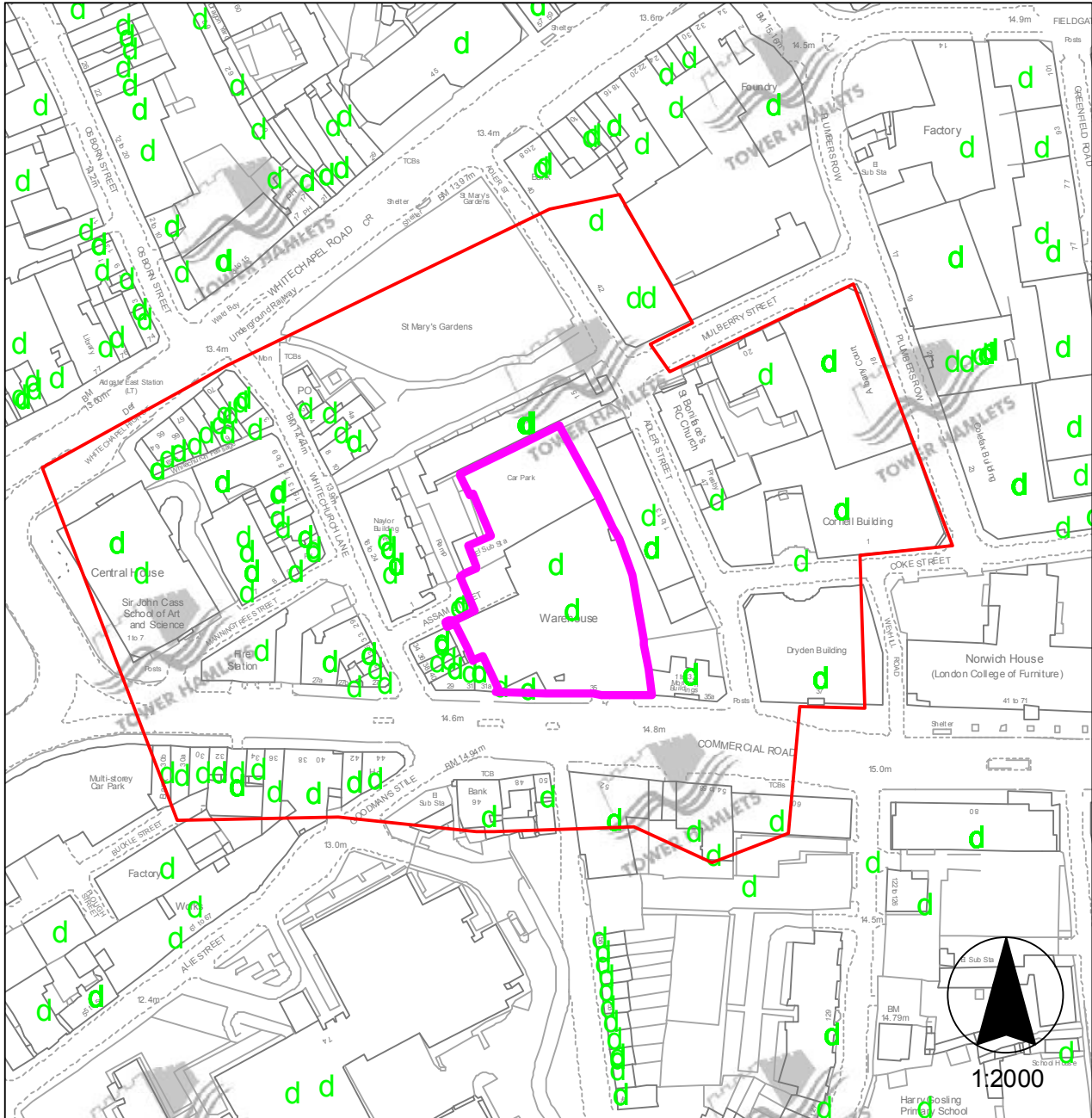
7.56 It is considered that the development would fail to preserve features of special architectural or historic interest which the listed building possesses contrary to Policy DEV36 of the Tower Hamlets Unitary Development Plan 1998, Policy CON1 of the Tower Hamlets Local Development Framework Core Strategy and Development Control Submission Document, and national advice in Planning Policy Guidance Note 15.

## 8. CONCLUSION

8.1 No objection is seen to the development in land use terms. However, the proposal represents an over-development of the site paying little or no regard to the local context or the setting of the listed building the character, appearance and setting of which would be adversely affected.

8.2 The proposal is considered contrary to the policies of the development plan for the area and the emerging Local Development Framework. It is therefore recommended that both applications are refused on the grounds set out in Section 2 above.

# 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 6.6

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> November 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.6
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning application for decision	
<b>Case Officer:</b> David Gittens		<b>Ref No:</b> PA/06/00144	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

<b>Location:</b>	Site Formerly Known As 44 To 56 Prescott Street and 2 To 20 South Tenter Street, Prescott Street, London
<b>Existing Use:</b>	Mixed office, industrial, vacant.
<b>Proposal:</b>	Erection of a part 8, part 13, part 16 storey building to provide 252 room hotel with 120 serviced apartments, retail unit, health club, conference centre and basement car parking.
<b>Drawing Nos:</b>	2000A; 2001G; 2002D; 2003E; 2004J; 2005E; 2006D; 2007D; 2008B; 2009B; 2010B; 2011B; 2012B; 2013B; 2016B; 2201C; 2202C; 2203C; 2204C; 2301B; 2302B; Artists view looking westwards.
<b>Applicant:</b>	Grange Hotels
<b>Owner:</b>	Grange Hotels
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	No

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### Reasons for grant

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- In principle, the redevelopment of the site to provide a part 8, part 13, part 16 storey building to provide 252 room hotel with 120 serviced apartments, retail unit, health club, conference centre and basement car parking is acceptable, subject to an appropriate planning obligations agreement and conditions to mitigate against the impact of the development; and
  - It is considered that the proposed use would not have an adverse impact on the residential amenity of the surrounding properties. A number of conditions are recommended to secure submission of details of materials, landscaping, external lighting, and plant, and to control noise and hours of construction.

## 3. RECOMMENDATION

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

A. **Referral to the Mayor of London** pursuant to the Town & Country Planning (Mayor of

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		David Gittens 020 7364 5369

London) Order 2000 under categories 1B 1 (b) and 1C 1 (c) of Part 1 of the Schedule of the Order for a building exceeding 20,000 square metres floor space in Central London and more than 30 metres high outside the City of London.

- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
- a) A financial contribution of £50,000 towards the improvement of pedestrian and cycle facilities in the locality;
  - b) £150,000 towards public art;
  - c) £10,000 towards local childcare provision;
  - d) TV reception monitoring and mitigation as appropriate;
  - e) Air quality monitoring during construction;
  - f) Local labour in construction.
- C. Social Compact and Service Level Agreement to secure such matters as the Employment Training Programme & Borough Schools Programme (includes financial contribution of £26,000 to Skillsmatch).
- D. An agreement under section 278 of the Highways Act to fund highway resurfacing and repaving adjacent the site.

3.2 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

#### **Conditions**

- 1) Permission valid for 3 years.
- 2) Submission of details of external materials.
- 3) Submission of details of hard and soft landscaping treatment.
- 4) All planting, seeding or turfing.
- 5) Submission details of any proposed walls fences gates and railings.
- 6) Submission of details of any external lighting.
- 7) Investigation and remediation measures for land contamination.
- 8) Archaeological investigation and recording prior to commencement.
- 9) Submission of foundation design and method statement.
- 10) Design and construction details of the new basements should be submitted to the local planning authority.
- 11) Submission of the passive design measures, centralised heating system, Combined Heat and Power system, Groundwater Cooling/Heating (and associated electrical chillers), solar water heating, photovoltaic panels, which shall be in accordance with the submitted Cundall Genesys Environmental outline energy strategy in perpetuity.
- 12) Submit a swept path analysis to demonstrate that the junction of Prescott Street/St Mark Street can safely accommodate the passage of large vehicles.
- 13) Control hours of construction.
- 14) Control hours of power/hammer driven piling/breaking out.
- 15) Details of noise levels to be submitted.
- 16) Details of means of fume extraction and ventilation for restaurant.
- 17) Details of means of fume extraction and ventilation for the conference catering facilities.
- 18) Restriction of apart-hotel occupancy to 90 consecutive days or less.
- 19) Any other condition(s) considered necessary by the Head of Development Decisions

#### **Informatives**

- 1) This permission is subject to a planning obligation agreement made under Section 106 of the Town and Country Planning Act 1990.
- 2) With regard to Conditions 7 (Decontamination), you should contact the Council's Environmental Health Department.

- 3) With regard to condition 10 you should contact the Council's Structures Section
- 4) You are advised that the Council operates a Code of Construction Practice and you should discuss this with the Council's Environmental Health Department.
- 5) You should consult the Council's Highways Development Department, regarding any alterations to the public highway.
- 6) You are strongly encouraged to increase the provision of wheelchair accessible rooms to more than the minimum 5%.

3.3 That, if by 28<sup>th</sup> February 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

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

##### **Proposal**

- 4.1 Application is made for full planning permission for the demolition of the existing buildings on the site and redevelopment to provide a part 8, part 13, part 16 storey building to provide a 252 room hotel with 120 serviced apartments. The block would be arranged with the two tower elements of 16 and 13 storeys at the western and eastern extents respectively joined by the lower 8 storey section of the building. The western tower, accessed directly from fronting Prescott Street would incorporate the hotel reception whilst the eastern tower accessed off St Mark Street would incorporate the reception for the serviced apartments.
- 4.2 The building would have three basement levels providing plant and 6 car parking spaces together with a car lift, conference facilities and a health club. The ground floor would incorporate a retail unit and bar/restaurant at street level fronting Prescott Street, the car lift entrance fronting St Mark Street and a goods delivery bay fronting South Tenter Street. The scheme would also incorporate landscaped areas at ground floor level, and on roof terraces at second floor level.
- 4.3 The serviced apartments would include small kitchenettes and would be intended for longer occupancy than conventional hotel use, up to a maximum of 90 days.
- 4.4 The present scheme is a substitution of a previous application on the site for a larger version of the scheme (comprising a part 8, part 16, part 20 storey building) to provide a 256-bedroom hotel and 156 serviced studio apartments (PA/04/1150). However after meetings with the Council and the GLA, principally with regard to concerns with regard to the scale of the proposal in relation to its surroundings, that application was withdrawn.

##### **Site and Surroundings**

- 4.5 The application site measures 0.34 hectares, situated on the north side of Prescott Street and occupies a whole street block bounded by St Mark Street to the east, South Tenter Street to the north and West Tenter Street to the west.
- 4.6 The site is mostly cleared and vacant but contains 2 separate three storey buildings fronting South Tenter Street at no 14, and at no 22-24. There are a number of vehicular accesses to the site in both South Tenter Street and St Mark Street which, along with West Tenter Street, are roads for which the Council is the highway authority, whilst Transport for London are the highway authority for Prescott Street.
- 4.7 The land surrounding the site is mixed in character being primarily office type commercial uses interspersed with residential. On the south side of Prescott Street are residential and restaurant uses plus the Grade 2 listed English Martyrs Roman Catholic church and ancillary hall. The offices opposite at 24 Prescott Street recently obtained planning permission for change of use to a hotel.

- 4.8 The west side of West Tenter Street is occupied by the flank wall of premises fronting Prescott Street and the rear of buildings fronting Mansell Street and include office, residential and Class A3/A4 uses. The north side of South Tenter Street is occupied by the rear of a row of three storey houses that front Scarborough Street to the north beyond which lies English Martyrs primary school. An 8 storey office building occupies the east side of St. Mark Street separated from a small housing development to the north by the eastern end of South Tenter Street.
- 4.9 The site is well located in relation to shopping facilities, community services and public transport. It is within walking distance of Fenchurch Street National Railway Station, Tower Hill, Aldgate and Aldgate East Underground Stations and Tower Gateway DLR station. A number of bus routes pass either along Prescott Street and stop nearby on Lemn Street and Mansell Street.
- 4.10 The application site is within the City Fringe of Tower Hamlets and lies within the area covered by the draft City Fringe Area Action Plan 2006. The site is also within the Central Area Zone designated by the 1998 UDP and the Central Activities Zone of the Emerging LDF.

### **Planning History**

- 4.11 Originally developed for housing, the site suffered extensive bomb damage during the Second World War. The majority of the site is vacant and has been used for many years as a surface level car park.
- 4.8 The following planning decisions are relevant to the application:
- **1979 – 1988** – Various temporary permissions for use of parts of the site as a car park/secure storage for cars.
  - **February 1991** - The entire site, with the exception of Nos. 22 and 24 South Tenter Street, was granted planning permission for the construction of a part two, part five storey (plus 2 level basement) office building to provide 15,500 square metres of floor space, with ancillary car parking, servicing and landscaping treatment. This permission was renewed in October 1996 and again in January 2002 but never implemented.
  - **February 2003** - planning permission was granted for the enclosure of 200 sq m of the site with an 8 ft high fence for the storage of building materials as a replacement for a builders compound elsewhere on the site.
  - **March 2003** - the Council's Development Committee resolved to grant planning permission for the demolition of existing buildings and erection of 25,000 square metres of office floor space plus leisure/retail facilities together with associated car parking, servicing and landscaping, subject to the completion of a Section 106 planning obligation agreement. An agreement has not yet been signed although a draft agreement has been submitted to the Council for consideration.
  - **July 2003** – An enforcement appeal in respect of the continued use of the site as a public car park (for between 110 and 130 spaces) was dismissed.
- 4.9 There have also been various refusals of planning permission during this time for the use of the site or parts of the site for mixed office/residential use, office use, use as a builders compound, use as a public car park and for the display of advertisements.

## 5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### Unitary Development Plan

Proposals:	Archaeological importance or potential Central Area Zones
Strategic Policies:	ST15 Encourage a wide range of economic activities at suitable locations
	ST16 Encourage development which promote job opportunities
	ST18 Economic development and protection/enhancement of local environment
	ST37 Improve appearance of Borough
	ST38 Provide and increase range of leisure and recreational facilities
	DEV1 Design Requirements
	DEV2 Environmental Requirements
	DEV3 Mixed use Developments
	DEV4 Planning obligations
	DEV6 High buildings and views
	DEV12 Landscaping
	DEV17 Street Furniture
	DEV18 Public Art
	DEV39 Development Affecting the setting of a Listed Building
	DEV50 Noise
	DEV51 Soil Tests
	DEV55 Development and Waste Disposal
	EMP1 Promoting employment growth
	EMP6 Employment of Local People
	T9 Discourage Non-Essential Private Car Journeys
	T13 Essential Parking Needs
	T15 Capacity of Transport System
	T16 Impact of Traffic
	T17 Parking Standards
	T19 Pedestrians
	T21 Pedestrians
	T23 Cyclists
	ART7 Tourist Accommodation

### Emerging Local Development Framework

Proposals:	CP8 Central Activities Zone
	CP49 Archaeological Priority Area
	CF13 Preferred Uses: Employment (B1), Hotel (C1), Retail (A2, A3, A4).
Core Strategies:	CP1 Creating Sustainable Communities
	CP2 Equality of Opportunity
	CP3 Sustainable Environment
	CP4 Good Design
	CP5 Supporting Infrastructure
	CP7 Job Creation and Growth
	CP8 Tower Hamlets’ global Financial and Business Centre and the Central Activities Zone
	CP12 Creative and Cultural industries and Tourism
	CP13 Hotels, Serviced Apartments and Conference centres

CP15	Provision of a Range of Shops and Services
CP29	Improving Education and Skills
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development With Transport
CP42	Streets for People
CP46	Accessible and Inclusive Environments
CP47	Community Safety
CP48	Tall Buildings
CP49	Historic Environment

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance From Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	EE4	Serviced Apartments
	CON4	Archaeology and Ancient Monuments

### **Planning Standards**

Planning Standard 1:	Noise
Planning Standard 3:	Parking

### **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG13	Transport

**Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

## **6. CONSULTATION RESPONSE**

### **LBTH Environmental Health**

- 6.1 In terms of overshadowing, due to its design and setback, the proposal would have a minimal impact, and indeed a lesser impact on its surroundings than the previously approved 7 storey office scheme.

Accept air quality assessment findings. Request additional air quality information/monitoring during construction.

Request a condition to ensure the developer carries out a site investigation and monitoring of contamination.

### **LBTH Highways**

- 6.2 The issue regarding the taxi drop off point has now been resolved. Satisfied with the revised proposal. This was also submitted to TfL.

The whole area around English Martyrs School is the subject of a Safer Routes to School assessment with future traffic calming proposals to be introduced.

The design and construction details of the new basements should be submitted to the Council for technical approval.

### **Transport For London (Statutory Consultee)**

- 6.3 No objections. Site has a PTAL level of 6. TfL supports the provision of 50 cycle parking spaces within the development and welcome the taxi drop-off facility however requires parking to be restricted on West Tenter Street to ensure the efficient operation of the pick-up/drop-off arrangements.

TfL requires the submission of a swept path analysis to demonstrate that a small rigid vehicle can manoeuvre into St Mark Street while a vehicle is waiting to access onto Prescott Street, and if necessary, any mitigation measures needed to address any issues identified to be provided by the developer.

Request a contribution of £50,000 towards design development and subsequent implementation of a proposal to remove the Aldgate gyratory system. S278 agreement required for an entry treatment to West Tenter Street and footway upgrade works along the northern side of Prescott Street.

### **Greater London Authority (Statutory Consultee)**

- 6.4 The GLA Stage 1 report is supportive of the proposed development. The GLA advise that the scheme is generally acceptable in principle subject to the following concerns being addressed by a legal agreement or planning conditions:
1. energy;
  2. employment initiatives; and
  3. TfL's comments on transportation

The Authority also encourages the applicant to increase the amount of accessible rooms above the minimum requirement.

### **English Heritage (Statutory Consultee)**

- 6.5 Requests that conditions be attached to secure prior to development:
1. archaeological investigation and recording; and
  2. detailed foundation design and method statement.

### **Thames Water**

- 6.6 Waste Comments:  
Requests that the applicant incorporate a suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

In respect of surface water the applicant should ensure that storm flows are attenuated or regulated into the receiving network through on or off site storage.

Water Comments:

On the basis of information provided, Thames Water is unaffected by this proposed development and therefore have no comments to make.

Supplementary Comments:

The developer should liaise with Thames Water Developer Services to agree acceptable positions of connection to public sewers. All basement drainage should pump to ground level.

### **City of London**

- 6.7 Consider that the proposal will not impact on the City and therefore do not wish to express a view.

### **CABE**

- 6.8 Stated that they wished not to comment.

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 171 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 16      Objecting:15      Supporting:1  
No of petitions received: 1 objecting – 24 signatures

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

### Objecting

Land Use:

- Hotels are only proposed because of the offices that have remained empty for years are no longer viable.
- There are a sufficient number of hotels in the locality.
- What is the viability of another hotel in this locality.

Design:

- The proposed 16 storey building is out of character with the street.
- The proposed building will dwarf the smaller residential buildings behind it.

Amenity:

- The proposal will give rise to significant loss of daylight and sunlight to nearby residents, businesses.
- The proposal will give rise to significant loss of daylight and sunlight to the buildings and playground of the nearby English Martyrs School.
- The block will overlook the school playground and, given current concerns about child protection, it can be argued that this is a material impact on the school.



- The proposal will cause disruption and noise and disturbance in the locality particularly at night due to the coming and goings of people and vehicles and doors slamming 24 hours a day.
- Deliveries to the hotel will cause disruption to local residents.
- The proposal will adversely affect television reception.

Highways:

- The proposal will adversely hamper parking and refuse collection for existing residents.

Overdevelopment:

- The scheme is too high and dense.

Supporting

- Happy to support this proposal which will put this unique site on the City Fringe to good use.

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land use
2. Design
3. Amenity issues
4. Highways issues
5. Section 106 obligations.

### **Land Use**

8.2 The emerging LDF states that the Central Activities Zone is where the Council will promote the expansion of, amongst other things, tourism and leisure facilities. (Central Area Zone within the UDP) Policy ART7 of the UDP also supports major hotels within the Central Area Zone. The site is also identified in the LDF as having preferred uses of Employment, Hotel and Retail (A2, A3, A4).

8.3 The site offers potential within the Central Activities Zone as a location for tourism including hotels. The March 2003 resolution of the Council's Development Committee resolved to grant planning permission for 25,000 square metres of offices confirms the site's suitability for significant commercial redevelopment. Accordingly, in view of the above the proposed hotel/serviced apartment use is considered acceptable.

8.4 The ground floor would incorporate a retail unit directly accessed from Prescott Street and bar/restaurant at street level accessed from within the building. It is not considered that the proposed retail unit is of a scale that would adversely affect the viability of established retail centres in the Borough. Accordingly the proposed retail and restaurant uses are considered acceptable.

### **Design**

8.5 The key issues that relate to the design of the scheme are the impact of the proposed building in terms of its size and mass on the surrounding townscape, together with the impact on the street scene in particular the setting of the nearby listed building.

8.6 The site currently comprises an unsightly vacant plot in a built up area. The proposal would

envisage the construction of a part 8 (25 metres from ground level), part 13 (40 metres), part 16 (49 metres) storey building to provide a 252 room hotel with 120 serviced apartments. The block would be arranged with the two tower elements at the western and eastern extents respectively linked by the lower 8 storey section of the building.

- 8.7 As stated earlier, the present scheme is a substitution of a previous application on the site for a larger version of the scheme to provide a 256-bedroom hotel and 156 serviced studio apartments, together with ancillary facilities which was eventually withdrawn. However, whilst reducing the towers by 3 and 4 storeys, the present scheme maintains the welcome variation in building heights that contributes positively to the articulation of the street scene and allows the proposed building to relate well to the variety of building heights in its surroundings.
- 8.8 The reduction in massing has assisted in minimising the impact of the proposal on the nearby listed building by avoiding immediate overbearing impact of scale on its setting. The horizontal and vertical gradation have helped to create a slender appearance to the overall massing. Should planning permission be granted, whilst any final details of the materials would be reserved by condition, likely samples have been submitted for preliminary consideration. The combined use of brickwork, metal louvers, metal panels and glass is considered appropriate in the building context.
- 8.9 A key to the success of the proposed building will be its interface with the public realm. In this regard, the applicant has indicated landscaped areas around the perimeter of the building and a number of green roof terraces at second floor level. High quality hard and soft landscape finishes and external lighting, would be required by condition.
- 8.10 The proposal would provide much welcomed built fabric into this long standing gap in Prescott Street, would improve the public realm and be a positive addition to the area.

### **Amenity**

- 8.11 The key amenity impacts being considered in this case relate to how the amenity of local residents may be affected by:
- loss of daylight/sunlight;
  - the impact of the activity of the hotel function;
  - the noise of plant installed on the proposed building.
- 8.12 The effects of the scheme in terms of sunlight and daylight have been assessed by a specialist firm in this field in the context of its individual impact and against the impact of the previously approved office 7 storey office scheme.
- 8.13 Although significantly taller in places, the upper parts of the application proposal are pulled significantly away from the rear boundary for much of the building's width. This has meant that overall, daylight conditions on the surroundings.
- 8.13 The Council's Environmental Health Section have reviewed the daylight sunlight study and find the proposal acceptable.
- 8.14 With regard to the potential for residents to experience noise and disturbance from the activities of the proposed hotel the Council's Environmental Health Section have not raised any specific concerns. Indeed there may be some noise benefit as the building itself may provide some acoustic screening to the houses to the north from the road noise generated in Prescott Street. However any noise generated by plant, including the proposed car elevator, can be restricted by condition.

### **Highways**

- 8.15 The application site is centrally located within an area that is particularly well served by

public transport and able to cope with the anticipated transport demand. The proposal is therefore acceptable and consistent with strategic policy ST32, and policy T15 of the UDP.

- 8.16 The site is set within a controlled parking zone with on street parking in the vicinity controlled during the daytime with a mixture of red routes, yellow lines, pay and display and business and residents parking bays. Accordingly, it is not anticipated that the proposed building, would contribute significantly to on-street parking stress in the locality.
- 8.17 Although parking spaces are provided within the site, at 26 (including 3 disabled bays) this is lower than the maximum level of parking allowed by the Council's current policies. This is combined with the provision of 5 motor cycle and 50 cycle parking spaces. Accordingly, the proposal is considered a benefit for cycling overall and indeed may encourage cycling as a means of transport
- 8.18 TfL recognise that the largest vehicle used to service the hotel would be small rigid laundry vehicles or goods vehicles via South Tenter Street from St Mark Street. There are no facilities provided for the servicing of the site by coaches which has not been requested by either TfL or the Council's Highways Section.

### **Planning obligations**

- 8.19 Policy DEV4 of the adopted UDP and Policy IMP1 of the emerging LDF say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.20 The applicant has agreed to making the following financial contributions:
- £50,000 to be used towards the improvement of highways, pedestrian and cycle facilities in the locality;
  - £150,000 towards the provision of public art;
  - £10,000 towards local childcare provision;
  - TV reception monitoring an mitigation as appropriate; and
  - Air quality monitoring during construction.
- 8.21 The applicants have also agreed to the Council's standards provisions in respect of Local Labour in Construction.
- 8.22 The Secretary of State advises that planning obligations should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and to be reasonable in all other respects. The applicants have agreed to the planning obligations, as set out in Section 3.1B of this report, to mitigate against the impact of the proposed development.

### **Social Compact Agreement**

- 8.23 It is acknowledged that the application site is within the locality of some of the highest unemployment rates within the Borough and yet the associated social deprivation sits adjacent to one of Europe's major economic centres.
- 8.24 The applicants have committed to a compact agreement which puts forward a variety of means by which they would be involved in the local community. These include:

#### **Employment and Training programme**

- Engage in an employment programme that will concentrate on job opportunities and the provision of pre-employment training to overcome skills gaps relating to all front of house job opportunities (including Luggage Porters, Concierge Staff, Bar

Staff, Waiting staff, Reception staff, and Switchboard Operators) and all back of house job opportunities (including Cleaners, Security Staff, Sales, Marketing and Events staff, Chefs, Kitchen Porters and Administrators).

- Allow Skillsmatch to provide a team of staff to advertise the vacancies, screen and match local job seekers, offer testing and pre-employment sessions and refer suitable candidates to managers at Grange Hotels.
- Skillsmatch and Grange Hotels devise and deliver (with partners) a suitable pre-employment training package for all new starters at the hotel, ensuring they reach the necessary skills and attributes requirements of the business. This will include the provision of all necessary advertising, screening, matching and testing of applicants.
- Grange Hotels will provide £4,000 per year for 5 years towards the staffing costs of Skillsmatch.

#### Borough Schools Programme

- Participate in a schools programme that will concentrate on introducing local residents of school age to career opportunities within Hospitality, Leisure, Travel and Tourism. This will include:
  - Positive engagement with the Tower Hamlets Education team to support curriculum development in related NVQ programmes, including the provision of a minimum of 2 work experience placements per year
  - The provision of at least 2 open days a year for students to visit the business and receive presented material on career opportunities within the hotel sector
  - Participation in workshops during themed sector recruitment events aimed at young people at least twice a year
  - Grange Hotels will provide £2,000 per year for 3 years to support the promotion of Hospitality, Leisure, Travel and Tourism to borough students.

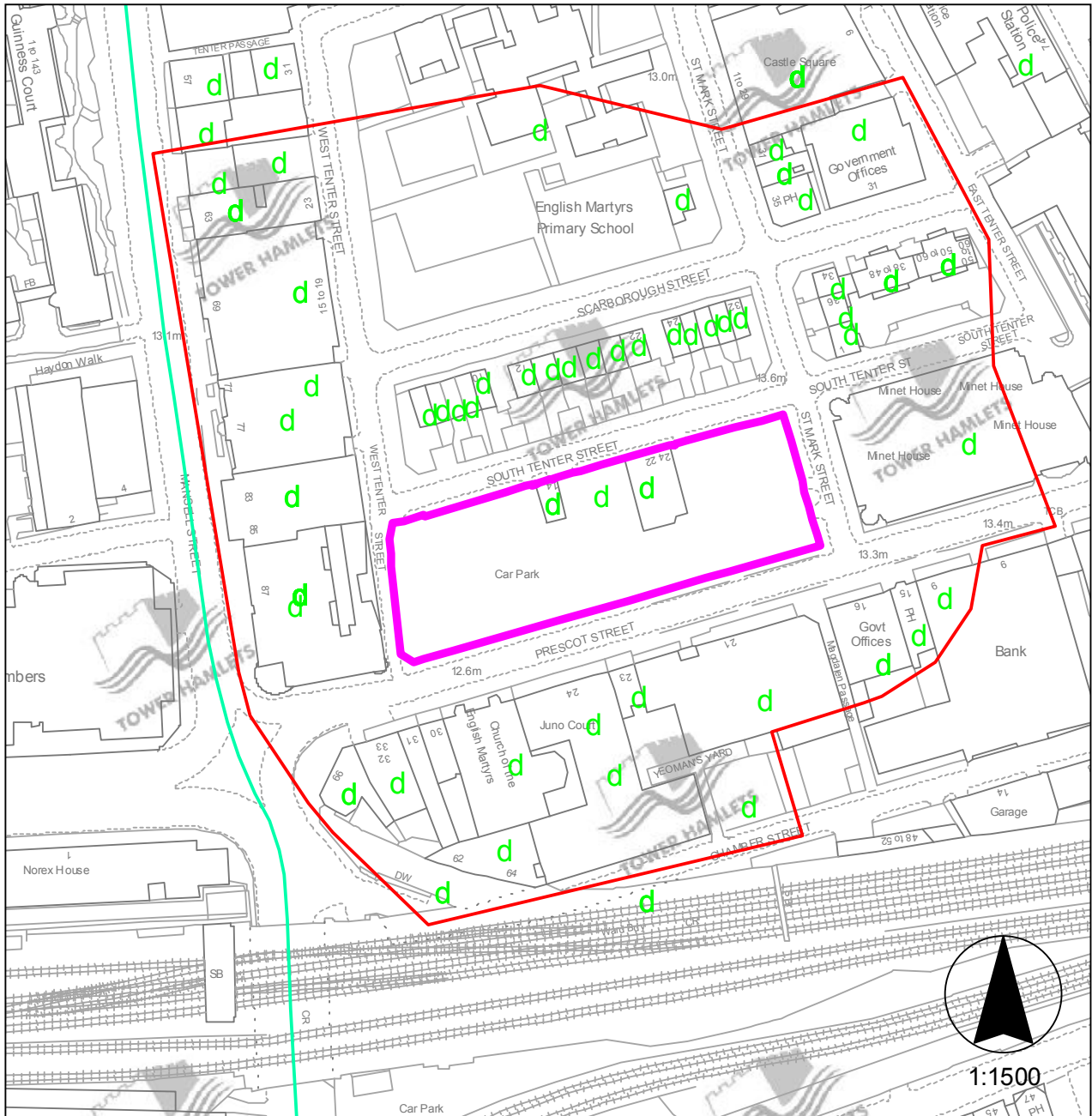
8.25 The compact also includes proposals for regular update and liaison meetings to monitor the impact of the benefits on people and businesses and contribute ideas as to how the Programme could reasonably be adjusted with a view to provide additional/further benefit.

8.26 It is considered that the planning obligations recommended in section 3.1B of this report are appropriate in this case and accord with the government guidance.

## **9 CONCLUSION**

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

# 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

**Site Formerly Known As 44 To 56 Prescott Street And 2 To 20 South Tenter Street, Prescott Street, London**

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