

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 10 May 2007 at 7.30 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Rofique U Ahmed	
Vice-Chair: Councillor Alibor Choudhury	
Councillor Ohid Ahmed	Councillor Anwara Ali, (Designated Deputy for Councillors Ohid Ahmed, Alibor Choudhury, Ahmed Omer and Joshua Peck)
Councillor Louise Alexander	Councillor Stephanie Eaton, (Designated Deputy for Councillor Louise Alexander)
Councillor Rupert Eckhardt	Councillor Carli Harper-Penman, (Designated Deputy for Councillors Ohid Ahmed, Joshua Peck, Ahmed Omer and Alibor Choudhury)
Councillor Ahmed Hussain	Councillor Sirajul Islam, (Designated Deputy for Councillors Ohid Ahmed, Alibor Choudhury, Ahmed Omer and Joshua Peck)
Councillor Abjol Miah	Councillor Waiseul Islam, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor Ahmed Adam Omer	
Councillor Joshua Peck	

Councillor Rania Khan, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor M. Mamun Rashid, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah)
Councillor Simon Rouse, (Designated Deputy for Councillor Rupert Eckhardt)

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

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

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 10 May 2007

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

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

Note from the Chief Executive

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

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

Consequences:

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

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

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 15 th March 2007.	1 - 10	
4. RECOMMENDATIONS		
To RESOLVE that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting.		
5. PROCEDURE FOR HEARING OBJECTIONS		
To note the procedure for hearing objections at meetings of the Strategic Development Committee, the wording of which has been amended to reflect the wording in the Constitution which was approved by full Council on 8 th March 2007.	11 - 12	
6. DEFERRED ITEMS	13 - 14	
7. PLANNING APPLICATIONS FOR DECISION	15 - 16	
7 .1 John Bell House, 10 King David Lane, London	17 - 30	Shadwell
7 .2 The London Arena, Limeharbour, London E14	31 - 48	Blackwall & Cubitt Town
7 .3 Arrowhead Quay (East of 163 Marsh Wall), Marsh Wall, London	49 - 72	Millwall
8. BISHOPS SQUARE S106 PLANNING OBLIGATIONS ALLOCATION FOR DECISION	73 - 88	Spitalfields & Banglatown; Weavers;

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 15 MARCH 2007

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

Members Present:

Councillor Ohid Ahmed
Councillor Alibor Choudhury (Vice-Chair, in the Chair)
Councillor Rupert Eckhardt
Councillor Ahmed Hussain
Councillor Abjol Miah
Councillor Ahmed Adam Omer
Councillor Joshua Peck

Councillor Stephanie Eaton

Other Councillors Present:

Officers Present:

Renee Goodwin	– (Acting Applications Manager)
Michael Kiely	– (Service Head, Development Decisions)
Alison Thomas	– (Manager, Social Housing Group)
Neil Weeks	– (Legal Advisor)
Louise Fleming	– Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Rofique Ahmed and Louise Alexander. Councillor Stephanie Eaton deputised for Councillor Alexander.

2. DECLARATIONS OF INTEREST

Councillor Ahmed Omer declared a personal interest in item 6.1 as the ward member for Bow East.

Councillor Josh Peck declared a personal interest in item 6.1 as an employee of the Heritage Lottery Fund, which was one of the lottery distributors whose income would be reduced to fund the Olympic Games.

Councillor Ahmed Hussain declared a personal interest in item 6.2 as the ward member for Mile End East.

Councillor Rupert Eckhardt declared a personal interest in item 6.3 as the ward member for Millwall.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 13th February were agreed and approved 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 urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members had 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 amendments to recommendations being made by the Committee, the task of formalising wording of any amendments 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 and that no objectors had registered to speak.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Olympic Applications

Mr Michael Kiely, Head of Development Decisions, gave a detailed presentation on the three separate applications submitted by the Olympic Delivery Authority (ODA). He detailed the site preparation, the facilities and their legacy transformation. Mr Kiely presented the proposals for Tower Hamlets for the Olympics and Legacy phases; and the implications for the Borough. The Committee was advised of the concerns of officers in relation to the Legacy design and the impact on residents. Members considered a draft response to the ODA, contained at Appendix L to the agenda item, and made the following comments:

- Ensure that Tower Hamlets residents get the best deal possible from the Olympics and have clear links to the Games.

- Safeguard the future of Fish Island, whilst making the area more accessible.
- Concerned over link roads and bridges. The link road should not dissect the area and the bridges should be made permanent structures.
- Ensure that the ODA is made aware of the Council's concerns and put forward proposals for the improvement of the applications. Ensure that the ODA is aware that the Council's support is not unconditional and that, while fully supportive of the Games, it was important to protect the interests of its residents.
- Concerned over the implications of the Combined Cooling and Heat and Power Plant (CCHP).
- Proposals should not compromise the open space.
- Ensure public access to the waterways network and not "privatise" through development.
- Concern over the loss of allotment space, including Manor Gardens Allotments.

The Committee RESOLVED that

- (i) the draft letter of observations, attached as Appendix L to the agenda report, be amended to include the comments made by the Committee; and
- (ii) the Corporate Director of Development and Renewal be delegated authority to make further observations and/or recommendations as appropriate to the Olympics Development Agency (ODA).

6.2 48-52 Thomas Road, London E14 7BJ

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment to provide a mixed use development within 3 buildings ranging from 5 to 12 storeys (including a mezzanine level at the top floor), 182 residential units, of which 91 will be affordable dwellings, 750 sqm of B1 floor space, 91 underground parking spaces, 182 cycle spaces, landscaping and ancillary works at 48-52 Thomas Road, London E14 7BJ.

Ms Renee Goodwin, Strategic Applications Manager, presented a detailed report and update report on the application, which provided Members with further clarity in respect of contributions required by Transport for London towards Bus Network Development, and detailed the reasons why the proposals were acceptable and recommended for approval.

The Committee was pleased with the amount of affordable housing being offered. Members asked questions relating to the lighting of the towpath; the decontamination of the site; and the provision for waste and recycling facilities. The Committee was advised that such matters would be dealt with by Condition.

The Committee RESOLVED that planning permission for the redevelopment to provide a mixed use development within 3 buildings ranging from 5 to 12 storeys (including a mezzanine level at the top floor), 182 residential units, of which 91 will be affordable dwellings, 750 sqm of B1 floor space, 91 underground parking spaces, 182 cycle spaces, landscaping and ancillary works at 48-52 Thomas Road, London E14 7BJ be GRANTED subject to

A The prior completion of a legal agreement to the satisfaction of the Chief Legal Officer, to secure the following:

- a) Affordable Housing provision of 50% of the proposed residential units measured by habitable rooms with an 80/20 split between rented/shared ownership in accordance with the mix specified in the Committee report;
- b) a contribution of £763,755 towards healthcare to mitigate the demand of the additional population on healthcare services;
- c) a contribution of £345,576 towards education to mitigate the demand of additional school places generated by the proposal;
- d) a contribution of £100,000 towards access to employment initiatives;
- e) a contribution of £150,000 towards highways, pedestrian and cycle improvements within the surrounding area and the funding of a study to investigate improved linkages in the wider area;
- f) a contribution to TfL of £20,000 towards improving bus accessibility as well as bus stop upgrades on Bow Common Lane to the north of the site and Upper North Street to the south of the site;
- g) completion of a car free agreement to restrict occupants applying for residential parking permits;
- h) preparation of a Travel Plan (for both the residential and commercial component);
- i) a contribution of £10,000 towards improvements to the riverside walkways and access to the canal to be implemented by British Waterways. This would equate to approximately 25% of the current estimated cost of canalside works in the vicinity of the site;
- j) Code of Construction Practice;
- k) TV and Radio reception.

B An agreement under Section 278 of the Highways Act for highways, pedestrian and cycle improvements within the surrounding area.

C That the Head of Development Decisions be 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 samples/details/full particulars.

- 3) Submission of a Secured by Design Statement.
- 4) This scheme shall include an unobstructed access strip of at least six metres between the new development and the canal wall.
- 5) Submission of a Landscaping scheme and landscape management plan, including the provision of landscaping within 6m buffer zone to the Limehouse Cut.
- 6) Submission of investigation to assess the degree of contamination of the site and determine water pollution potential.
- 7) Submission of details of site drainage.
- 8) No soakaways shall be constructed in contaminated ground.
- 9) Submission of details of site foundations.
- 10) Submission of an investigation and remediation measures for land contamination.
- 11) Submission of a Noise and Vibration Survey and details of sound insulation/attenuation measures to ensure minimal impact during construction to surrounding properties and to protect future residents from surrounding industrial impacts.
- 12) Provision of a minimum of 214 cycle spaces.
- 13) Submission of a traffic management plan detailing all routes to be used by construction vehicles and maintenance programmes.
- 14) Parking, access and loading/unloading, manoeuvring.
- 15) No parking on site, other than in the basement car park.
- 16) Vehicular access.
- 17) Refuse and recycling facilities.
- 18) Hours of Construction (8.00 am to 6.00 pm Monday to Friday and 9.00 am to 5.00 pm on Saturdays. You must not carry out the required building works on Bank Holidays).
- 19) Power/hammer driven piling/breaking (10.00 am to 4.00 pm Monday to Friday).
- 20) Submission of full details of the proposed lighting and CCTV scheme.
- 21) Submission of a survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified.
- 22) Submission of a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water.
- 23) Implementation of the mitigation measures detailed in the Bat Survey.
- 24) Any other conditions considered necessary by the Head of Development Decisions.
- 25) Lifetime Homes.
- 26) 10% Disables Access.
- 27) Renewable Energy Measures (at least 10% reduction in carbon dioxide emissions).

Informatives

- 1) Section 106 of the Town and Country Planning Act 1990.
- 2) Locally native plant species only, of UK genetic origin.

- 3) During construction no solid matter shall be stored within 10 metres of the banks of the Limehouse Cut.
 - 4) No lightspill onto the Limehouse Cut
 - 5) Adequate sewerage infrastructure in place
 - 6) With regard to (Decontamination), contact Council's Environmental Health Department.
 - 7) Code of Construction Practice, discuss this with Council's Environmental Health Department.
 - 8) Consult with the Council's Highways Development Department regarding any alterations to the public highway.
 - 9) During construction consideration must be made to other developments within the area and the impact to traffic movements on Bow Common Lane.
 - 10) Any discharge of surface water into the waterways required British Waterway's written permission before development commences.
 - 11) In the event of any balcony overhangs or other encroachments into British Waterways' airspace, land or water, enter into an appropriate agreement with British Waterways.
 - 12) Contact British Waterways engineer, "Code of Practice for Works affecting British Waterways".
 - 13) Contact the GLA regarding the energy proposals.
- D That if by 15th September 2007, the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

6.3 22 Marsh Wall, London E14

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the construction of one building of 44 storeys (within the existing consented envelope – PA/05/00052) and two buildings of eight storeys to provide 802 dwellings, and a total of 3,267 sq m of retail (A1, A2, A3), Office (B1) and Community Uses (D1) at lower ground, ground and level 1, 5833 sq m plant, public spaces and parking at 22-28 Marsh Wall and 2 Cuba Street and 17-23 Westferry Road, Marsh Wall, London.

Ms Renee Goodwin, Strategic Applications Manager, presented a detailed report and update report on the application. She explained the differences between the current and previously approved application and detailed the reasons why the application was acceptable and recommended for approval.

Members expressed concern over the tabling of a letter of support for the application, in that its inclusion in full in the update report presented an imbalance as letters were normally summarised. It was explained that it had been received after the agenda had been published, and that no further letters of objection had been received. It was also noted that neither of the two objectors had expressed a wish to address the Committee. Members

suggested deferring the item to seek clarification on the author of the letter and their relationship to the developer. However, after receiving legal advice on the role of lobbying in the planning process and issues surrounding transparency and probity it was agreed to proceed with the consideration of the application. It was also agreed that in future all letters would be summarised in the update report.

Members asked questions relating to density and consultation with surrounding boroughs. Concern was expressed over the percentage of affordable housing in the scheme. The Committee was informed of the process for assessing the viability of the scheme, using the Greater London Authority toolkit and advised that the scheme was reasonable and in accordance with policy. Ms Alison Thomas, Housing Development Manager, informed the Committee that the affordable housing element would be solely for Tower Hamlets residents, provided without recourse to public funds.

Concern was also expressed over the high number of small units and the sizes of those units. The Committee was advised that all the units complied with the Council's internal space standards.

The Committee RESOLVED that planning permission for the construction of one building of 44 storeys (within the existing consented envelope – PA/05/00052) and two buildings of eight storeys to provide 802 dwellings, and a total of 3,267 sq m of retail (A1, A2, A3), Office (B1) and Community Uses (D1) at lower ground, ground and level 1, 5833 sq m plant, public spaces and parking at 22-28 Marsh Wall and 2 Cuba Street and 17-23 Westferry Road, Marsh Wall, London be GRANTED subject to

- A Any direction by the Mayor.
- B The prior completion of a legal agreement to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) a proportion of 26.67% habitable room basis of the proposed units (i.e. 158 units) to be provided as on site affordable housing with the mix as specified in 8.49 of the Committee report;
 - b) provide £400,419 towards open space improvements to relieve the pressure that will arise from the new housing on existing overcrowded open space and recreational facilities within the Borough;
 - c) preparation of a right of way “walking agreement” for crossing through the proposed site across Marsh Wall;
 - d) provide £452,649 (being £150,883 per annum for three years) to London Buses towards bus capacity;
 - e) equipment upgrade to mitigate the adverse effects on DLR radio communications (Such as a booster to offset signal interruption);
 - f) provide £116,064 towards the upgrade of the section of highway south of Westferry Circus;

- g) provide £406,223 for pedestrian and cycle improvements (i.e. to make 20 m/ph zone or pedestrian friendly) to Cuba Street, Manilla Street, Tobago Street and Byng Street;
- h) provide £292,480 towards employment initiatives such as the Local Labour in Construction (LliC) or Skillsmatch in order to maximise the employment of local residents;
- i) provide £583,618 towards education to mitigate the demand of the additional population on education facilities;
- j) provide £2,929,377 towards healthcare to mitigate the demand of the additional population on healthcare services;
- k) preparation and implementation of a public art strategy including involvement of local artists;
- l) TV reception monitoring and mitigation;
- m) Preparation of a Travel Plan (for both the residential and commercial component); and
- n) Completion of a car free agreement to restrict occupants applying for residential parking permits.

Section 278 agreement to secure the following:

- 1) Off site highway works from Byng Street to the roundabout south of Westferry Circus Roundabout, and along boundary of property on Marsh Wall prior to the commencement of works on site. (This work is currently estimated at £464,255. Should the work not cost this amount the Council will reimburse the difference, should it cost more, the developer will be invoiced direct.)

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

Conditions:

- 1) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - Samples of materials for external fascia of building
 - Ground floor public realm (including children's play 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
 - Signage strategy
 - Roof treatment (Biodiversity roof for Black Redstarts and amenity space)
- 3) Landscape Management Plan required

- 4) Parking – maximum of 195 cars and a minimum of 813 cycle and 20 motorcycle spaces
- 5) Hours of construction limits (Between the hours of 8 am and 6 pm Mondays to Fridays and between the hours of 8 am and 1 pm Saturdays).
- 6) Details of insulation and of the ventilation system and any associated plant required
- 7) Hours of operation limits – hammer driven piling (10 am – 4 pm)
- 8) Wheel cleaning during construction required
- 9) Details of surface and foul water drainage system required
- 10) Impact study of water supply infrastructure required
- 11) Details required for on site drainage works
- 12) Details of finished floor levels required
- 13) Land contamination study required to be undertaken
- 14) The refuse/recycling storage strategy to be implemented
- 15) Ground borne vibration limits
- 16) Construction Environmental Management Plan
- 17) Renewable energy measures to be approved in writing by the Local Planning Authority in consultation with the Greater London Authority and implemented in perpetuity
- 18) Details of the proposed D1 use
- 19) The southern elevations of Levels 2 to 7 of the two apartments of block 2 are required to have a visually opaque translucent frit
- 20) All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.

Informatives

- 1) Thames Water advice
 - 2) Environment Agency advice
 - 3) Entertainment licensing advice
 - 4) Site notice specifying the details of the contractor required
 - 5) Surface water drainage advice
 - 6) Construction Environmental Management Plan Advice
 - 7) Highways Department Advice
- D That if the 15th December 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

The meeting ended at 9.15 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee

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**DEVELOPMENT COMMITTEE
STRATEGIC DEVELOPMENT COMMITTEE**

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

Provisions in the Council's Constitution relating to public speaking:

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be notified by letter that the application will be considered by Committee at least three clear days prior to the meeting. The letter will explain these provisions regarding public speaking.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant committee from time to time (see below).
- 6.3 All requests to address a committee must be made in writing or by email to the committee clerk by 4pm on the Friday prior to the day of the meeting. This communication must provide the name and contact details of the intended speaker. Requests to address a committee will not be accepted prior to the publication of the agenda.
- 6.4 After 4pm on the Friday prior to the day of the meeting the Committee clerk will advise the applicant of the number of objectors wishing to speak.
- 6.5 The order of public speaking shall be as stated in Rule 5.3, which is as follows:
 - An objector who has registered to speak
 - The applicant/agent or supporter
 - Non-committee member(s) may address the Committee for up to 3 minutes
- 6.6 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.7 Following the completion of a speaker's address to the committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.8 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the chair, committee members may ask questions of a speaker on points of clarification only.
- 6.9 In the interests of natural justice or in exceptional circumstances, at the discretion of the chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.10 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

- 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).
- 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.
- 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 recommendation. 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.

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Agenda Item 6

Committee: Strategic Development	Date: 10 th May 2007	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following items are in that category:

Date deferred	Reference number	Location	Development	Reason for deferral
18/1/07	PA/02/01555	News International site at the south east junction of the Highway and Vaughan Way, London E1	Erection of two buildings of 10 and 27 storeys to create 115,388 sq. m floor space for Class B1 (Offices), 1,419 sq. m A1 (Shop), 913 sq. m A3 (Cafe and restaurant) and 1,200 sq. m D2 (Assembly and leisure), together with new access and servicing arrangements, car parking for up to 650 cars, lorry marshalling area & landscaping works.	To enable officers to carry out further consultations with local residents.

2. CONSIDERATION OF DEFERRED ITEMS

- 2.1 Deferred applications may be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

3. RECOMMENDATION

- 3.1 The Committee to note the current position relating to deferred items.

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	✓	Eileen McGrath (020) 7364 5321

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Agenda Item 7

Committee: Strategic Development	Date: 10 th May 2007	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director of Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): 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

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 7.1

Committee: Strategic Development	Date: 10 th May 2007	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Terry Natt		Ref No: PA/06/01759	
		Ward(s): Shadwell	

1. APPLICATION DETAILS

Location:	John Bell House, 10 King David Lane, London
Existing Use:	Student Accommodation
Proposal:	Redevelopment to provide a 10 storey plus ground floor building comprising 132 bedroom student accommodation and landscaping
Drawing Nos:	2364/A3/Sch 07/01a, 2364/A3/Sch 07/09b, 2364/A3/Sch 07/10b, 2364/A3/Sch 07/11c, 2364/A3/Sch 07/13, 2364/A3/Sch 07/15b, 2364/A3/Sch 07/16b, 2364/A3/Sch 07/17b, 2364/A3/Sch 07/18a, 2364/A3/Sch 07/19a, 2364/A3/Sch 07/31a, 2364/A3/Sch 07/32a, 2364/A3/Sch 07/33a, 2364/A3/Sch 07/34a, 2364/A3/Sch 07/35a, 2364/A3/Sch 07/36a, 2364/A3/Sch 07/40a, 2364/A3/Sch 07/41a, 2364/A3/Sch 07/38, 2364/A3/Sch 07/39, 2364/A3/Sch 07/42, 2364/A3/Sch 07/43
Applicant:	Unite Group
Owner:	Unite 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:
- a) In principle, the redevelopment to provide a 10 storey plus ground floor building comprising 132 bedroom student accommodation and landscaping is acceptable, subject to appropriate planning obligations agreement and conditions to mitigate against the impact of the development;
 - b) The site is able to accommodate a higher density of student accommodation – particularly the increase in number of bedrooms from 92 to 132;
 - c) The design and height of the proposed building is satisfactory; and
 - d) 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 the submission of details of materials, landscaping, external lighting, and to control noise and hours of construction.

3. RECOMMENDATION

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

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		Eileen McGrath 020 7364 5321

- A. Any **direction** by **The Mayor**
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) Car Free Agreement
 - b) Preparation of a Green Travel Plan
 - c) Public realm improvements including footpath upgrade, signage and street furniture: **£150,000**
 - d) Transport improvements: **£25,000**
 - e) Use of Local Labour in Construction

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

Conditions

- 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 (detailed landscape plan for ground floor public realm improvements)
- 3) Student housing Management Plan required
- 4) Terrace use hours restriction
- 5) Archaeological investigation
- 6) 278 (Highways) agreement required for public realm works
- 7) Hours of construction limits (0800 – 1800, Mon-Fri, 0800 – 1300 Sat)
- 8) Details of insulation of the ventilation system and any associated plant required
- 9) Hours of operation limits – hammer driven piling (10am – 4pm, Mon –Fri)
- 10) Details required for on site drainage works
- 11) Full particulars of the refuse/ recycling storage required
- 12) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 13) Details of finished floor levels required
- 14) Details of surface water source control measures required
- 15) Biomass heating and Renewable energy measures to be implemented
- 16) Black redstart habitat provision required
- 17) Land contamination study required to be undertaken
- 18) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency advice
- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

3.3 That, if by 10th August 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 It is proposed to demolish an existing student housing building containing 92 individual

student flats and construct a new building for student housing accommodating 48 student flats with a total of 132 bedrooms. The proposal results in a net increase of 40 bedrooms.

- 4.2 The highest point of the proposal will be 11 storeys high at its highest point (28m above ground level), and will step down to the north of the site to a height of 6 Storeys (16m above ground level).
- 4.3 It is also proposed to include amenity space through new public square/courtyard to the east of the proposed building, and open roof spaces on the 6th and 8th floors. It is also proposed to provide 66 cycle parking spaces and additional landscaping.

Site and Surroundings

- 4.4 The existing site is approximately 0.1 hectares in area and accommodates a 4/5 storey student housing building containing 92 bedrooms. The building was originally used as a police station and was converted to student housing in 1993.
- 4.6 The site is situated on the eastern side of King David Lane between Cable Street to the north and The Highway to the south. The dead-end Juniper Lane serves as a boundary for the site to the north. Shadwell DLR and Tube station is located approximately 400m to the west of the site along Cable Street and Limehouse DLR approximately 500m to the east. The site has a good public transport accessibility level (PTAL) of 5.
- 4.7 Surrounding Area
The surrounding area is generally residentially focussed with higher density estates dominating the immediate area. Relevant landmarks in the immediate vicinity include Gordon House, which rises 22 storeys and is located at the opposite end of the urban block. The contemporarily-designed Blue Gates Fields Junior School is located opposite the site on the western side of King David Lane and the Grade 2 listed St Pauls Church located to the south of The Highway.

Planning History

- 4.10 The following planning history is relevant to the application:

23 June 1993 Letter from LBTH planning confirming student use is the same use class as former police station and therefore does not require planning permission for change of use.

5. POLICY FRAMEWORK

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

Unitary Development Plan

Proposals		Area of Archaeological Importance
Policies:	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV4	Planning obligations
	DEV6	High buildings
	HSG14	Special needs accommodation
	HSG15	Development affecting residential amenity
	HSG16	Amenity space
	T17	Parking and vehicular movement standards
	T21	Improvement of pedestrian routes

Emerging Local Development Framework

Proposals:	C24	Unspecified use- awaiting Central Area AAP
Core strategies:	CP24	Special needs and Specialist housing
	CP41	Integrating development with transport
	CP48	Tall buildings
Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency
	DEV10	Disturbance from noise pollution
	DEV12	Management of demolition and construction
	DEV17	Transport assessments
	DEV27	Tall buildings assessment

Spatial Development Strategy for Greater London (London Plan)

Policies	3A.22	Higher and Further education
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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
- A better place for excellent public services

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 Environmental Health

6.2 Air Quality

Recommended the following:

- Support for 'car free' development;
- Condition to ensure that the Code of Construction Practice is approved by LBTH prior to the commencement of site works.

Noise and Vibration

Recommended the following:

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

(OFFICER COMMENT: The above requirements will be ensured in the relevant Environmental Health legislation)

Contaminated Land

The proposal is acceptable, subject to conditions.

Micro-climate (Sunlight/ Daylight and Overshadowing)

The effects of daylight in respect to other properties have been addressed satisfactorily. Further discussion follows below.

LBTH Highways

- 6.4 No car parking is proposed in this development. The PTAL is 5 for this area and no car parking is acceptable. The cycle provision of 66 spaces is appropriate for the development use.

There will be works to the public highway surrounding the site. These works will be carried out by the Council, under a S278 agreement, and at the developers cost. There may be additional paved areas which may be adopted as public highway and a S177 licence may be required.

The development of 132 student bedrooms will be subject to a S106 car free agreement. A Green Travel Plan will be required and a Plan co-ordinator appointed.

Greater London Authority (Statutory Consultee)

- 6.6 No comments received.

(OFFICER COMMENT: This application is still referable to the GLA as the original application submitted was above 30m in height. The GLA has confirmed that although the amended plans received for this scheme are below the GLA referable threshold, they should still respond to the application based upon the originally submitted scheme.)

TfL (Statutory Consultee)

- 6.7 Car Parking

The 'car free' approach for this development and the proposed legal agreement to prevent students from applying for residents parking permits on the surrounding streets are noted and supported. Nevertheless, it is expected that relevant monitoring arrangements and mitigation measures should be put forward and included as part of the Travel Plan (see point on Travel Plan below).

Travel Plan

There is no mention of a Travel Plan in the Transport Assessment. TfL would like to see a green Travel Plan being submitted, detailing how sustainable travel to and from the proposed development will be promoted. This should be secured, monitored and reviewed as part of the Section 106 agreement. TfL now expects all referable planning applications to be accompanied by a Travel Plan as part of its commitment to implementing travel demand management measures.

Roads

With regard to the likely traffic impacts during the construction period, consultation should take place with TfL on the routing and the hours that construction vehicles would be allowed to access the site.

Pedestrians

Part of this development includes the improvement of the footways that run adjacent to the site on King David Lane and Juniper Street. If the proposed improvement work extends beyond the back of the footway line onto the public highway, a Section 278 Agreement will be required and the material used needs to be consistent with that of the TLRN footway.

Cycle Parking

A total of 66 secure cycle parking spaces are proposed in the lower ground floor via a ramp from Juniper Street. TfL supports this level of provision and considers it in line with TfL's Cycle Parking Standards which suggests a level of 1 space per 2 students for all student accommodation developments.

Thames Water

- 6.8 No objections raised to the proposed development subject to the application of an informative requiring consideration of minimum pressure flow rates in the design of the proposed development.

Crime Prevention Officer

- 6.9 No comments received

English Heritage (Archaeology) (Statutory Consultee)

- 6.10 No objections subject to conditions relating to site investigation prior to the commencement of development.

7. LOCAL REPRESENTATION

- 7.1 A total of 179 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:	48	Objecting:	48	Supporting:	0
Petitions received	1	Objecting:	1	Supporting:	0
			(27 Signatures)		

- 7.2 The following groups/ societies made representations:

- Glamis Estate Tenants and Residents' Association

- 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:

- Loss of sunlight and daylight to neighbouring properties
- Increased wind effect
- Dust and detritus during construction
- Additional strain on parking close to the development site
- An increase in traffic noise will result
- The proposed development is too dense for the site
- Accommodation will not be monitored and rooms will be let to non-students
- Proposed building is intimidating and overwhelming

- Too many high rise buildings in the area
- Proposed height of the building contrasts with surrounding area
- The proposed building will impact on the setting of St Paul's church
- Health, safety and fire risk will increase as a result of this development
- Loss of privacy as a result of overlooking
- Additional noise and disturbance caused by student residents
- Additional traffic congestion
- Loss of TV reception

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

- Loss of property values as a result of this building
- Students do not fit in with the local community
- Students contribute nothing to local taxes and are transient with no vested interest in the local community
- The redevelopment will exacerbate social, political, racial, religious and economic tensions

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Acceptability of an increase in the amount of student housing in this location
2. Design and height of proposed building – including density
3. Impact on the amenity of the adjacent area, including sunlight, daylight, noise and loss of privacy of surrounding properties
4. Energy efficiency and sustainability

Student housing

- 8.2 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”*.
- 8.3 Paragraph 5.29 states that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects. It also notes: *“Additional provision could release dwellings elsewhere in the Borough in both the public and the private rented sector”*.
- 8.4 Policy CP24 of the draft LDF Core Strategy and Development Control DPD issued in November 2006 states that the Council will promote special needs and specialist housing by focusing purpose built student housing ... *“in close proximity to the London Metropolitan University at Aldgate.”*
- 8.5 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.
- 8.6 The draft Core Strategy notes that student housing should be focused around the Borough's existing higher educational establishments or within close proximity, being 5 minutes walking distance, from London Metropolitan University. The site is between Limehouse DLR and Shadwell DLR and Tube stations. It is estimated to be approximately 20 mins walk from the LMU at Aldgate. Relatively easy public transport access is available via the DLR, Tube and buses along Commercial Road. Towards Aldgate/Whitechapel).

- 8.7 From a strategic perspective, there is a shortage of student accommodation across London. However, the London Plan provides no indication as to the most appropriate locations for student accommodation. The adopted UDP, whilst not specifically identifying any specific area as appropriate for student housing, is flexible in its approach. The London Plan indicates that there is strong demand for student housing across London as a whole.
- 8.8 As this site is already used for student housing and as such the principle of this use has been established. What is under consideration in this case is the impact of the uplift of 40 bedrooms over and above the current level of student accommodation on site and the resultant impacts of the new building. The adopted UDP and the London Plan provide strategic support for student housing within the Borough. The uplift in the amount of student housing is supportable in principle, subject to all other aspects of the development being acceptable.

Height, Density and Scale

- 8.9 The building has a tower element to the southern side of the site which is 11 storeys high at its highest point (28m above ground level), and will step down to the north of the site to a height of 6 Storeys. (16m above ground level) UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. Policy DEV27 of the draft LDF Core Strategy states that tall buildings may be acceptable subject to a number of criteria
- 8.10 The proposal satisfies the relevant criteria of UDP Policy DEV6 and draft LDF Policy DEV27 as follows:
- The architectural quality of the building is considered to be of a high design quality and the design is sensitive to the context of the site;
 - With regard to the impact on St Pauls Church; Council conservation and design officers have been involved in the redesign of the development to minimise the impact on the setting of this Grade II listed building;
 - The building contributes to an appropriate skyline, but is not dominating in terms of height when compared with other buildings in the immediate vicinity;
 - The scheme meets the standards of sustainable construction and resource management;
 - The scheme meets the Council's requirements in terms of micro-climate;
 - Appropriate planning obligations are included to mitigate the impact of the development on the existing social facilities in the area;
 - The proposal satisfies the Council's requirements in terms of impact on privacy, amenity and overshadowing;
 - Impacts on the telecommunications and radio transmission networks can be mitigated via an appropriate clause in the S106 agreement;
 - The transport capacity of the area now and in the future is appropriate. TfL and the Council's Highways Authority have concluded that the transport assessments submitted satisfy the Council's requirements (including the cumulative impact) and the proposed density is appropriate in this location;
 - As discussed above, the use proposed is considered appropriate. The Council's urban design officer has recommended that a landscape plan for the courtyard, the roof terraces and ground floor public realm improvements be conditioned to ensure that the development contributes to its surroundings at street level.

Design and External Appearance

- 8.11 Policy Dev 2 of the UDP states that all development proposals should:
1. Take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials;
 2. Be sensitive to the development capabilities of the site, not result in over-development or

poor space standards; be visually appropriate to the site and its setting;

3. Normally maintain the continuity of street frontages, and take account of existing building lines, roof lines and street patterns; and

6. Include proposals for the design of external treatments and landscaping.

- 8.12 Policy Dev 2 of the Core Strategy and Development Control DPD requires that all new development is required to be designed to the highest quality standards, incorporating principles of good design, including (amongst others):
- a) taking into account and respecting the local character and setting of the development site, including the surrounding:
 - i. scale, height, mass, bulk and form of development;
 - ii. building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;
 - iii. building plot sizes, plot coverage and street patterns;
 - iv. design details and elements;
 - v. building materials and external finishes;
 - i) creating visual interest in the urban environment, including building articulation;
 - k) ensuring the use of high quality building materials and finishes;
 - l) ensuring development is designed to be easily adaptable to different uses and the changing needs of users; and
 - m) ensuring the internal design and layout of development maximises comfort and usability for occupants and maximises sustainability of the development, including through the provision of adequately sized rooms and spaces.
- 8.13 The proposal has been assessed by the Council's conservation and design team who note that the design proposal has been negotiated after number of revisions and the current proposal will provide high quality student housing.
- 8.14 To this end, the proposal takes into account and respects the local character and setting of the development site, through:
- the provision of a scale and form of development that it appropriate for this area;
 - a strong building form within the streetscape that provides definition to the block upon which it is located;
 - an appropriate density for this location;
 - a new landscaped courtyard area and streetscene and public realm improvement opportunities along King David Lane;
 - conditions requiring details of building materials and external finishes; and
 - a design that has the ability to link into future redevelopment of a group of garages to the immediate south of the site, as well as any upgrade of the Glamis Estate
- 8.15 On the basis of the above, the proposal satisfies the requirements of both the adopted UDP and emerging LDF and is acceptable.

Amenity impacts

- 8.16 Overlooking
Concerns have been raised with regard to the overlooking by the proposed student accommodation, particularly with regard to the Glamis estate which is located to the east and north of the site. Concern is raised regarding the 6th and 8th floor outdoor rooftop terrace located on the podium and windows to habitable rooms that overlook the residential estate.
- 8.17 The estate buildings are located to the rear of the proposed development (east) and to the side facing onto King David Lane. A series of two storey terrace-style buildings are arranged in a horseshoe with rear gardens facing John Bell House. The closest building (7 Juniper St) is two storeys in height and located 10m to the north across Juniper Street. No windows in the existing estate building face Juniper Street. The larger estate building fronts onto Cable Street to the north and is at least 35m from the existing John Bell House.

- 8.18 The 7 dwellings arranged around the horseshoe have inward-facing rear gardens. It is acknowledged there is some potential to overlook these rear open spaces from the new development. However, the distances between the edge of the proposed development and these gardens range between 11m and approx 25m, when viewed obliquely. The overlooking from proposed windows is no different from that already experienced from the existing student housing building.
- 8.19 The distance from the 6th floor outdoor terrace to these rear gardens ranges from 20m to approx 32m as it is set back from the northern elevation some 7m. Hence, the design and location of the of the roof terraces is such that a satisfactory distance is maintained between occupiable spaces.
- 8.20 This separation distance is satisfactory and complies with the Council's SPG for housing developments that requires an 18m separation distance between dwellings that back directly onto each other. Further, a condition will be added to any planning permission restricting the hours of usage for the roof terraces.

Daylight /Sunlight Access

- 8.21 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 8.22 The change in sky visibility or VSC method only provides an indication as to whether there will be changes in lighting levels. It does not necessarily reveal whether the predicted quantity and quality of light is adequate, following the construction of a new development. However, the ADF method provides a means for making such an analysis. A VSC reading of less than 27% would normally be of concern to planners.
- 8.23 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive some direct sunlight.
- 8.29 Glamis Estate – Existing VSC (Vertical Sky Component) readings for the six most affected units in the Glamis estate showed that all except one window (Window W4 in Unit 6) had higher than average VSC readings than would otherwise be expected in an urban setting such as this. The window in unit 6 had a proposed VSC reading of 24%, which is under the accepted reading for urban settings. However, it is noted that the proposed development actually *increases* the VSC reading from an existing 22.3% to 24%.
- 8.30 The proposed design of the north elevation extends up six floors with the elevation set back as it progresses to the south. At effectively the lowest level to the elevation facing the development to the Glamis estate, the daylight readings at first floor level indicate compliance with the relevant VSC standards. Of the six closest windows on the first floor, five exceed the 27% VSC requirement whilst the sixth window is slightly less than this. As noted above, however, this window actually increases the potential for this window to receive light. The light access when compared with the existing situation is acceptable given the urban context of the immediate area.
- 8.31 In summary, the quality of light available within nearby properties will either be close to the existing or at a reasonable level assuming rooms are to be used as habitable rooms. On the basis that the quality of light remaining is close to British Standard BS8206 Part II, it has been concluded that the light levels are reasonable.

Sunlight Results

- 8.31 Glamis Estate – Due to the separation distance and location of the development, windows facing John Bell House will not lose more than 20% of their Annual Probable Sunlight Hours (APSH) and the resultant summer sunlight has been assessed independently as being within BRE recommendations. It is again considered that the resultant level of sunlight (between a half and three quarters of the ideal criteria) is reasonable for an urban location. Many of the windows already receive a low level of sun and the proposal will leave a similar amount. As such, it is not considered that a reason for refusal on loss of sunlight grounds could be justified relating to this building. Other windows will not be affected as they are not west or south facing, or higher in the building.

Daylight and Sunlight Conclusions

- 8.32 BRE guidelines state clearly that different light criteria is often appropriate in urban centres, as compared to more suburban environments. The quality of the remaining light to adjacent residential properties would not be unacceptable or unusual for this urban location. On balance, the proposal is considered acceptable by Council officers, following detailed consideration of the applicant's light study.

Noise

- 8.33 Internally: A noise impact assessment has been undertaken by the independent consultants WSP. They have determined that the site is suitable for residential development on the assumption that that sufficient noise mitigation is incorporated into the building façade.
- 8.34 In order to control external noise intrusion from The Highway, the applicant has placed appropriate glazing systems in windows facing those noise sources so that the relevant British Standard (BS8233 internal noise levels in habitable rooms) can be achieved. This will enable the achievement of an appropriate level of amenity for future inhabitants of the scheme.
- 8.35 Externally: Subject to conditions restricting noise and discharge from any new plant proposed on this site, it is not considered that any unacceptable impact will be created. Furthermore, subject to conditions controlling the usage of the outdoor terrace area on the 6th and 8th floors, the proposed terraces are unlikely to materially affect the amenity of adjacent residents in terms of noise and disturbance.
- 8.36 Whilst some residents consider that the proposal could result in the exacerbation of noise from the 24/7 usage of the site by students, it is difficult to see how such a contention could reasonably be justified given that the site already accommodates student accommodation. As such, a reason for refusal based on these grounds could not be sustained.
- 8.37 Officers understand that the size of the proposed development creates concern about construction noise, debris from the site and traffic. In these circumstances, the Planning Department proposes to include a condition ensuring a stringent construction environmental management plan to this scheme to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic.

Conclusion

- 8.38 It is considered that the proposal complies with Policy DEV2 of the UDP which seeks to ensure that adjoining buildings are not adversely affected by loss of privacy, excess noise or a material deterioration of their daylighting and sunlighting conditions.

Energy Efficiency

- 8.39 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. The proposal includes a south facing array of solar panels to enhance domestic hot water generation. The proposal is generally consistent with the London Plan energy policies and an appropriate condition will be included to ensure the

implementation of the proposed renewable energy measures.

Access

- 8.40 Policy HSG8 of the UDP requires the Council to negotiate some provision of dwellings to wheelchair standards and a substantial provision of dwellings to mobility standards –this should also extend to student housing. To this end a condition will be added to an approval requiring the scheme comply with the Building Regulations.

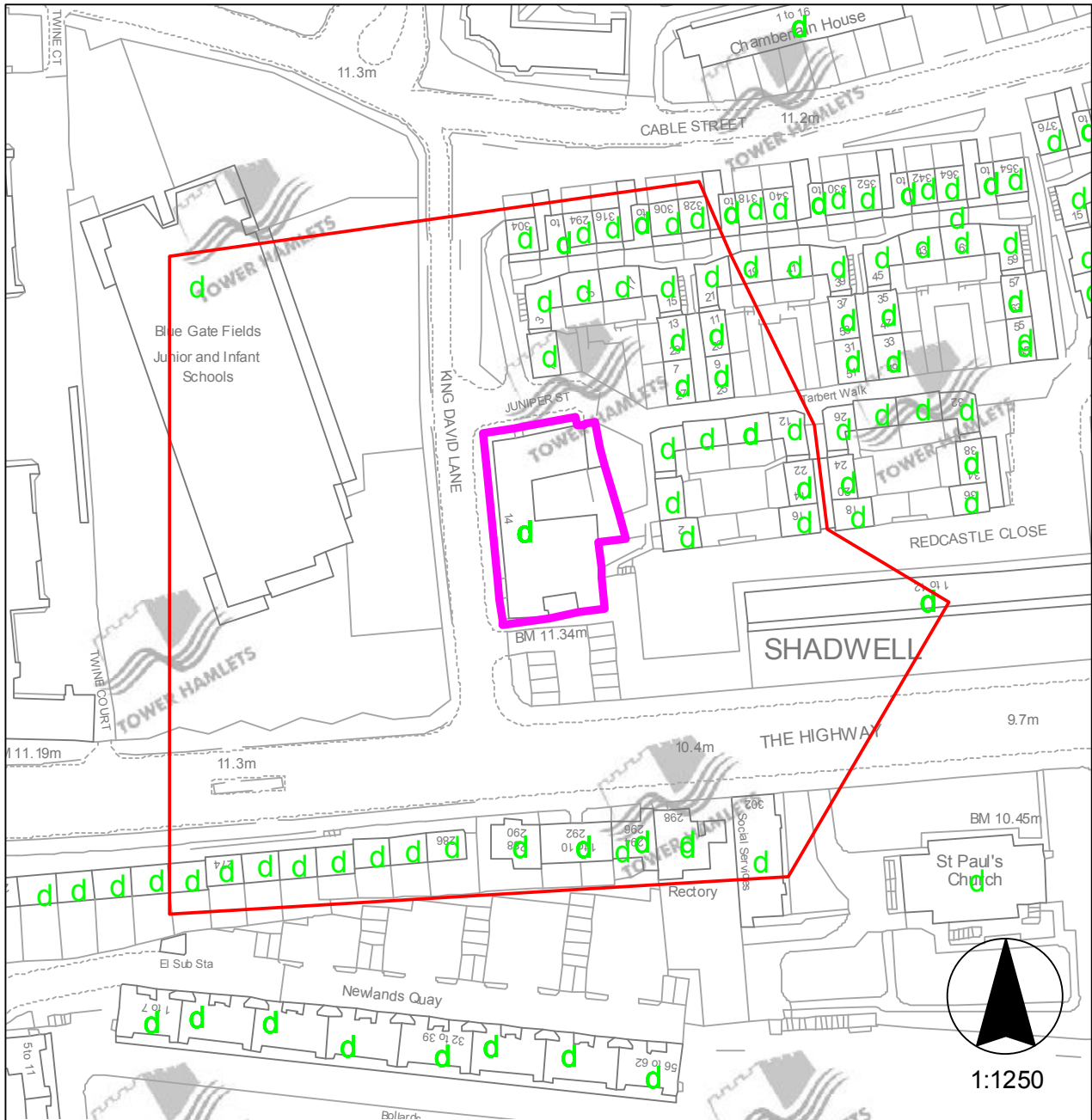
Other Planning Issues

- 8.41 In response to concerns raised in submissions, the following issues not mentioned in previous discussion are considered:
- Increased wind effect – It is not expected that the proposal will result in an increase in wind turbulence
 - Dust and detritus during construction – The applicant is required to submit a Construction management plan to be assessed by Council Environmental Health Officers.
 - This building will set a precedent for other tall buildings in the vicinity – All applications are assessed on their own merits.
 - Additional residents will be additional strain on local services – Development Contributions are sought to reduce the impact on local services.
 - Additional noise and disturbance caused by student residents – a management plan will be submitted for the student component of the development. This will be assessed by Council officers
 - Sense of enclosure from proposed development – there is no evidence that any sense of enclosure will occur from the design of the development and the layout of the surrounding estate
 - Property values will decrease – Not a relevant planning matter
 - Students have no vested interest in the local community - Not a relevant planning matter
 - TV reception will be interrupted - Mitigation measure can be required by way of condition to ensure minimal impact on TV reception
 - The redevelopment will exacerbate social, political, racial, religious and economic tensions – There is no evidence that a redevelopment providing 42 more student bedrooms on a site currently used for student housing will affect the abovementioned.

Conclusions

- 8.6 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 Stationary Office © Crown Copyright. London Borough of Tower Hamlets LA086568

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Agenda Item 7.2

Committee: Strategic Development	Date: 10 th May 2007	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Terry Natt		Ref No: PA/06/02068	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: The London Arena, Limeharbour, London E14
Existing Use: N/A
Proposal: Redevelopment by the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway. (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006).

The application includes the submission of an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Drawing Nos: DPA-010-01, DPA-011-02, DPA-100-03, DPA-100A-00, DPA-100B-00, DPA-101-07, DPA-102-08, DPA-102A-04, DPA-103-08, DPA-104-07, DPA-105-08, DPA-105A-07, DPA-105B-06, DPA-106-08, DPA-106A-08, DPA-107-08, DPA-107A-07, DPA-108-08, DPA-108A-07, DPA-109-08, DPA-109A-08, DPA-110-08, DPA-110A-07, DPA-111-06, DPA-112-06, DPA-113-05, DPA-200-07, DPA-201-07, DPA-202-07, DPA-203-05, DPA-204-06, DPA-205-05, DPA-206-06, DPA-207-07

Applicant: Shendle Ltd, part of the Ballymore Group
Owner: Newlon Housing Trust
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:

- a) In principle, the erection of 8 buildings 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community

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		Eileen McGrath 020 7364 5321

- facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway. (Revised scheme following grant of planning permission PA/04/904 dated 10th March 2006) is acceptable, subject to appropriate planning obligations agreement and conditions to mitigate against the impact of the development;
- b) 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 the submission of details of materials, landscaping, external lighting, plant, and to control noise and hours of construction;
 - c) The submitted Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended legal agreement;
 - d) There is an increase in the number of approved housing units to 1057 as compared to the extant permission approved on 10th March 2006 for 972 residential units. The proposal includes 35% affordable housing as calculated by floorspace the same ratio as that previously approved.

3. RECOMMENDATION

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

- A. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 - a) A proportion of 35% on a gross floor space basis of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.15.
 - b) Provide **£150,000** towards the installation of Docklands Arrival Information System (DAISY) within the London Arena development.
 - c) Provide a minimum of **£400,000** towards the D5 bus service or new bus service (TFL proposal) and potential new bus stops on East Ferry Road.
 - d) Implement measures to offset signal interruption to mitigate the adverse effects on DLR radio communications.
 - e) Provide **£125,000** towards general improvements to pedestrian and cycle routes in the area including crossings and new paving surfaces.
 - f) Provide **£75,000** towards the signalisation of the junction of Marsh Wall/ Limeharbour with a green man phase.
 - g) Provide **£108,848** towards open space improvements to cater for the demand that will arise from the new housing on existing open space and recreational facilities.
 - h) Set of measures for the public realm including provision of the public piazza and access to the Dockside Walkway.
 - i) Provide **£524,877** towards education to mitigate the demand of the additional population on education facilities.
 - j) Provide **£2,856,640** towards medical facilities to mitigate the demand of the additional population on medical facilities.
 - k) Provide **£125,000** towards the Local Labour in Construction (LliC) programme.
 - l) Provide **£75,000** towards Skillsmatch to maximise the employment of local residents.
 - m) Preparation of a Workplace Travel Plan (including welcome pack for residents).
 - n) Preparation of a Service and Delivery Plan.
 - o) Obligations in relation to construction works (noise levels, hours of work, transport arrangements, air quality, method statements) to be secured through a Code of Construction Practice.
 - p) TV Reception monitoring and mitigation
 - q) Preparation and implementation of a public art strategy including involvement of

- local artists.
- r) Completion of a car free agreement to restrict occupants applying for residential parking permits.
- s) Preparation of an Environmental Management Plan – post construction.
- t) Provision of a health club incorporating a football pitch and associated facilities for community use.

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

Conditions

- 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 (detailed landscape plan for amenity courtyards and ground floor public realm improvements)
 - Interface of retail areas with public space
 - Cycle parking design and location
 - The design of the lower floor elevations of commercial units including shopfronts and indoor football pitch
 - External lighting and security measures
- 3) Landscape Management Plan required
- 4) 278 agreement to be entered into for Highway works surrounding the site
- 5) Parking maximum cars and minimum cycle and motorcycle spaces
- 6) Hours of construction limits (0800 – 1800, Mon-Fri: 0800 – 1300 Sat)
- 7) Details of insulation of the ventilation system and any associated plant required
- 8) Hours of operation limits – hammer driven piling (10am – 4pm)
- 9) Details required for on site drainage works
- 10) Full particulars of the refuse/ recycling storage required
- 11) Code of Construction Practice, including a Construction Traffic Management Assessment required
- 12) Details of finished floor levels required
- 13) Details of surface water source control measures required
- 14) Renewable energy measures to be implemented
- 15) Black redstart habitat provision required
- 16) Green roofs
- 17) Land contamination study required to be undertaken
- 18) Signage for basement parking
- 19) Foundation design and ground works
- 20) Construction operations and impact on dock walls
- 21) Horizontal access strip from dock wall
- 22) Materials, openings and maintenance regime for boundary with DLR
- 23) Use of barges for construction traffic
- 24) Access by construction vehicles limited to Limeharbour
- 25) Limit A1 retail floorspace
- 26) Health club management plan required (to secure access for local people etc)
- 27) Recycling plan
- 28) Access and circulation
- 29) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Environment Agency advice
- 2) Site notice specifying the details of the contractor required
- 3) Standard of fitness for human habitation, means of fire escape and relevant Building

Regulations

- 4) Landscape management plan
- 5) Thames Water
- 6) English heritage – London region
- 7) Code of Practice for Works affecting British Waterways
- 8) Entertainment licensing
- 9) Control of Pollution Act

3.3 That, if by 10th August 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 Redevelopment by the erection of 8 buildings of 7 to 43 storeys to provide 149,381 sq m of floor space over a podium for use as 1057 residential units, 25,838 sq m of Class B1 (offices), a 149 room hotel; a 10,238 sq m. apart-hotel; a Class D1/D2 community facility of 1,329 sq m, 2,892 sq m for use within Classes A1, A2, A3, A4 and A5, a Class D2 health club of 1,080 sq m, associated car parking, landscaping including new public open spaces and a dockside walkway.

4.2 A previous scheme on this site was approved at the Council’s Development Committee meeting on 10th March 2006. The following table describes the amount of floorspace proposed and changes from the previously approved scheme.

	Area	Change from previously approved scheme
Residential accommodation	108,004 1057 Units	+15,273 +85 Units
Office (B1)	25,838	-662
Apartment-Hotel (Sui-Generis)	10,238 149 Rooms	-5,478 -76 Rooms
Retail (A1, A2, A3, A4, A5)	2,892	-2,038
Health and Fitness Centre (D2)	1,080	-5
Community (D1/D2)	1,329	+172
Total	149,381	+7,262

The changes also include:

1. An increase in the number of residential units on site from 972 to 1057 (maintaining 35% affordable housing as calculated by floorspace);
2. Design changes to the approved scheme including elevational changes and internal reconfiguration (The tower element of the scheme remains at the same height as that already approved. The siting and alignment of the blocks is also generally the same);
3. Changes to the landscaping, in particular, removal of vehicular access to the central courtyard area and improvements to vehicular access and parking circulation in the basement area; and

4. Redesign of a previously approved community facility in the southern courtyard and replacement with an indoor health club facility, including a football pitch, for community use.

Site and Surroundings

4.3 Site

The site lies on the Isle of Dogs and is bounded by the elevated Docklands Light Railway Line, beyond which lies Limeharbour to the east; Harbour Exchange development to the north; Millwall Inner Dock is directly to the west of the site; and Pepper Street is located to the south. The site has a total area of 27,400sqm and was previously utilised as a leisure and entertainment centre, known as the London Arena. The Arena was constructed in the 1980s and has since been demolished. Vehicular access to the site is from Limeharbour via a ramp under the DLR line.

4.4 Surrounding Area

A mix of predominantly commercial and residential uses surround the site. To the west, the site fronts Millwall Inner Dock. A floating Chinese restaurant is located on the Dock along this boundary. On the opposite side of the Dock are emerging redevelopment schemes within the Millennium Quarter. The guidance provided in the Millennium Quarter Master Plan proposes that the height of the buildings step down diagonally from the portion of the quarter with frontage to Marsh Wall towards the south east corner of the quarter at West India and Millwall Docks. A mixed use development, diagonally opposite the site across Millwall Inner Dock at 1 Millharbour, was approved in February 2005, and included two residential towers (40 and 48 storeys high). Further south at 31 – 39 Millharbour, approval in June 2005, was issued for a mixed use development, including a residential building up to 22 storeys in height. Approval (May 2002) was also issued for a mixed use development, including a residential building up to 15 storeys high at 41 – 43 Millharbour.

- 4.5 To the north of the site is the Harbour Exchange office complex with buildings up to 45m in height (ranging from 5 – 16 storeys). The DLR runs along the eastern side of the site within the site boundary, with Crossharbour DLR Station located approximately halfway along this boundary
- 4.6 On the opposite side of Limeharbour are commercial uses to the north east of varying size including, 3 Limeharbour, approved in December 2003 (PA/02/01917) for a 17 storey mixed use residential and commercial development. To the south east is a medium to low density residential precinct with local shops opposite the Crossharbour DLR Station and the designated district centre comprising an Asda supermarket. Council has an agreed Supplementary Planning Guidance for the redevelopment of this site for a mixed use scheme.
- 4.7 Running along the southern side of Pepper Street is a development known as Lanark Square, which is approximately 7 storeys high and incorporates a colonnade of retail uses along the ground floor with offices above. Adjacent is Balmoral House, a 4 storey residential building and Aegean House, which is setback from Pepper Street and is an 8-storey commercial structure
- 4.8 The site is well served by public transport links being located at Crossharbour DLR Station and with direct access to local bus services.

Planning History

- 4.9 The following planning decision is relevant to this application:

PA/04/00904 The demolition of London Arena and redevelopment by erection of 8 buildings ranging from 43 to 7 storeys in height with a total of 142,180 sqm of floor

space over a podium. The proposal comprises 972 residential units; 26,500 sqm of office space; a 15,560 sqm hotel; a community facility of 1,157 sqm; a range of retail uses including A1, A2, A3, A4 and A5 comprising 4,810 sqm; new health and fitness club 1,085 sqm; associated landscaping including new public open spaces and a dockside walkway; a new internal road; and parking for 527 cars. **Approved 10th March 2006**

5. POLICY FRAMEWORK

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

Unitary Development Plan

Proposals:	Central Area Zone
	Flood Protection Area
Policies:	Promoting economic growth and employment opportunities
EMP1	Mixed use development
EMP2	Proposals for Office Development
EMP4	New Build Residential/Employment Mixed-use proposals
EMP8	Ancillary Uses
EMP9	Eating, Drinking and Night Time Economy
TC6	Hotel and Conference Centre Development
CC4	New Housing Developments
HSG2	Affordable Housing Target
HSG4	Affordable Housing Ratio and Mix
HSG5	Dwelling Type and Mix
HSG8	Housing Density
HSG9	Lifetime Homes and Wheelchair/Mobility Housing
HSG10	Amenity Space
HSG12	Social Facilities
SF1	Transport and Development
TRN1	Public Transport Schemes
TRN2	The Road Network
TRN5	Parking and servicing
TRN6	Transport Assessments
TRN7	Travel Plans
TRN8	Linkages
TRN9	Pedestrian permeability
TRN10	Bicycle Facilities
TRN11	Materials Handling
TRN12	Scale and density
UD1	Architectural Quality
UD2	Ease of movement and Access Through Inclusive Design
UD3	Design Statements and Access Statements
UD4	Safety and security
UD5	Tall Buildings and Large Development proposals
UD7	Important views
UD8	Public Art
UD9	Landscaping
UD11	Urban Design, the Blue Ribbon Network and the Thames
UD12	Policy Area
ENV1	Amenity
ENV3	Noise and Vibration Pollution
ENV4	Disturbance from Plant
ENV5	Disturbance from Demolition and Construction
ENV6	Sustainable Construction Materials

ENV8	Energy Efficiency
ENV9	Contamination
ENV11	Waste Disposal and Recycling Facilities
ENV12	Recycling of Construction Waste
ENV16	Enhancement of Biodiversity
ENV19	Protection of the water environment
ENV20	Flood Protection
ENV21	Water Conservation
ENV22	Waterside Walkways
ENV27	New Open Space Provision
ENV28	Access to Open Space
IM1	Planning Agreements

Emerging Local Development Framework

Proposals:	ID11	London Arena Flood Risk Area
Core Strategies:	CP9	Employment space for small businesses
	CP11	Sites in employment use
	CP20	Sustainable residential density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP41	Integrating development with transport
Policies:	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV6	Energy efficiency
	DEV12	Management of demolition and construction
	DEV17	Transport assessments
	EE2	Redevelopment/change of use of employment sites
	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design
	DEV4	Safety and security
	DEV5	Sustainable design
	DEV12	Management of Demolition and Construction

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
- A better place for excellent public services

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 The application's highway revision primarily relates to the removal of the pickup/drop off facility within the site, all other issues as approved in the original (PA/04/00904) and subsequent application remain the same. Therefore, because of the earlier agreed (and signed) position on highway matters, there are no objections. Notwithstanding this, there is

an opportunity as part of this planning application to renegotiate with the developer/applicant to reduce significantly the provision of on-site parking particularly because of the high standard of public transport accessibility in the area.

- 6.3 There are concerns about the extent of parking (529 residential spaces out of 560 total) on site which in view of the current high standard of public transport accessibility both existing and to be implemented in the area is unacceptable. (105 residential dwellings) This exceeds LBTH emerging parking standards which apply as a maximum not a requirement to be met.

LBTH Access officer

- 6.4 The applicant should provide sufficient details with regard to step free access around the site and vehicle drop off points i.e. the hotel reception appears to be positioned in a no vehicle access zone. The community facility appears to have no on street parking, parking bay or taxi drop off, if this is the case this could restrict access for all. The internal access corridors appear narrow – should be 1800 at key points to allow ease of circulation.

The car park access appears to have ramps to all exit doors – with no gradient indicated this is unacceptable in a new build many people with ambulant disabilities find ramps difficult to negotiate.

Many of the lobbies exiting the car park appear to have less than 1570mm clear of door swings this is not acceptable.

(OFFICER COMMENT: a condition is recommended requiring the submission of additional details to be submitted that should satisfy the concerns of the access officer.)

LBTH Environmental Health

- 6.5 The Environmental Impact Assessment was considered to be satisfactory. The following observations are made and conditions are required to ensure that the environmental health impacts of the proposal are minimised:
- Food premises are to be registered with Environmental Health;
 - Site contamination mitigation measures are required including redemption strategy;
 - Need for a Section 61 consent for noise abatement although it is recognised that works have already begun on site in response to the previous approval;
 - Restriction on hours of work;
 - Ventilation provision for kitchen/bathroom areas;
 - Hours of delivery to be restricted;
 - A code of construction practice detailing how the applicant intends to mitigate for dust and emissions from the construction site. Due regard must be given to the London Best Practice Guide; and
 - A fleet management plan must be submitted detailing vehicle emissions standards and fleet maintenance programmes.

Greater London Authority (Statutory Consultee)

- 6.6 No comments received

TfL (Statutory Consultee)

- 6.7 London Underground

TfL is concerned that the TA has not provided information on the likely impact of additional movements on Canary Wharf station. Given that the station is within a walking distance of the development site, TfL would expect to see an analysis of the distribution of the additional station users during different periods of the day as well as a review of the existing escalators and gate-lines to ascertain the amount of spare capacity currently available and therefore

their ability to cater for the additional flows generated by this development.

6.8 Docklands Light Railway (DLR)

It is understood that as part of the legal agreement signed between DLR and the applicant, the applicant has agreed to provide a parcel of land to DLR to facilitate the DLR 3-car capacity enhancement project on the Lewisham extension. In addition, DLR would require a contribution of £150,000 towards the installation of a number of Docklands Arrival Information System (DAISY) display units at sensible locations within the development to encourage the use of public transport to and from the site. Measures to mitigate any potential adverse effects of the development on DLR radio communications should also be included.

6.9 London Buses

TfL is concerned that a number of figures and assumptions that have been used in assessing the impact on bus networks are incorrect or inappropriate. The correct peak hour capacities for bus route D3, D6, D7 and D8 in Table 11.1 should be 300, 440, 675 and 250 respectively. Assumptions on the capacity enhancements to bus services (Para 11.2.2, Para 11.3.2 and Table 11.2) should not be made.

The applicant has previously agreed to provide for a minimum contribution of £400,000 towards improved bus services and infrastructure. TfL considers this an appropriate level of contribution for this revised scheme. Nevertheless, it is worth noting that more recent work on future Isle of Dogs bus network enhancements have identified that the existing standing facility at the Crossharbour ASDA nearby will struggle to cope with future growth in the bus network. TfL would therefore request that consideration be given to the provision of bus standing facilities within or adjacent to this development. This could be in conjunction with a negotiated reduction in the agreed contribution of £400,000.

6.10 Car Parking

A total of 560 car parking spaces including disabled parking are proposed. That consists of 529 spaces for the residential element of the development (i.e. 0.5 space per unit), 23 for the office component, 4 for the apart-hotel and 4 for servicing. TfL is broadly satisfied with this proposed level of car parking.

6.11 Cycle Parking

A total of 569 cycle parking spaces are proposed. TfL considered this level of provision inadequate and would require it to be increased to 674 spaces to meet TfL's Cycle Parking Standards. Provision of public access cycle parking for visitors and other users at ground level should also be considered as part of the proposal.

It is understood that for the consented development on the same site, a compromised level of provision for the residential element of the development has been agreed such that 0.5 spaces per unit, instead of 1 per unit as required by TfL's Cycle Parking Standard, is adopted as the standard of provision. This implies a provision of 529 spaces for the 1057 residential units proposed. It is noted that the applicant has agreed that should there be resident demand for a greater level of cycle parking in future, Josta stacking bike racks will be used to provide a greater capacity of cycle parking. For the B1 office use, 104 spaces should be provided based the standard of 1 space/250 sqm. For all other uses including apart-hotel, community, retail and health club uses, a total of 41 spaces should be provided.

All the spaces should be secure and sheltered, with lockers and changing room facilities provided for cyclists. CCTV is recommended for additional security. Access to cycle parking should be appropriately segregated from vehicular access for safety consideration.

6.12 Travel Plan

The TA outlines a range of measures/initiatives that can contribute towards Travel Plan. TfL supports the adoption of a Travel Plan as such to promote and encourage sustainable travel amongst employees, residents and visitors.

6.13 Cycling and Walking

It is noted that this redevelopment will improve permeability and connectivity of the site, and create enhanced north-south and east-west movements across the site. This together with other proposals including improved lighting, signage, surveillance etc. is supported by TfL. In reflecting the previously secured contributions which included £125,000 towards general improvements towards pedestrian and cycle routes in the area as well as £75,000 towards the signalisation of the junction of Marsh Wall/Limeharbour. It is recommended that a similar level of contribution towards pedestrian and cycle routes improvements and related highway works should be provided as part of this redevelopment.

6.14 Servicing

It is proposed that servicing and refuse collection for the residential, office and apart-hotel will mostly be undertaken from the basement whilst that for other uses will be undertaken using the road level routes. TfL would request the option of basement servicing to be explored and adopted for all types of uses proposed on site. Furthermore, in order to reduce the total number of service and refuse collection trips generated hence minimizing their impact on the surrounding road network, TfL requires submission of a Servicing Management Plan with the aim to rationalise servicing of the site.

6.15 Construction Traffic

TfL requires consultations on the routing and hours of construction vehicles accessing the site. Submission of a swept path analysis is also required to demonstrate that these construction vehicles will be able to manoeuvre around the junctions of the surrounding road network, in particular TLRN. Formal notifications and approval for both the permanent and temporary highway schemes during the construction phase are required under the Traffic Management Act 2004 (TMA).

6.16 (OFFICER COMMENT: The above requirements will be secured through the section 106 agreement and conditions)

Environment Agency (Statutory Consultee)

6.17 No objection to the proposal in principle subject to the application of conditions securing the following:

- Landscape management plan required
- Locally native plant species
- Submission of an ecological statement
- No storage of material within 10 metres of dock
- Submission of drainage details
- Provision of adequate sewerage infrastructure
- Approval of site foundations
- Construction of appropriate drainage system
- No soakaways on contaminated ground

English Heritage (Statutory Consultee)

6.18 No objections raised.

English Heritage (Archaeology) (Statutory Consultee)

6.19 No objections, subject to conditions securing the implementation of a programme of archaeological work in accordance with a written scheme for investigation.

London City Airport (Statutory Consultee)

6.20 No safeguarding objection

NATS (Statutory Consultee)

6.21 No safeguarding objection

Greenwich Council (Statutory Consultee)

6.22 No objections raised

CABE

6.23 Consulted about more schemes than they have the resources to deal with and will not be able to comment on this scheme

British Waterways (Statutory Consultee)

6.24 No objections subject to securing a condition requiring the use of waterborne freight for transport of waste and materials during construction and occupation where feasible and an informative relating to the discharge of surface water.

Natural England (Statutory Consultee)

6.25 No objection subject to securing conditions relating to the provision of green and brown roofs.

Metropolitan Police

6.26 Generally supportive of the design – the more active frontages at ground floor the better. However, the submission of details relating to landscaping should include defensible space shown in front of ground floor residential windows and doors. Regulation of car parking will be required in the management plan.

7. LOCAL REPRESENTATION

7.1 A total of 467 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: 8 Against: 6 In Support: 2

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:

Against:

- Existing services will be over-subscribed;
- Offices already over provided on the Isle of Dogs;
- Height of building out of keeping with surrounding area;
- Details of landscaping need to be provided;
- Building finishes cannot be determined;
- DLR cannot cope with increase in demand;
- Negative impacts on amount of sunlight received;
- Creation of wind tunnels;
- Tower will cast shadows;
- Increase traffic congestion;

- Construction period will cause noise and traffic;
- Height and density is too high;
- Negative impact on TV reception;
- The development does not address the cumulative impact with other proposals;
- Lack of car parking for residents and shoppers;
- The river should be used for removal of waste during construction and the supply of materials to stop congestion on the roads;
- The Marsh Wall/ Limeharbour junction has congestion and safety problems;
- View of Canary Wharf will be impeded;
- Pepper St is blocked and paved and is not designed for heavy traffic. Use of Pepper Street will increase noise and pollution;
- The redevelopment should include public toilets for the benefit and use of many visitors to this part of the IOD;
- Vehicular and pedestrian access should remain open at all times during construction and thereafter.

Support:

- Strong support for the redevelopment of the London Arena site as it will create a better social environment, bring more leisure, recreational and social facilities and activities to the area

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Changes to the mix of uses on site, particularly the reduction in the amount of office, retail, apart-hotel and community facility;
2. An increase in the number of housing units on site and provision of affordable housing units;
3. Mix of housing units provided;
4. Design changes resulting from the amended scheme;
5. Amenity impacts on surrounding properties as a result of changes to the scheme; and
6. The number of car parking spaces.

Land Use

8.2 In response to the previous approval, the site is currently under redevelopment with the London Arena building itself having been demolished. The surrounding area predominantly comprises a mix of commercial and residential uses.

8.3 The site is identified on the emerging LDF Proposals Map as site ID11. The emerging Isle of Dogs AAP states that this site should be developed in line with the following preferred uses: Residential (C3), Employment (B1), Public Open Space and Retail and Leisure (A2, A3, and A4).

8.4 The proposal will provide 1057 residential units, being consistent with the requirements of UDP Policy HSG2 and LDF Policy HSG1 and Council's aims to meet the housing targets of 41,280 homes between 2006 and 2016. Additional uses proposed include 2892sqm of shops, financial and professional services, food and drink; 25,838sqm of office space; 1,329 of community facility; and a health and fitness club of 1080sqm. This is consistent with UDP Policies CAZ3, DEV3 and Draft UDP Policy EMP2, which promote mixed-use developments.

8.5 The current scheme includes a mix of uses consistent with the emerging Isle of Dogs AAP. Whilst it is noted that the total floorspace has increased overall (largely to accommodate the increase in residential units) and the amount of office, apart-hotel and retail floorspace has decreased, the proposed scheme is still in line with the requirements of the LDF and can be

supported.

Community facility/Health club

- 8.6 The scheme includes a health and fitness facility of 1,080sqm. This is similar to that provided as part of the previously permitted scheme. In addition, the proposal includes community facilities of 1,329sqm which include a 5–side football pitch and other community floorspace. The football pitch has come out of consultation exercises undertaken between the developer, Ballymore, and local community groups. A management plan will be required to ensure proper community access is secured for the local community for these facilities, but otherwise they are supported by emerging policy SCF1 in the LDF which seeks to secure appropriate community facilities.

Housing

- 8.7 Affordable Housing
UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the strategic target of 25%. Policy 3A.8 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing taking into account the Mayor’s strategic target of 50% of all new housing in London should be affordable.
- 8.8 The Local Development Framework – Core Strategy and Development Control Submission Document Policy CP22 seeks 50% affordable housing provision from all sources across the Borough with a minimum of 35% affordable housing provision on site’s capable of providing 10 or more dwellings. A total of 253 affordable housing units out of the total 1057 units is proposed. The scheme provides 35% affordable housing as calculated by floorspace.
- 8.9 Of the affordable housing provision of 67.5% would comprise social rented accommodation and 32.5% intermediate calculated by area. This generally accords with the London Plan’s objective that 70% of the affordable housing should be social rented and 30% intermediate but does not meet the requirements of Policy HSG5 of the Local Development Framework – Core Strategy and Development Control Submission Document that requires a social rented to intermediate ratio of 80:20 for grant free affordable housing. The applicant has been involved with extensive discussions with the Council’s housing department who have agreed this tenure split on this site and have also noted that the current proposal represents an improvement on the previous scheme in which an 84:16 social housing/intermediate split was approved.
- 8.10 Housing Mix
On appropriate sites, UDP Policy HSG7 requires new housing schemes to provide a mix of unit sizes including a “substantial proportion” of family dwellings of between 3 and 6 bedrooms.
- 8.11 Local Development Framework – Core Strategy and Development Control Submission Document HSG2 specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is again identified as a priority reflecting the findings of the Borough’s Housing Needs Survey as well as the draft East London SRDF. In terms of family accommodation, the Policy requires 45% of social rented housing and 25% of market and intermediate housing to comprise family housing (units with 3 or more bedrooms respectively).
- 8.12 The proposal would provide for 1057 residential units. For comparison, this is set alongside the approved scheme and comprises the following mix:

	Total No of Units (Approved)	Total No of Units (Proposed)	% of total Units (Proposed)
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	Scheme)	Scheme)	Scheme)
Studio	108	221	21%
1 bed	342	298	28%
2 bed	378	403	38%
3 bed	99	97	9%
4+ bed	45	39	4%
TOTAL	972	1057	100%

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

	No of Units (Proposed)	No of habitable rooms	% of total habitable rooms	LBTH Housing Needs Survey Unit basis
1 bed	6	12	2%	20%
2 bed	27	81	14%	35%
3 bed	68	272	48%	30%
4 bed	40	200	36%	10%
TOTAL	141	565	100%	100%

8.14 The scheme provides 14% family units (3 and 4 bedroom units) across all tenures. More importantly, the scheme provides 108 out of a total of 141 (77%) socially rented housing units within the socially rented affordable housing component. The intermediate and market component of family housing is 4% as compared to the LDF requirement of 25% for family housing across these two tenures. The market and intermediate component do not comply with the emerging requirements for family housing across all tenures.

8.15 To this end, the applicant has submitted a toolkit analysis that demonstrates that the scheme is on the borderline of viability. This can be read alongside social rented component that incorporates 77% family units, which is well in excess of the LDF requirement of 45% family housing. In addition, the family housing provision within the affordable housing tenure is an improvement on the previously approved scheme and has been endorsed by the Council's Housing Department.

8.16 Across all tenures, there is a prima facie shortage of family housing. However, in comparison with the previously approved scheme, it maintains the same amount of affordable housing and the provision of a high number (77%) of family units within the socially rented component of the scheme. On this basis the scheme can be supported.

Design, Density and Scale

8.17 The changes to the scheme will result in a density of approximately 700 habitable rooms per hectare (hrh) as compared to the previously approved 657 hrh. The density is still acceptable in light of Table 4B.1 of the London Plan which indicates that densities of 450-700 hrh are appropriate in urban sites with good transport links.

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

8.19 Influencing the assessment of this scheme is a mixed use development approved in March 2006. The overall massing, building alignment and layout have not changed significantly with the amended scheme retaining more or less the same layout as the previously approved scheme. In respect of design, landscaping, height and scale the features and differences between the two schemes are as follows:

- Elevational changes to the residential buildings with the exception of the tower. This has generally resulted in improved articulation of elevations to the residential components, improved locations of balconies and improved visual interest;
- Internal reconfiguration has improved to remove lengthy corridors and introduce centralised cores;
- The tower element of the scheme remains at the same height as that already approved;
- Changes to the landscaping on both the north and south courtyard areas; the removal of vehicular access to the central courtyard area and improvements to vehicular access and parking circulation in the basement area;
- Redesign of a previously approved community facility in the southern courtyard and replacement with an indoor health club facility, including a football pitch, for community use.

8.20 As with the approved scheme, the mass of the development decreases from north to south. East to west, the building masses are orientated lower, minimising overshadowing to the squares and neighbouring properties. The ground floor uses of the scheme, such as public open space, are located at prominent corners of the scheme along Pepper Street where they relate to the low rise red brick buildings located along the south and east sides of the site.

8.21 The office building, located on the north edge of the proposed north square, relates to the height of the adjacent Harbour Exchange office development. The hotel is located on the eastern edge of the north square and mediates between the height of the office and residential buildings that define the south and west side of the north square. The number of hotel rooms has reduced from 225 to 159, but the bulk and scale of the hotel component has not changed due to the relocation of some of the affordable housing to this block. The tower, on the north west corner of the site is separated from the adjoining buildings to provide a landmark feature. The tower is articulated and steps down in height from north to south. The residential buildings respond in height to the surrounding development, apart from the residential block on the dock edge, which is taller than the adjacent blocks. In order to reduce the perceived mass of the block on the dock edge, the upper two storeys are setback.

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

- The architectural quality of the building is considered to be of a high design quality;
- The scheme contributes to an interesting skyline, and contributes to the general graduation of maximum building heights from west to east
- The scheme meets the standards of sustainable construction and resource management;
- The scheme meets the Council’s requirements in terms of micro-climate;
- The scheme enhances the movement of people, particularly along the new pedestrian boulevard in the central courtyard. This is connected via an arch to the dockside walkway
- Appropriate planning obligations are included to mitigate the impact of the development on the existing social facilities in the area;
- The proposal satisfies the Council’s requirements in terms of impact on privacy, amenity and overshadowing;
- The BBC have considered the proposal in terms of the impact on the telecommunications and radio transmission networks and concluded any impacts of the development can be mitigated via an appropriate clause in the S106 agreement;
- The transport capacity of the area now and in the future was considered as part of the Environmental Impact Assessment process. The Council’s Highways Authority has concluded that the transport assessments submitted satisfy the Council’s requirements (including the cumulative impact);
- A total of 1300 sqm of amenity space is provided at ground floor, which includes three

- redesigned internal courtyards and a number of green roofs across the site;
- The proposal also includes an appropriate S106 contribution to improve existing open spaces. The amenity space arrangements are considered to satisfy the Council's requirements;
- As discussed above, the mix of uses proposed are considered appropriate. The Council's urban design officer has recommended that the detailed design of the ground floor be conditioned to ensure that the development contributes to its surroundings at street level;
- The overall sustainability of the project is considered satisfactory.

8.23 The overall design is acceptable in policy terms and will make a positive contribution to the site and immediate area. The amended scheme is not significantly different from the scheme approved in March 2006. The overall design, height, massing and footprint of the building are almost identical to the previously approved scheme and responds positively to the typology of the area. Amendments made improve the scheme through the provision of better designed elevations and landscaping. In summary, changes made to the approved scheme can be supported.

Open space/ Amenity space

8.24 The proposal will provide a total of 5,325 sqm of landscaped, publicly accessible open space at the centre of the proposed development. This open space has been changed from the previous approval through the removal of the east-west vehicular access road within the centre of the site and vehicular circulation route within the northern square. This has enabled the creation of additional open space including a central landscaped, pedestrian-only boulevard.

8.25 Policy HSG16 of the UDP requires that all new housing development include adequate provision of amenity space. The Council's SPG for residential space sets out a total amenity space requirement for the current scheme of 8,410sqm, plus 1,014sqm required as children's playspace.

8.26 The current proposal will provide a total of 9,046sqm of amenity space and 1,017sqm of children's playspace. This level of amenity and play space exceeds the requirements of the Council's adopted SPG noted above and is supported.

Amenity

8.27 With regard to the amenity impacts of the scheme, the resulting scheme includes. Further, the proposal has been redesigned and set back to overcome some of the amenity issues originally identified relating to outlook, privacy, daylighting and sunlighting of adjoining dwellings. The resulting scheme is considered appropriate in terms of mass, scale and design to the application site.

Parking

8.28 A summary of parking spaces for all uses is identified in the following table:

Use	Number of Parking Spaces
Residential	529 car parking spaces 32 motorcycle parking spaces 529 cycle parking spaces
Offices	23 car parking spaces 81 motorcycle parking spaces 32 cycle parking spaces
Apart-Hotel	4 car parking spaces 4 cycle parking spaces

Retail, Health Club and Community Uses	4 car parking spaces 9 motor cycle parking spaces 4 cycle parking spaces
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The number in the number of car parking spaces is supportable in light of Planning Standard 3 contained in the Core Strategy and the London Plan that specifies a *maximum* car parking provision of 0.5:1 for residential units and 1: 1250 sq.m (B1). Both TfL and the Council's highways department have expressed support for the level of parking spaces provided.

Sustainable Development/ Renewable Energy

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

Access

8.30 The scheme will yield much needed accommodation including affordable homes and accommodation for key workers. The access statement submitted highlighted the developer's commitment to provide all accommodation to lifetime home standards to be adaptable for mobility housing. Most of the units have relative ease of access to disabled parking bays. The statement confirms that 10% of the resulting accommodation will be accessible by wheelchair. The applicant has also amended the scheme to address concerns raised by the access officer.

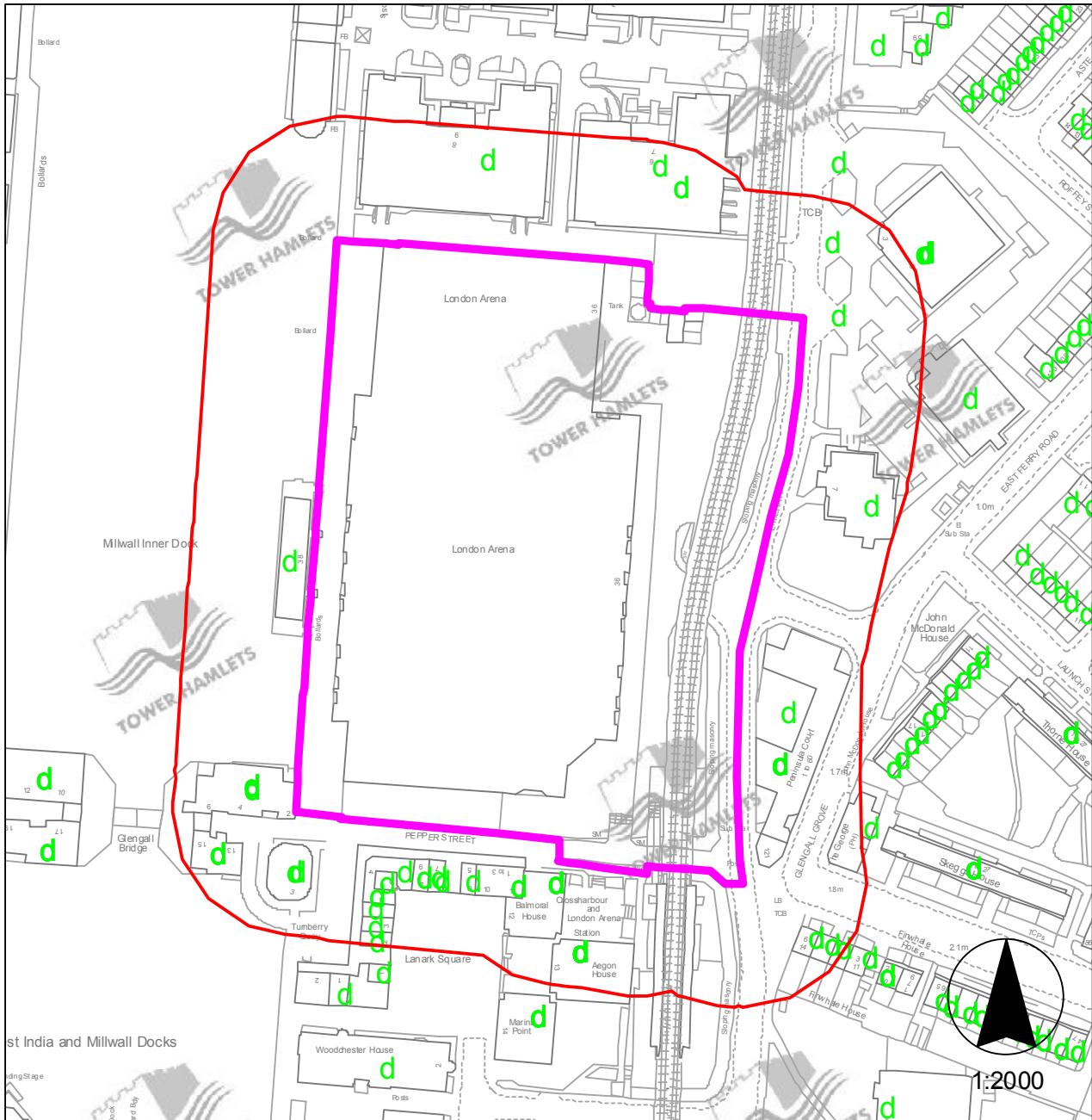
EIA

8.31 The applicant has submitted an updated EIA with the application. The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Bureau Veritas. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

Conclusions

8.32 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 Stationary Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Agenda Item 7.3

Committee: Strategic Development	Date: 10 th May 2007	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/07/00347	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location:	Arrowhead Quay (East Of 163 Marsh Wall), Marsh Wall, London
Existing Use:	Car park
Proposal:	Redevelopment of site to provide a 16 storey and 26 storey plus plant (119m AOD to top of plant) office building including retail (Class A1) / restaurant (Class A3) uses on part of the ground floor and basement car park (79,244 sq. m gross), dockside walkway and landscaped plaza. The application is supported by an Environmental Impact Assessment.
Drawing Nos:	2DPA-001(00), 010(00), 020(00), 100(00), 101(00), 102(00), 103(00), 104(00), 105(00), 106(00), 107(00), 108(00), 109(00), 110(00), 111(00), 120(00), 121(00), 122(00), 123(00), 130(00), 131(00), 132(00), 133(00), 140(00), 141(00),
Applicant:	Cartman Ltd (c/o GVA Grimley)
Owner:	Cartman Ltd
Historic Building:	No
Conservation Area:	No

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:

- This application seeks approval for a series of revisions from the previously approved scheme on the site, dated 25th July 2003 (PA/00/00423). In principle, therefore, the proposed development is acceptable, subject to an appropriate planning obligations agreement and conditions to mitigate against the impact of the development.
- It is considered that the development would not have an adverse impact on the residential amenity of any nearby 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.
- The submitted Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended legal agreement.
- The development would add positively to London's skyline without causing detriment to

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

local or long distant views.

- The scheme would bring the benefits of job creation. The development would also enhance the streetscape and public realm through the provision of open space area and improved pedestrian linkages through the site and along the dock edge. The need to secure an appropriate planning obligations package is noted.
- The proposal incorporates a number of sustainability measures.

3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

- A contribution of £50,000 to public art
- A contribution of £4,971,376.62 in accordance with the Millennium Quarter Masterplan Tariff.
- A contribution of £20,000 towards the provision of (Docklands Arrival Information System) boards at appropriate locations within the proposed development.
- Contributions towards any equipment upgrade required to mitigate the adverse affects of this development on DLR's radio communications. Furthermore, a radio survey is to be conducted before and after the construction phase to assess the level of impact the development may have on the DLR radio signal.
- The provision of a public walkway through the site as part of the east-west dockside walkway and a north – south link for the public piazza.
- Commitment towards utilising employment initiatives such as the Local Labour in Construction (LliC) in order to maximise the employment of local residents.
- TV reception monitoring and mitigation.
- Environmental Management Plan
- Restrictions on Additional Floorspace
- Preparation of a Travel Plan

A Section 278 agreement to secure the following:

Associated highways works to the frontage along Marsh Wall and the area under public ownership across the junction with Admirals Way.

3.2 That the Head of Development Decisions be 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 the following are required:
 - a) Samples of all building materials;
 - b) The design of the lower floor elevations, including shopfronts;
 - c) Signage strategy;
 - d) External lighting;
 - e) Design of new plaza area and all other landscaping, including details of the extent of outdoor seating associated with potential café/restaurant uses;
 - f) Details of glazing (including acoustic performance) for all external sensitive facades by DLR train noise;

- g) Public art/craft; and
 - h) The provision to be made for the storage and collection/disposal of rubbish.
3. Landscape Management Plan.
 4. Completion of the restaurant/retail units prior to occupation of any other part of the development.
 5. Archaeological investigation.
 6. Full details of access for people with disabilities
 7. The following parking spaces are to be provided:
 - A maximum of 48 car parking spaces of which 5 have been allocated for disabled drivers
 - A minimum of 266 cycle spaces at basement level for the office accommodation and 20 at ground level for the retail units and office visitors
 - 146 motorcycle spaces
 8. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
 9. Level of noise emitted from the site to be restricted.
 10. Ground borne vibration limits.
 11. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 12. Details of route for construction traffic.
 13. Details of on-site parking and delivery arrangement during construction stage
 14. Environmental Management Plan.
 15. Details of a monitoring and control regime of the Environmental Management Plan.
 16. Investigation and remediation measures for land contamination (including water pollution potential).
 17. Details of the construction of the site foundations.
 18. Details of surface and foul water drainage system required.
 19. Impact study of water supply infrastructure required.
 20. Details of Water Efficiency measures.
 21. Details required for surface water drainage works.
 22. Details required for surface water source control measures.
 23. A strip of land 6 metres wide to preserve access to the watercourse for maintenance and improvement.
 24. Assessment to identify the life of the river wall, compared to the life of the development
 25. Implementation of a biodiversity measures as submitted, including green roof.
 26. Renewable energy measures to be approved in writing by the Local Planning Authority in consultation with the Greater London Authority and implemented in perpetuity.
 27. During construction no solid matter shall be stored within 10 metres of the banks of the West India Dock South and thereafter no storage of materials shall be permitted in this area.
 28. Install appropriate mooring points and access to promote leisure moorings along this section of the dock edge.
 29. Any other condition(s) considered necessary by the Head of Development Decisions.

Informatives

1. Section 106 agreement required
2. Section 278 (Highways) agreement required
3. Site notice specifying the details of the contractor required
4. Construction Environmental Management Plan Advice
5. Use of dock to transport bulky materials
6. London City Airport Advice
7. Conditions 2(a), (b) and (e) to comply with microclimate and ecological studies and the remedial measures in the Environmental statement
8. Environment Agency Advice
9. British Waterways Advice
10. Environmental Health Department Advice

11. Transport Department Advice
12. Metropolitan Police Advice
13. DLR advice
14. Advertising signs and/or hoardings consent
15. Contact the GLA regarding the energy proposals
16. Any other informative(s) considered necessary by the Head of Development Decisions

3.3 That, if by 10th August 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Application for redevelopment of site to provide a 16 storey and 26 storey plus plant (119m AOD to top of plant) office building including retail / restaurant use on part of the ground floor and basement car park, dockside walkway and landscaped plaza. The application is supported by an Environmental Impact Assessment.
- 4.2 The development comprises a total gross external floor area (GEA) of 79,244sq m, of which 70,041 sq m is office (use class B1), 505 sq m is retail (use class A1) and 8,698 sq m is basement area.
- 4.3 This application seeks approval for a series of revisions from the previously approved scheme on the site, dated 25th July 2003 (PA/00/00423). The proposed development differs from the consented scheme as follows:
 - The overall floor space of the proposed scheme is 79,244 sq m GEA (including basement), increased from 59,250 sq m in the permitted scheme;
 - Reduction in car parking provision as directed by LBTH from 59 spaces to 48 spaces;
 - Introduction of a glass climate wall and shading scheme to reduce the need for mechanical ventilation, heating and cooling;
 - Upper floors of the tower reconfigured to suit relocation of core and increase efficiency of floor plate resulting in enlarged GEA;
 - Plant rooms around the building have been rationalised; and
 - Use of renewable technologies and a green roof.
- 4.4 The applicant has identified that the scheme will generate around 3,500 jobs.

Site and Surroundings

- 4.5 The application site comprises an area of approximately 0.57 ha and is currently used as a surface car park. The site is situated on Marsh Wall, to the south side of the West India South Dock. The site is bounded to the north by the dock, to the west by the Britannia International Hotel, to the east by the Docklands Light Railway (DLR) and to the south by Marsh Wall. The site falls within the Millennium Quarter Masterplan with frontage to Millwall Inner Dock.
- 4.6 The site is currently used as a surface car park. The prevailing existing and proposed land use in the area is commercial. The neighbouring Waterside and Admiral's Way site is currently in B1 use with a limited amount of ground level retail uses. The buildings comprise blocks of between 6 and 8 storeys. Further east on Marsh Wall are larger buildings, with a 22 storey building at the World Trade Centre Phase 1 site and other buildings with heights of between 10 and 14 storeys elsewhere along Marsh Wall. To the south of the site the existing buildings fronting on to Marsh Wall are largely office and light industrial uses, and are typically of 5 or less storeys in height. Planning permission was recently granted at 22 Marsh

Wall to the south east of the site for the development of 4 buildings of up to 44 storeys in height incorporating 802 new residential units, retail and office uses.

- 4.7 The wider setting of the proposal site has undergone major change in the last 25 years. During this time the commercial centre at Canary Wharf has developed considerably and commercial activity at Canary Wharf has extended to the south creating a new area known as the Millennium Quarter. Development to the north of West India South Dock is now largely characterised by tall buildings, with buildings of up to 37 storeys in height immediately to the north of the dock. To the south east of the site, the 1 Millharbour development is currently under construction; this will comprise two new buildings of 40 and 48 storeys, with retail, restaurant, leisure and community uses at ground floor. The proposals at Arrowhead Quay, together with 1 Millharbour and 22 Marsh Wall, will form a northern gateway to the proposed Millennium Quarter.
- 4.8 The site does not contain any listed buildings and is not within a conservation area. To the north of the West India South Dock are the dock walls and the copings and buttresses to the Import Dock and Export Dock which are Grade 1 listed (see plan at Appendix 2).
- 4.9 The application site is within 5 minutes walk of Canary Wharf town centre which offers a wide range of retail and other facilities. The site is well served by public transport with several DLR stations (the closest being South Quay), Canary Wharf Underground Station and 3 bus routes in close proximity (one along Marsh Wall and two along Westferry Road). The site has a public transport accessibility level (PTAL) of 4 – 5 on a scale.

Planning History

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

PA/00/00423 Redevelopment to provide a 16/25 storey office building (plus plant), including retail/ restaurant use on part of the ground floor (59,250m² gross), plus car parking, dockside walkway and landscaped plaza. Planning consent granted 25th July 2003.

PA/06/02107 Section 73 application for redevelopment to provide a 16/25 storey office building (plus plant) including retail / restaurant use on part of the ground floor (59,250 sq. m gross) plus car parking, dockside walkway and landscaped plaza to amend the timing of Condition 2 of Planning Permission PA/00/423 dated 25th July 2003. Planning consent granted 8th February 2007.

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan

Proposals: 162 Hotel and Leisure uses
Central Area Zone
Flood Protection Areas
Water Protection Areas
Sites of Nature Conservation Importance

Policies: Environment Policies

DEV1 Design Requirements
DEV2 Environmental Requirements
DEV3 Mixed Use development
DEV4 Planning Obligations

DEV5	High Buildings and Views
DEV12	Provision of Landscaping in Development
DEV18	Art and Development Proposals
DEV46	Waterways and Water Bodies
DEV47	New Development adjacent to Rivers, Canals and other Water Areas
DEV48	Water Frontage
DEV50	Noise
DEV55	Development and Waste Disposal
DEV57	Development Affecting Nature Conservation Areas
DEV58	Enhancement of Nature Conservation Sites
DEV62	Development Adversely Affecting Nature Conservation Areas
DEV69	Water Resources

Central Activities Zone Policies

CAZ1	Developing London's regional, national and international role
CAZ3	Mixed use development
CAZ4	Diversity, character and functions of the Central Area Zones

Employment Policies

EMP1	Encouraging New Employment Uses
EMP2	Retaining Existing Employment Uses
EMP7	Work Environment
EMP9	Business Use

Transport Policies

T15	Transport and Development
T16	Impact of Traffic
T17	Parking Standards
T18	Pedestrian Safety and Convenience
T20	Pedestrian Movements Along Canals
T21	Pedestrians
T23	Cyclists

Shopping Policies

S6	New Retail Development
S10	New Shopfronts

Arts, Entertainment and Tourism

ART5	Arts and entertainment facilities
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5.3 Millennium Quarter Master Plan

The Millennium Quarter Master Plan (MQMP) was agreed by the Council's Policy and Implementation Committee on 13th September 2000 as interim policy pending the formal alteration of the UDP. The MQMP sets out the principles and guidelines for development, including delivery and implementation mechanisms. The Master Plan was subject to extensive consultation with landowners, statutory authorities and the local community.

5.4 Emerging Local Development Framework

Proposals:	ID19	Employment (B1), Retail and Leisure (A2, A3, A4)
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Sites of Importance for Nature Conservation
Flood Risk Area
Blue Ribbon Network

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
	CP11	Sites in Employment Use
	CP15	Range of Shops
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP33	Sites of Importance for Nature Conservation
	CP36	Water Environment and Waterside Walkways
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
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
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV27	Tall Buildings

Open Space

OSN3 Blue Ribbon Network

Isle of Dogs Area Action Plan

IOD1	Spatial Strategy
IOD2	Transport and Movement

IOD3	Health Facilities
IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD9	Waste
IOD10	Infrastructure and Services

Central sub-area

IOD18	Employment Uses
IOD20	Retail and Leisure
IOD21	Design and Built Form
IOD22	Site Allocations

5.5 Supplementary Planning Guidance/Documents

Designing Out Crime
Landscape Requirements

5.6 Spatial Development Strategy for Greater London (London Plan)

3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3B.3	Office Provision
3B.4	Mixed Use Development
3C.1	Integrating Transport and Development
3C.22	Parking
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
4B.9	Large scale buildings, design and impact
4C.1	Blue Ribbon Network
4C.2	Context for Sustainable Growth
4C.3	Natural Value of the Blue Ribbon Network
4C.4	Natural Landscape
4C.12	Sustainable Growth Priorities for the Blue Ribbon Network
4C.17	Increasing Access alongside and to the Blue Ribbon Network
4C.20	Design
4C.21	Design Statement
4C.28	Development Adjacent to Canals

5.7 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development and Small Firms
PPS6	Planning for Town Centres

PPG13	Transport
PPS22	Renewable Energy
PPG24	Planning & Noise

5.8 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 Cleansing

6.2 No comment received.

LBTH Corporate Access Officer

6.3 No comment received.

LBTH Ecology

6.4 No response.

LBTH Energy Efficiency Unit

6.5 No comment received.

LBTH Environmental

Contaminated land

6.6 No comment

Air Quality

6.7 No comment

Noise

- The baseline noise survey is not comprehensive enough. Only short term sample measurements have been undertaken. It is recommended that measurements are made over at least 4 days to cover Friday, Saturday, Sunday and Monday.
- Internal noise criteria for offices as per BS8233 need to be agreed with Environmental Health.
- Fixed plant and building services plant noise to be agreed with Environmental Health.

(OFFICER COMMENT: This has been addressed as a condition of development)

LBTH Highways

- 6.8 This application was assessed in 2003 and the changes proposed are considered minor.

The level of car parking shown is acceptable according to policy. Cycle parking is also within the standards set out.

The retention of the riverside walkway is welcomed, as is the accessibility of the public open space.

The layout of the parking and access routes to and from the development are acceptable and servicing of the site is acceptable.

The development is covered by the Millennium Quarter Section 106 tariff and adjustments will be made relating to any changes in floor size.

The section 106 should include a Travel Plan requirement. The travel plan must include more measures to support walking, cycling and public transport - such as showers for cyclists, route maps for walking, cycling and Public Transport, travel card loans, and other incentives and information.

Construction traffic remains a concern, in particular with the one way working of Marsh Wall for 18 months during construction of South Quay station. A comprehensive construction management plan needs to be implemented and placed on any approval as a condition. Particular attention must be given to network management issues and liaison with the Highways Department of Tower Hamlets.

A section 278 agreement must be entered into which covers the frontage along Marsh Wall and the area under public ownership across the junction with Admirals Way.

LBTH Landscape

- 6.9 No comment received.

British Waterways (Statutory Consultee)

- 6.10 No objection to the proposed development, subject to the imposition of a suitably worded condition and/or the applicant first entering into a legal agreement to require the developer to install appropriate mooring points and access to promote leisure moorings along this section of the dock edge.

(OFFICER COMMENT: This has been addressed as a condition of development)

Environment Agency (Statutory Consultee)

- 6.11 No objection subject to conditioning.

Greater London Authority (Statutory)

- 6.12 The GLA comments have been addressed in detail throughout the report.

Natural England (Formally English Nature and Countryside Agency) (Statutory Consultee)

- 6.13 No comment received.

Transport for London (Statutory Consultee)

6.14 The TFL comments have been addressed in detail through out the report.

BBC

6.15 No comment received.

Docklands Light Rail

6.16 No structure should be installed within a distance of 5 metres from the outer edge of the DLRL railway. (OFFICERS COMMENT: According to the applicant's plans, the scheme would be setback a distance greater than 5 metres from the outer edge of the DLRL railway).

It is possible that noise targets may be exceeded on the upper floors of the proposed development.

DLR would be seeking contributions towards any equipment upgrade required to mitigate any adverse affects of this development on the DLR's radio communications.

English Heritage - Archaeology

6.17 No objection subject to conditioning.

London Borough of Southwark

6.18 No comment.

London City Airport

6.19 No safeguarding objections

London Fire and Civil Defence Authority

6.20 No comment received.

Metropolitan Police

6.21 The minimum standards of the Secure by Design principles were been provided.

(OFFICERS COMMENT: This has been addressed as an informative).

National Air Traffic Services Ltd

6.22 No safeguarding objections

Thames Water Utilities

6.23 No comment received.

Tower Hamlets PCT

6.24 No contribution sought.

7. LOCAL REPRESENTATION

7.1 A total of 131 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. There were a total of 2 representations received from local groups in response to notification and publicity of the application.

7.2 The following local groups/societies made representations:

- Docklands Business Club
- Seven Mills Primary School

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.

- Concerned about increase in road traffic
- Concerns with interference to natural light to buildings on Admirals Way
- Impact on public transport infrastructure
- Provision of car parking

7.4 (OFFICERS NOTE: The two representations received were more statements of concern, than objections).

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

- Safe crossings should be provided along the length of Marsh Wall
- Safe barriers should be erected along the dock edge

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Building Design and Height
- Amenity
- Access and Transport
- Biodiversity
- Flood/ Water Resources
- Public Realm
- Sustainability
- Planning Obligations

Land Use

8.2 The site is currently used for commuter car parking, which is contrary to Council policy. The redevelopment of this site for office development is welcome in principle, as discussed below.

Office Component

8.3 The London Plan indicates that the Mayor will seek a significant increment to current office stock through changes of use and development of vacant brownfield sites (Policy 3B.2). A variety of type, size and cost of office premises is also sought to meet the demands of all sectors. Paragraph 5.66 of the London Plan states that 'development in the Isle of Dogs should complement the international offer of the Central Activities Zone (CAZ) and support a globally competitive business cluster'.

8.4 The site is within the CAZ and the application includes Central London Core Activities of a scale and type considered compatible with fostering London's role as a financial,

commercial, tourist and cultural centre (CAZ1 of the UDP).

- 8.5 Policy EMP1 of the UDP states that employment growth will be encouraged through the re-use of vacant land and derelict buildings. Policy EMP9 states that the Central Area Zones are designated as areas of business growth. Favourable consideration will normally be given, on individual sites, to development for and changes of use to business uses (use class B1), provided that the development does not conflict with other policies or proposals in the UDP. The UDP allocates the site as being suitable for hotel or leisure use.
- 8.6 LBTH's Millennium Quarter Masterplan SPG identifies the northern part of the Quarter as suitable for predominantly commercial development where office developments should be located with a mix of uses at ground floor level.
- 8.7 The Isle of Dogs Area Action Plan (AAP), which forms part of the LDF, identifies the site as being suitable for employment, retail and leisure uses (Site Allocation ID19). Policy IOD18 states that areas to the north of Marsh Wall should provide employment uses which support the formation of a global and financial business centre on the Isle of Dogs. The policy further requires that such employment uses are provided as part of integrated mixed use developments that include B1 uses as a dominant element of the whole scheme.
- 8.8 The proposals incorporate 70,041 sq m of office space (Use Class B1), suitable for accommodating a range of financial and business services. This is likely to generate around 3,500 jobs. The proposals are in accordance with LBTH's Millennium Quarter Masterplan SPG and will make a significant contribution to maintaining and expanding the Isle of Dogs role as a leading financial centre and fulfil new office requirements through providing large floorplate offices. The proposed development is therefore in full accordance with national guidance and the policies of the London Plan and Tower Hamlets relating to office space.
- 8.9 The GLA have stated in their Stage 1 report that *"the provision of a large-scale office development in this highly accessible location by public transport is consistent with both local and strategic planning policy, which seeks to support a globally competitive business cluster on the northern part of the Isle of Dogs"*.
- 8.10 The principle of the development has previously been accepted through the granting of the existing planning permission.

Retail Component

- 8.11 The London Plan seeks to maintain and improve retail facilities (policy 3D.3) through the maintenance, management and enhancement of local and neighbourhood shopping facilities and where appropriate for the provision of further such facilities in accessible locations. Policy 3B.4 seeks mixed use development where increases in office floorspace are proposed in Opportunity Areas.
- 8.12 Policy S6 of the UDP states that permission for new retail development will normally be given where there is no detrimental impact on the vitality and viability of any district shopping centre, the proposal complies with parking standards and will be adequately served by public transport and includes safe and convenient facilities for pedestrians and cyclists.
- 8.13 Policy CP15 of the Core Strategy encourages the provision of a wide range of shops, and supports the offer of specialty commodities to meet the needs of local residents.
- 8.14 The Isle of Dogs AAP seeks employment uses as part of mixed use schemes (policy IOD18) and further recognises that limited retail uses may be appropriate where they help create vibrant mixed use areas. The extent of provision in these areas must not compromise the viability and vitality of the Isle of Dogs Major Centre and the Crossharbour District Centre, and should be primarily focused on serving the needs of the immediate resident and worker

communities.

- 8.15 The proposed development seeks to provide 505 sq m of retail floorspace on the ground floor of the predominantly office based development. This provision of retail to serve the office users and others in the immediate will serve to enhance the streetscene and vitality of the immediate area.
- 8.16 The principle of the development has previously been accepted through the granting of the existing planning permission.

Building Design and Height

Design

- 8.17 Policy 4B.2 of the London Plan states that the Mayor seeks to promote world class design. Development proposals should show that developers have sought to provide buildings and spaces that are designed to be beautiful and enjoyable to visit, as well as being functional, safe, sustainable and accessible for all. Policy 4C.20 seeks a high quality of design for all waterside development. All development, including intensive or tall buildings, should reflect local character, meet general principles of good design and improve the character of the built environment.
- 8.18 Policy 4C.1 of the London Plan states that boroughs should recognise the strategic importance of the Blue Ribbon Network. Policy 4C.17 requires that boroughs protect, and improve access points to, alongside and over the Blue Ribbon Network.
- 8.19 Policy DEV1 of the LBTH UDP sets out the general principles that the Council will promote, stating that all development proposals should:
- Take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials;
 - Be sensitive to the development capabilities of the site, not result in over development or poor space standards; be visually appropriate to the site and its setting; and take full account of planning standard No.1: Plot Ratio;
 - Normally maintain the continuity of street frontages, and take account of existing building lines, roof lines and street patterns;
 - Provide adequate access for disabled people in respect of the layout of sites and the provision of access to public buildings;
 - Be designed to maximise the feeling of safety and security for those who will use the development; and
 - Include proposals for the design of external treatments and landscaping.
- 8.20 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 reiterates this and DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design including
- 8.21 Policy IOD1 of the Isle of Dogs AAP states that design will be managed by ensuring that development, considers, reflects and responds to the waterside location of the Island and contributes to making a unique location in the London context. The AAP further recognises that design has an important role in creating accessible, well connected, safe and secure environments that people can enjoy being in (paragraph 1.47).
- 8.22 The design of the proposed development will add to the desirability of the area as a place to work and visit, thus helping to achieve the objectives of local policies within the UDP, draft Core Strategy and the Isle of Dogs AAP.

- 8.23 As demonstrated in the Design and Access Statement the proposed development addresses the immediate demands of the space around the building and the wider urban context. The landscaping proposals seek to create an area of public realm that opens up the dock side and has a seamless relationship with the internal ground floor of the building.
- 8.24 The Council's ES consultants note that *"the Townscape and Visual Impact Assessment provides an adequate assessment of the potential impacts of construction and operation of the site"*.
- 8.25 The Townscape and Visual Impact Assessment demonstrates that the impact of the proposed development on local views is decreased by the fact that views are already dominated by the Canary Wharf cluster. The development is therefore unlikely to result in a fundamental change in the character of the area. Significant views of the development will be highly localised. There will be minimal impact upon local open spaces and the proposed development is considered to have a beneficial impact in terms of the townscape of the immediate area of Marsh Wall and South Dock.
- 8.26 The buildings have been orientated to provide active uses facing onto the plaza and South Dock edge. This should result in a lively and attractive area on a major point of arrival into the Quarter. The setback of approximately 5 metres from the dock edge does not comply with the 8 metre setback suggested within the MQMP guidelines. However, the setback is generally consistent with the approved setbacks associated with the consented scheme.
- 8.27 The GLA report states that the *"Active ground floor frontages are provided and access to the dockside, including a new public open space next to the dock. This is consistent with the Blue Ribbon Network policies of the London Plan"*.
- 8.28 The Council's Urban Design Department made the following comments:
- 8.29 *"The layout, floor plans work much better than previously consented proposal and it will result in efficient office building. The design addresses access issues and ground floor environment is adequately accessible and inclusive. Elevations and external appearance are designed in line with character of the Canary Wharf"*.
- 8.30 The application is considered to take into account and be sensitive to the character of the surrounding area in terms of design, bulk and scale. It also takes into account the continuity of building lines and street patterns.

Tall Building

- 8.31 Influencing the assessment of this scheme is the previously approved development. In respect of height and scale the differences between the two schemes are as follows:
- Height of the taller element is slightly higher than the approved tower: 119m compared to 116m (approved).
 - Height of lower element is also slightly higher than the approved tower: 76.1m compared to 73.6m (approved).
- 8.32 The London Plan encourages the development of tall buildings in appropriate locations. Policy 4B.8 states that tall buildings will be particularly appropriate where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan requires all large-scale buildings, including tall buildings, to be of the highest quality of design.

- 8.33 Policy DEV5 of the LBTH UDP states that tall buildings may be acceptable within the Central Area Zones subject to policies DEV1 and DEV2. The development will also:
- not adverse impact on the micro climate, wind turbulence, overshadowing and telecommunication interference,
 - have access to appropriate transport and infrastructure,
 - not adversely harm the essential character of the area or important views; and
 - identify and emphasise a point of civic and visual significance.
- 8.34 The MQMP identifies this site as a focal point that should act as a gateway to the quarter. The design of development should ensure views are maintained from within the quarter towards Canary Wharf.
- 8.35 Policy CP48 of the emerging LDF recognises that tall buildings can contribute positively to an area where they are designed to high quality standards. The policy further supports the development of tall buildings in the northern part of the Isle of Dogs where they consolidate the existing tall buildings cluster at Canary Wharf.
- 8.36 Policy DEV27 of the emerging LDF Core Strategy provides a suite of criteria that applications for tall buildings must satisfy. The proposal satisfies the relevant criteria of Policy DEV27 as follows:
- The design is sensitive to the context of the site.
 - The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and open space provision.
 - The proposed development does not fall within the strategic views designated in Regional Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) or the Mayor's draft London View Management Framework SPG (2005). However, the scheme has demonstrated consideration of the appearance of the building as viewed from all angles and is considered to provide a positive contribution to the skyline.
 - Visually integrated into the streetscape and the surrounding area.
 - Present a human scaled development at the street level.
 - Respect the local character and seek to incorporate and reflect elements of local distinctiveness.
 - There will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
 - Extensive environmental impact testing including wind and micro climate testing has been undertaken and concludes that the impact on the microclimate of the surrounding area, including the proposal site and public spaces, will not be detrimental.
 - Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management.
 - The impact on biodiversity of the South Quay dock will not be detrimental.
 - The scheme will contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.
 - Incorporates the principles of inclusive design.
 - The site is located in an area with good public transport access.
 - Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
 - Improves permeability with the surrounding street network
 - The scheme provides publicly accessible areas within the building, including the ground floor.
 - The scheme would conform with Civil Aviation requirements. Both NATS and City Airport have advised there is no safeguarding objection.
 - The scheme would not interfere, to an unacceptable degree, with telecommunication and

radio transmission networks.

- 8.37 LBTH's Millennium Quarter Masterplan identifies the sites closest to Canary Wharf and the DLR as being suitable for the tallest buildings in the quarter with building heights of 18-25 storeys and 16-17 storeys at the waterfront considered acceptable. The proposed development would only marginally exceed these guidelines and therefore subject to the detailed design considerations mentioned above, would be acceptable.
- 8.38 The Isle of Dogs AAP states that the Central Sub Area will contain a mix of building heights that do not compete with the cluster of tall buildings in the Northern sub area (Policy IOD21). However the policy also recognises that building heights will be higher in the north part of the sub area and reduce in height towards the southern parts.
- 8.39 The GLA report makes the following comment:
- 8.40 *"The provision of a large-scale office development in this highly accessible location by public transport is consistent with both local and strategic planning policy, which seeks to support a globally competitive business cluster on the northern part of the Isle of Dogs. A tall building is appropriate in this location given the scale of surrounding development. The changes from the previously consented scheme are welcomed in terms of seeking to maximise the development potential of the site".*
- 8.41 The proposals comply with the requirements of London Plan policy 4B.9 and LBTH Core Strategy policy DEV27 as the development responds strongly to Council requirements with regard to design and context, environment, socio-economic impacts, access and transport and additional considerations such as Civil Aviation requirements.

Accessibility and Inclusive Design

- 8.42 The proposed development has been designed on the principles of inclusive design. The development will provide level access across the site and maximise circulation space at ground floor. An accessible high quality public realm for building users and visitors will be created. Pedestrian routes are provided through the site which will increase permeability. It is anticipated that the users of the office space and landlord areas will be the staff of the companies occupying the building, their clients and ancillary workers (cleaning staff, security, deliveries etc).

Amenity

Assessing daylight and sunlight

- 8.43 Policy 4B.9 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.44 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.45 Policy DEV1 of the draft Core Strategy states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.46 A Daylight/Sunlight analysis prepared by BLDA Limited considered the sunlight, daylight and

shading effects from the proposed development. The assessment considers the potential impact on existing neighbouring dwellings and open spaces surrounding the site and compares the results against the current Building Research Establishment (BRE) discretionary guidance.

- 8.47 The report identified that there are very few sensitive receptors in proximity to the development site. It goes on to state that there are no residential properties in the vicinity of the site that will be affected in terms of sunlight. The assessment identifies that all the surrounding buildings are commercial with the nearest dwelling identified at a distance of over 150 m from the eastern boundary of the site. At this distance there would be no material effect on daylight, from the proposed development.
- 8.48 The report also identifies that there will be no significant adverse shadowing impact on existing properties to the east, south and west of the site. There will be no detrimental overshadowing effect to the existing and proposed open spaces and the dock to the north of the site. Both the Environment Agency and British Waterways had no objection to the development.
- 8.49 Overall, the analysis undertaken demonstrates that given the approach recommended by the BRE Report, the impact of the proposed development is acceptable in daylight, sunlight, and overshadowing terms.

Noise

- 8.50 The Environmental Statement predicts in respect of the completed development that any resultant increase in noise due to the development will have a low adverse impact. Noise impact would result from changed environmental noise distribution of rail and road traffic noise arising from acoustic reflections generated by the new structure. No residual impacts arise from the construction works because of the temporary nature of the activities.
- 8.51 The comments from the Council's consultants reviewing the Environment Statement and from Environmental Health suggest that there are a number of deficiencies with the baseline noise survey. Notwithstanding, these were not considered to be Regulation 19 concerns and as such the scheme should be conditioned appropriately to ensure any impacts can be mitigated and internal noise criteria for office accommodation is complied with.

Microclimate

- 8.52 The impacts are assessed by a combination of meteorological data, analysis of the surrounding area and wind tunnel analysis, which was considered to be an appropriate methodology for a development of this nature, according to the ES review by the Council's consultants.
- 8.53 The methodology applied, and the resultant presentation of data, provides clear details of all potential impacts to the local wind environment; including the baseline conditions, those produced by the proposed development, and a cumulative assessment of planned schemes in the Borough.
- 8.54 The assessment concludes that there are no locations where the measured wind conditions are considered to require mitigation.

Access and Transport

Access

- 8.55 Vehicular access to the basement parking area, for cars, motorcycles and bicycles is provided from Admirals Way. Admirals Way is a private road, which also serves the

Waterside development and, from its eastern junction with Marsh Wall, the World Trade Centre. Waterside is a commercial development with residential apartments along the quayside. A drop-off and pick-up point for employees and visitors will be undertaken from a lay-by provided off Admirals Way and adjacent to the main entrance. Servicing vehicles will use the basement for deliveries and collections, also accessed from Admirals Way.

- 8.56 The pedestrian environment will be dramatically altered for the better through the opening up of the water front in combination with the new plaza along the western boundary of the site.
- 8.57 TfL have assessed the transport assessments provided as part of the Environmental Statement and also considered the cumulative traffic related impacts of the proposed development with other developments and have raised a requirement for a Travel Plan, which should be secured through s106 agreement.

Parking

- 8.58 The application proposes 48 car parking spaces at basement level. Overall, the car parking provisions are in accordance with the standards set out within the UDP and are at a level, which supports current Government guidance on encouraging trips by other means. The GLA support the low level (48 spaces) of parking proposed. The following are also proposed in the basement:
- 48 car parking spaces of which 5 have been allocated for disabled drivers
 - 266 cycle spaces at basement level for the office accommodation and 20 at ground level for the retail unit and office visitors
 - 146 motorcycle spaces
- 8.59 Transport for London and the Council's UDP support the number of vehicular and cycle spaces proposed.

Public Transport

- 8.60 The site is well served by public transport and has a public transport accessibility level (PTAL) of 4 - 5. The Section 106 tariff contribution from the Millennium Quarter Master Plan (MQMP) is considered appropriate to address any potential impacts upon public transport system.

Servicing and Refuse Provisions

- 8.61 Servicing and refuse collection for the development will be undertaken at the basement level. The Highways department is satisfied that the access routes to and from the development for servicing and refuse collection is acceptable. Further details will be required by way of condition.

Biodiversity

- 8.62 The proposed development will have a minor adverse effect by modifying the light regime and a minor beneficial effect by creating habitat, including through the creation of a green roof and planting trees and shrubs as part of the landscaping of public areas. The landscaping strategy incorporates 50% native planting.
- 8.63 The Council's review of the EIA identified that the ecology statement provides an adequate assessment of the potential impacts of construction and operation on the site and local ecology. The scheme should be conditioned appropriately to ensure the provision of the biodiversity measures identified with in the ES.

Flooding / Water Resources

- 8.64 Policy 4C.6 of the London Plan states that boroughs should identify areas at risk from flooding and avoid permitting built development in functional flood plains. The UDP identifies the site as being within a flood protection area. Policy U2 states that the Council will consult with the Environment Agency and Thames Water Utilities on all applications for new development or the intensification of existing uses in areas deemed to be at risk from flooding. Flood protection requirements will be defined by the Council in consultation with the Environment Agency (policy U3).
- 8.65 The ES states that Thames Water has concerns regarding the water supply capacity in relation to the site and do not believe that the water supply network in the area is able to support the demand from this development. Thames Water have indicated that an investigation of the impact of the development on the surrounding network is necessary and if assets require upgrading this will incur a three year lead in time.
- 8.66 Both the Environment Agency and British Waterways had no objection subject to conditions. Accordingly, the scheme is considered appropriate subject to appropriate conditions being imposed in consultation with Thames Water, Environment Agency and British Waterways to mitigate any potential impacts identified within the ES.

Public Realm

- 8.67 CRF5: New publicly accessible open space should be provided as part of other new developments, including office and residential schemes through:
- small 'pocket parks' within development proposals, particularly higher density office and residential schemes in the west of the area;
 - improvements to the quality of streets and road corridors, through planting, surfacing and street furniture, where they could contribute significantly to the overall open space network within the area.
- 8.68 A key element of the development's proposal is a new plaza which occupies more than 40% of the site footprint. This new public space will open up access to the dock side and South Quay Walk, allowing east – west pedestrian and bicycle movement along the dock edge and access to the pedestrian bridge to Heron Quays. It will also enable the Britannia International Hotel on the western boundary of the site to open out to this new public space.
- 8.69 The external plaza will be located to the west of the proposed building and will provide a linear axis of open space linking Marsh Wall at the south with the quay to the north. The design of the plaza measures approximately 26 metres wide and 65 metres in length in the north south direction.
- 8.70 The South Quay Walk is about 70 meters long and measures approximately 5 meters in width to the north of the development; opening this up as part of the proposed development will result in an important contribution to the public realm as mentioned above.
- 8.71 A section 106 agreement will also be required to address the 'public right of way' through the site.

EIA

- 8.72 The Council's consultants, Bureau Veritas undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. The ES was considered to provide a thorough assessment of the impacts and meets the minimum requirements of the EIA Regulations. Further clarification sought on a number of points. The applicant submitted further information to clarify a number of queries raised by Bureaus Veritas. The points of clarification raised have

been considered and imposed as conditions of development, where appropriate, within this report.

- 8.73 The Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

Sustainability

- 8.74 The London Plan energy policies 4A.7-4A.9 aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Energy Efficiency is addressed in policy DEV6 which reiterates the Mayor's target of 10% of new developments' energy to come from renewable energy generated on site and a reduction of 20% of emissions. Policies DEV7, DEV8, DEV9 and DEV11 seek sustainable developments through water quality and conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.

- 8.75 The applicant has reconsidered its approach to energy from its consented scheme, addressing both energy efficient design and sustainable supply technologies. Whilst the development does not incorporate renewable energy measures into the design, carbon emission would be reduced by a fuel cell system. The scheme proposes a 200kW natural gas fuel cell, to be switched to hydrogen when commercially available. The 200kW fuel cell would provide 5.2% of the building's total energy demand. The Sustainability Strategy states that when the fuel cell is switched over to hydrogen, an 8.54% reduction in total annual carbon emissions would be achieved. The GLA have stated that, as it is gas fired, the fuel cell is not a renewable energy technology for the purposes of current policy. However, the Mayor has stated his support for emerging fuel cell technology and for the promotion of London's hydrogen economy.

- 8.76 Further, passive design features and energy efficiency measures will also be incorporated into the design of these buildings to reduce primary energy consumption. Measures/features include:

- The facades of the development forming a climate wall which is designed to reduce the need for heating and cooling and light energy,
- Good quality heat recovery will be applied to all major mechanical ventilation systems serving all buildings.
- For the commercial areas, an extensive Building Energy Management Systems (BEMS) will be installed.
- External lighting will be highly efficient and controlled by a combination of time switches and daylight sensors. In addition, outdoor lighting will be compliant with the standards set out by the Institute of Lighting Engineers (ILE) to reduce light lost to the sky.

- 8.77 The GLA have made the following comments:

"The main concern in relation to the strategy is the rejection of all other renewable energy technologies. The view of GLA officers is that there are other feasible options that should be incorporated in addition to the fuel cell. For example, the incorporation of PVs on the facade of the building and/or the inclusion of a second fuel cell or conventional Combined Heat and Power/Combined Cooling Heat and Power plant.

The inclusion of the fuel cell is a welcome energy efficiency measure, particularly in the context of the previously approved scheme, which did little to address climate change. However, the absence of any renewable technologies needs to be addressed in order for the proposals to be consistent with the energy policies of the current London Plan and the draft Further Alterations to the London Plan".

- 8.78 The GLA also stated in their report that *"the changes from the previously consented scheme*

are welcomed in...providing a much more energy efficient building than the previously consented scheme”.

8.79 Whilst agreed measures should be secured by the Council as part of any planning permission, the GLA have agreed that it is acceptable to present the application before the Strategic Planning Committee as long as the energy strategy is agreed before the Stage II referral expires. As such, the scheme should be conditioned appropriately.

Planning Obligations

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

- Prescribe the nature of the development
- Compensate for loss or damage caused by the development; and/ or
- Mitigate the development's impact.

8.81 All planning obligations are to meet the following tests:

- relevant to planning;
- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale in kind to the proposed development; and
- reasonable in all other respects.

8.82 Policy DEV4 of the adopted UDP and Policy IMP1 of the Emerging LDF state that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed. The Millennium Quarter Master Plan Planning Contributions Framework establishes a requirement for essential infrastructure works to ensure that the impacts of the development are mitigated.

8.83 The scheme would be subject to a Section 106 agreement relating principally to a financial contribution of £4,971,376.62 (Calculation: 70,546sq/m (Less the basement area of 8,698sqm) x £70.47 per sq/m (MQ Commercial Tariff) = £4,971,376.62) for Millennium Quarter infrastructure and arrangements, including the upgrade of transport infrastructure, public realm and open spaces, and the provision of training and employment to achieve the objectives of the Millennium Quarter Master Plan.

8.84 A contribution towards the provision of public art/ craft on site of £50,000 is also sought. The issue of health is a priority in the Borough. In addition to the above, a supplementary contribution towards health is sought.

Contributions Requested by GLA

8.85 The site is within the Isle of Dogs Opportunity Area and therefore Policy 3B.4 of the London Plan is relevant. Policy 3B.4 states, *“Within the Central Activities Zone and the Opportunity Areas, wherever increases in office floorspace are proposed they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan.”* Paragraph 3.125 of the London Plan goes on to explain that, *“...exceptions to the policy will be permitted where the requirements for such a mix would demonstrably undermine strategic policy for other developments, including parts of the City and the Isle of Dogs. In such areas, off-site provision of housing elsewhere on suitable land will be required as part of a planning agreement.”*

8.86 In response, the GLA have made the following comments:

8.87 *“The mixed-use policy is applicable to this development and its location supports an off site approach to the provision of housing. In order to meet the mixed-use policy of the London Plan, it is suggested that the pro rata increase to the financial contribution of approximately £350,000 be allocated to the off site provision of affordable housing”.*

8.88 In considering the planning obligation tests above, I do not believe that an adequate case has been made to justify the reasonableness of the contribution requested to make the proposed development acceptable in planning terms when considering the following:

- The Council is currently meeting its housing targets;
- The development complies with Policy 3B.1 in developing London’s Economy and policies 3B.2 and 3B.3 which encourage developments that meet office demand and rejuvenate office-based activities in the CAZ. The key impact raised in these policies from such developments is upon transport infrastructure, which has been appropriately addressed within this report;
- According to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development; and
- The consented office development was not required to provide a contribution towards off-site affordable housing.

Contributions Requested by TFL

8.89 TfL acknowledge that the Section 106 contribution from the Millennium Quarter Master Plan (MQMP) is already secured for the Docklands Light Railway (DLR) 3-car Capacity Enhancement Project, notwithstanding, TfL are seeking a contribution of £20,000 towards the provision of (Docklands Arrival Information System) boards at appropriate locations within the proposed development. The justification for this is *“a high number of trips expected to be made to and from the site by DLR”.*

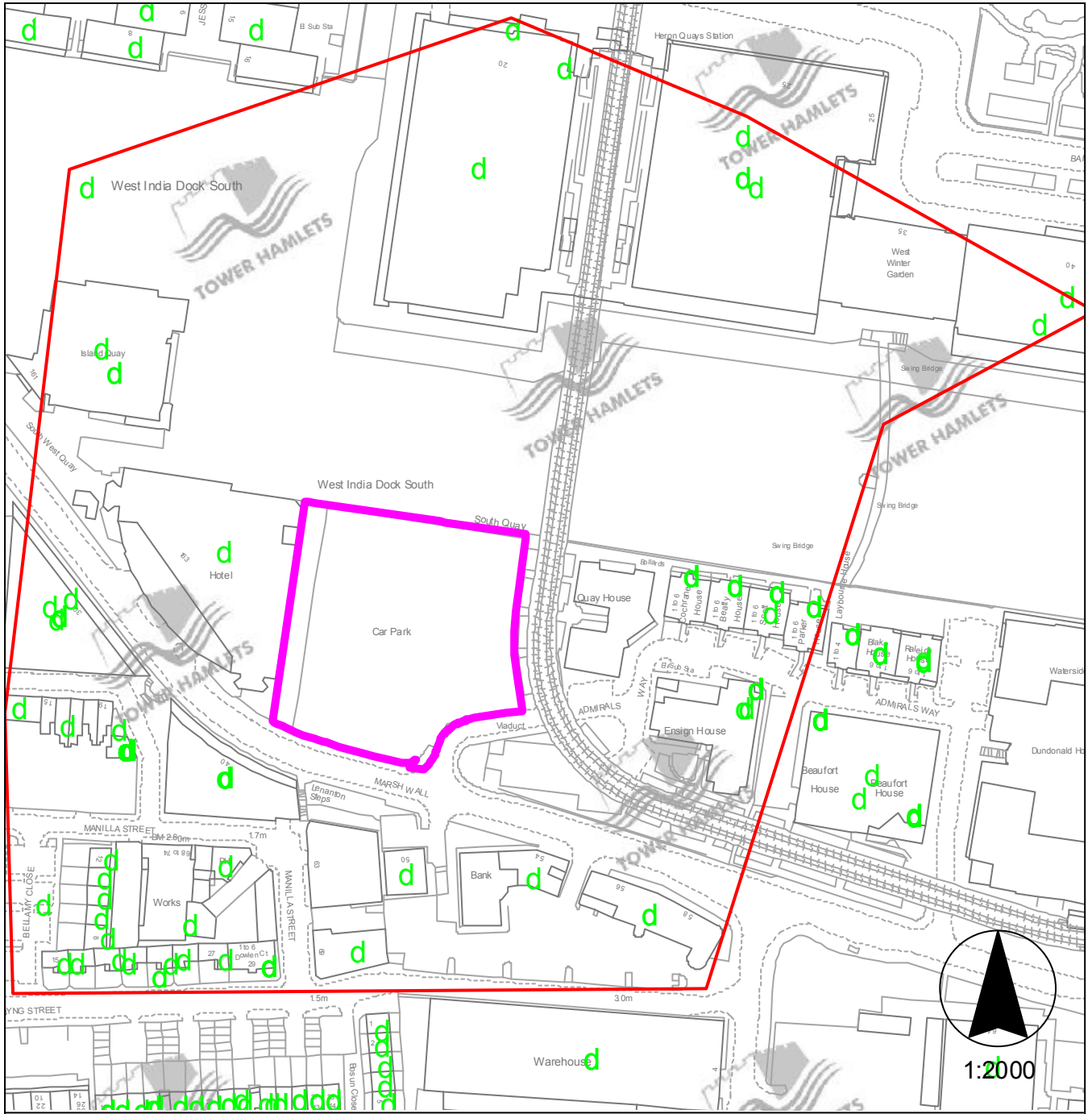
8.90 Contributions towards any equipment upgrade required to mitigate the adverse affects of this development on DLR's radio communications has also been requested. Furthermore, DLR request a radio survey to be conducted before and after the construction phase to assess the level of impact the development has on the DLR radio signal.

8.91 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 to be reasonable in all other respects. The applicant has agreed to the planning obligations to mitigate against the impact of the proposed development. It is considered that the planning obligations recommended are appropriate in this case and accord with government guidance.

9. Conclusions

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
- 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 8

Committee: Strategic Development	Date: 10 th May 2007	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director of Development and Renewal		Title: Bishops Square s106 Planning Obligations Allocation for Decision	
Case Officer: David Williams, Development Manager		Ref No:	
		Ward(s): Spitalfields and Banglatown; Weavers	

1. SUMMARY

1.1 The Bishops Square Development, which was completed in 2005, generated an £8,580,377 section 106 financial contribution to be spent in accordance with the legal obligations detailed in the section 106 Agreement.

1.2 This report provides:

- Details of the Bishops Square development and section 106 Agreement;
- Sets out the processes the Council Officers have used to reach the recommendations made in this report;
- The Council Officer Planning Contributions Overview Panel (PCOP) recommended list of projects for the section 106 monies; and
- A Plan detailing the proposed s106 expenditure boundary to support the Deed of Variation needed to enable resources to support projects outside the original s106 defined area.

2. RECOMMENDATIONS

2.1 That the Committee resolve to **approve** the **attached project list**, Appendix 1;

2.2 That the Committee agree to the Boundary extension indicated to enable resources to support projects recommended by PCOP which are outside the original s106 boundary. As shown on attached Plan 1.

2.3 That the Committee endorse officers to complete the negotiation of a Deed of Variation to the existing s106 legal agreement, to the satisfaction of the Chief Legal Officer, to secure the boundary extension and any other variations required to allow allocation in line with the project list and subsequent re-allocations.

2.4 That the Corporate Director of Development and Renewal be authorised to amend project allocations and/or identify new projects, in relation to issues such as the following:

- the re-allocation of any outstanding funds or resources not able to be spent if the intended s106 variation cannot be agreed;
- additional boundary changes to secure the Deed of Variation negotiations;
- any re-allocation if projects cannot ultimately go-ahead; and
- allocation of any additionally accumulated interest.

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

Simon Ryan
020 7364 2663

3. BACKGROUND

- 3.1 An application for planning permission was made on 5th March 2002 and amended on 10th July 2002 for the development of the Bishops Square Development over land between Brushfield Street, Elder Gardens and Bishopsgate including the site of the 1928 extension to the former Spitalfields Market, London, E1. The mixed-use development comprises primarily of office and retail uses and is referenced by the Council as PA/02/00299.
- 3.2 On 9th October 2002, the application for Planning Permission was granted for the development of Bishops Square, subject to the making of a section 106 Agreement and various conditions. The section 106 Agreement for this development was later signed on 19th November 2002, detailing various planning obligations, including a financial contribution from Spitalfields Developments Limited (the Developers) towards 'Local Community Improvements' totalling £8,580,337. The Developer is also obliged to pay an initial sum of £350,000 towards Environmental Improvements in Brushfield Street and other highways adjoining the development site, subject to pre-conditions specified in the legal agreement.
- 3.3 In accordance with clause 9 of the section 106 Agreement dated 19th November 2002, the 'Local Community Improvements' financial contribution is to go towards:

'the promotion of projects for the economic and social benefit of the local community in accordance with:

- (a) the relevant provisions of the development plan applicable in the London Borough of Tower Hamlets at the relevant time; and*
- (b) any relevant planning policy guidance circular or advice issued by the Government.*

*And such projects may include training and employment initiatives and community improvement schemes to ensure that the community does not suffer loss as a result of the implementation of the Bishops Square Planning Permission and environmental improvement in the immediate locality of the Site and the adjoining conservation areas namely the **Elder Street** Conservation Area the **Fournier Street** Conservation Area the **Artillery Passage** Conservation Area and the **Middlesex Street** Conservation Area.'* (See Plan 1 attached at Appendix 2 which shows the original Bishops Square section 106 boundary area as identified through the section 106 Agreement).

4. PROJECT IDENTIFICATION

- 4.1 The Council received the financial contribution of £8,580,377 on 28th July 2005 which initiated the project.
- 4.2 This is not a usual s106 agreement as specific projects have not been identified within the obligations. Therefore, the actual improvements which are to utilise the resources need to be identified by the Council at the relevant time in accordance with the relevant planning policy context.

Bishops Square PCOP Sub-group

- 4.3 As specific impacts have not been identified, it was necessary to structure the approach to project identification. Therefore, Officers worked, as is appropriate, through the PCOP chaired by the Corporate Director of Development and Renewal. The Bishops Square sub-group was established to enable a more focussed discussion to take place with all represented service areas, including the full involvement of the Local Area Partnership (LAP) Area Director.

Policy Context

- 4.4 This has proved to be a lengthy process, especially as the planning policy context for the Borough has been changing throughout this time with the appearance of the new Local Development Framework (LDF) and in particular the City Fringe Area Action Plan Submission document (Nov 06). The projects attached as Appendix 1 have been identified through this process. All projects had to provide detailed Project Initiation Documents (PIDs) explaining the project, how much money they needed, what for, a business case for the project, how they meet Corporate strategies which have been consulted upon, how they will be managed, other funding if appropriate, a risk assessment and a programme for delivery.
- 4.5 Some of these projects, reflecting service area priorities as of now actually fall outside the original section 106 boundary area. Discussions with the developers are taking place to agree to a Deed of Variation to the s106 agreement to extend the boundaries so that all projects can be funded.
- 4.6 From the start it was suggested that an overall theme or vision to guide consideration of presented projects was needed.
- 4.7 The London Plan (Feb 2004) is not too specific on planning obligations but policy 6A.4 does identify that boroughs should reflect the policies of the plan as well as needs in their policies for planning obligations. The allocation of resources secured prior to the London Plan is perhaps not a matter that should be too concerned with the London Plan; nevertheless the projects identified do meet the Mayor's priorities for things such as learning and skills.
- 4.8 The sub-group determined that the vision laid out in the City Fringe Area Action Plan Submission Document (Nov 06) would be most appropriate as this directly related back to the requirements of the section 106 clause. The vision is identified below:

"In 2016, the City Fringe will be a dynamic, vital urban district made up of a well-connected network of distinct and diverse neighbourhoods, a variety of employment opportunities, and more usable and well-connected open space. Building on the existing character, range of uses and diversity of the City Fringe, the future vision is for an area with:

- *A vibrant character based on a mix of fine grain built environment and larger scale modern offices and homes celebrating the multi-cultural diversity of local communities;*
- *Strong small business sectors, building on existing clusters of creative and cultural sectors;*
- *Continuing expansion of global financial and business centre functions from the City to Tower Gateway, Aldgate, St Katharine Docks and Bishopsgate which contribute to the economic strength of London in the global economy;*
- *High quality, sustainable development which respects the historic and sensitive townscape of the area, while introducing distinctive world class architecture and public realm;*
- *A flourishing evening and night-time economy and tourism sector based on managed clusters of activity in the key accessible locations of Brick Lane, Whitechapel, Tobacco Dock and St Katherine Docks;*
- *Innovative and well-connected public realm and open spaces; and*
- *Integrated cultural facilities with the new Ideas Store, the expanded Whitechapel Gallery, the Rich Mix Centre, the Old Truman's Brewery and greater use of public spaces for cultural events.*

The policies, actions and implementation tools set out in the City Fringe Area Action Plan seek to facilitate the physical, social and environmental transformation of the area to ensure the vision becomes a reality."

Selection Criteria

- 4.9 It was also recognised that where possible to be consistent with the terms of clause 9 in the s106 agreement, the Bishops Square Sub-Group used the following criteria to consider projects:
- Projects must meet with the relevant requirements of existing planning policy including the 1998 UDP DEV4 Policy Criteria and the LDF Core Strategy and Development Control Submission Document (Nov 06) prominent policies include IM1 – Implementation, CP30 – Improving the quality and quantity of open space, CP42 – Streets for People, CP47 – Community Safety, CON2 – Conservation Areas, City Fringe Area Action Plan Submission document (2006) and the Consultation Draft Interim Planning Obligations Guidance (April 2005).
 - Meets the terms of the section 106 Agreement;
 - Contributes to the achievement of priorities as set out in the Strategic Plan and other publicly consulted service strategies;
- 4.10 To identify projects the Sub-Group undertook to consult internally all sections relevant to their service area, using the Community Plan and agreed policy and strategies as the guide. Project proposals were then discussed in sub-group meetings.
- 4.11 The Sub-Group met finally on the 29th March 2007 to finalise the list of projects, as attached in Appendix 1. It also agreed to include Project Management Fees totalling 5% of the total contribution to facilitate good programme and project management. This will ensure resources are available to support projects including providing contingency amounts over the anticipated 3 year life of the programme. This package was agreed, for recommendation to Members at the PCOP on 30th March 2007.

Boundary

- 4.12 As mentioned above, some of the recommended projects, wholly or partially fall outside of the original boundary area. In order to support these projects the legal agreement will need a Deed of Variation to be agreed with the developers. This is agreed in principle with the developers although the necessary legal work needs to be completed. If this is not agreed then the resources towards those projects will need to be re-allocated.
- 4.13 Once projects are approved, the process for rolling out the projects will be as follows:
- Projects that have been approved and are in the original area will then be able to go forward to be programmed, the Project Initiation Documents (PIDs) which detail the project, its timing/funding and contacts, need to be finalised and then they can commence.
 - Projects within the additional area subject to variation will have to wait until the s106 variation is agreed and signed by all parties. This could take a few weeks to finalise.

Monitoring

- 4.14 The programme will be closely monitored. Monitoring will take place through Development and Renewal's Programme Management Framework. This process will be scrutinised through the Bishop's Square Sub-Group (Project Board) which will meet quarterly. All monitoring activity will be reported to PCOP.
- 4.15 Where contingency sums have been allowed in project costs then project managers can manage variations in project cost up to 10% of project total budget. Where no contingency has been allowed then the Project Board will be responsible for allocation of resources to manage any variations up to 10%. Monies would come from the 5% programme

management resources available to support the delivery of the programme. For variations greater than 10% then they will be referred to the Corporate Director of Development and Renewal. All requests for additional resources will need to go through exception reporting procedures as part of the D&R programme management framework.

5. FINANCE COMMENTS

- 5.1 This report outlines proposals for the utilisation of Section 106 contributions received in respect of the Bishops Square development. The contribution of £8,580,377 was received in July 2005 and is held in a separate earmarked account to be applied in accordance with the terms of the agreement.
- 5.2 Member approval is sought for the projects that have been recommended by the Officer Planning Contributions Overview Panel. These are shown in Appendix 1.
- 5.3 All expenditure on the proposed projects will be met from within the Section 106 funds received.

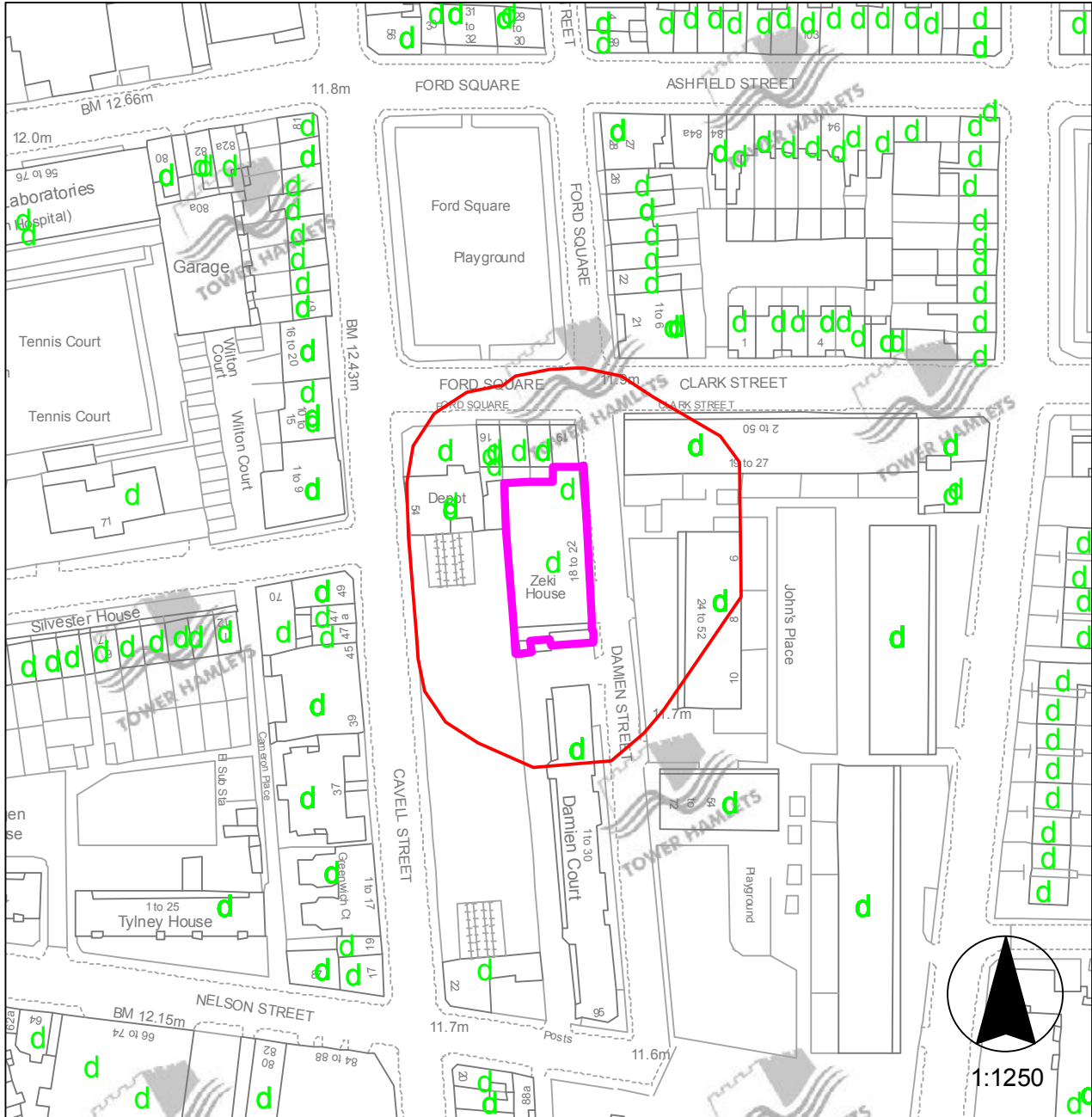
6. LEGAL COMMENTS

- 6.1 Legal comments are incorporated in the report.

7. CONCLUSIONS

- 7.1 The list of projects that is recommended by Officers (shown in Appendix 1) was identified and agreed by the Bishops Square Sub-Group as part of a process initiated through PCOP. These recommended projects were identified as those that best met the criteria listed above.

Site Map



Legend

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

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Appendix 1: Projects Agreed by Planning Contribution Overview Panel (PCOP) Bishops Square Sub-Group: 30th March 2007

Project	Description	Directorate	2007/08 Cost Estimate	Comments
1	Banglatown Art / Culture Trail - Public art trail linking key cultural destinations in the area, artwork and street-scene improvements. Route to be defined.	Environment and Culture	£1,000,000	This project is largely within the original s106 boundary . It contributes to the delivery of key objectives in the Community Plan and meets the requirements of the draft Cultural Strategy. Planning Policy compliant. Draft Planning Obligations Interim Guidance Note 10. (April 05)
2	Development of a Beacon of Business Excellence Centre – Based at 131 Commercial Street. This funding is for staffing to support training and development activity. To include a Local Business Liaison Office, Business Mentoring, Job Brokerage and Sector Specialist (small businesses). Linking businesses in area into main stream opportunities.	Development and Renewal	£1,300,000	This project is not in the original s106 boundary . It contributes to the delivery of key objectives in the Community Plan. It also meets the Developing the Economy priorities in the Tower Hamlets Regeneration Strategy. Planning Policy compliant. Draft Planning Obligations Interim Guidance Note 8.
3	Improvements to Thomas Buxton Junior and Infants School – The funding is to enhance	Children's Services	£300,000	This project is not in the original s106 boundary .

	external recreational facilities at the schools including such things as a multi-use games area with artificial lighting that will help schools to develop extended school activities.			It contributes to the Community Plan theme – A better place for Learning, Achievement and Leisure. Extended schools are also a key part of the Children and Young People's Plan. Planning Policy Compliant. Draft Planning Obligations Interim Guidance Note 9.
4	Installation of platform lift at the Children's Centre at Bethnal Green Training Centre. The lift will enable all to access the family health and support facilities on the mezzanine floor area of the centre.	Children's Services	£30,000	The project is not within the original s106 boundary . Children's Centres are a key part of the Children and Young People's Plan.
5	Streetscene Improvements, including CCTV project, focused on but not exclusive to the Conservation Areas. These improvements will include a general uplift to the public realm in the area with improved paving and accessibility, better street lighting and increased security through the CCTV project. Materials in the conservation areas will need to be appropriate to the character of the area.	Environment and Culture	£2,200,000	This project is largely focused on the original area but may be spent in areas beyond this boundary. S106 specific/Conservation Area Character Statements and Management proposals for the 4 conservation areas/Community Plan. Planning policy compliant. Draft Planning Obligations Interim Guidance Note 3.

6	<p>Open Space Improvements</p>	Environment and Culture	£1,750,000	<p>The open spaces projects are split two in and two outside of the original s106 boundary.</p> <p>The Open Space Strategy/Community Plan.</p> <p>Planning policy compliant. Draft Planning Obligations Interim Guidance Note 2.</p>
A	<p>Allen Gardens £700,000. This will include a re-design of park layout, better access, greening of previous highways, improved lighting, new park furniture, space for informal sports use and planting for interest and biodiversity.</p>			
B	<p>Arnold Circus £600,000. Various refurbishment works including refurbishment of heritage features, improved access and boundary treatments, better lighting and bandstand refurbishment.</p>			
C	<p>Mallon Gardens (Toynbee Gardens) £400,000. Works to remove cut-off nature including removal of boundary wall, re-routing of paths, adjusting ground levels, new furniture and planting.</p>			
D	<p>Christ Church Gardens £50,000. Small refurbishment project to improve usability which includes improved footpath layout, new heritage furniture, re-instatement of water supply and refurb drinking fountain and boundary railings completion to church.</p>			

7	<p>Improvements to Building Frontages and/or Shop Fronts including projects in the conservation areas and particularly Brick Lane and Fournier Street Conservation Area. Projects will be encouraged to embrace environmentally sustainable solutions within their design/materials etc.</p>	Development and Renewal	£500,000	<p>The Building Frontages and shop fronts projects will be focused on but are not exclusive to the original s106 boundary. S106 specific/Conservation Area Character Appraisals and Management Proposals for the 4 conservation areas. Planning policy compliant. Draft Planning Obligations Interim Guidance Notes 3 and 7.</p>
8	<p>Christchurch Gardens Youth and Community Facility. External and internal improvements. External will focus on providing a more flexible and attractive community space, removing shed and landscaping for a young people's garden and additional play equipment. This scheme complements the open space project. The internal will provide a disabled users toilet, renew heating, flooring and lighting, new kitchen units and furniture and cable for IT.</p>	Children's Services	£300,000	<p>The project is in the original s106 boundary. Community Plan – Learning, achievement and Leisure and contributes to the Children and Young People's Plan by extending opportunities for all children. Planning policy compliant. Draft Planning Obligations Interim Guidance Notes 9 and 11.</p>
9	<p>Osmani Youth Centre Refurbishment Project. Help to provide flexible and attractive facilities for children and young people. Refurbished building would include fitness and IT rooms,</p>	Children's Services	£700,000	<p>This is not in the original s106 boundary area. Help to achieve Every Child Matters outcomes as part of the Children and Young People's Plan.</p>

	<p>dance and drama facilities. Also look to improve kitchen facilities. The improved building would support a new partner to provide work-based learning. This is a contribution towards overall costs and more resources are needed.</p>			<p>Planning policy compliant. Draft Planning Obligations Interim Guidance Notes 9 and 11.</p>
10	<p>Market Improvement Project at Toynbee Street. A contribution towards projects such as those to deliver distinctive market canopies, electric power to pitches and improved paving.</p>	Environment and Culture	£150,000	<p>This is in the original s106 boundary area.</p> <p>Conservation Area Character Statements and published management proposals. Community Plan – Creating and sharing prosperity.</p> <p>Planning policy compliant. Draft Planning Obligations Interim Guidance Note 3.</p>
11	<p>Programme Management Contingency Sum @5% of £8.5 million</p>	For All	£425,000	<p>Good project management. To remain as a contingency to support projects across the programme, if required and to drive expenditure.</p>
Total Needed			£8,655,000	

Table B: Total Income and expenditure

Bishops Square: Original amount s106	For All – as agreed	£8,580,377	This is constrained in accordance with s106 Obligations.
Element of accrued interest since July 2005	Available to support all projects	£74,623	This sum is pro-rata from the interest on the account and relates until end of March 2007.
Total		£8,655,000	

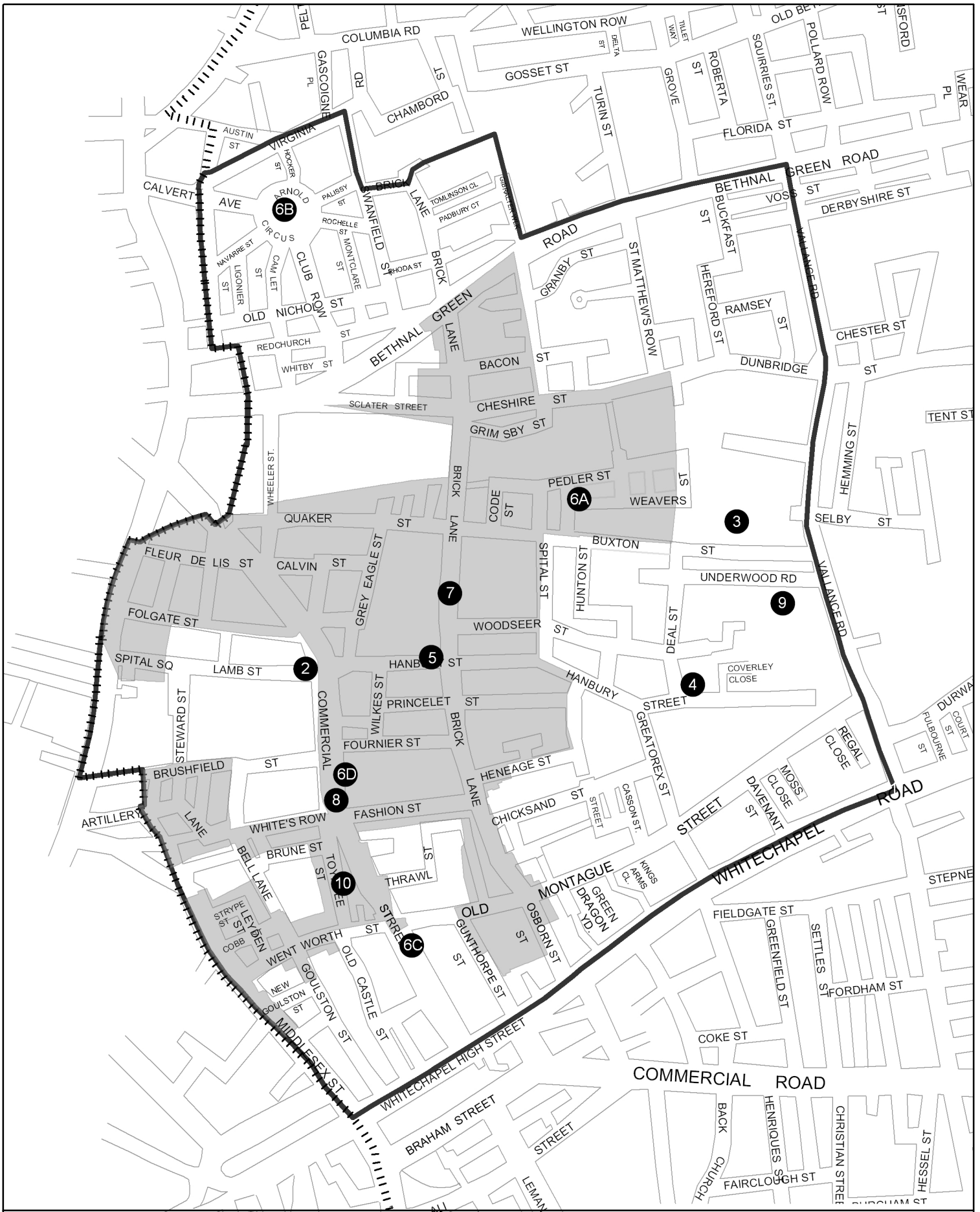
Total C: Total Position






Bishops Square s106 plus resources available	£8,655,000
Total allocations	£8,655,000
Total unallocated	£ Nil


Total D: Service Allocations

Children's Services	15%
Environment and Culture	59%
Development and Renewal	21%
Project Management	5%
Total	100%

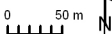

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-  s106 Project Sites
-  Original s106 Boundary
-  Variation to s106 Boundary
-  Project 1 Street Scene Improvements within this Boundary
-  Borough Boundary



Plan 1 Bishops Square Boundaries and Project Map

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