

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Tuesday, 3 October 2006 at 7.30 p.m.

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## A G E N D A

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### VENUE

Committee Room, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

**Members:**

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

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

**Deputies (if any):**

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

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

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

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

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

**Tuesday, 3 October 2006**

**7.30 p.m.**

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF INTEREST**

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

**Note from the Chief Executive**

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

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

**Consequences:**

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

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

### **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 14<sup>th</sup> September 2006.

### **4. RECOMMENDATIONS**

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

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

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

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

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

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

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

8.1 Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS (Weavers) (Pages 27 - 70)

8.2 Rodwell House, 100-106 Middlesex Street, London E1 (Spitalfields & Banglatown) (Pages 71 - 100)

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON THURSDAY, 14 SEPTEMBER 2006**

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

**Members Present:**

Councillor Rofique U Ahmed (Chair)

Councillor Ohid Ahmed  
Councillor Alibor Choudhury (Vice-Chair)  
Councillor Rupert Eckhardt  
Councillor Ahmed Hussain  
Councillor Abjol Miah  
Councillor Ahmed Adam Omer

Councillor Stephanie Eaton  
Councillor Joshua Peck

**Other Councillors Present:**

(none)

**Officers Present:**

Richard Humphreys	– (Acting Strategic Applications Manager, Planning)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Neil Weeks	– (Legal Advisor)
Louise Fleming	– Senior Committee Officer

**1. APOLOGIES FOR ABSENCE**

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

**2. DECLARATIONS OF INTEREST**

Councillor Ahmed Hussain and Alibor Choudhury declared personal interests in item 6.1 which related to land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road E2 as they had been lobbied by both objectors and supporters to the scheme.

Councillor Ahmed Omer declared a personal interest in item 7.3 which related to 132 St Paul's Way, as he was a member of the Leaside Partnership Board.

Councillor Ohid Ahmed declared a personal interest in item 7.3 which related to 132 St Paul's Way, as he was employed by Leaside Regeneration Ltd, which had been consulted on the application.

Councillor Ahmed Hussain declared a personal interest in item 7.3 which related to 132 St Paul's Way, as he was a Ward Member for Mile End East.

### **3. UNRESTRICTED MINUTES**

The minutes of the meeting held on 19<sup>th</sup> July 2006 were agreed and approved as a correct record, subject to it being noted that Councillor Abjol Miah had also been nominated for election of Vice-Chair.

### **4. RECOMMENDATIONS**

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

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

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

The Committee noted the current procedure and those who had registered to speak.

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

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

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

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

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

on land bounded by Hackney Road and Austin Street including Mildmay Mission Hospital, Hackney Road, London E2 7NS, which had been deferred at the last meeting of the Committee held on 19<sup>th</sup> July 2006 to enable Members to undertake a site visit.

Mr Stephen Irvine, Development Control Manager, presented the officer's report and the update report relating to the application. The applicant had submitted an update to the Daylight/Sunlight Report which had already been submitted. The results of the assessments were considered acceptable, considering the urban context of the development. Mr Irvine summarised the letters of support and objection which had been received since the last meeting on 19<sup>th</sup> July 2006.

Officers had recommended the application for approval as, on balance, it was considered to be acceptable in terms of land use, design, amenity and highways. It was recognised that there would be some impact on local residents. However, it was felt that the benefits to the community would outweigh any negative impact on adjoining properties.

Members asked questions relating to the objections which had been received, the weight given to the comments made by the Greater London Authority (GLA) and the viability of the scheme. Concerns were expressed over the height, design and siting of the proposal. Concern was also expressed over the response from the Crime officer in terms of a possible rise in crime and anti-social behaviour.

Mr Irvine addressed the comments made and outlined the conditions which would be attached to any planning permission to mitigate the concerns of the residents. The application had been assessed by the Council's Design Team and it was considered to be acceptable. Members asked questions relating to a prior application for the site which had included a smaller tower block. Mr Kiely reminded Members that they had to consider the application in front of them and that the merits of a previous application were not a material consideration for the Committee.

The Committee unanimously AGREED not to support the officer's recommendation to grant planning permission for the demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:

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

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

- (i) the height of the tower block;
- (ii) the under provision of family sized dwellings;
- (iii) impact on residential amenity;
- (iv) loss of light;
- (v) impact on crime and anti-social behaviour;
- (vi) out of keeping;
- (vii) design;
- (viii) proximity to adjacent properties;
- (ix) the financial viability of the proposal; and
- (x) objections raised by English Heritage and the GLA.

The Committee AGREED that the item would be DEFERRED to the next meeting to allow officers to draft reasons for refusal.

The Committee adjourned for a short break at 8.45 pm and resumed at 8.55 pm.

## **7. PLANNING APPLICATIONS FOR DETERMINATION**

### **7.1 Rodwell House, 100-106 Middlesex Street, London E1**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and redevelopment by the erection of buildings between 5 storeys (26 m) and 35 storeys (119 m) high for mixed use purposes comprising 32,458 sq m of student accommodation, 772 sq m of residential, and 8,825 sq m of offices (B1), shop (A1), and gymnasium, and 186 sq m of community uses, formation of associated car parking and highway access as well as hard and soft landscaping works at Rodwell House, 100-106 Middlesex Street, London E1.

Mr Mike Lowndes addressed the Committee on behalf of the residents objecting to the proposal on the grounds that there were omissions in the



report and the reservations of the Greater London Authority (GLA) and Commission for Architecture and the Built Environment (CABE) had not been addressed. He also objected on the grounds of design, loss of light and the proximity of the proposal to the existing residential properties.

Mr Matthew Gibbs spoke on behalf of the applicant. He reminded the Committee that a previous planning application had already been approved for the site. He addressed the residents concerns relating to height and informed Members of the consultation which had taken place.

Councillor Phillip Briscoe addressed the Committee on behalf of the residents in the Spitalfields and Banglatown Ward. He expressed concern relating to the density of the proposal, the height being out of character and the area being designated in the draft Local Development Framework for office and retail, and not for residential uses.

Mr Stephen Irvine, Development Control Manager, presented the planning officer's report. He addressed the concerns raised by the objectors and outlined the reasons for the officer's recommendation of approval. It was recommended that four further conditions be added to any planning permission granted to mitigate the residents concerns. He detailed the differences between the proposal and the previously approved scheme and informed the Committee that there would be no loss of light. The application was inline with London Plan Policy and on balance was acceptable.

Concerns were raised by Members over the objections made by English Heritage and an apparent conflict with the emerging Local Development Framework (LDF) and the weight to be given to the LDF in their consideration of the application. Concerns were raised as to whether the site was suitable for a tall building and why the area hadn't been included in the tall building cluster in the LDF. Mr Kiely explained the process of developing the LDF and that less weight should be given to it when it was only in a draft form and less than half way through the process.

However, after hearing the submissions and the presentations made by officers' Members were still concerned and it was proposed that the application be deferred to enable Members to obtain advice from officers in respect of the weight which they should give to the draft LDF when considering planning applications.

The Committee AGREED that the item for the demolition of existing buildings and redevelopment by the erection of buildings between 5 storeys (26 m) and 35 storeys (119 m) high for mixed use purposes comprising 32,458 sq m of student accommodation, 772 sq m of residential, and 8,825 sq m of offices (B1), shop (A1), and gymnasium, and 186 sq m of community uses, formation of associated car parking and highway access as well as hard and soft landscaping works at Rodwell House, 100-106 Middlesex Street, London E1 be DEFERRED to enable Members to obtain further advice on the weight to be given to the emerging draft Local Development Framework.

## **7.2 Land bounded by Whitechapel High Street, Colchester Street, Buckle Street including car park and Braham Street, London E1**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for erection of three predominantly commercial buildings with a total floor area of 110,960 sq m; Building A 22 storeys (102.5 m) high, Building B 20 storeys high (93.5 m) and Building C 4 storeys high (32.7 m) to provide 84,305 sq m of offices (B1) and 2,805 sq m of retail and basement car park for 40 vehicles and associated plant accommodation; the removal of Aldgate gyratory and closure of Braham Street to create a new car park and other associated changes to the existing highway arrangement; new pedestrian route to Drum Street; and new entrance to Aldgate East underground station on land bounded by Whitechapel High Street, Colchester Street, Buckle Street including car park and Braham Street, London E1.

Mr Richard Humphreys, Strategic Applications Manager, presented the report and corresponding update report. He outlined the reasons why officers had recommended the application for approval. It was recommended that the ability to add an additional Head of Term to the Section 106 legal agreement to ensure that the Council received a commuted sum for the future maintenance of the park be agreed, pending the resolution of the future ownership and maintenance of the open space. The Committee was advised that the funding of highway works to replace the Aldgate Gyratory was a matter between Transport for London (TfL) and the developer. However, it was recommended that an additional condition be added to any permission to ensure that no development commence until an agreement had been reached between the relevant parties in respect of the necessary highway works. The Committee was also informed that an additional representation had been received from the owner of 15-17 Lemn Street expressing concern that he had not been properly consulted on the proposals. Therefore, it was proposed that the owner be reconsulted and the Head of Development Decisions be authorised to deal with any representation received.

Members asked questions relating to the consultation which had taken place with local businesses on Whitechapel High Street, as the proposed changes to the highway system were extensive; the retention of the desired architects; the effect on daylight and sunlight; and the mitigating measures taken regarding television reception.

Mr Humphreys addressed the questions raised by Members. Consultation with local businesses would be undertaken by TfL. It was anticipated that the existing architects would be retained by the developer although the Council was not empowered to insist on this. The assessment of daylight/sunlight was satisfactory and a condition would be imposed to address any effect on TV reception.

The Committee AGREED that planning permission for the erection of three predominantly commercial buildings with a total floor area of 110,960 sq m; Building A 22 storeys (102.5 m) high, Building B 20 storeys high (93.5 m) and

Building C 4 storeys high (32.7 m) to provide 84,305 sq m of offices (B1) and 2,805 sq m of retail and basement car park for 40 vehicles and associated plant accommodation; the removal of Aldgate gyratory and closure of Braham Street to create a new car park and other associated changes to the existing highway arrangement; new pedestrian route to Drum Street; and new entrance to Aldgate East underground station on land bounded by Whitechapel High Street, Colchester Street, Buckle Street including car park and Braham Street, London E1 be GRANTED subject to

- 1.1.1 The completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 1.2 below; the conditions and informatives outlined in Sections 1.4 and 1.5; and Section 278 of the Highways Act 1980 with Transport for London, to include the matters outlined in paragraph 1.3 below.
- 1.1.2 That if the Committee resolves that planning permission be granted, that the application first be referred to the Mayor of London pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height.
- 1.1.3 That if the Committee resolves that planning permission be granted the Committee confirms that it has taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 1.1.4 That the Committee agree that following the issue of the decision, a statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (As required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

#### Legal Agreement

- 1.2 Section 106 agreement to secure the following:
  - 1.2.1 Provide £2,000,000 towards the provision of a landscaped park to the western end of Braham Street.
  - 1.2.2 Preparation of a right of way "walk way agreement" for crossing through the proposed site across all areas of public realm created by the proposal.
  - 1.2.3 Provide £140,000 towards employment initiatives such as the Local Labour in Construction (LiC) or Skillsmatch in order to maximise the employment of local residents.
  - 1.2.4 Provide £140,000 towards healthcare to mitigate the demand of the additional population on health care services.
  - 1.2.5 Provide £150,000 for the preparation and implementation of a public art strategy including involvement of local artists to be managed by Whitechapel Art Gallery.
  - 1.2.6 TV Reception monitoring and mitigation.
  - 1.2.7 Preparation of a Green Travel Plan.

- 1.2.8 Ensure the Council receives a commuted sum from the Developer for the future maintenance of the park or alternative maintenance arrangements for the park satisfactory to the Council are agreed with the developer.

#### Conditions

- 1.3 That the following conditions be applied to any planning permission:
- 1.3.1 Time limit for outline planning permission  
Reserved Matters:
- Landscaping including park layout
  - External appearance of buildings
- 1.3.2 The submission and approval of the following details:
- The external appearance of the buildings
  - Samples of materials to be used on external faces of the buildings
  - Ground floor public realm (including linkages to underground and pedestrian route)
  - All external landscaping (including lighting and security measures), walkways, screens/canopies, entrances, seating and litter bins
  - The design of the lower floor elevations of commercial units including shopfronts
- 1.3.3 No development shall commence on site until arrangements have been entered into with Transport for London to ensure the provision of highway works to provide a replacement for the Aldgate gyratory
- 1.3.4 Park required to be completed prior to occupation of buildings
- 1.3.5 Access to Aldgate East Underground station to be completed prior to occupation of buildings
- 1.3.6 Parking – maximum of 40 cars and a minimum of 380 cycle spaces
- 1.3.7 Hours of construction limits (8 am – 6 pm Mon-Fri)
- 1.3.8 Details of insulation of the ventilation system and any associated plant required
- 1.3.9 Hours of operation limits (10 am to 4 pm)
- 1.3.10 Wheel cleaning during construction required
- 1.3.11 Details required for on site drainage works
- 1.3.12 Black redstart habitat provision required
- 1.3.13 Details required for on site drainage works
- 1.3.14 Implementation programme – archaeological works
- 1.3.15 Full particulars of the refuse/recycling storage required
- 1.3.16 Code of Construction Practice (referred to as Construction Method Statement in the ES), including a Construction Traffic Management Assessment required
- 1.3.17 Statement required to minimise the impact on Air Quality
- 1.3.18 Details of finished floor levels required
- 1.3.19 Details of surface water source control measures required
- 1.3.20 Biomass heating and renewable energy measures to be implemented
- 1.3.21 Monitoring Control Regime for construction phase to be implemented

- 1.3.22 Bat Survey to be undertaken
  - 1.3.23 Bat roosts and bird nest boxes to be incorporated into the fabric of the new buildings
  - 1.3.24 Ground borne vibration limits
  - 1.3.25 Details of the design of the cycle store required
- 1.4 That the following informatives to be provided to the applicant for information:
- 1.4.1 Thames Water advice
  - 1.4.2 Metropolitan Police advice
  - 1.4.3 Environment Agency advice
  - 1.4.4 Surface water drainage advice
  - 1.4.5 Entertainment licensing advice
  - 1.4.6 Site notice specifying the details of the contractor required
  - 1.4.7 Standard of fitness for human habitation, means of fire escape and relevant Building Regulations
  - 1.4.8 No development shall commence on site until arrangements have been entered into with Transport for London to ensure the provision of highway works to provide a replacement for the Aldgate Gyratory.

The owner of Nos. 15-17 Leman Street be re-consulted on the application and the Council's Head of Development Decisions be granted delegated authority to deal with any representation received within 21 days of the owner being notified.

### **7.3 132 St Paul's Way, London E3 4AL**

Mr Richard Humphreys, Strategic Applications Manager, presented the officer's report in respect of the erection of four blocks of 6, 7, 9 and 11 storeys (plus basement) to provide a 2,667 sq m Medical Centre (Class D1) and 36 flats (15 x 1 bed, 16 x 2 bed and 5 x 3 beds) with 8 off-street parking bays and landscaping/communal outdoor space at 132 St Paul's Way, London E3 4AL.

The Committee was informed that the 10 storey building, as stated in the report, was actually a 9 storey building. The proposal included an overprovision of affordable housing and had been endorsed by the Mayor of London. Members received a computer presentation showing images of the proposal and views from various angles.

Members asked questions relating to the provision of health care in the area; the demand for an additional health centre; the amount of amenity space provided; and the floors on which the family accommodation would be located.

The Committee RESOLVED, at 10.30 pm, that it would continue for no longer than an hour in order to complete its business.

The Committee AGREED that planning permission for the erection of four blocks of 6, 7, 9 and 11 storeys (plus basement) to provide a 2,667 sq m Medical Centre (Class D1) and 36 flats (15 x 1 bed, 16 x 2 bed and 5 x 3 beds) with 8 off-street parking bays and landscaping/communal outdoor space at 132 St Paul's Way, London E3 4AL be GRANTED subject to the following

- A Any direction by the Mayor of London pursuant to the Town & Country Planning (Mayor of London) Order 2000, as an application for new buildings exceeding 30 metres in height.
  
- B The completion of a legal agreement pursuant to section 106 of the Town and Country Planning Act to secure obligations under the following Heads:
  - 1) Car free arrangements
  - 2) Local Labour in Construction
  - 3) 38% affordable housing provision for social rent measured by floor space
  - 4) TV reception monitoring and mitigation
  - 5) The adoption of a Travel Plan in respect of the Medical Centre
  - 6) To ensure the provision and satisfactory management of the Medical Centre
  
- C An agreement pursuant to section 278 of the Highways Act to secure the funding of repairs to the public highway.
  
- D The following conditions
  - 1) Three year time limit
  - 2) Details of external materials to be submitted for written approval
  - 3) Details of hard and soft landscaping including the provision of green roofs to be submitted for written approval.
  - 4) Approved landscaping scheme to be implemented
  - 5) Building, engineering or other operations shall be carried out between the hours of 8.30 am and 6.00 pm Mondays to Fridays and 9.00 am to 1.00 pm Saturdays only with no works to take place Sundays or Public Holidays.
  - 6) Any power/hammer driven piling/breaking out of material to take place between 10.00 am and 4.00 pm Mondays to Fridays only
  - 7) The details of sound insulation/attenuation measures and ventilation as specified in the submitted consultants report to be undertaken to the Council's satisfaction.
  - 8) Land Contamination – investigation and remediation measures.
  - 9) Wheel cleaning
  - 10) Submission of a statement to minimise the impact on Air Quality to be submitted and agreed in writing by the Local Planning Authority (LPA)

- 11) The submission and approval of a Sustainability Statement to include details of the ground source heat pump system to be agreed in writing in consultation with the Greater London Authority
- 12) Details of bicycle storage in accordance with the standards set out in the Tower Hamlets Unitary Development Plan to be submitted, approved and thereafter implemented and maintained
- 13) The dwellings shall be built to lifetime home standards with at least 10% of the units accessible by wheelchair users

Councillor Ohid Ahmed left the room after the consideration of this item and did not return for the remainder of the meeting.

#### **7.4 120-132 Chrisp Street, London E14**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing light industrial buildings and erection of a building comprising 15 storeys plus roof terrace to provide restaurant/café (Class A3) and office/commercial unit (Class A1, A2, A3, B1) on the ground floor with 59 residential units above at 120-132 Chrisp Street, London E14.

Mr Stephen Irvine, Development Control Manager, presented the officer's report and outlined the issues for the Committee to consider.

Members asked questions relating to disabled parking and the lack of a financial contribution by the applicant to health care provision in the area. Mr Irvine advised the Committee that, in weighing up the viability of the proposal, it was the view of officers that the benefit to the community of the good housing mix outweighed the financial contribution to health care provision.

The Committee AGREED that planning permission for the demolition of existing light industrial buildings and erection of a building comprising 15 storeys plus roof terrace to provide restaurant/café (Class A3) and office/commercial unit (Class A1, A2, A3, B1) on the ground floor with 59 residential units above at 120-132 Chrisp Street, London E14 be GRANTED subject to the following

- 1.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters below; and the conditions and informatives outlined in Sections 1.3 and 1.4 below; and Section 278 of the highways Act 1980, to include the matters outlined in paragraph 1.2 below.
- 1.1.2 The application be first referred to the Mayor of London, pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height and involving more than 500 residential units.
- 1.1.3 The Committee confirmed that it had taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Assessment) Regulations 1999.

- 1.1.4 A statement be placed in the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required) by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 1.2 The execution of legal agreement under section 106 of the Town and Country Planning Act and section 278 of the Highways Act to secure:
  - 1.2.1 The provision of 34% affordable housing
  - 1.2.2 The provision of land in connection with the development of public open space/piazza on Carmen Street
  - 1.2.3 Car free development
  - 1.2.4 Local Labour in Construction
  - 1.2.5 Contribution towards education provisions (£35,000)
  - 1.2.6 Travel plan
  - 1.2.7 The provision of disabled parking spaces along Chrisp Street
- 1.3 The conditions outlined below:
  - 1.3.1 Permission valid for 3 years
  - 1.3.2 Full particulars of external materials to be submitted for the Council's written approval prior to the commencement of construction of the development
  - 1.3.3 Details of hard and soft landscaping treatment to be submitted for the Council's written approval. The approved landscaping shall be implemented prior to the occupation of any part of the proposed development
  - 1.3.4 Landscape maintenance
  - 1.3.5 Details of any proposed walls, fences and railings to be submitted for the Council's written approval
  - 1.3.6 Details of refuse storage to be submitted for the Council's written approval
  - 1.3.7 Details of cycle store to be submitted for the Council's written approval
  - 1.3.8 Site investigation regarding any potential soil contamination to be carried out and any remedial work to be agreed in writing by the Council
  - 1.3.9 Details of sound insulation/attenuation measures, including for windows, to be submitted for the Council's written approval
  - 1.3.10 Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00 am and 6.00 pm Mondays to Fridays and between the hours of 9.00 am and 1.00 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays
  - 1.3.11 Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing
  - 1.3.12 Details of external lighting to be provided



- 1.3.13 The development of the site should not begin until a statement to minimise the impact on Air Quality is submitted to and agreed by the Local Planning Authority for written approval
  - 1.3.14 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water capacity during 1 in 100 year conditions has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details
  - 1.3.15 Development shall not commence until details of on site drainage works have been submitted to, and approved in writing by, the Local Planning Authority. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed as approved
  - 1.3.16 No structure should be installed within a distance of 5 metres from the outer edge of the DLRL railway, without prior written consent of DLRL
  - 1.3.17 Prior to the commencement of any works, full details of the design and construction methodology shall be submitted to and approved by DLRL
  - 1.3.18 During construction the developer is to ensure that any boundary fences are not compromised and that a boundary wall is maintained to stop ingress onto DLRL railway
  - 1.3.19 Hours of operation for the commercial office unit 8.00 am to 8.00 pm
  - 1.3.20 Hours of operation of Class A3 unit 7.30 am to 11.00 pm
  - 1.3.21 Details of any extract system for the Class A3 unit to be submitted to the Council for approval
  - 1.3.22 Full details of the means of access required
- 1.4 Informatives
- 1.4.1 Any development adjacent to DLRL railway is conducted in accordance with the DLRL document entitled 'Guidance for Developers'
  - 1.4.2 Precaution must be taken that nothing can fall onto the railway during or after the consultation and demolition, with particular reference to the use of cranes or other equipment used above the height of the railway

## **8. REVISED PROCEDURE FOR HEARING OBJECTIONS**

Mr Michael Kiely, Head of Development Decisions, introduced a report which proposed a revised procedure for hearing objections at meetings of the Strategic Development Committee. At its meeting on 19<sup>th</sup> July 2006, the Committee had requested that the procedure be reconsidered as it was felt that a revised procedure would be more suitable for the types of applications which it considered.

The current procedure, as agreed by the Development Committee on 7<sup>th</sup> June 2006, permitted one person to speak in objection and one person to speak in support of an application for up to 5 minutes each. It had been suggested that for major applications, more than one objector representing different views or areas of the community, be allowed to address the Committee.

It was proposed that there be 2 speaking slots of 3 minutes, and a single speaking slot of either 3 or 6 minutes, depending on whether there were one to two objectors speaking. It was also proposed that the procedure be reviewed after being in operation for 6 months.

The Committee RESOLVED that

- (i) the revised procedure for hearing objections, as attached as Appendix 2, to the agenda report, be adopted;
- (ii) the procedure be reviewed in 6 months; and
- (iii) the Development Committee be advised of the Committee's decision.

The meeting ended at 10.47 p.m.

Chair, Councillor Rofique U Ahmed  
Strategic Development Committee

# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE OLYMPICS DEVELOPMENT COMMITTEE

### PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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# Agenda Item 6

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 3 <sup>rd</sup> October 2006	<b>Classification:</b> Unrestricted	<b>Report No:</b>	<b>Agenda Item:</b> 6
<b>Report of:</b>  Interim Head of Democratic Renewal and Engagement  <b>Originating officer(s)</b> Louise Fleming Senior Committee Officer		<b>Title:</b> Bonner Primary School  <b>Wards Affected:</b> Mile end & Globetown		

## 1. SUMMARY

- 1.1 At a meeting of Full Council on 13<sup>th</sup> September 2006 the following motion was passed:

“Refer the Demolition of the Old Bonner School to a meeting of the planning committee to enable officers to consult on this decision, and enable a proper debate involving residents and councillors from across the council which will result in an informed and transparent decision as opposed to a decision made in private by the cabinet and prevent the school being demolished in the meantime”

- 1.2 This report seeks the confirmation of the Committee that it has no jurisdiction under its terms of reference to make a decision regarding the demolition.

## 2. RECOMMENDATIONS

Committee is recommended to:

- 2.1 Confirm that the demolition of unlisted buildings is not a matter that requires planning consent and under the functions set out in the Council’s Constitution the Committee has no power to consider the demolition of the old school building.

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**Local Government Act, 2000 (Section 97)**  
List of “Background Papers” used in the preparation of this report

Brief description of “back ground papers”

Motion of Council 13<sup>th</sup> September 2006  
Letter from English Heritage 14<sup>th</sup> March 2006  
**To be completed by author**

Name and telephone number of holder  
and address where open to inspection.

**To be completed by author ext. 4878**

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### **3. BACKGROUND**

- 3.1 Planning Permission was granted in 2001 for a two storey plus basement primary school with playground, incorporating part of the existing ecological garden on open land between Hunslett and Stainsbury Streets, North of Old Bonner Primary School, London E2 0NA (PA/01/01194).
- 3.2 In March 2002 the DfES allocated financial support enabling the old school building to be demolished and its site to be used for an improved recreation area in association with the new school.
- 3.3 The Council entered into a Private Finance Initiative (PFI) contract for the building of the new school on 30<sup>th</sup> June 2002. There remained local opposition to the proposals and they sought revocation of the 2001 planning permission and the matter of the PFI contract was reconsidered by Cabinet on 11<sup>th</sup> December 2002.
- 3.4 The commitment of the Council to the new development and the demolition of the old school building remained unchanged. The Cabinet resolved:
- “That implementation of the existing Private Finance Initiative rebuilding scheme for which planning consent in relation to Bonner School has been granted, in association with the subsequent demolition of the old school building and layout of the area for school and community recreation use be confirmed.”
- 3.5 Subsequently, on 22<sup>nd</sup> January 2003 the Full Council resolved not to revoke the 2001 Planning Permission.
- 3.6 The Council's contractor was proceeding with the works preparatory to the demolition of the structure of the old Bonner School building. This has been suspended pending the decision on the motion.
- 3.7 On 19<sup>th</sup> August 2006 local objectors applied to the Council to have the old Bonner School building added to the list of Locally Listed Buildings and to have the surrounding area made a conservation area. An application by the objectors to English Heritage to have the building listed was refused.
- 3.8 By letter dated 24<sup>th</sup> August 2006 the Council refused the application to add the old school building to the Locally Listed Buildings and refused to designate the surrounding land as a conservation area. This was in accordance with the General Advice in PPG 15 and from English Heritage on the designation of

**Local Government Act, 2000 (Section 97)**  
List of "Background Papers" used in the preparation of this report

Brief description of "back ground papers"

Name and telephone number of holder  
and address where open to inspection.

Motion of Council 13<sup>th</sup> September 2006  
Letter from English Heritage 14<sup>th</sup> March 2006  
**To be completed by author**

**To be completed by author ext. 4878**

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Conservation areas. It would be inappropriate to designate a conservation area just for a single building.

- 3.9 On 6<sup>th</sup> September 2006 the Council received a petition signed by 643 people objecting to the proposed demolition of the old school building.
- 3.10 In accordance with Council's Rules of Procedure the Petition was submitted to the Full Council for consideration on 13<sup>th</sup> September 2006. During the course of that debate the motion referred to in paragraph 1.1 was passed by a majority of the Councillors present and voting.

#### **4. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)**

- 4.1 The decision to demolish the old school was taken by the Cabinet in December 2002.
- 4.2 The functions of the Strategic Development Committee are set out in Part 3, paragraph 3.3.5 of the Constitution. They do not include a power to review decisions by the Cabinet to demolish unlisted buildings.
- 4.3 The functions of the Development Committee are set out in Part 3, paragraph 3.3.4 of the Constitution. They do not include a power to review decisions by the Cabinet to demolish unlisted buildings.
- 4.4 Whilst the decision to allow contractors to commence demolition of the old school may raise significant levels of local interest in some quarters it is not a matter listed within the terms of reference of either the Development or Strategic Development Committees, therefore the Committee does not have the power to make any decision and if it were to do so it would go beyond its terms of reference which this Committee does not have the legal power to do.
- 4.5 Members are advised that the motion referred to in paragraph 1.1 will be placed on the agenda of the next Cabinet Meeting on the 4th October 2006.

#### **5. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 5.1 Delay to the programmed works has financial implications under the PFI contract. These costs are set out in the Cabinet report which has been circulated to all councillors.

**Local Government Act, 2000 (Section 97)  
List of "Background Papers" used in the preparation of this report**

Brief description of "back ground papers"

Name and telephone number of holder  
and address where open to inspection.

Motion of Council 13<sup>th</sup> September 2006  
Letter from English Heritage 14<sup>th</sup> March 2006  
**To be completed by author**

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**6. EQUAL OPPORTUNITIES IMPLICATIONS**

6.1 The demolition of the old school building is a benefit to the external areas available to local children and the community.

**7. ANTI-POVERTY IMPLICATIONS**

7.1 No implications

**8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

8.1 The design and construction of the new school has taken account of sustainable practices.

**9. RISK MANAGEMENT IMPLICATIONS**

9.1 There is a risk of unforeseen additional costs due to delay in the PFI contact.

**Local Government Act, 2000 (Section 97)  
List of "Background Papers" used in the preparation of this report**

Brief description of "back ground papers"

Name and telephone number of holder  
and address where open to inspection.

Motion of Council 13<sup>th</sup> September 2006  
Letter from English Heritage 14<sup>th</sup> March 2006  
**To be completed by author**

**To be completed by author ext. 4878**

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# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 3 <sup>rd</sup> October 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Weight of the Local Development Framework prior to its adoption by the Council	
<b>Case Officer:</b> Jennifer Richardson – Strategic Planning		<b>Ref No:</b>  <b>Ward(s):</b> n/a	

## 1. SUMMARY

- 1.1 At the Strategic Development Committee, on 14<sup>th</sup> September 2006, a planning application for student accommodation led, mixed use development at Rodwell House, 100-106 Middlesex Street (PA/06/00432) was deferred to allow members to receive a report on the status of the emerging Local Development Framework (LDF).
- 1.2 This report seeks to outline the status of the Development Plan Documents within the LDF prior to these plans being formally adopted by the Council.

## 2. RECOMMENDATIONS

- 2.1 That the Strategic Development Committee endorse that the policies within the Local Development Framework, approved on 13<sup>th</sup> September 2006, be generally given significant weight as a material consideration when determining planning applications, prior to its adoption and note that the adopted Unitary Development Plan remains the statutory planning instrument until such time.
- 2.2 That the Strategic Development Committee note that the weight of the policies in the Local Development Framework is likely to increase as each successive stage towards adoption is reached. Furthermore, the weight of individual policies may vary depending on the outcome of the consultation on the submission Development Plan Documents.
- 2.3 That the Strategic Development Committee note that the Council may seek to refuse a planning application on the grounds of prematurity. However, it will be required to clearly demonstrate how the granting of that planning permission would prejudice the outcome of the Development Plan Document process.

## 3. BACKGROUND

- 3.1 On 13<sup>th</sup> September 2006, Council resolved to approve the LDF for submission to the Secretary of State for Independent Examination. The approved LDF represents an up-to-date statement of Tower Hamlets planning policy priorities.
- 3.2 In accordance with the Planning and Compulsory Purchase Act 2004, Development Plan Documents within the LDF are required to go through a process of Independent Examination before the Council is able to formally

adopt them as the statutory planning instrument which directs development in the Borough.

- 3.3 Until such time, the adopted Unitary Development Plan 1998 remains the statutory planning instrument for the Borough and thus the starting point when assessing a planning application.
- 3.4 Government guidance states that emerging Development Plan Documents can be considered as material considerations, with the weight afforded to the development plan documents, being dependant on the stage of preparation or adoption the plans are up to. The weight will increase as successive stages are reached.
- 3.5 The approved LDF has undergone an extensive process of preparation, including two rounds of public consultation which have resulted in over 6700 representations being received by the Council. These have informed the policies within the emerging plans and helped shaped the spatial vision for the Borough.
- 3.6 Furthermore, as outlined in PPS12, the LDF when submitted to the Secretary of State will be presumed to be sound, unless it can be shown otherwise as a result of evidence considered at the examination.

#### **4. THE LOCAL DEVELOPMENT FRAMEWORK AS A MATERIAL CONSIDERATION**

- 4.1 As the LDF has substantially progressed in the process of preparation, it is considered reasonable that these emerging development plans should be generally awarded significant weight as a material consideration when determining planning applications.
- 4.2 The weight of the LDF will vary for each individual planning application, depending on the context and the likely affect the planning proposal would have on the future implementation of the emerging development plans.
- 4.3 The Governments guidance '*The Planning System: General Principles (2005)*' states that it may be justifiable to refuse planning permission on grounds of prematurity, where a Development Plan Document is being prepared or is under review, but has not yet been adopted.
- 4.4 Refusing an application on the grounds of prematurity may be appropriate '*where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the Development Plan Document by predetermining decisions about the scale, location or phrasing of new development which are being addressed in the policy in the Development Plan Document*'.
- 4.5 The guidance further states that the weight of policies within a Development Plan Document which has been submitted for examination may vary depending on whether or not representations have been received during the consultation period immediately following submission. For example, the weight of a policy which has received no representations objecting to the policies may be considered to have considerable weight given the strong possibility of its

adoption. Conversely submission policies which have received a number of objections may be awarded less weight. However this will be highly dependent on the type and nature of the objections.

- 4.6 Where a planning authority seeks to refuse an application on the grounds of prematurity, it will be required to demonstrate how the granting of that planning permission would prejudice the outcome of the Development Plan Document process.

## **5. CONCLUSION**

- 5.1 The report seeks to outline what the status for the approved LDF is prior to its formal adoption by the Council.
- 5.2 Whilst the adopted Unitary Development Plan remains the statutory planning instrument, the policies within the approved LDF should be generally awarded significant weight as a material consideration when determining planning applications, prior to its adoption.
- 5.3 The significance of the approved LDF will vary for each planning application and will be required to be assessed by the Council, on a case by case basis.

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# Agenda Item 8

Committee	Date	Classification	Report No.	Agenda Item No.
<b>Strategic Development Committee</b>	<b>3<sup>rd</sup> October 2006</b>	<b>Unrestricted</b>		<b>8</b>
Report of:		Title:		
<b>Head of Democratic Renewal and Engagement</b>		<b>Deferred, Adjourned &amp; Outstanding Items</b>		
Originating Officer(s): Louise Fleming		Ward(s) affected: Weavers; Spitalfields & Banglatown		

## 1. SUMMARY

- 1.1 This report is submitted to advise Members of planning applications which have been considered at previous meetings of the Strategic Development Committee and currently stand deferred or are awaiting follow-up reports to be placed before the Committee.
- 1.2 On 14<sup>th</sup> September 2006 the Committee considered a report relating to Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital and resolved not to support the officer's recommendation for approval. The application was deferred to enable officers to draft the exact reasons for refusal, based on the reasons given by the Committee. A report is attached as Item 8.1.
- 1.3 At its meeting on 14<sup>th</sup> September, the Committee also considered a report relating to Rodwell House, 100-106 Middlesex Street, London E1. It was resolved that the application be deferred to enable Members to get further advice on the weight to be given to the emerging Local Development Framework when considering planning applications. Members will have considered a report on the Local Development Framework earlier in the agenda. The original planning officer's report on Rodwell House is attached at 8.2, with the update report considered at the meeting on 14<sup>th</sup> September 2006.

## 2. RECOMMENDATION

- 2.1 It is recommended that the Committee
- (i) note the information given below; and
  - (ii) consider the recommendations contained in the reports attached at 6.1 and 6.2 accordingly.

TITLE OF REPORT	DATE OF MEETING	WARD	COMMITTEE DECISION	ESTIMATED AGENDA DATE
Land bound by Hackney Road	14 <sup>th</sup> September	Weavers	Deferred for allow officers to draft the exact reasons	3 <sup>rd</sup> October 2006

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

Brief description of "background paper"

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

Page 25  
City Hall, 100 Farringham Place, 5 Clove Crescent,  
London E14 2BB

TITLE OF REPORT	DATE OF MEETING	WARD	COMMITTEE DECISION	ESTIMATED AGENDA DATE
and Austin Street, including Mildmay Mission Hospital, London E2 7NS	2006		for refusal.	
Rodwell House, 100-106 Middlesex Street, London E1	14 <sup>th</sup> September 2006	Spitalfields & Banglatown	Deferred for further advice on the Local Development Framework	3 <sup>rd</sup> October 2006

# Agenda Item 8.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 3 <sup>rd</sup> October 2006	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Town Planning Application. Refusal reasons to be endorsed.	
<b>Case Officer:</b> Rachel Blackwell		<b>Ref No:</b> PA/05/01759	
		<b>Ward(s):</b> Weavers	

## 1. APPLICATION DETAILS

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

**Existing Use:** Hospital, Church, Family Care Centre, car parking

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

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

The application is supported by an Environmental Impact Assessment.

**Drawing Nos:** L120 (PL3), L150 (PL3), L151 (PL3), L152 (PL3), L153 (PL3), L154 (PL3), L155 (PL3), L156 (PL3), L160 (PL3), L161 (PL2), L162 (PL3), L170 (PL2), L171 (PL2), L172 (PL2), 1229/P/176(A), 1229/P/177(A), 1229/P/200(G), 1229/P/400(M), 1229/P/401(H), 1229/P/402(H), 1229/P/403(H), 1229/P/404(G), 1229/P/405(F), 1229/P/450(C), 1229/P/470(E), 1229/P/471(D), 1229/P/500(I), 1229/P/501(I), 1229/P/502(I), 1229/P/503(I), 1229/P/504(I), 1229/P/505(I), 1229/P/506(D), 1229/P/550(D), 1229/P/570(F), 1229/P/571(F), 1229/P/572(D), 1229/P/573(D), 1229/P/599(H), 1229/P/600(I), 1229/P/601(J), 1229/P/602(G), 1229/P/603(I), 1229/P/604(G), 1229/P/605(D), 1229/P/606(F), 1229/P/607(E), 1229/P/608(E), 1229/P/609(E), 1229/P/612(C), 1229/P/615(E), 1229/P/618(F), 1229/P/621(H), 1229/P/622(H), 1229/P/650(D), 1229/P/651(D),

### 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		Xxxx Xxxx 020 7364 xxxx

1229/P/652(D), 1229/P/670(G), 1229/P/671(G), 1229/P/672(F),  
1229/P/673(F), 1229/P/699(E), 1229/P/700(F), 1229/P/701(G),  
1229/P/702(G), 1229/P/703(G), 1229/P/704(C), 1229/P/750(B),  
1229/P/770(B), 1229/P/771(D)

**Applicant:** Paddington Churches Housing Association and the Urban Regeneration Agency

**Owner:** The London Baptist Property Board Ltd, Trustees of the Shoreditch Tabernacle Baptist Church & The Mildmay Mission Hospital

**Historic Building:** Shoreditch Tabernacle Church (Grade II)  
Leopold Buildings (Grade II), St Leonard's Church (Grade I),

**Conservation Area:** Boundary Estate Conservation Area surrounds.

## 2. **BACKGROUND**

- 2.1 On 19<sup>th</sup> July 2006, the Strategic Development Committee considered the report and an update report which are attached as **Appendices 1 & 2**. At that meeting the Committee resolved to defer the application for a site visit.
- 2.2 Following a site visit on the 14<sup>th</sup> September 2006, the Committee considered a second update report, which is attached as **Appendix 3**. The Committee resolved not to support the officer's recommendation and to refuse planning permission.

## 3. **RECOMMENDATION**

3.1 The Committee is requested to endorse the following refusal reasons:

### 3.2 **Reasons for Refusal**

- 1) The development would be insensitive to the context of the surrounding area, by reason of design, mass, scale, height and use of materials. As such the proposal is contrary to:
- (a) Policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998, which require development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk, scale and the use of materials and the development capabilities of the site;
- (b) Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan 2004 that provide location and assessment criteria for tall buildings.
- (c) Policy DEV6 of the Tower Hamlets Unitary Development Plan 1998 in that the development does not meet the criteria for high buildings located outside the Central Area Zone.
- (d) Policy UD1 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005, which requires the bulk, height and density of development to relate to surrounding building plots and blocks and the scale of the street.
- (e) Policy UD2 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005, which requires tall buildings outside identified tall building clusters to satisfy a number of development criteria.



- (f) Policy DEV2 of the Local Development Framework (Submission Document) Core Strategy and Development Control Development Plan Document 2006. which requires development to be designed to the highest design quality standards.
- (g) CP48 and Policy DEV27 of the Local Development Framework (Submission Document) Core Strategy and Development Control Development Plan Document 2006, which specify the criteria to assess tall buildings.
- 2) The development would have an adverse impact upon the surrounding listed buildings and conservation areas, including the Shoreditch Tabernacle Church (Grade II), the Leopold Buildings (Grade II), St Leonard's Church (Grade I) and the nearby Boundary Estate Conservation Area. As such the proposal is contrary to:
- (a) Policies DEV29 and DEV39 of the Tower Hamlets Unitary Development Plan 1998, which require development adjacent to conservation areas and listed buildings to avoid detriment to the character, appearance and setting of these areas and listed buildings.
- (b) Policies 4B.7, 4B.10, 4B.11 of the London Plan 2004 in that it would fail too protect or enhance London's built heritage.
- (c) Policy C1 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005, which requires new development within or adjacent to historical sites, conservation areas and their settings to be assessed against their impact both individually and cumulatively on the character, fabric and identity of the area.
- (d) Policies CP49, CON 1 & 2 of the Local Development Framework (Submission Document) Core Strategy and Development Control Development Plan Document 2006, which states that the Council will protect and enhance the historic environment including the character and setting of listed buildings and conservation areas.
- 3) The proposed development would have an adverse impact upon the residential amenity of surrounding owners/occupiers particularly in terms of impact on daylight and sunlight and overlooking from the proposed roof terrace of the hospital building. As such the proposal is contrary to:
- (a) Policy DEV2 of the Tower Hamlets Unitary Development Plan 1998 which requires the protection of the amenity of residential occupiers in terms loss of privacy or material deterioration of day lighting and sun lighting conditions.
- (b) Policy UD2 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005, which requires tall buildings outside of the central area not to result in adverse impacts on the privacy, amenity or overshadowing of surrounding properties.
- (c) Policy DEV1 of the Local Development Framework (Submission Document) Core Strategy and Development Control Development Plan Document 2006, which requires development to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in the loss of privacy to, nor enable the overlooking of, adjoining habitable rooms; not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms, create an inappropriate sense of enclosure to surrounding buildings and open space; and not adversely impact on visual amenity.
- 4) The proposed housing provision would fail to provide an appropriate mix of accommodation, with minimum provision of family accommodation. As such the

proposal is contrary to:

(a) Policy HSG7 of the Tower Hamlets Unitary Development Plan 1998 which requires new housing schemes to include a “substantial proportion” of family dwellings.

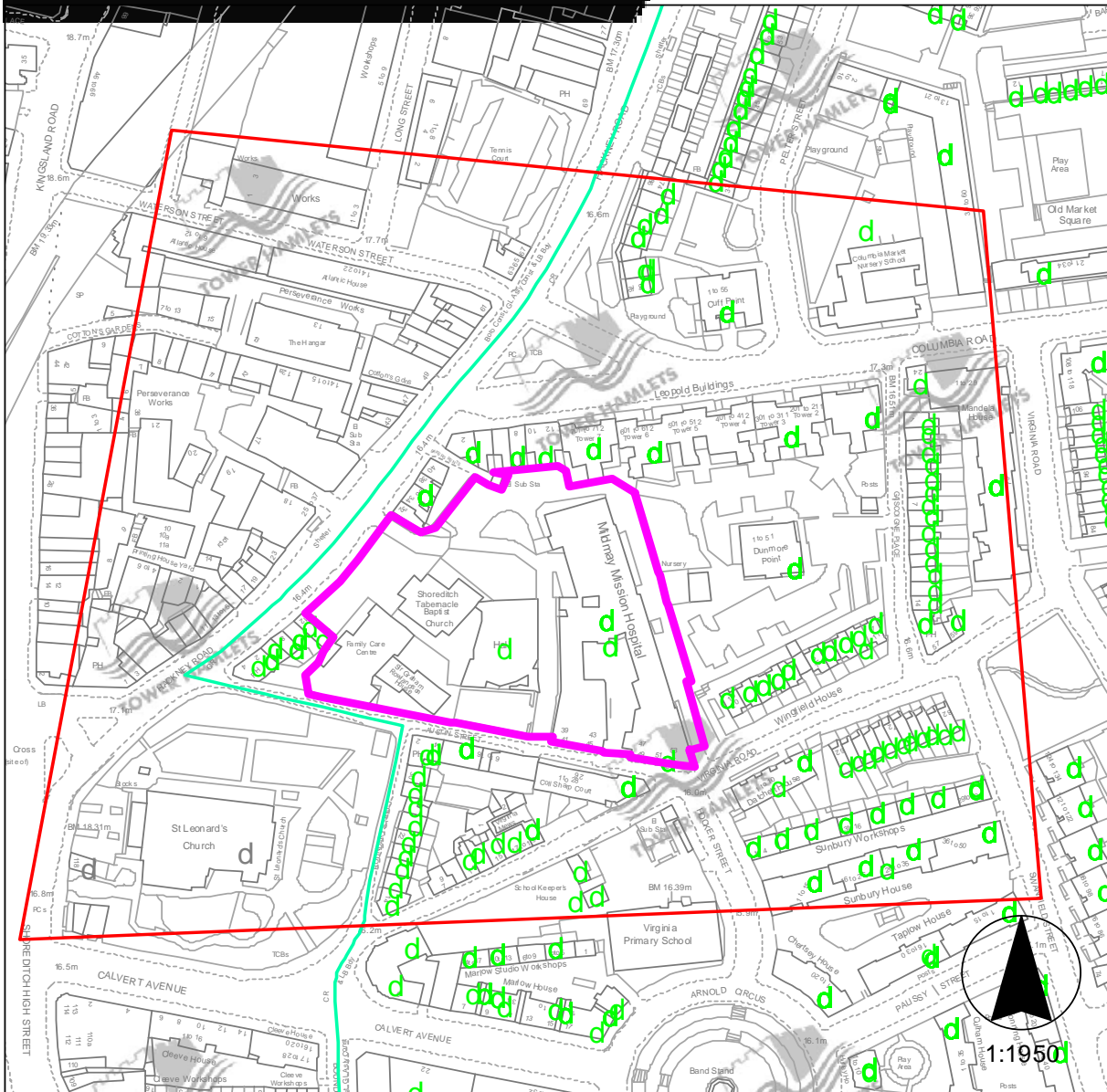
(b) Policy 3A.4 of the London Plan 2004 in that the development would fail to meet the full range of housing needs in the area.

(c) Policy HSG6 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 which requires an appropriate mix of units to reflect local need and provide balanced and sustainable communities.

(d) Policy HSG2 of the of the Local Development Framework (Submission Document) Core Strategy and Development Control Development Plan Document 2006 which requires that both the intermediate housing and market housing components of housing provision contain an even mix of dwelling sizes, including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms.

**LAND BOUNDED BY HACKNEY ROAD AND AUSTIN STREET, INCLUDING MILDMAY MISSION HOSPITAL, HACKNEY ROAD, LONDON E2 7NS**

**Site Map**



**Legend**

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

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

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**ORIGINAL REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT COMMITTEE  
ON 19<sup>th</sup> JULY 2006**

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

**1. SUMMARY**

**1.1 Registration Details**

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

**1.2 Application Details**

**Existing Use:**

Hospital, Church, Family Care Centre and Car Park.

**Proposal:**

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

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

The application is supported by an Environmental Impact Assessment.

**Applicant:**

Paddington Churches Housing Association and the Urban Regeneration Agency.

**Ownership:**

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

**Historic Building:**

More than one.

**Conservation Area:**

N/A

**2. RECOMMENDATION:**

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

- 2.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.2 below, and the conditions and informative outlined in Sections 2.4 and 2.5 below; and Section 278 of the Highways Act 1980, to include the matters outlined in paragraph 2.3 below.
- 2.1.2 That if the Committee resolve that planning permission is granted, the application is first referred to the Mayor of London, pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height and involving more than 500 residential units.
- 2.1.3 That if the Committee resolve that planning permission be granted, that the Committee confirms that they have taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 2.1.4 That the Committee agree that, following the issue of the decision, a Statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

### **Legal Agreement**

#### 2.2 Section 106 agreement to secure the following:

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

#### 2.3 Section 278 agreement to secure the following:

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

#### 2.4 **Conditions:**

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

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

2.5 **Informatives:**

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

**3 BACKGROUND**

**Subject Site and Surrounds**

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

Graham Rowlandson House and the grade II listed Church Community Hall (known as the Tab Centre). Also contained on site is a car park associated with the Mildmay Mission Hospital.

### **Planning History**

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

### **Proposal**

- 3.6 The proposal includes the demolition of the existing church, hospital and family care centres and the construction of a total of six (6) new buildings designed by Clegg Bradley Architects and Matthew Lloyd Architects. The proposal incorporates the following uses and facilities:
- A new Shoreditch Tabernacle Baptist Church.
  - Retention and refurbishment of the listed Church Hall (Tab Centre).
  - A new Mildmay Hospital and new offices for the Mildmay Charity.
  - An Urban Village development for Crisis, containing 270 residential units for former homeless people and key workers, together with support, recreational and training facilities.
  - A Primary Healthcare Centre including consulting rooms for 6 GP's.
  - A detox centre, integrated with the Mildmay hospital.
  - Ground floor commercial retail units.
  - Additional shared ownership residential accommodation.
  - 40 car parking spaces and 100 bicycle storage spaces located within the basement of block E.
- 3.7 The key development elements of the scheme are summarised as follows:
- A 5-6 storey building fronting Hackney Road comprising a new Tabernacle Baptist Church and retail space on the ground floor, with residential units above.
  - A 5 storey building, located in the centre of the site, comprising of the Mildmay Charity Offices at the ground floor, with residential units above.
  - A 6 storey building fronting Austin Street, located at the south west corner of the site comprising of a Primary Care Centre.
  - Residential townhouses, 3 storeys in height fronting Austin Street, located adjacent to the proposed Primary Care Centre.
  - A 23 storey building providing a mix of intermediate and social rented, also incorporating on-site social services facilities at the eastern boundary of the site.
  - A 4 storey Hospital facility and detox unit located at the northern end of the site.
  - A new landscaped courtyard area within the centre of the site, featuring public pedestrian access to Austin Street and Hackney Road.
- 3.8 The Urban Village is a new model of supportive community for formerly homeless people and low income workers. The Urban Village building is to be operated by Genesis Housing and Crisis and is in partnership with the following organisations:
- Mildmay Hospital.
  - Tower Hamlets Social Services.
  - Shoreditch Tabernacle Baptist Church.
  - Tower Hamlets Primary Care Trust.
- 3.9 The Urban Village concept is unique in the following ways in that it provides:



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

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

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

#### **4. PLANNING POLICY FRAMEWORK**

- 4.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan (2004), the Council's Community Plan, the 1998 Adopted Unitary Development Plan (UDP), Interim Planning Guidance Notes, and the Local Development Framework (LDF) Preferred Options: Core Strategy and Development Control Development Plan Document (2005) and Preferred Options: and the Area Action Plans (2005).
- 4.2 Decisions must be taken in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the 1998 Adopted UDP is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents that will make up the Local Development Framework (LDF). As the LDF progresses towards adoption, it will gain increasing status as a material consideration in the determination of planning applications. The first phase of statutory consultation for the LDF Preferred Options Development Plan Documents has now been completed.
- 4.4 This report takes account of the policies in statutory UDP 1998, and the emerging LDF, which reflect more closely current Council and London-wide policy and guidance.
- 4.5 Members are invited to agree the recommendations set out in section 2.1 which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and other material considerations set out in the report.

#### **The London Plan (February 2004)**

- 4.6 The Mayor's London Plan was approved in February 2004, and it provides the strategic planning policy framework for London.
- 4.7 One of the key objectives of the London Plan is the need to increase the supply of housing within London, and to this end the Plan sets out individual targets for London Boroughs. The target for Tower Hamlets is 41,280 additional homes between 1997 and 2016, with an annual monitoring target of 2,070 new homes.

- 4.8 In July 2005, the draft London Plan alterations (Housing Provision Targets) were published, and proposes an increase in Tower Hamlets' target to 3,115 new homes per annum, starting from 2007. This would increase the overall housing target to 51,850 and require approximately 16,570 dwellings between now and 2016.
- 4.9 Another key objective is the need to increase the amount of affordable housing, and to that end Policy 3A.7 sets out a strategic target of 50% of housing proposals being affordable, whilst Policy 3A.8 states that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 4.10 The London Plan generally encourages tall buildings and large scale (residential) developments which achieve the highest possible intensity of use, in appropriate locations, provided they are compatible with the local context, respect London's built heritage, are sensitive to the impact on micro-climate and pay particular attention to privacy, amenity and overshadowing (Policies 3A.5, 4B.1, 4B.3).
- 4.11 Policies 3A.15-20 seeks to ensure for the further provision of community services, and in particular taking into account the needs of communities and other groups. The London Plan identifies a clear strategic need for an approach which ensures that throughout London, issues of equity and catering for the needs of all in society is addressed. It is for boroughs, working with locally based organisations to identify communities most at need and through the development process and other strategies, can contribute towards addressing such needs.
- 4.12 Policy 4B.6 seeks to ensure that future developments meet the highest standards of sustainable design, including measures to conserve energy, materials, water and other resources, and, reduce the impacts of micro-climatic effects. Policy 4B.7 seeks to ensure that developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. Finally, Policy 4B.9 specifies that all large-scale buildings including tall buildings should be of the highest quality design.
- 4.13 The following Unitary Development Plan **proposals** are applicable to this application:  
None applicable.
- 4.14 The following Unitary Development Plan **policies** are applicable to this application:  
DEV 1 Design Requirements.  
DEV2 Environmental Requirements.  
DEV3 Mixed Use Developments  
DEV4 Planning Obligations.  
DEV37: Development Affecting Listed Buildings  
DEV40: Changes of Use and Listed Buildings  
DEV50 Construction Noise  
DEV55: Development and Waste Disposal  
HSG2: Location of New Housing  
HSG3 Affordable Housing  
HSG7 Dwelling Mix and Type  
HSG9 Density in Family Housing  
HSG13 Standard of Dwellings  
HSG16 Housing Amenity Space  
T17 Planning Standards (Parking)  
SCF1 Provision for Community and Social Facilities.  
SCF4 Location of primary health care facilities.  
SCF5 Provision of Community Care  
SCF6 Location of Community Support Facilities.  
SCF11 Meeting Places
- 4.15 The following Local Development Framework Core Strategy **Proposals** are applicable to this application:  
(1) City Fringe Area Action Plan (AAP)  
(2) Development Site CF1 – Mildmay Hospital.

4.16 The following Local Development Framework Core Strategy **Policies** are applicable to this application:

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

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

- Living safely.
- Living well.

## **5. CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Housing Strategy Group**

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

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

(2) **Environmental Health**

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

(3) **Highways**

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

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

(4) **English Heritage**

Heritage Unit

Registers objections on the grounds of:

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

Archaeological Unit

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

(5) **Horticulture & Recreation**

No response received.

(6) **Environment Agency**

No objections.

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

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

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

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

No response received.

(10) **Cleansing Officer**

No response received.

(11) **BBC - Reception Advice**

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

(12) **Crime Prevention Officer**

No comments received.

(13) **Strategic Social Services**

The proposals have full and strong support.

(14) **London Borough of Hackney**

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

(15) **Greater London Authority**

The mayor considered the matter at a meeting on 5 July 2006. The following comments are an extract of the Stage 1 letter of the Mayor:

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

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

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

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

5.2 Responses from neighbours were as follows:

Original Scheme Consultation

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

Regulation 19 Information Consultation

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

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

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

#### **Land Use**

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

- Other detox units within close proximity to the site.
- Training facilities and programs should be made available to the wider community.

### **Design**

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

### **Amenity**

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

### **Highways**

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

### **Other matters**

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

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

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

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

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

- The proposal is a strong example of a charity championing an innovative approach to public services.
- The proposal will provide innovative new models for housing and employment.
- The proposal will see 100% affordable housing provided.
- The design will enhance the area.

## 6. ANALYSIS

### Land Use:

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

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

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

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

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

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

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

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

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

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

**Housing**

6.8 As previously stated, the proposal will provide 371 dwellings on site, of which 100% will be allocated for affordable housing, both key worker and socially rented units.

6.9 Both the adopted UDP and LDF Housing policies not only seek to increase the number of dwellings across the Borough, but the level of affordable housing associated with such developments. Policy HSG3 of the UDP requires a minimum level of 25% affordable housing, whilst the revised policies HSG3 seeks to increase this level to 35%. The Mayor’s London Plan seeks to achieve 50% affordable units for all new developments London-wide. The submitted scheme far exceeds these requirements.

6.10 The policy HSG5 of the LDF requires that for affordable housing provision to address the needs of the Borough, the Council requires a ratio split of 80:20 for social rented to intermediate housing split. However, the policy allows some degree of flexibility with the ratio split on sites that comprise predominantly affordable housing where it meets Core Strategy 7 (Housing).

6.11 It is considered that the proposed tenure ratio split (73% social 27% intermediate) complies with both policy HSG5 and CS7 as the housing will meet a specific need within the Borough, to be contained entirely on site. The key worker housing is specifically designed for those working on site (such as nurses/social workers), associated with the intermediate housing for the previous patients of the detox unit. This results in a mixed, balanced, inclusive and environmentally sustainable housing community within the Borough.

6.12 Policy HSG8 of the LDF requires a balanced housing mix, including ensuring adequate choice in housing sizes are available for people within the borough. This requires a specific housing mix as follows:

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

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

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

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



- 6.15 It has been acknowledged by the Housing Unit that the scheme does not fall neatly into any of the housing policies for the Borough. As such the normal housing mix is not considered applicable in this instance. Furthermore, as a whole the proposal receives support from the housing team.
- 6.16 As previously stated, the Urban Village building houses 270 residential units of which 135 are designated for the ex-homeless and 135 for key workers. In identifying and responding to the needs of the homeless, the proposal is further supported by the LDF policy HSG 10: Support Housing, which aims to cater for the needs of vulnerable and dis-advantaged groups.

#### **Density**

- 6.18 The application site has a PTAL score of 6, and as such the London Plan and the Council's LDF recommend a density range of 450-700 habitable rooms per hectare (hrph) or 240-435 dwellings per hectare (dph). Furthermore, the scheme is specifically identified as a development site within the City Fringe AAP, which specifies a density range of up to 435 dph.
- 6.19 The proposed residential density at 451 dph slightly exceeds this range. It is considered in this instance that the resultant density is satisfactory and does not result in any demonstrable harm in terms of:
- Poor quality and amount of amenity space;
  - Loss of privacy and overlooking issues;
  - Sub standard quality of accommodation; and
  - Meets a specified housing need within the borough.
- 6.20 The site is also well served by local shopping and leisure facilities. In particular, the majority of the users of the Urban Village will both live and work on the site, reducing any need from the site for public transport within the area.

#### **Design**

- 6.21 The applicant's approach to the design of the site as a whole has been influenced by the needs of the Partnerships involved. A number of buildings are proposed, as detailed in Section 3, ranging from 3 storeys to 23 storeys in height, with the tallest building located within the centre of the site. The scheme is designed in a contemporary manner using a range of form and materials, similar to the surrounding streetscapes for the buildings fronting Hackney Road and Austin Street. However, the tower introduces a whole new building form and materials, including coloured fins, copper panels, mirrored glass and perforated louvers.
- 6.22 The most contentious element of the Urban Village scheme is the 23 storey tower which has also resulted in a number of objections within the community. The application is accompanied by Environmental Impact Assessment reports, which includes a Townscape and Visual Impact Assessment. This report produces computer generated images of the tower from various view points around the site and wider area.
- 6.23 It is considered that the tower is well placed within the site and is set back and steps away from the main public spaces within the site and surrounding properties. The setting of the immediate area is considered to be improved, with much wider public space on the east and a semi-private courtyard on the west side of the site. This is further supported by the Council's Urban Design and Conservation team, who see the proposal responding well to local streets. Furthermore, a tower element as placed within its wider settings, will contribute positively to the local regeneration of the area. It is noted however, that in order for the project to be successful, it is reliant on its meticulous details and high quality finishes. Urban Design's support for the proposal requires the overall design quality to be retained and to be secured by means of conditions.
- 6.24 Comments received from CABE also offer strong support for the design of the project as a whole. The overall masterplan and urban design strategy for the site is considered to be successful, through the distribution of the building blocks through the site and the provision of open spaces and pedestrian permeability. The location of the tall building is supported and is considered to be "*distinctive and positive*". Similar comments relating to the quality of materials were also made. It is considered by CABE that the success of the building is

dependant on the quality of materials and the local authority should ensure this remains through the planning and construction process. Further comments were made with regards to on going maintenance of the building. It is further recommended that this is resolved through the implementation of a management plan which can be secured through the use of conditions.

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

#### **Conservation and Historic Buildings.**

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

6.32 Nevertheless, English Heritage have objected to the scheme, advising that the tower would impact upon the setting of the Boundary Estate conservation area and surrounding listed buildings. They consider that the tower would have an overbearing, intrusive and damaging impact on surrounding historic buildings and adjacent areas.

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

#### **Open and Amenity Spaces**

6.34 The proposal incorporates a series of public open amenity spaces, which also provide pedestrian connections between Hackney Road and Austin Street. Cooper's Garden, situated between blocks B and F, establishes a direct connection into the development. The space has a linear form which encourages pedestrian flows towards the newly created public spaces. In order to promote the space as a gathering area, a series of benches are provided. A water feature/fountain is also proposed further encouraging the use of this area as for gathering purposes. The central square in front of block E provides the main public gathering space within the scheme. A large, single specimen tree and surrounding planting will form the main focus and visual interest for the square. It is intended that this is a flexible space that could cater for activities ranging from outdoor performances to an informal market place.

6.35 A courtyard surrounded by blocks A to D and the listed church hall form the semi-private amenity space. This space features a gated access from Cooper's Gardens, and a controlled access through the church hall. It is intended that only the users of the surrounding buildings, church goers and local community groups with ties to the centre will have access to this space. The landscaping within the courtyard will be maintained by local community groups.

6.36 A number of semi-private roof terraces can be found on levels 3, 7 and 21 of block E, which are intended for use by the building residents. Specific details of these spaces are as follows:

- Level 3 – An accessible, hard surface terrace surrounded by an inaccessible band of planting around its edge. The planting will be similar to that at ground level.
- Level 7 – With the planting mirroring the layout of the green spaces at ground level, the site wide landscape design becomes visually linked when viewed from the upper storeys of block E. Benches, similar to the ground level will also be provided.
- Level 21 – A series of raised planters are strategically located together with a hard surface terrace area. Users will be able to move between the planters, enabling interaction and maintenance.

6.37 The majority of flats within blocks A, B and C and all of the townhouses in block D will feature private amenity space in the form of either winter gardens, balconies, roof terraces and courtyards.

6.38 It is considered that the provision of amenity spaces within the site meets the requirements contained within emerging policy HSG 13: Housing Amenity Space. The proposal provides both private and communal amenity space, with the later meeting the minimum size requirements of 6 metres in any one direction.

#### **Impact Upon Residential Amenity.**

##### **Daylight/Sunlight/Overshadowing**

6.39 In support of the application, the applicant has undertaken a daylight/sunlight assessment. The study has been carried out in accordance with the methodology and advice set out in the 'Building Research Establishment's' (BRE) guidance report, "*Site Layout Planning For Daylight and Sunlight*".

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

the site. All public open spaces and residential gardens will continue to receive adequate sunlight in accordance with the relevant BRE guidelines.

#### **Sunlight/Daylight within the Scheme.**

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

#### **Overlooking**

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

#### **Demolition and Construction Noise**

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

#### **Additional Concerns**

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

#### **Anti-social Behaviour/Crime**

- 6.59 A large number of the comments received made reference to the issue of anti-social behaviour and an increase in crime. The Mildmay Urban Village is considered to be a unique concept for address the needs of the hospital, detox unit, homeless persons, and intermediate housing. The concept is unique as it contains all the services required to ensure the users have a successful integration back into society. In addition, the development will also provide for 24 hour on site security. As a result, it is considered that

the scheme would not cause additional crime or anti-social behaviour.

**Affordable Housing becoming Private Sale**

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

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

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

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

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

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

**Other detox facilities within close proximity to the site**

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

**Traffic and Transport.**

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

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

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

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

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

**Environmental Impact Assessment**

6.70 The submitted Environmental Impact Assessment (EIA) has been subject to consultation with the relevant statutory authorities, and has been advertised in compliance with statutory requirements. The matters covered by the EIA were as follows:

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

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

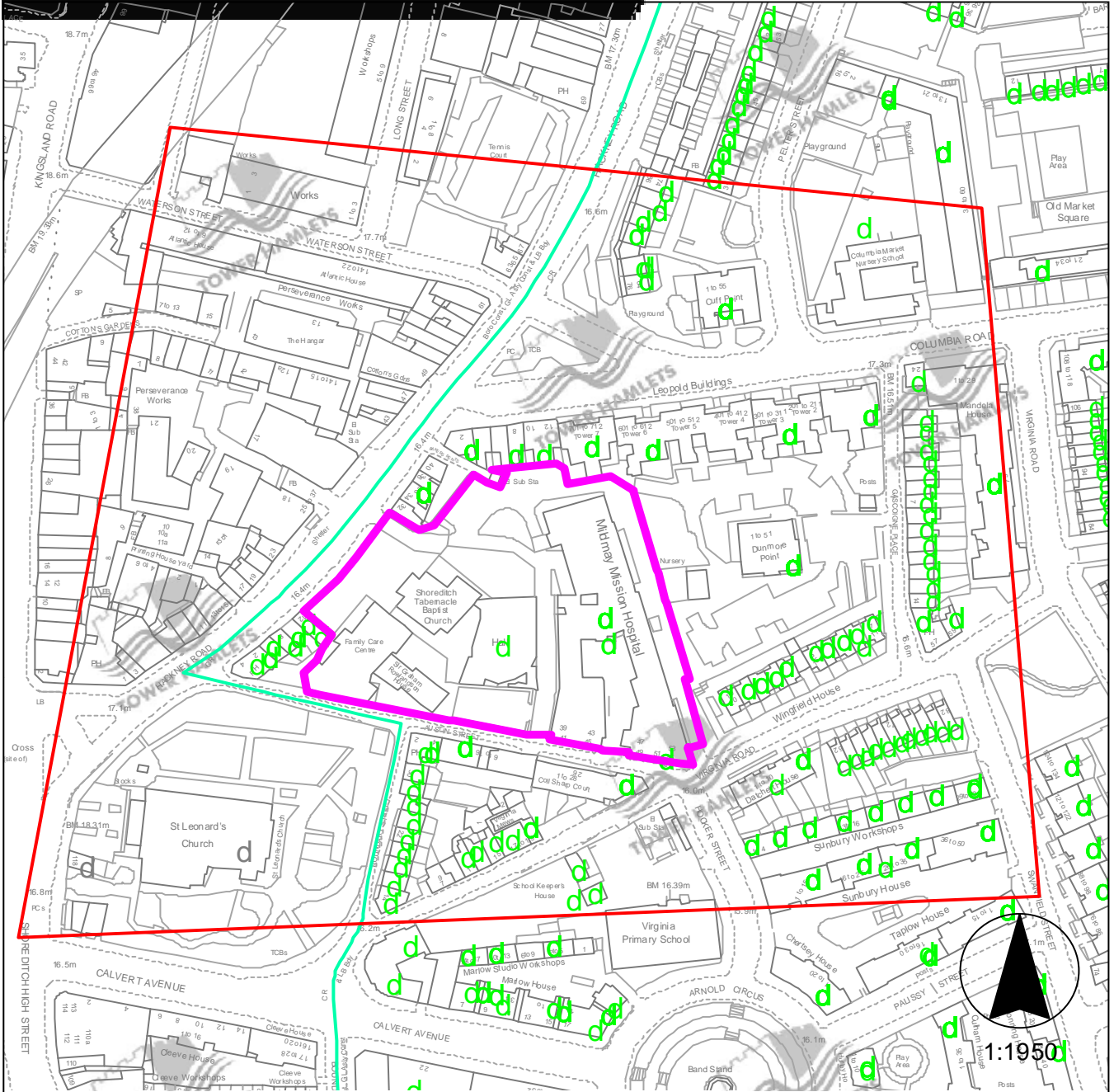
6.72 It was considered that the original EIA reports, together with the revised chapters were satisfactory in accordance with the requirements of the EIA Regulations. The planning obligations legal agreement and conditions will secure the relevant recommendations of the ES in terms of mitigation of identified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

## **7. SUMMARY**

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

7.2 Approval of the application is therefore recommended.

# Site Map



## Legend

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

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

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



## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	9.1
<b>Reference number:</b>	PA05/01759
<b>Location:</b>	Land bounded by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS
<b>Proposal:</b>	<p>Demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:</p> <ul style="list-style-type: none"> <li>• a part-five, part-six storey building along Hackney Road to provide a new church and retail space (Class A1 to A5) with residential units above;</li> <li>• a five storey building centrally located to provide offices with residential units above;</li> <li>• a six storey building along Austin Street to provide a Primary Care Centre and residential units;</li> <li>• three storey town houses along Austin Street with adjoining commercial/retail premises (Class B1/A1 to A5);</li> <li>• a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detox unit plus parking, servicing and cycle bay provision, landscaping and highways works.</li> </ul> <p>The application is supported by an Environmental Impact Assessment.</p>

## 1. SUMMARY

- 1.1 This addendum report has been prepared to consider the matters raised by local residents during the recent consultation process that commenced on 14<sup>th</sup> June 2006 and ended on 5<sup>th</sup> July 2006.

## 2. CONSULTATION ISSUES

### 2.1 Original Scheme Consultation

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

Regulation 19 Information Consultation (14<sup>th</sup> June – 19<sup>th</sup> July 2006 – 2pm)

No. Responses: 2930 In Favour: 1265 Against: 1665 Petition: 0

### Additional Objections

- 2.2 The additional planning issues raised by the responses are as follows:

- Lack of a active frontages at street level;
- The 'slab block' form has a negative impact upon neighbours;
- Inappropriate location, due to the minimal distance provided between the development and surrounding properties;
- Inappropriate location due to the schemes proximity to Virginia Primary School;
- Loss of light to surrounding properties;
- Impact to microclimate;
- Lack of green open spaces within the development;
- The scheme seems out of date: smaller specialised and dispersed accommodation for vulnerable people has been proven to work best;
- Drug use is a growing problem in the area and may be exacerbated by these proposals;
- The large number of bars and pubs in the area makes it an unsuitable location for an alcohol/drug rehabilitation facility;

2.3 Furthermore, one objector has raised an issue relating to the infringement of human rights. The Council consider that all relevant issues have been addressed in the officer's report and the EIA and is satisfied that the approval of the scheme will not result in a negative impact to the human rights of any householder.

2.4 Local resident Ms M. Duda wrote to Councillor Simon Rouse on behalf of the Colombia Road Tenants and Residents Association on the 26th June 2006. A similar report was also forwarded by Mr Peter Wilson to Councillor Rofique Ahmed, Chair of the Strategic Development Committee and to Ms Meg Hillier MP. They outlined a number of detailed representations in response to the Planning Officers report. A copy of this objection is attached for information purposes. The response related to the following subjects:

- Air Quality
- Construction Impacts
- Microclimate
- Daylight, Sunlight & Overshadowing

- Procedural Concerns
- Consultation Issues
- Housing Department
- Transport for London
- Other internal service providers
- Objectors
- Neighbourhood Objections
- Letters of Support
- Planning Officers Analysis

2.5 In response, the following points are relevant.

- Air Quality – The issue of air quality is addressed in the Environmental Assessment submitted with the relevant application documentation. The information submitted was deemed satisfactory. Air quality is addressed in the proposed conditions of approval, which is considered to be common planning practice.
- Construction Impacts – As part of the mitigation measures, a Deconstruction and Construction Method Statement (DCMS) will be required to be approved by the Council, prior to works commencing on site. The DCMS will also be required to comply with the Council's Code of Practice for Construction Sites. In addition to the DCMS, the Council's EIA review consultants have recommended that the applicants also provide Construction Environmental Management Plan (CEMP) for approval by the Council, prior to the commencement of works. As part of the CEMP, the developer will be required to submit a monthly CEMP validation report to the Council to ensure that the control measures are being fully implemented.
- Microclimate – This issue was addressed in the Environmental Assessment submitted with the relevant application documentation. The information submitted was deemed satisfactory and there are no unacceptable impacts created by the development.
- Daylight, Sunlight & Overshadowing – This was addressed in the Environmental Assessment submitted. The daylight and sunlight assessment, undertaken as part of the Environmental Statement, found that the proposed redevelopment would be generally acceptable with some localised impacts that are considered to be within acceptable

standards for built up urban areas.

The results of the assessment of the surrounding properties are:

i) The following properties meet the requirements of the BRE Guidelines when measured using the ADF method of calculation:

- Rear of 40 Hackney Road
- 6-12 Hackney Road
- 2-16 Austin Street (with the exception of 1 window out of 16 assessed)

ii) The rear of the Leopold Buildings does not fully meet the BRE guidelines. A total of 2 out of 12 windows fail the ADF guidelines. However, none of the windows are living rooms or bedrooms – in other words, they are not habitable rooms in planning terms. The 2 windows in question are kitchens. In these circumstances, the impact of the new development is considered to be acceptable and a reason for refusal is unlikely to be sustainable on these grounds.

iii) The results of the assessment at Coll Sharp Court do not fully meet the BRE guidelines. A total of 4 out of 13 windows fail the guidelines. However, again none of the windows are living rooms or bedrooms or in other words habitable rooms. The 4 windows in question are kitchens. Furthermore, none of these windows would fail the VSC daylight test (i.e. they lose more than 20% of their existing daylight). As such, the impact of the development is considered to be acceptable and a reason for refusal is unlikely to be sustainable on these grounds.

iv) The assessment of 4-12 Columbia Road indicates it would fail to meet the BRE guidelines. A total of 8 windows would fail the guidelines when measured using the ADF method and 4 would lose 20% of their daylight using the VSC method. Nevertheless, none of these windows are habitable rooms – they are mostly kitchen windows. As such, it would be difficult to sustain a reason for refusal of the application since none of the windows affected are rooms people 'live in'.

Overall, it is considered only a small number of the windows assessed would fail to meet the BRE light targets compared to the number that would pass. Having regard to the urban context of the development, the results of the assessment are considered to be acceptable.

- Procedural Concerns – In accordance with Regulations 17 and 18 the Environmental Assessment has been made publicly available since October 2005. Since this time there has not been any formal request made to obtain this information. If requested the Council would provide

the relevant information within the required time frames, provided it is a reasonable request.

- Consultation Issues - The officer's report seeks to reflect the views of the entire Development & Renewal Directorate, including the Strategy Officer. It is therefore not applicable to detail these comments, particularly since they were made in December 2005.
- Housing Department – The Housing Department chose not to comment in this instance. Nevertheless, an officer will be available at committee to answer questions on this subject, should it be necessary.
- Transport for London – The comments of Transport for London are detailed in the Mayors Stage 1 Report. These comments are detailed in the summary of the Stage 1 report provided in paragraphs 2.8 to 2.14. The report is attached for information.
- Other internal service providers - The Horticulture and Recreation, Cleansing and Crime Prevention Departments chose not to comment in this instance.
- Objectors – The consultee objections referred to are noted and have been considered in the officer's assessment of the application.
- Neighbourhood Objections – All objections received are noted on Councils planning database and are contained on the relevant planning file. Each objection received will be individually considered on its relevant planning merits.
- Letters of Support – A number of letters of support have been received in relation to the application. Each letter of support will also be considered upon its relevant planning merits.
- Planning Officers Analysis – We note the views of the residents in response to the analysis contained within the officer's report. The residents made comment on the following points of analysis:
  - Development Density;
  - Tall buildings;
  - Community & Social Facilities;
  - Housing Mix;
  - Conservation & Historic Buildings;
  - Open & Amenity Spaces;
  - Daylight, sunlight, Overshadowing Report;

- Overlooking.

### Additional letters of Support

2.6 A number of additional letters of support have been received from residents, including the following persons/organisations:

- Mildmay Mission Hospital
- Keymed – Medical & Industrial Equipment Ltd
- Spitafields Development Group
- Southwark Cathedral
- Praxis – The place for people displaced
- North East London NHS – Strategic Health Authority
- East London & the City NHS – Mental Health NHS Trust
- Tower Hamlets NHS – Primary Care Trust
- Futurebuilders England
- Spitafields Crypt Trust
- The Community College
- JP Morgan
- The Kings Fund

2.7 The key reasons for support in addition to those included in the original report, are provided as follows:

- Mildmay provides a unique service for those with HIV/Aids.
- Mildmay plays an important role in the local community. The redevelopment of the site will ensure that it continues to play an important role in the future.
- Supportive of health care centre, detox unit and other infrastructure services.
- Will contribute to enhanced security and better designed public spaces.

- The urban village will deliver an innovative model of sustainable communities not only for homeless adults but also for essential low income workers in need of affordable housing in our area.
- The quality of the architectural detailing is first class....the mix of uses on site is entirely appropriate and well thought out and the improvement to the public realm will make a major contribution to the general area.
- A number of persons also wrote letters of support stating that they are aware of or have visited similar Urban Village projects in New York. It is stated that these similar projects have reduced difficulty on the streets and have supplied vital resources to assist people.

## GLA

2.8 Following the completion of the officer's report for this case, full details of the Greater London Authority Mayor's Stage 1 Report have been received. The report is attached for information purposes.

2.9 In summary:

*"The mixed use nature of the proposal is an excellent approach to this urban location. The proposed morphology increases permeability and creates high quality spaces. The reinstatement of Coopers Gardens as an east-west pedestrian link is an important improvement of permeability that will enhance the use of spaces on either side of the current wall separating the hospital estate and the housing estate... The height and shape of the 23-storey tower is not incongruous in the dense urban area."*

2.10 In relation to transport and parking it was noted that the site has a high public transport accessibility level.

*"The proposed development is unlikely to have an adverse impact on the public transport network. There is however a need to improve the cycle parking provision for the proposed development to encourage the use of sustainable modes of transport."*

2.11 In conclusion:

*"The application proposal offers a residential-led mixed-use redevelopment scheme that secures community uses, health and employment and training opportunities, 100% affordable housing, a true mixed-use tower building with high quality design aspirations to be secured at a more detailed stage later in a highly sustainable manner in terms of public transport accessibility, low levels of car parking provision*

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

2.12 The Mayor of London recommends that:

*“Tower Hamlets Council be advised that the application proposal is strongly supported on strategic planning grounds but further improvements should be secured either by amended drawings or by suitable planning conditions to any planning permission.”*

2.13 The GLA recommends in its assessment that further conditions to improve the appearance of building, its design, and materials are submitted. Conditions requiring such details and samples have been attached and are shown in Section 2.43 of the report.

2.14 In addition they also required details of various balconies and terraces across the site. In these circumstances, the Council propose to amend Condition 2.4.2a) to require full details of all balconies and terraces across the site to ensure:-

- That open space areas are of a high standard;
- An acceptable appearance of the building;
- The proposal does not have any detrimental amenity impacts on adjacent residents.

#### Elected Representatives

2.15 Mr John Biggs AM - Member for City and East London wrote to Councillor Rofique Uddin Ahmed on the 11th July 2006. A copy of this letter is attached for information purposes. Mr Biggs expressed his support for the proposal as follows:-

*“In my view this development is an innovative scheme of benefit to us in Tower Hamlets. It will give us the opportunity to offer family housing as well as housing for single people in need, which is vital to the borough. The GP surgery and health facilities the scheme will also bring are sorely needed in the area as is the work of Mildmay Hospital for people with HIV/AIDS, which is a local as well as a regional problem. The project is key to safeguarding the future of the hospital.*



*The project is being brought forward by Crisis, the homelessness charity. As well as the above it will be the first UK based version of the Common Ground project in New York (see [www.commonground.org](http://www.commonground.org)). The Common Ground model is particularly worth examining as it is a model for supporting vulnerable adults but is not a hostel, and works through providing support as a part of an integrated community.*

*I am aware that concerns have been expressed about the scale of the development and particularly the height of the tall building. I trust that you will make a balanced decision on this. I think the building works and should be supported but understand that it has some opposition.*

*I have met with the project team and strongly believe that it is a good scheme, well designed and of a very high quality. I hope you will be able to support it."*

2.16 A letter of objection from Mr George Galloway MP was forwarded to Council by a Respect Party Group Adviser on the 18th July 2006. A copy of this letter is attached for information purposes. The letter, originally written in November 2005 states that "although there are some excellent aspects to this scheme he has concerns in the following areas:

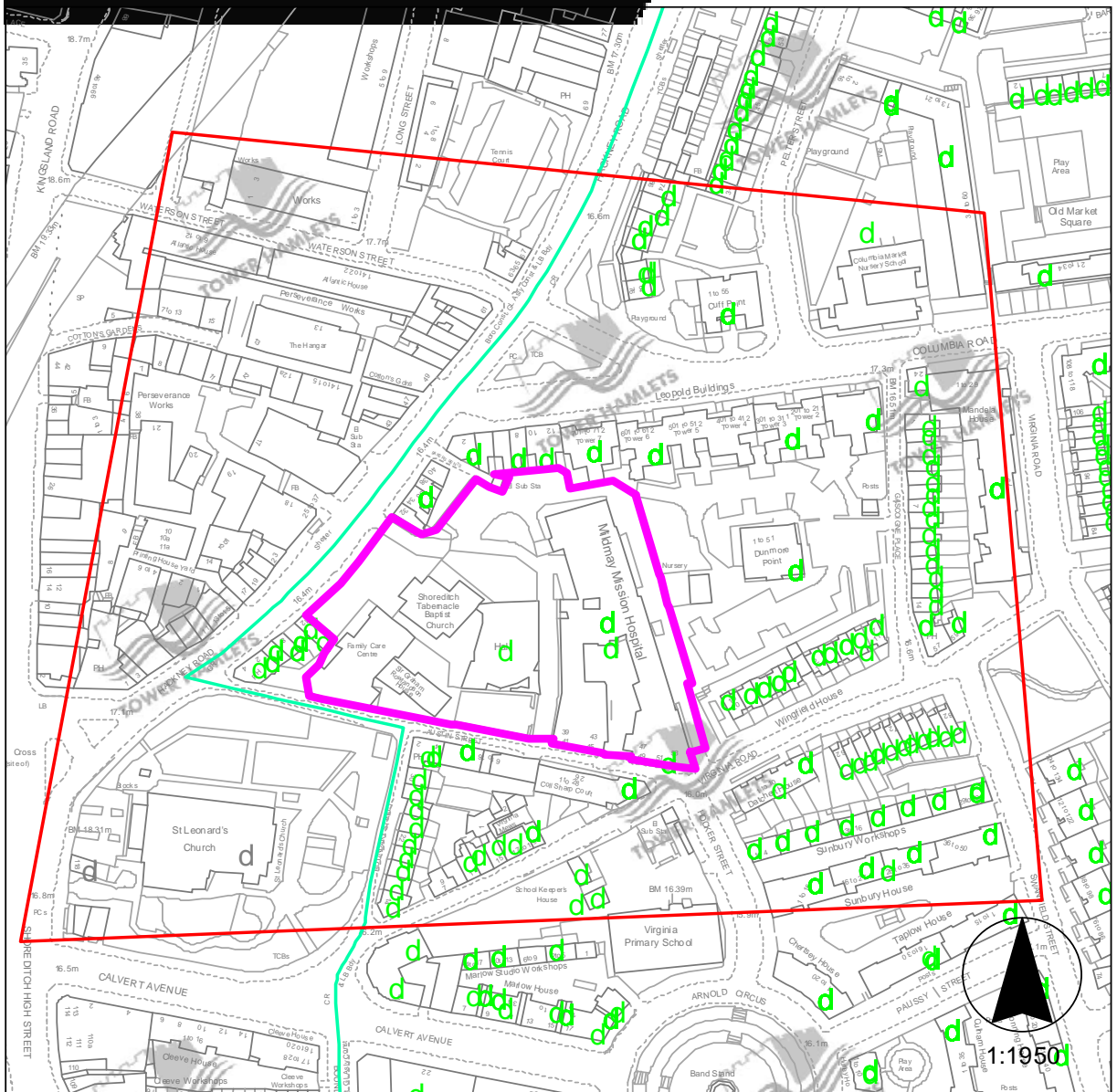
- The scale of the development is not in keeping with the area;
- Concerns about the impact of a high concentration of single homeless people within the area;
- Concerns about the impact of building works to local residents and the nearby junior school;
- Concerns on affordable housing mix grounds.

### **3. RECOMMENDATION**

3.1 It is recommended that the scheme should be approved, subject to one minor amendment of condition 2.4.2a) requiring details of all balconies and terraces across the site.

# LAND BOUNDED BY HACKNEY ROAD AND AUSTIN STREET, INCLUDING MILD MAY MISSION HOSPITAL, HACKNEY ROAD, LONDON E2 7NS

## 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

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	6
<b>Reference number:</b>	PA05/01759
<b>Location:</b>	Land bounded by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS
<b>Proposal:</b>	<p>Demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:</p> <ul style="list-style-type: none"> <li>• A part-five, part-six storey building along Hackney Road, to provide a new church and retail space (Class A1 to A5), with residential units above;</li> <li>• A five storey building centrally located to provide offices with residential units above;</li> <li>• A six storey building along Austin Street to provide a Primary Care Centre and residential units;</li> <li>• Three storey town houses along Austin Street with adjoining commercial/retail premises (Class B1/A1 to A5);</li> <li>• A 23 storey residential building incorporating social service facilities and</li> <li>• A four storey hospital facility and detox unit, plus parking, servicing and cycle bay provision, landscaping and highways works.</li> </ul> <p>The application is supported by an Environmental Impact Assessment.</p>

**1. SUMMARY**

- 1.1 This addendum report has been prepared to consider any matters raised since the Strategic Planning Committee meeting of the 19th July 2006.

**2. SUPPLEMENTARY INFORMATION**

- 2.1 Since the consideration of the application at the 19<sup>th</sup> July Strategic Development Committee, a review of the sunlight/daylight analysis prepared as part of the Environmental Statement was undertaken due to concern about the room uses for properties at 40 Hackney Road.
- 2.2 The applicant has written to Council to clarify that there is an omission in the sunlight/daylight report and subsequently has submitted an update report to ensure that the potential amenity impacts of the proposal can be adequately assessed.
- 2.3 In order to inform this assessment, the applicant has obtained details of adjoining development from the Tower Hamlets planning history file. The drawings obtained have allowed for a more detailed assessment to be undertaken by the confirmation of room uses and actual room sizes.

- 2.4 The results show that, the daylight for all floors changes by more than 20%, although three of the windows on the third floor continue to retain in excess of 27% Vertical Sky Component (VSC). As suggested in the BRE guidance, where there is such an impact, further testing has been carried out to establish actual levels of light within the room, in the form of Average Daylight Factor (ADF) as set out in the British Standard for internal lighting.
- 2.5 All of the rooms retain levels of light in excess of the British Standard, with the exception of one room (window W 5/1, a bedroom). For the living rooms of the properties, the standards are exceeded by some margin.
- 2.6 In respect of sunlight, the re-visited analysis shows that the majority of windows have more than a 20% alteration in the levels of sunlight received. However, of the 19 windows tested, 13 will retain more than 25% annual probable sunlight hours, the recommended standard. The other 6 windows are all at either ground or 1st floor level (windows W1/G, W1/1, W2/1, W3/1, W5/1 and W6/1). Of the 13 rooms that retain more than 25% annual probable sunlight hours, 7 will have less than 5% in the winter. However, all but one of these are bedrooms (windows W4/1, 3/2, 4/2, 5/2, 6/2, 5/3 and 6/3). Of the rooms that retain less than 25% annual probable hours, all save one are bedrooms. The one is a living room to the first floor (window 1/1) and it will retain 24% annual probable sunlight hours and this does retain 5% in the winter.
- 2.7 Having regard to the urban context of the development, the results of the assessment are considered to be acceptable. The reduced levels of sunlight/daylight are marginally below the minimum requirements as detailed in the BRE Guidance and therefore could not justify the refusal of the scheme on this basis.
- 2.8 In addition to this information, the President of Common Ground (New York) wrote to Councillor Rofique Ahmed on the 30th July 2006 to explain the history of Common Ground and their role in the development of the Mildmay Hospital Project. It is noted that Common Ground have advised Crisis on a number of issues, including the design of the building, the mix of tenants and operating practices and policies. Common Ground provided Councillor Ahmed with information on the organisation and projects to assist with the consideration of the scheme and invited any enquiries. A copy of this letter is attached for information.
- 2.9 Mildmay Mission Hospital wrote to Councillor Rofique Ahmed on the 7th September 2006 providing Councillors with the opportunity to visit the Mildmay Mission Hospital to view at first hand the work carried out by the hospital and to emphasise the need to upgrade the existing facilities. A copy of this letter is attached for information.
- 2.10 The Chief Executive of Mildmay Hospital along with the Chief Executives of Genesis Housing Group and Crisis and the Reverend of the Shoreditch Baptist Church also wrote to Councillor Rofique Ahmed on the 12th September 2006.

The purpose of this letter was to provide an updated brochure providing an illustrated summary of the proposed scheme. This letter and the accompanying Brochure was also sent to fellow Councillors of the Strategic Development Committee and the Directorate of Development and Renewal. A copy of this letter and the brochure is attached for information.

### 3. CONSULTATION ISSUES

#### 3.1 Original Scheme Consultation

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

#### Regulation 19 Information Consultation (14<sup>th</sup> June – 19<sup>th</sup> July 2006 – 2pm)

No. Responses: 2930    In Favour: 1265    Against: 1665    Petition: 0

#### Consultation Since (19<sup>th</sup> July 2006 2pm to present)

No. responses: 167    In Favour: 109    Against: 58    Petition: 0

#### 3.2 Additional Objections

3.3 A number of additional letters of objection have been received from residents, including the following persons/organisations:

3.4 The objections are not considered to raise any issue in addition to those previously addressed in the Committee Report or the update report of the 19th July 2006. The previous update report is attached for information.

3.5 SAVE Britain's Heritage strongly objects to the proposal, arguing that it is not a suitable location for a tall building. They consider that the community benefits of the construction of this building do not balance with the impact that the proposed tall building would have on the setting of surrounding listed buildings. A copy of this objection is attached for information.

3.6 Local resident AM O'Connor wrote to the Urban Village Project Manager of Crisis on the 1st September 2006 A copy of this letter was also forwarded to the LBTH Development & Renewal. AM O'Connor is supportive of the work that Crisis does and acknowledges that the development goes some way to improving the facilities that Crisis offer. However, they are not supportive of the proposal for the following reasons:

- The proposed tower element is out of scale with surrounding development, including buildings of heritage significance.
- The proposed design is not in keeping with the surrounding context.
- The proposed high rise development is not appropriate for the proposed use for a detox centre, hospital and affordable housing. Low rise development

- promoting integration with the wider community would be more appropriate.
- History has proven that high density Urban Villages are not appropriate for this type of development.
- The religious component of the proposal is not appropriate in the context of the development where it may have the capacity to influence vulnerable people.

- 3.7 Local E2 Residents including A Reynolds, B Hignett, D Seex and P Seex wrote to Councillor Rofique Ahmed in a letter received by Development & Renewal on the 11th September 2006. The purpose of this letter is to provide a critique of the design statement prepared by the applicants for the proposed development.

In summary E2 residents state that:-

*“This design statement fails to fulfil the most basic requirement of such a document. That is, to provide a ‘design audit trail’ which can clearly explain the evolution of design decisions, both in the context of local, regional and national policy, and in terms of design best practice. This process should clearly serve to justify the final massing, form and architectural solutions proposed for the site and are comprehensible to a non technical reader.*

*The documents obvious failure in this regard makes it very clear that the design statement was produced in a post hoc document to justify previously made decisions, an action specifically warned against in CABEs circular setting out the role and content for such a document.*

*The role of the design statement as noted in the introduction to this report is to explain the design rationale behind a proposal and as such should help a Local Planning Authority to appreciate (and hence to approve) a well designed and appropriate proposal. It should also enable the LPA to more readily identify the weakness of a poorly designed or inappropriate proposal and thus assist in producing a robust reason for refusal. The inadequacy of the design statement for the Mildmay site exposes a number of fundamental flaws in the design of the proposed development for the site, clearly suggesting a need for radical redesign, beginning with a thorough site and context analysis based on a genuine appreciation of the neighbourhood.”*

- 3.8 In response to these objections, as correctly noted in the statement of E2 residents, the purpose of the design statement is to explain the design rationale behind a proposal. Furthermore, it should provide information to enable planning officers to make a thorough assessment of the application, based on planning merits, including LBTH and wider London Planning Policy. This assessment is also informed by a variety of other factors, including the officer’s intimate knowledge of the site, its context and the proposal, as well as consultation responses from a number of public bodies and the community as a whole.
- 3.9 In this instance, it is considered that the design statement is generally robust and has enabled officers to make an appropriate assessment of this application. As previously stated in the Committee Report, the proposal is considered acceptable in land use, design, amenity and highways terms and in all other respects and

should be recommended for approval, subject to a number of the conditions and the signing of a legal agreement.

- 3.10 Local Resident K Blannin of Dunmore Point wrote to the Department of Development and Renewal on the 12<sup>th</sup> September 2006, in relation to the number and content of the submissions received in relation to the application.
- 3.11 It is considered that the number of submissions received as reflected in this report is correct and more importantly that all submissions made by both the surrounding and wider London community have been adequately and accurately represented in the committee and subsequent update reports.
- 3.12 Local residents D and P Seex wrote to Councillor Rofique Ahmed in a letter received by Development & Renewal on the 13th September 2006. The purpose of this letter is to provide a critique of the daylight and sunlight assessment and overlooking impacts as detailed in the Environmental Statement submitted with the application and as reflected in the Committee report. The critique specifically relates to daylight and sunlight and overlooking impact to flats at the rear of 40 Hackney Road.
- 3.13 It is considered that these statements are dealt with in supplementary information submitted by the applicant as detailed in Section 2 of this addendum report.
- 3.14 Additional letters of Support
- 3.15 A number of pro forma letters of support were received via email and post. They considered that the scheme brought a number of benefits, including:
- A new purpose built Mildmay Hospital as well as charity offices for Mildmay.
  - New affordable housing for a mixed community of low income workers and formerly homeless adults with integrated support and opportunities for training work and well being.
  - A new healthcare centre for the community.
  - A new church and community centre.
  - The urban village is a model for sustainable communities which will benefit the residents of tower hamlets, bringing important new services to the local area
- 3.18 The NHS Mental Health Trust – Central & North West London, NHS Trust – Chelsea & Westminster Healthcare and MRC – Clinical Trials Unit provided strong support for the application, stating that:
- Mildmay has long been an important part of the local community. Obtaining a brand new purpose built facility on site will enable it to continue the good work it has done for the area and for London in relation to HIV/AIDS for the past 20 years. The proposal for a new health care centre, detox unit, housing for key workers, new church and other support services are supported.

- The scheme represents an improvement on the current site. The proposal will bring exciting improvements to the area and will improve security and result in better designed, safer public spaces.
- The scheme is modelled on a successful project in New York known as 'Common Ground' and will be the first such scheme in the UK. This project is understood to work well as a long term solution to homelessness.
- The scheme will contribute enormously to the regeneration of the local area.

3.19 Prêt A Manger has supported Crisis for a number of years and believes that the urban regeneration program proposed will make a positive impact for both the local community and more generally for London.

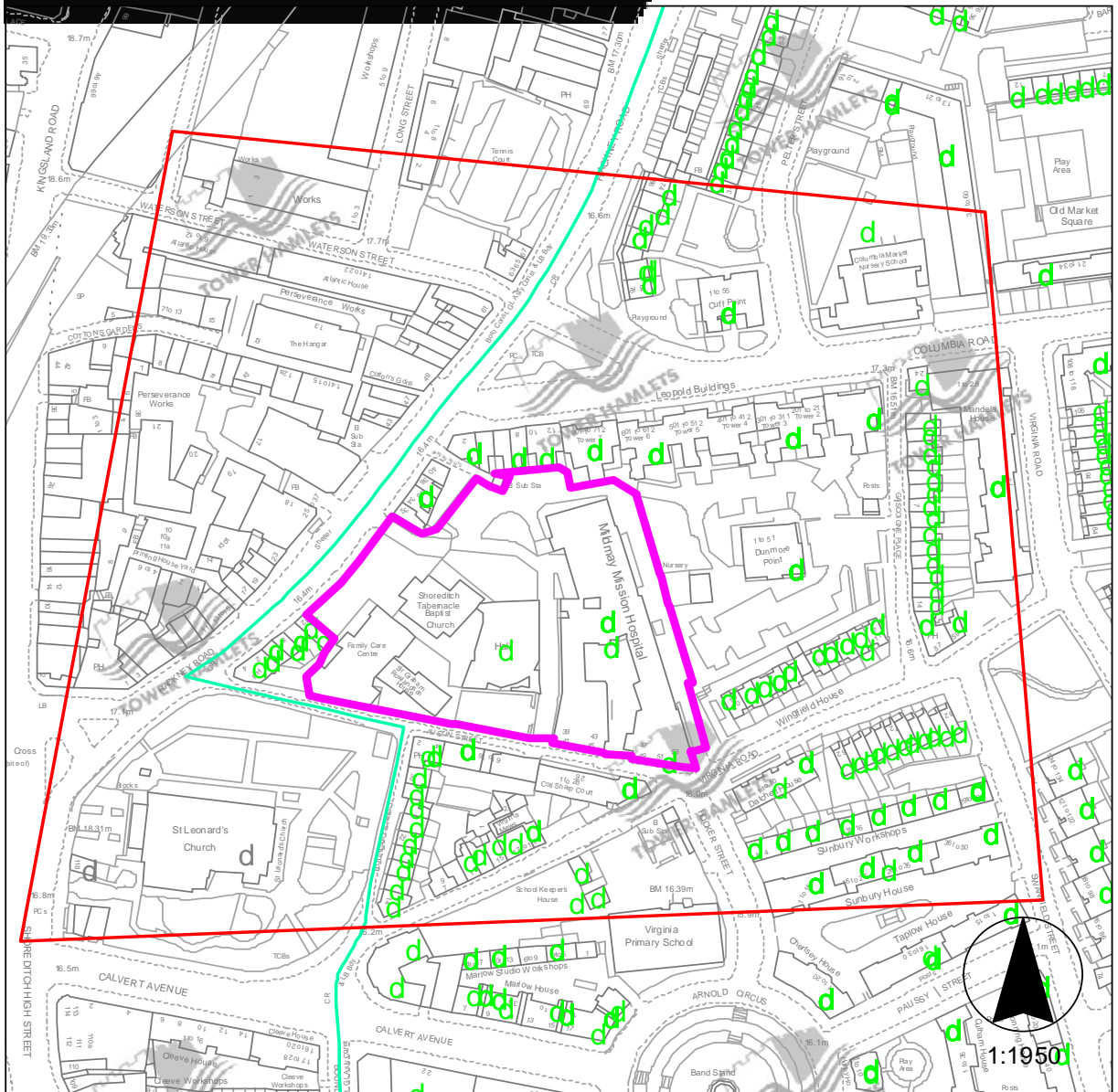
#### **4. RECOMMENDATION**

4.1 It is recommended that the scheme should be approved, subject to the minor amendment of condition 2.4.2a) requiring details of all balconies and terraces across the site as detailed in the addendum report of the 19<sup>th</sup> July 2006.



**LAND BOUNDED BY HACKNEY ROAD AND AUSTIN STREET, INCLUDING MILDMAY MISSION HOSPITAL, HACKNEY ROAD, LONDON E2 7NS**

**Site Map**



**Legend**

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

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# Agenda Item 8.2

ORIGINAL REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT COMMITTEE ON 14<sup>th</sup> SEPTEMBER 2006

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

## 1. SUMMARY

### 1.1 Registration Details

**Reference No:** PA/06/00432

**Date Received:** 23/03/2006

**Last Amended Date:** 02/08/2006

### 1.2 Application Details

**Existing Use:**

10 storey office building and 150 space car park

**Proposal:**

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

**Applicant:**

Middlesex SARL C/- DP9

**Ownership:**

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

**Historic Building:**

N/A

**Conservation Area:**

Yes

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## 2. RECOMMENDATION

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

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

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

2.1.3 That if the Committee resolves that planning permission be granted that the Committee **confirms** that it has taken the environmental information into account, as

required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

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

### **Legal Agreement**

2.2 Section 106 agreement to secure the following:

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

2.3 Section 278 agreement to secure the following:

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

### **Conditions**

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

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

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

## 2.5 Informatives

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

## 3. EXECUTIVE SUMMARY

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

## **4. BACKGROUND**

### **Location**

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

### **Description of Site**

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

### **Surrounding Land Use**

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

### **Relevant Planning History**

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

### **Description of the Proposal**

- 4.10 The development proposal involves the demolition of the existing 10-storey office building, Rodwell House, and a basement car park, which were built in the late 1950s. It is proposed to erect a 35-storey (118.85m AOD) building including ground floor and mezzanine level. The five-storey east and six-storey west extensions are 28.95m and 35.80m in height respectively.

- 4.11 The site is arranged with a retail podium on the ground floor plus five-storey office, four-storey private residential and a four-storey student residential around two internal courtyards. At the centre of the development is a 35-storey tower of student residential accommodation, including a sky lounge at the top level of the tower for the student residents.
- 4.12 Three roof gardens are also proposed at levels 2, 3 and 5. A pavilion space is provided at ground floor level accessed from Bell Lane, which will be utilised for community purposes. (a space to be utilised for community purposes under the Section 106 agreement)
- 4.13 A total of 1100 units of student accommodation would be provided within the main tower and four storey podium block, all accessed from Frying Pan Alley via a secure entry system. The ground and first floors have a mixture of student amenity, classroom and office type accommodation. A variety of student room configurations (clusters, twin studio suites, double studios and studios) and communal areas/roof gardens has been provided.
- 4.14 The main frontage to Middlesex Street provides an entrance to five levels of office use sitting over the retail base. The office accommodation would consist of 5,404.2m<sup>2</sup> in area and has a four storey projecting bay above a colonnaded, glazed ground floor. The top floor is set back to link the office block with the student residential component behind it.
- 4.15 Retail uses are located along the external perimeter on ground floor level of the development, consisting of a total of 2,266.3m<sup>2</sup> of flexible retail space (six retail spaces are shown, however this space is flexible). They include shops (A1) and café/restaurants (A3). The residential block, comprising 11 residential units completes the streetscape between the Victorian six-storey corner block at 94-98 Middlesex Street and Brody House on Strype Street. This five-storey podium is designed as a base for the tower. The basement comprises space for refuse collection and storage, laundry, 606 cycle parking spaces, four car parking spaces and the gym. Plant rooms are located in both the basement and at the top floor of the tower.

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

4.16 **Table 4.16**

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

## 5. **PLANNING POLICY FRAMEWORK**

### Comments of the Chief Executive (Legal Services).

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

Area in which the site lies

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



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

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

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

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

## **6. CONSULTATION**

6.1 The following were consulted regarding this application:

(1) **Greater London Authority**

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

(2) **Environment Agency**

The Environment Agency has no objection to the development.

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

Recommended a number of conditions to ensure that foul and/ or surface water discharge from the site does not prejudice the existing sewerage system and to ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

(18) **Head of Highways Department**

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

(19) **Environmental Health**

Air Quality

Recommended the following:

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

Noise and Vibration

Recommended the following:

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

Contaminated Land

The proposal is acceptable subject to conditions.

Micro-climate (Sunlight/ Daylight and Overshadowing)

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

(20) **Sustainability officer**

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

(21) **Cleansing Officer**

Satisfied with the proposals for refuse and recycling provision.

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

No response

(23) **Head of Building Control**

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

(24) **Access Officer**

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

(25) **Crime Prevention Officer**

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

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

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

6.3 Comments:

Land Use

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

Height/ Density/ Scale

- Excessive height/ scale/ density
- Overdevelopment

Microclimate

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

Loss of Privacy/Increase in Noise

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

Design

- Building resembles a 1970s council block
- Horizontal villages do not work- it will create a ghetto environment conducive to drug dealers and anti-social behaviour
- Architectural drawings are inaccurate
- The overall design of the tower and proposed cladding is unsympathetic

- The plans ignore the local aesthetic and historical value of Brody House and surrounding streets
- Sheer size of proposed building is unacceptable
- Landscaping should be given priority with additional soft landscaping and trees
- Additional open space should be provided
- Provide gated roof garden for local residents
- What is the purpose of the community facility
- Loss of open space is not supportable
- Scale and design conflicts with art deco Brody House

#### Construction Impacts

- Negative construction impacts such as noise and dust

#### Transport/ Parking

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

#### Infrastructure

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

#### 106 Agreement

- Should be negotiated to improve Wentworth St conservation area

## **7. ANALYSIS**

### **7.1 Land Use**

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

#### Principle of Student Accommodation

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

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

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

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

- 7.1.6 London Plan policy 3A.22 states that the Mayor will ensure that the needs of the education sector are addressed and will support the provision of student accommodation, subject to other policies contained in the London Plan.
- 7.1.7 With respect to the abovementioned policy directions, it is clear that there is some policy conflict with regard to student accommodation on this site. From a strategic perspective, there is a shortage of student accommodation across London. However, there is no indication as to the most appropriate locations for student accommodation. Prima facie, the use of this site for student accommodation may be considered inappropriate given the policy direction outlined in both the draft Core Strategy and draft CFAAP. However, the London Plan indicates that there is strong demand for student housing. The adopted UDP, whilst not specifically identifying the city fringe area as an area for student housing, is flexible in its approach. If educational facilities are an appropriate use in the CAZ, it is also considered that well-located or on-site student accommodation is also appropriate.
- 7.1.8 The key issue in this case is whether this CAZ site is appropriate for student accommodation in this location, particularly in preference to a wholly office use. To this end, the applicant has provided evidence of demand for the student accommodation in the local area and note that several higher education institutions including LMU, Whitechapel teaching hospital and Queen Mary College are in close proximity to this site.
- 7.1.9 In response to polices contained in the LDF Core strategy, the applicant has been required to provide further justification for the use of this site for student accommodation. The applicant states that:
- “...there are many further and higher education institutions located in this part of London with the most notable being the London Metropolitan University based at Moorgate, Aldgate and Whitechapel. In addition, City University and London College of Fashion are also located in the vicinity. I have prepared a plan which identifies the colleges/institutions within a one mile radius of the site.”*
- 7.1.10 A map has been provided showing the location of higher education institutions. It is noted that there are over twenty higher education campuses located within approximately one mile of Rodwell House.
- 7.1.11 In respect of providing evidence for demand, the applicant notes: *“...the scoping report prepared by London Higher (a membership organisation that promotes and acts as an advocate for London’s Higher Education) which is an umbrella body and has 43 member universities and colleges...contains details regarding up to date survey work of the members of London Higher and the need for student housing. The principal points to highlight are as follows:*
- *In 2003/2004 there were almost 360,000 students studying in London’s Higher Education Institutions. There is a proven level of demand for up to 10,000 student bed spaces.*
  - *There would appear to be significant margin for the provision of student accommodation (currently just 58% of first year students studying in London are living in accommodation provided by the Higher Education Institutions).*
  - *Most Higher Education Institutions have only sufficient supply to meet the demands of first year students (and not total demand in this respect). Whilst research indicates that many second and third year students would like to be housed in modern high quality accommodation.*
  - *Particularly, reference is made to the GLA’s Review of Higher and Further Education in London which states that there are currently some 360,000 Higher Education Students in the Capital.*
  - *Early discussions have been held with some of the institutions in the immediate vicinity of this site, in particular LMU. A letter confirming the need for additional student housing in the Borough has been provided.”*

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

- 7.1.12 In light of the information available, it has been demonstrated that there is local demand for

student housing in this area. When considered against the policy situation with regard to student housing, it is clear that although emerging policy does not support student housing upon this site, the adopted UDP and the London Plan do provide strategic support for student housing within the Borough. On balance, the use of this site for student housing is supportable.

#### Residential Component

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

#### Commercial Component

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

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

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

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

## **7.2 EIA**

- 7.2.1 The Council's consultants, Atkins, undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. The applicant has provided clarification on the following:

- i) Archaeology and Built Heritage;
- ii) Noise and Vibration;
- iii) Telecommunications; and
- iv) Visual and Landscape

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

### 7.3 Height, Density and Scale

#### Height and Scale

- 7.3.1 In terms of scale, UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 7.3.2 Policy UD1 of the Draft LDF Core Strategy specifies that the bulk, height, and density of development must consider the surrounding building plots, scale of the street, building lines, roof lines, street patterns and the streetscape. The development must also respond in a sustainable manner to the availability of public transport, community facilities and environmental quality.
- 7.3.3 Influencing the assessment of this scheme is a previously approved office development. In respect of height and scale the differences between the two schemes are follows:
- Height of the main tower is slightly less than the approved tower: 118.5m compared to 120.5 (approved)
  - Height of office building facing Middlesex Street to be increased in height from 22m (inc. plant) to 23.8m (parapet) and 27.5m (plant)
  - Height of student accommodation facing Bell Lane to be increased from 15m to 16.2m
  - The single storey pavilion facing Strype St has been replaced with a four storey extension to the student accommodation with ground floor retail.
- 7.3.4 Policy UD2 of the Draft LDF Core Strategy states that tall buildings will be permitted in identified clusters as detailed in the Area Action Plans subject to a number of criteria. Further, the site is included in the "Proposed Tall Buildings Areas" in the Draft AAP. The proposal satisfies the relevant criteria of Policy UD2 as follows:
- the architectural quality of the building is considered to be of a high design quality;
  - it contributes to an interesting skyline, and contributes to the general graduation of maximum building heights from west to east
  - it meets the standards of sustainable construction and resource management;
  - it meets the Council's requirements in terms of micro-climate;
  - it enhances the movement of people, in particular along Frying Pan Alley
  - appropriate planning obligations are included to mitigate the impact of the development on the existing social facilities in the area;
  - the proposal satisfies the Council's requirements in terms of impact on privacy, amenity and overshadowing;
  - The BBC have considered the proposal in terms of the impact on the telecommunications and radio transmission networks and concluded any impacts of the development can be mitigated via an appropriate clause in the S106 agreement;
  - the transport capacity of the area now and in the future was considered as part of the Environmental Impact Assessment process. The Council's Highways Authority have concluded that the transport assessments submitted satisfy the Council's requirements (including the cumulative impact);
  - a total of 1300 sqm of amenity space is provided at ground floor, which includes a internal squares and a widened Frying Pan Alley. The proposal also includes an appropriate S106 contribution to improve existing open spaces. The amenity space arrangements are considered to satisfy the Council's requirements;
  - as discussed above, the mix of uses proposed are considered appropriate. The



Council's urban design officer has recommended that the detailed design of the ground floor be conditioned to ensure that the development contributes to its surroundings at street level;

- the overall sustainability of the project is considered satisfactory.

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

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

#### Density

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

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

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

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

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

#### **7.4 Views**

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

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

7.4.3 The height, bulk and scale of the previous approval were acceptable with regard to views

and this situation has not changed with regard to the proposed scheme.

## 7.5 Amenity

### Overlooking

7.5.1 Concerns have been raised with regard to the overlooking by the proposed student accommodation, particularly with regard to Brody House.

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

### Daylight /Sunlight Access

7.5.3 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.

7.5.4 The change in sky visibility or VSC method only provides an indication as to whether there will be changes in lighting levels. It does not necessarily reveal whether the predicted quantity and quality of light is adequate, following the construction of a new development. However, the ADF method provides a means for making such an analysis.

7.5.5 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive sunlight.

### The daylight and sunlight assessment of the site

7.5.6 In relation to daylight, sunlight and overshadowing, an analysis of the difference between the previous scheme granted approval in 2004 (under the same policy standards) and the current scheme. This is appropriate given the previous scheme was considered acceptable in terms of impact on daylight and sunlight access. In respect of the impacts on Brody House (the closest residential property) The relevant changes are as follows:

- Height of student accommodation facing Bell Lane to be increased from 4 storeys to six storeys (15m to 16.2m)
- The single storey pavilion facing Strype St has been replaced with a five storey (15.5m) building containing 11 residential flats accommodation with ground floor retail and servicing.

### Daylight Results

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

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

Brody House – Whilst the proposed development has been kept low and set away 8.5m around Brody House, there are still some reductions of VSC in excess of 20%. However, ADF values are satisfactory although in comparison with the previous scheme it is accepted

that there will be additional loss of light due to the increase in height to the west of Brody House, given the urban context of this site, this would not warrant refusal of the scheme.

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

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

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

#### Sunlight Results

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

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

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

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

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

#### Daylight and Sunlight Conclusions

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

#### Sense of Enclosure

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

is not sustainable.

#### Noise

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

### **7.6 Housing**

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

### **7.8 Access and Transport**

#### Access

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

signage and the inclusion of quality materials along the pedestrian route.

- 7.8.3 The Council's Highways officer has confirmed that the transport assessments provided as part of the Environmental Statement considered the cumulative traffic related impacts of the proposed development with other developments. These were found to be acceptable.

#### Parking

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

#### Public Transport

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

#### **Servicing and Refuse Provisions**

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

#### **7.9 Design and External Appearance**

##### 7.9.1 Context

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

##### 7.9.2 Street-based buildings and streetscape

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

- Existing low-grade and inactive frontages at street level on Middlesex Street, Strype Street, Bell Lane and Frying Pan Alley will be replaced by active (retail) uses rather than by offices, as in the consented scheme;
- The existing low podium of Rodwell House will be replaced by infill development which provides a higher quality streetscape;

- Frying Pan Alley will be upgraded to support its role as an important east-west pedestrian route, with active retail frontages, the entrance to the student residential tower and new landscaping;

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

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

### 7.9.3 Form and treatment of the Tower

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

- 7.9.4 The tower as proposed also differs from the consented scheme in that it does not rise from the ground at both ends; its only full height elevation is that of the north (entrance) façade on Frying Pan Alley, whereas the consented scheme also presented a full height façade to the south, facing Strype Street, so that it met the ground along two elevations, rather than rising from a podium on three sides, as the proposal does.
- 7.9.5 Any tall building in this particular location will be highly visible and prominent, viewed in the round from all directions as a freestanding landmark above the far lower and generally consistent level of the surrounding Conservation Areas. The proposed tower will be as much as twelve times higher than some of the existing buildings at its base, such as the flats facing it on the east along Bell Lane.
- 7.9.6 The pre-eminence of the tower is likely to continue in an immediate local context. The tower will never form part of any local cluster of high-rise buildings, instead rising dramatically upwards far above the prevailing streetscape. Hence it will always be viewed as a single, stand alone building and will remain a dominant presence in the Conservation Areas. However, because the building will form part of the tower cluster of the City and be seen in direct juxtaposition with Swiss Re and other towers, it has a particular responsibility for its place in the London skyline.
- 7.9.7 The widespread visibility and impact of the tower are acknowledged in the applicants' own *Townscape, Visual Impact & Cultural Heritage Assessment*, which includes 21 selected

viewpoints. Although this presentation of views is incomplete, it is clear that in the majority of these views the tower will cause a radical change of character, notably because it will contrast so strongly with the prevailing scale and streetscape of the Conservation Areas.

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

### 7.9.18 Conclusions

Current information provides for reassurance that the tower can achieve the required quality. However, a set of comprehensive conditions is recommended to cover the detailed development and implementation of this highly innovative facade approach.

## 7.10 Access and Inclusive Design

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

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

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

## 7.11 Sustainable Development/ Renewable Energy

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

## 7.12 Biodiversity

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

## 7.13 Planning Obligations

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

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

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

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

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

Planning Obligation Heads of Terms	Prescribe/ Compensate/ Mitigate	Contribution sought
<b>Landscape and Open Space</b>		
Open space improvements to relieve the pressure	Mitigate	£150,000



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

**Total: £2,094,820**

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

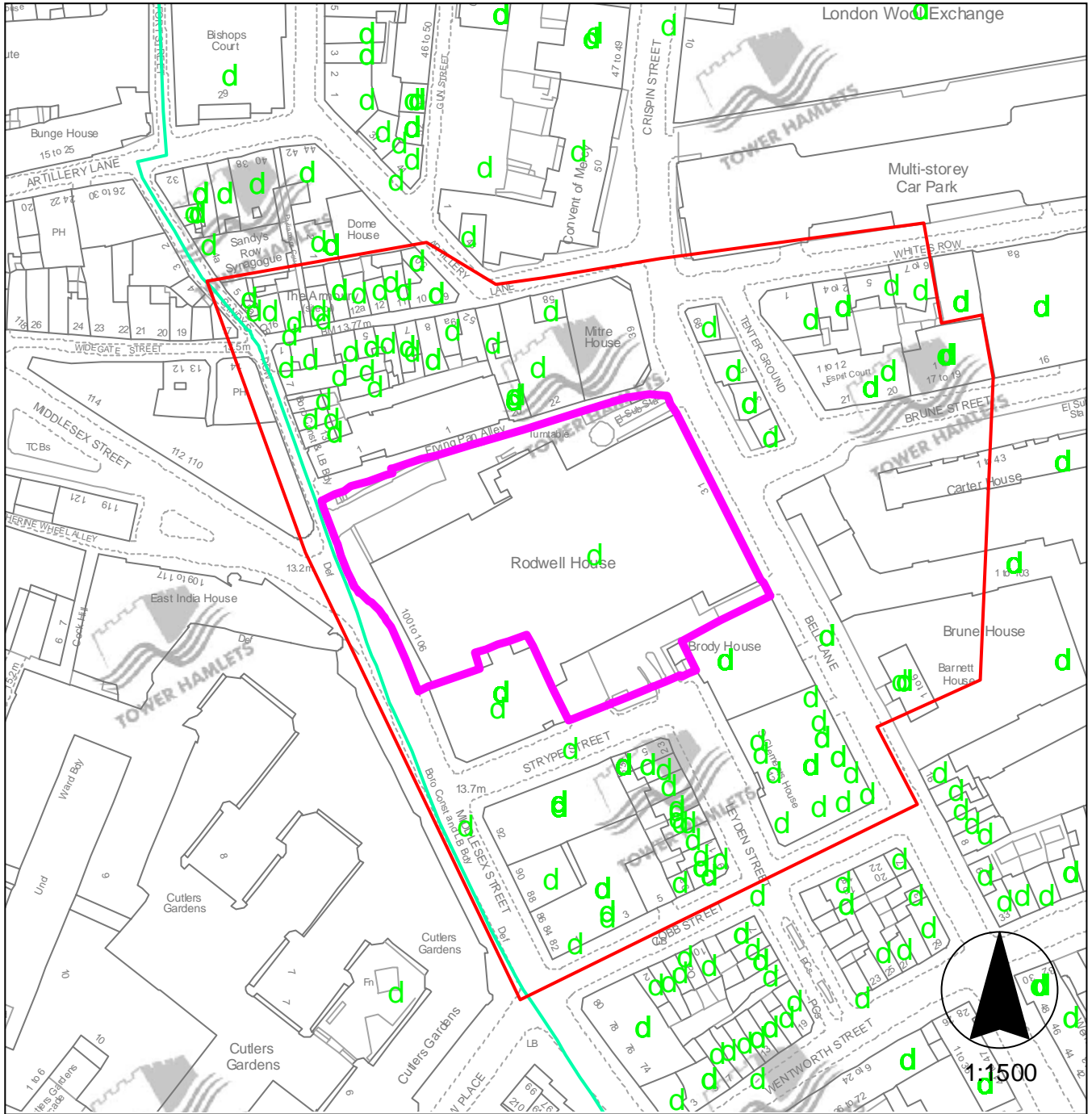
## 8. **SUMMARY**

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

<sup>1</sup> HUDU Model applied

- 7.2 The proposal is broadly supported by adopted strategic planning policy, even though the emerging policy would not support the use of this site for predominantly student accommodation.
- 7.3 An Environmental Statement was submitted with the application, which has been reviewed by the Council's independent consultants. Following this, further information was submitted, which together with the Environmental Statement is considered to satisfactorily identify the likely impacts and the necessary mitigation measures.
- 7.4 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards transport, health, education, employment, training and open space.

# Site Map



**Legend**

- Planning Application Site Boundary
- Consultation Area
- 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

UPDATE REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT COMMITTEE ON 14<sup>th</sup> SEPTEMBER 2006

LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/06/0432
<b>Location:</b>	Rodwell House, 100 Middlesex Street
<b>Proposal:</b>	Demolition of existing buildings and redevelopment by the erection of buildings between 5 storeys (26 metres) and 35 storeys (119 metres) high for mixed use purposes comprising 35,610 sq m of student accommodation, 1,133 sq m of residential, and 8,917 sq m of commercial including offices (B1), shops (A1 and A3), and gymnasium, and community uses, formation of associated car parking and highway access as well as hard and soft landscaping works. (The application is accompanied by an Environmental Impact Assessment)

**GLA response**

- 1.1 On 30 August 2006 the Mayor considered a report on this proposal. The Mayor supported the proposed development but required more information on improvements for the public realm and on the implementation of the energy policies. In summary the Mayor noted that:

*“The proposal is in line with London Plan’s policies to promote student accommodation, office uses in this location and active street frontages. The scheme represents a loss of office space but the mixed-use nature corresponds with the Sub Regional Development Framework and with the emerging City Fringe Opportunity Area Planning Framework. The urban design and architecture is acceptable.”*

- 1.2 The Mayor addressed several issues with more detail, these include:

**Land Use**

- 1.3 The Mayor considered the mix of uses on site and noted that the

*“... proposal for student accommodation lies very close to a strategically important office based business cluster within Central Activities Zone, which the London Plan seeks to support, and represents a loss of office space over the existing building and a significant loss over the consented scheme.”*

- 1.4 However, the Mayor noted that the proposal is:

*“...also in line with London Plan policies to promote student accommodation and its wider objective to foster strategically important uses within CAZ. The East London Sub Regional Development Framework indicates that the site lies just outside the area...in which development should not compromise long term contiguous expansion of the City business cluster. Thus, though it raises significant tensions with some aspects of strategic policy, on balance, it provides greater support for the overall thrust of the London Plan for this important area. “*

**Urban Design and Tall Buildings**

- 1.5 In consideration of the previous approval from 2004, the Mayor noted that the site is suitable for a well-designed tall building due to its city fringe location and excellent public transport accessibility.

- 1.6 Concerns were raised with regard to the podium and its appearance. However, its design allows for the podium to have a separate identity to that of the tower. The final design still includes tower that is significantly taller than the neighbouring structures. but the revisions in the distribution of massing, together with the proposed detailing of materials, will result in an acceptable townscape. The site does not interfere with any protected views.

### Sustainable Development

- 1.7 The Mayor requested clarification on how the proposed development will be served by tri-generation and biomass systems and how they will work together. To comply with policies 4A.7-9 of the London Plan, a condition requiring further details of the passive design measures, centralised heating system, combined cooling heat and power system and biomass boiler will be added to any permission.
- 1.8 An informative relating to the reduction of carbon dioxide emission will also be added to any planning permission.

### Transport and Parking

- 1.9 TfL responded through the Mayor's report and noted:
- The cycle parking has been increased from 140 spaces to 606 cycle parking spaces and now accords with the London Cycle Design Manual Standards the following:
  - that the developer carries out an audit of nearby bus stops and where necessary provide Section 106 funding to bring them up to full accessible standards.
  - further consideration should be given to improvements to street lighting as part of the pedestrian realm improvements, particularly in Middlesex Street.
  - a Section 106 contribution for a feasibility study and future subsequent works to improve the existing pedestrian crossings and public realm at Bishopsgate at its junction with Middlesex Street
  - The Council should seek Section 106 money from the developer to help install measures to promote cycling in the streets surrounding the site in order to improve links to the existing cycle network.
  - The existing public car park will not be reinstated. The basement contains five car parking spaces, four of which are allocated for disabled parking, which is welcomed
  - TfL requests that these details include swept path analysis to demonstrate that large construction vehicles used in the construction can manoeuvre in the area.
- 1.10 In response to the above comments, conditions will be added to any planning permission where appropriate. Although, no figures have been provided with respect to the amount of s106 funding that should be sought, it is reasonable to expect that this information will be forthcoming upon receipt of additional information from TfL and included as part of the s106 package.

## **2. CLARIFICATIONS/CORRECTIONS**

- 2.1 The description should read as follows:

*“Demolition of existing buildings and redevelopment by the erection of buildings between 5 storeys (26 metres) and 35 storeys (119 metres) high for mixed use purposes comprising 35,610 sq m of student accommodation, 1,133 sq m of residential, and 8,917 sq m of commercial including offices (B1), shops (A1 and A3), and gymnasium, and community uses, formation of associated car parking and highway access as well as hard and soft landscaping works. (The application is accompanied by an Environmental Impact Assessment)”*

- 2.2 The report provided also requests permission for Conservation Area Consent. Application Number PA/06/0553.
- 2.3 The level difference across the site is 950mm, not 3m as stated. There should be no reference to Marsh Wall. (Para 4.3)
- 2.4 Previous planning permission for this site was granted on 30 March 2005, not at the Planning Committee dated 12 May 2004. (Para 4.9)
- 2.5 The total number of student rooms proposed is 1187 not 1100 as stated (Paras 4.13 and 7.7.1)
- 2.6 Office floorspace quoted in Para 4.14 is Net rather than Gross floor area.
- 2.7 Retail space quoted in Para 4.15 is incorrect. Instead of the quoted 2266 sq.m., it is proposed to provide 1133 sq.m. of retail floorspace.
- 2.8 The number of car parks proposed is five rather than the quoted four (Paras 4.15, 6.1(18), 7.8.1 and 7.8.4)
- 2.9 English Heritage have confirmed that further archaeological works are no longer required with regard to this application and no conditions are applicable. (Para 6.1 (6))
- 2.10 The correct floorspace figures for commercial floorspace is 8917 sq.m. and for the community pavilion 152sq.m. (Para 7.1.14)
- 2.11 The estimated employment arising from the proposed development is between 450 and 500 jobs.
- 2.12 The correct height of the Bell Lane accommodation is five storeys, not the quoted six (Para 7.5.6)

### **3 SUBMISSIONS**

- 3.1 Amended plans were received and were advertised in accordance with Council policy. In response 14 individuals responded with objections. In addition to individual objections, a series of petitions opposing the scheme have been received since the Council's original report was finalised. In total, 80 signed petition letters were received from both local residents and people using the area. In summary, the following concerns were raised:
  - Scheme should be amended to respect surrounding historic conservation area
  - Scheme should enhance the conservation area
  - Compensation should be provided for loss of open space and parking
  - Overshadowing
  - Additional noise and pollution from 5<sup>th</sup> floor terrace
  - Impingement on Right to Light
  - Loss of privacy
  - Loss of sunlight and daylight
  - Loss of "Village square" and established Right of Way
  - Disruption and noise during building period
  - CABE object to the design and height
  - Officer report was premature and should wait for GLA response
  - Clarification of amendment of EIA documentation required
  - Clarification required as to future use of Community building
  - No refuse collection or air conditioning vents should be on Strype or Leyden Streets
  - Additional sense of enclosure
  - Height of Bell Lane elevation has increased
  - Absence of any management plan for proposed accommodation
  - Increased pedestrian/vehicular flow
  - Scale, bulk and density of scheme is inappropriate

- Screening devices should be used on 5<sup>th</sup> floor terrace

3.2 The majority of concerns raised above have been dealt with in the original report and will not be addressed here.

3.3 However, several points are valid and require further consideration.

#### 5<sup>th</sup> Floor terrace

3.4 The provision of this terrace on the 5<sup>th</sup> floor is supported as additional amenity space for the student residents of the proposal. However, it is acknowledged that uncontrolled use of this terrace may have the potential to impact on the amenity of local residents. To this end, conditions will be applied to any permission requiring the erection of privacy screening and restricting the hours of use of the terrace to 0800-2000 (Mon-Sun).

#### GLA Response

3.5 As noted, the GLA has now responded to Tower Hamlet's and is generally supportive of the proposal.

#### EIA response

3.6 Assessment of the amendments and their impact on the EIA has been dealt with in the original report.

#### Right to Light

3.7 Sunlight and daylight analysis has been considered in the original report. Planning legislation makes it clear that only planning issues can be considered in the assessment of applications. Right to Light is covered by a separate set of legislation and is a civil matter, and not something covered by planning legislation.

### **RECOMMENDATION**

My recommendation is unchanged. However, in respect of the GLA report and submissions received from residents, the following conditions should be added to any permission:

- 1) Screening to 5<sup>th</sup> floor terrace
- 2) Restriction on hours of use of the 5<sup>th</sup> floor terrace - 0800 – 2000 (Mon-Sun)
- 3) TfL sweep analysis required
- 4) Energy conditions suggested by GLA

Further, additional negotiation regarding the s106 will be required to provide funding for TfL projects listed above including:

- Feasibility study and future works for Bishopsgate/Middlesex St crossings and public realm improvements
- Audit of bus stops
- Promotion of cycling

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