

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

---

Thursday, 13 March 2008 at 7.30 p.m.

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## A G E N D A

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### VENUE

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

Members:	Deputies (if any):
Chair: Councillor Rofique U Ahmed Vice-Chair: Councillor Helal Abbas	
Councillor Louise Alexander Councillor Shahed Ali Councillor M. Shahid Ali Councillor Lutfa Begum Councillor Sirajul Islam Councillor Joshua Peck Councillor Simon Rouse	Councillor Ohid Ahmed, (Designated Deputy representing Councillors Rofique U. Ahmed, Helal Abbas, Md. Shahid Ali, Sirajul Islam and Joshua Peck) Councillor Tim Archer, (Designated Deputy representing Councillor Simon Rouse) Councillor Alibor Choudhury, (Designated Deputy representing Councillors Rofique U. Ahmed, Helal Abbas, Md. Shahid Ali, Sirajul Islam and Joshua Peck) Councillor Stephanie Eaton, (Designated Deputy representing Councillor Louise Alexander) Councillor Rupert Eckhardt, (Designated Deputy representing Councillor Simon Rouse) Councillor Rania Khan, (Designated

Deputy representing Councillor Lutfu Begum)  
Councillor Harun Miah, (Designated Deputy representing Councillor Shahed Ali)  
Councillor Abjol Miah, (Designated Deputy representing Councillor Shahed Ali)  
Councillor Abdul Munim, (Designated Deputy representing Councillor Shahed Ali)  
Councillor Oliur Rahman, (Designated Deputy representing Councillor Lutfu Begum)  
Councillor Motin Uz-Zaman, (Lead Member, Health and Wellbeing)

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

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

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

**Thursday, 13 March 2008**

**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. See attached note from the Chief Executive.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. UNRESTRICTED MINUTES</b>		
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary 31 <sup>st</sup> January 2008.	<b>3 - 16</b>	
<b>4. RECOMMENDATIONS</b>		
To RESOLVE that, in the event of amendments to recommendations being made by the Committee, the task of formalising the wording of any amendments be delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting.		
<b>5. PROCEDURE FOR HEARING OBJECTIONS</b>		
To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.	<b>17 - 18</b>	
<b>6. DEFERRED ITEMS</b>	<b>19 - 20</b>	
<b>7. PLANNING APPLICATIONS FOR DECISION</b>	<b>21 - 22</b>	
<b>7.1 4 to 6 and 16 to 22 Middlesex Street and 3 to 11 Goulston Street, E1</b>	<b>23 - 44</b>	<b>Spitalfields &amp; Banglatown</b>
<b>7.2 32-42 Bethnal Green Road, London E1 6HZ</b>	<b>45 - 80</b>	<b>Weavers</b>
<b>7.3 Heron Quays West, Heron Quays, London E14</b>	<b>81 - 106</b>	<b>Millwall</b>



# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

### Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

**What constitutes a prejudicial interest?** - Please refer to paragraph 6 of the adopted Code of Conduct.

**Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-**

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON THURSDAY, 31 JANUARY 2008**

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

**Members Present:**

Councillor Rofique U Ahmed (Chair)

Councillor Helal Abbas (Vice-Chair)

Councillor Louise Alexander

Councillor Shahed Ali

Councillor M. Shahid Ali

Councillor Joshua Peck

Councillor Simon Rouse

**Other Councillors Present:**

Councillor Philip Briscoe

Councillor Stephanie Eaton

Councillor Carli Harper-Penman

Councillor Shirley Houghton

Councillor Dr. Emma Jones

**Officers Present:**

Suki Binjal – (Interim Head of Non-Contentious Team, Legal Services)

Stephen Irvine – (Development Control Manager, Planning)

Michael Kiely – (Service Head, Development Decisions)

Terry Natt – (Strategic Applications Manager)

Dianne Phillips – (Legal Adviser)

Alison Thomas – (Manager, Social Housing Group)

Louise Fleming – Senior Committee Officer

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Sirajul Islam.

## 2. DECLARATIONS OF INTEREST

Councillors made declarations of interest in the items included on the agenda as follows:

<b>Councillor</b>	<b>Item</b>	<b>Type of interest</b>	<b>Reason</b>
Rofique Ahmed	7.2	Personal	Received material from objectors. Has not been read.
Helal Abbas	7.2	Personal	Received e-mails relating to the application.
Louise Alexander	7.2	Personal	Lives in the vicinity of the site. Contacted by the objectors asking for advice on how to object to the application. Received written material from both objectors and the applicant.
Shahed Ali	7.2	Personal	Received e-mails relating to the application.
M. Shahid Ali	7.2	Personal	Received e-mails relating to the application.
Josh Peck	7.2	Personal	Received e-mails relating to the application.
Phil Briscoe	7.1	Personal	Applicant known to him.

## 3. UNRESTRICTED MINUTES

The unrestricted minutes of the meetings held on 8<sup>th</sup> November and 20<sup>th</sup> December 2007 were agreed as a correct record.

## 4. RECOMMENDATIONS

The Committee RESOLVED that, in the event of amendments to recommendations being made, the task of formalising the wording of any amendments be delegated to the Corporate Director of Development & Renewal, along the broad lines indicated at the meeting.

## 5. PROCEDURE FOR HEARING OBJECTIONS

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



## **6. DEFERRED ITEMS**

### **6.1 21 Wapping Lane, London E1W 2RH**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of all existing buildings and the construction of five buildings ranging in height from 3 to 19 storeys plus plant (to maximum height of 70.15m AOD) for mixed use purposes to provide 380 residential units (Class C3), 240 sqm of retail space (A1, A2 and A3), 201 sqm of concierge/management space plus 195 sqm of ancillary leisure and 247 sqm of meeting room/function space for the occupiers of the development, car parking, landscaping, new vehicular and pedestrian access points and other ancillary work (amended scheme) at 21 Wapping Lane, London E1W 2RH.

Mr Stephen Irvine, Development Control Manager, presented a detailed update report, outlining the reasons why the application had been deferred by Members at the previous meeting. He advised that discussion had taken place between the applicant and the officers to address the concerns of the Committee and certain changes had been made to the application. The retail element had been reduced and changes had been made to the affordable housing mix. Mr Irvine also advised the rationale behind the contribution to healthcare provision as part of the S106 legal agreement. He advised that planning appeals had been lost on the basis of healthcare contributions which did not relate directly to the development, and therefore the provision was considered acceptable. Officers felt that Members' concerns had been addressed through the amendments to the scheme and that the application was therefore recommended for approval.

Members asked a number of questions relating to the affordable housing, the capped healthcare provision and local employment initiatives. Members proposed an amendment to the S106 agreement to secure the lighting of the canal footpath and an additional condition to prevent the use of gating in the development.

On a vote of 3 for and 1 against, the Committee RESOLVED that planning permission for the demolition of all existing buildings and the construction of five buildings ranging in height from 3 to 19 storeys plus plant (to maximum height of 70.15m AOD) for mixed use purposes to provide 380 residential units (Class C3), 240 sqm of retail space (A1, A2 and A3), 201 sqm of concierge/management space plus 195 sqm of ancillary leisure and 247 sqm of meeting room/function space for the occupiers of the development, car parking, landscaping, new vehicular and pedestrian access points and other ancillary work (amended scheme) at 21 Wapping Lane, London E1W 2RH be GRANTED subject to

- A. Any direction by The Mayor
- B. The prior completion of a legal agreement, to the satisfaction of the

Assistant Chief Executive (Legal Services), to secure the following:

1. Affordable housing provision of 35.1% of the proposed habitable rooms with a 68/32 split between rented/ shared ownership to be provided on site
2. A contribution of £300,000 to mitigate the impacts of the additional population on the surrounding highways, to be provided as follows:
  - £75,000 towards the provision of a raised table on Wapping Lane between the development and Tobacco Dock;
  - £100,000 towards pavement improvements (including street lighting and furniture) from the development to Wapping Station and other local amenities including shops and schools, to the direct benefit of residents of the new development;
  - £25,000 towards the realignment of the bus stops to the south of the development on Wapping Lane to improve accessibility;
  - £100,000 towards improving the eastern footway from the northern edge of the development site to The Highway, but not including the length adjacent to the development site as this should be a s278 agreement. This is for supply and lay of ASP paving for improved access to The Highway and Shadwell Station to the north;
3. A contribution of £310,800 to mitigate the demand of the additional population on health care facilities. In addition to this contribution, within 12 months of the final occupation of the development, a survey/assessment of health care facilities and provision in the immediate area will be undertaken in consultation with the PCT. Should this survey/assessment identify that there are health care projects that require additional funding, a further contribution up to a capped figure of £310,800, will be provided.
4. A contribution of £530,706 to mitigate the demand of the additional population on education facilities.
5. Provide £250,000 towards open space improvements to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area.
6. A contribution of £80,000 towards the maintenance and improvement of the Cable Street Mural (public art).
7. A capped contribution of £20,000 to TFL for bus facility and accessibility improvements.
8. The provision and maintenance of a new public canal footpath along south bank of ornamental canal (providing unrestricted public access), to include appropriate lighting.
9. The provision and maintenance of a public walkway along the north-west and northern parts of the site as part of the 'the East-West link'

connecting Wapping Lane to Wapping Woods.

10. Completion of a car free agreement to restrict occupants applying for residential parking permits.
11. TV reception monitoring and mitigation.
12. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
13. Preparation, implantation and review of a Green Travel Plan.
14. Preparation, implantation and review of a Service Management Plan.

That the Head of Development Decisions be delegated authority to impose conditions on the planning permission to secure the following:

#### Conditions

1. Permission valid for 3 years.
2. Details of the following are required:
  - Samples of materials for external fascia of building
  - Ground floor public realm
  - Entrance to Blocks C and D
  - Cycle parking
  - Security measures to the building
  - All external landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures, details of the ground floor defensible spaces overlooking the internal courtyard and Wapping Woods, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins
  - The design of the lower floor elevations of commercial units including shopfronts; and
  - The storage and collection/disposal of rubbish
3. Details of the design and layout of proposed canal side pedestrian walkway.
4. Landscape Maintenance and Management Plan.
5. Parking – maximum of 164 cars (including 4 disabled spaces) and a minimum of 248 residential and 20 non-residential bicycle parking spaces.
6. Archaeological investigation.
7. Record of the nineteenth century warehouse on the eastern flank of the building (south east corner) to be undertaken.
8. Investigation and remediation measures for land contamination (including water pollution potential).
9. Full particulars of the following:
  - Surface/ foul water drainage plans/ works; and
  - Surface water control measures.
10. Details of safe dry escape route from the basement levels below the flood

- water levels.
11. Details of the site foundation works.
  12. Construction Environmental Management Plan, including a dust monitoring.
  13. Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
  14. Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design work purposes.
  15. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
  16. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
  17. Ground borne vibration limits.
  18. Noise level limits.
  19. Implementation of micro-climate control measures.
  20. Implementation of ecological mitigation measures.
  21. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
  22. Details of the disabled access and inclusive design.
  23. Details of additional cycle parking spaces where identified by the travel plan survey.
  24. Details of the highway works surrounding the site.
  25. No gating to be included in the site.
  26. Any other condition(s) considered necessary by the Head of Development Decisions

#### Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.
3. Site notice specifying the details of the contractor required.
4. Construction Environmental Management Plan Advice.
5. Environment Agency Advice.
6. English Heritage Advice.
7. Ecology Advice.
8. Environmental Health Department Advice.
9. Metropolitan Police Advice.
10. Thames Water Advice.
11. Transport Department Advice.
12. London Underground Advice.
13. Landscape department advice.
14. Contact the GLA regarding the energy proposals.

That, if by 30<sup>th</sup> April 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Head of Development Decisions be delegated authority to refuse planning permission.

(Councillors Helal Abbas and Louise Alexander could not vote on the application as they had not been present at the previous meeting when the item was first considered.)

## **6.2 Site at Caspian Works and Lewis House, Violet Road**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 143 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing (amended proposal) at Caspian Works and Lewis House, Violet Road, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed update report and explained the reasons why the application had been deferred at the previous meeting and the further objections received. He advised that the gated access to the site had been part of a previous Committee approval in May 2007 and therefore a refusal on those grounds could not be sustained.

Members expressed their concern at the way the application had been handles in terms of the consultation and whether there had been sufficient time to consider the objections received.

Mr Kiely advised the Committee that the Council had a duty to consider all applications in a timely manner and that the consultation which had been carried out was in accordance with statutory requirements.

A motion was proposed by Councillor Rouse, and seconded by Councillor Shahed Ali, to defer the application again to allow sufficient consideration of objections received. On a vote of 2 for and 3 against, the motion was lost.

Members asked questions relating to the gated access, whether it was in line with policy, and the affordable housing provision.

On a vote of 0 for, 2 against and 2 abstentions, the Committee indicated that it did not support the officers' recommendation to grant planning permission for the redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 143 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing (amended proposal) at Caspian Works and Lewis House, Violet Road, London on the grounds that the gated element was not in accordance with policy. It was therefore proposed and agreed that the application be DEFERRED to allow officers to negotiate further with the applicant on the gated element.

(Councillors Helal Abbas and Louise Alexander could not vote on the application as they had not been present at the previous meeting when the item was first considered.)

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 Building C, New Providence Wharf, Blackwall Way, London**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of a part 12, part 44 storey building to provide 486 flats, a 323 sqm retail unit (Use Class A1) and concierge, a 948 sqm Health and Fitness club (Use Class D2) together with associated landscaping, car parking, servicing and plant at Building C, New Providence Wharf, Blackwall Way, London.

Councillor Phil Briscoe addressed the Committee in relation to the development. He felt that there was a benefit to the redevelopment of the site as the current underpass had been a site of violent attacks and local residents did not feel safe using it. The development would bring much needed improvements to the crossings on the Preston's Road roundabout.

Mr Steve Brown addressed the Committee on behalf of the applicant. He agreed that the improvements to the roundabout were a priority and outlined the three options for financial contributions which were contained in the update report, highlighting that the first option would provide a £4,000,000 contribution towards the roundabout, but a lower percentage of affordable housing.

Mr Aktar Hussain addressed the Committee in support of the application on behalf of the Robin Hood Gardens TRA. He reiterated the concerns over the safety of the underpass.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He outlined the proposals and advised that the application was considered acceptable in terms of land use, amenity space, density and height. He outlined the three options which had been presented by the applicant in respect of the financial contributions towards roundabout improvements, affordable housing and healthcare, and the implications of those options. He advised that the Council's policy aspiration was the provision of affordable housing and transport improvements. Therefore, the applicant's third option, which included a lower contribution towards the roundabout improvement, but a higher percentage of affordable housing, should be approved.

Members expressed concern that the interruption of the speaker, Mr Brown, had been discourteous. They asked a number of questions relating to the affordable housing provision, the contributions towards the roundabout improvements and healthcare provision, the amenity space and children's

play space. Concern was also expressed over the height of the building and the unsecured TfL land. Members asked for clarification on matters relating to separate entrances, which were required by Registered Social Landlords, and the responsibility of Canary Wharf Ltd for the maintenance of the surrounding area.

The Committee was advised that the contribution towards the roundabout improvement would be sufficient to implement a reduced number of the overall crossings plan and that it was anticipated that contributions from other developments in the surrounding area would enable its completion.

On a vote of 4 for and 2 against, the Committee RESOLVED that planning permission for the erection of a part 12, part 44 storey building to provide 486 flats, a 323 sqm retail unit (Use Class A1) and concierge, a 948 sqm Health and Fitness club (Use Class D2) together with associated landscaping, car parking, servicing and plant at Building C, New Providence Wharf, Blackwall Way, London be GRANTED subject to

- A. Any direction by The Mayor
- B. The prior completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following:
  1. Affordable housing provision of 32% (of the total proposed habitable rooms);
  2. A contribution of £1,500,000 towards the proposed Preston's Road Roundabout Project, to mitigate the impacts of the additional population on the surrounding highways;
  3. Establish and prepare the legal framework for a Working Group (consisting of the Council, developers, statutory stakeholders and other parties) to deliver
    - short term improvements to enhance north-south connections at grade level between the application site and local amenities north of Aspen Way; and
    - long term public realm improvements within the existing Preston's Road Roundabout and surrounding linkages.
  4. A contribution of £500,000 to mitigate the demand of the additional population on healthcare facilities;
  5. A contribution of £654,125 to mitigate the demand of the additional population on education facilities;
  6. Provision of public open space to the north of the application site (on TfL land), including landscape and management plan, to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area;
  7. A contribution of £250,000 towards public open space (TfL land if secured or then other space), to relieve the pressure that will arise from the new dwellings on existing open space and recreational facilities within the area;
  8. Completion of a car free agreement to restrict occupants applying for residential parking permits;

9. Preparation, implementation, and review of a Green Travel Plan;
10. Preparation, implementation and review of an Environmental Management Plan;
11. Commitment towards utilising employment initiatives in order to maximise the employment of local residents in and post construction phase;
12. TV reception monitoring and mitigation;
13. DLR Radio Communication investigation, mitigation and monitoring; and
14. Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

That the Head of Development Decisions be delegated authority to impose conditions on the planning permission to secure the following:

#### Conditions

- 1) 3 year time limit for reserved matters
- 2) Particular details of the development
  - External materials;
  - Balcony details;
  - External plant equipment;
  - Hard landscaping;
  - External lighting and security measures; and
  - Communal telecommunication reception facilities
- 3) Refuse details required
- 4) Demolition and Construction Management Plan needs to be provided
- 5) Environmental Noise Assessment needs to be provided
- 6) Contamination Assessment required
- 7) Parking Management plan required
- 8) Landscape Plan required
- 9) Biodiversity Plan required
- 10) Flood Risk Management and Emergency Evacuation Plan required
- 11) Air Quality Assessment required
- 12) Radio impact survey on DLR signals required
- 13) Archaeological evidence details required
- 14) Drainage system details required
- 15) Section 278 highway works associated with the development required
- 16) Maximum and minimum parking standards for car, motorcycle and cycle.
- 17) Full details of the proposed CHP system required
- 18) Full particulars of energy efficiency technologies required
- 19) Site foundation details required
- 20) Lifetime Homes standards required
- 21) Protection of public sewers
- 22) Noise control limits
- 23) Hours of operation (only between the hours of 0800 to 1800 Mondays to Fridays and between the hours of 0800 to 1300 Saturdays)
- 24) Control of development works (restricting hours of use for hammer driven piling or impact breaking)
- 25) Maximum limits for vibration on site
- 26) Any other planning condition(s) considered necessary by the Corporate Director



Development & Renewal

Informatives

1. Section 106 agreement required
2. Section 278 (Highways) agreement required
3. Contact Environment Agency
4. Contact Environmental Health Department Advice
5. Metropolitan Police Advice.
6. Contact Thames Water
7. Contact LBTH Landscape Department
8. Contact London City Airport on cranes
9. Contact the GLA regarding the energy proposals.

That, if within 3-months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## **7.2 Greenheath Business Centre, 31 Three Colts Lane, London**

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of some of the existing commercial buildings, erection of a side roof extension plus atrium to the existing Greenheath Business Centre in connection with its use as class B1 business space (10,275 sqm), the erection of new 9 and 16 storey buildings in connection with the use of the premises as 101 units (253 beds) of student accommodation and 572 sqm of commercial floorspace (Class B1) at the Greenheath Business Centre, 31 Three Colts Lane, London.

Mr Jeremy Taylor spoke in objection on behalf of the residents of Sunlight Square, on the grounds that the proposal would create a transient student population and would destroy the character of the East End. He felt that the design was ugly and that the development would create an unacceptable level of noise for surrounding residents.

Ms Petra Salva spoke in objection on the grounds that the Borough had a greater need for affordable housing and that Tower Hamlets should not provide student housing for the rest of London. She felt that the development was too high and would overshadow residents, causing a loss of daylight and sunlight.

Mr Angus Boag spoke on behalf of the applicant for the development. The building in its current form was not fit for purpose and the cost of renovating would be unviable without the addition of the student housing. He informed the Committee that it was intended to create a centre of excellence of small fashion businesses; and read out a statement of support from London Metropolitan University.

Councillor Phil Briscoe spoke on behalf of the residents. He outlined the concerns over the provision of student housing instead of much needed affordable housing; the open space and roof terrace provision which would create a noise nuisance; and the height which would impact on the daylight and sunlight to neighbouring properties.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He outlined the reasons why the application had been recommended for approval and addressed the points raised by the speakers. The proposal was in line with policies for the provision of student housing; it would generate employment and improve a run down industrial area; and it was acceptable in terms of traffic and sustainable energy. Tests had been carried out on daylight and sunlight and although there was a loss, it was considered, on balance, to be a small loss and would not therefore justify a refusal on those grounds.

Members expressed considerable concern over the concentration of students in the area, taking into account the other student housing approvals in the vicinity. It was felt that Tower Hamlets should not shoulder the responsibility for housing all London's students. Concern was also expressed over the need for affordable housing provision in the Borough and the environmental and social impact of the development.

Mr Irvine advised of the location of both the residential and industrial uses in the area. He informed the Committee that the GLA had considered the height and design acceptable; and the application had been screened relating to its environmental impact. The Committee was reminded that it would need to demonstrate the harm caused by such a development in order to refuse.

RESOLVED that in accordance with Council Procedure Rule 14.1.13 (motion to extend the meeting under Rule 9) the meeting be extended by up to 1 hour.

Members accepted the contribution that students could make to an area. However, they were concerned that the area was becoming saturated. Members asked questions relating to the walking distance to the nearest station, the impact on local health services and the height of the building. Mr Kiely reminded the Committee that the proposal would also create important workspace for the Borough and therefore create employment. He explained the measures proposed to mitigate the potential noise nuisance, particularly the positioning of the entrances and exits. Members were also advised that the students would be registered with the GP from their home town and would not therefore impact on local surgeries.

On a vote of 2 for, 3 against and 1 abstention, the Committee indicated that it did not support the officers' recommendation to grant planning permission for the demolition of some of the existing commercial buildings, erection of a side roof extension plus atrium to the existing Greenheath Business Centre in connection with its use as class B1 business space (10,275 sqm), the erection of new 9 and 16 storey buildings in connection with the use of the premises as 101 units (253 beds) of student accommodation and 572 sqm of commercial

floorspace (Class B1) at the Greenheath Business Centre, 31 Three Colts Lane, London and RESOLVED that the application be REFUSED on the following grounds:

- 1) Loss of daylight/sunlight to neighbouring properties;
- 2) The height of the building being out of character with the surrounding area; and
- 3) The over concentration of student accommodation in an area divorced from the universities.

The meeting ended at 11.00 p.m.

Chair, Councillor Rofique U Ahmed  
Strategic Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

#### Provisions in the Council's Constitution (Part 4.8) relating to public speaking:

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

#### Public speaking procedure adopted by this Committee:

- For each planning application up to two objectors can address the Committee for up to three minutes each. The applicant or his/her supporter can address the Committee for an equivalent time to that allocated for objectors (ie 3 or 6 minutes).
- For objectors, the allocation of slots will be on a first come, first served basis.
- For the applicant, the clerk will advise after 4pm on the Friday prior to the meeting whether his/her slot is 3 or 6 minutes long. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or non-committee members registered to speak, the chair will ask the Committee if any member wishes to speak against the recommendation. If no member indicates that they wish to speak against the recommendation, then the applicant or their supporter(s) will not be expected to address the Committee.

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# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> March 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Michael Kiely		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
8/11/07	PA/05/00421	33-37 The Oval London E2 9DT	Demolition of existing building and redevelopment to provide a five storey building comprising 3 Use Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats).	Committee indicated that it was minded to go against officer's recommendation. A supplementary report is therefore necessary.
31/01/08	PA/07/02706	Site At Caspian Works and Lewis House, Violet Road	Redevelopment to provide buildings of between four and eleven storeys (38.95 metres AOD) for mixed use purposes including 143 residential units, Class A1, A2, A3 and B1 (shops, financial and professional services, restaurants/cafes and business) uses with associated works including car parking and cycle parking, roof terraces, landscaping and servicing	To allow officers to negotiate further with the applicant on the gated element.

**LOCAL GOVERNMENT ACT 2000 (Section 97)  
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

**3. CONSIDERATION OF DEFERRED ITEMS**

- 3.1 There are no deferred items for consideration at this time.
- 3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

**4. PUBLIC SPEAKING**

- 4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

**5. RECOMMENDATION**

- 5.1 That the Committee note the position relating to deferred items.



# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> March 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Michael Kiely		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

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

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

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP) 1998 as saved September 2007
  - the adopted London Plan 2004 (as amended by Early Alterations December 2006)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 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 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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7**

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (AS SAVED) is the statutory development plan for the borough (along with the London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 but also the emerging plan and its more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

#### **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 5.

#### **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.

# Agenda Item 7.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> March 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/05/471	
		<b>Ward(s):</b> Spitalfields and Banglatown	

## 1. APPLICATION DETAILS

**Location:** 4-6 and 16-22 Middlesex Street and 3-11 Goulston Street, E1

**Existing Use:** There is currently a private car park in use on the northern part of the site at ground floor level. The site also comprises of an empty office/warehouse building

**Proposal:** Redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361m<sup>2</sup> office floorspace), 8 storey hotel plus plant room; building (providing 207 guest rooms, and comprising 15, 002m<sup>2</sup> floorspace), together with 872m<sup>2</sup> of Class a1-a4 use (retail) floorspace, and ancillary car parking, servicing, landscaping and new vehicular access.

Environmental Impact Assessment

**Drawing Nos:** JS 0413/002 Rev A; js0413/101 Rev B; JS0413/102 Rev C; JS 0413/103 Rev D; JS0413/104 Rev B; JS 0413/105 Rev C; JS 0413/106 Rev B; JS 0413/107 Rev B; JS 0413/108 Rev C; js 0413/109 Rev B; JS 0413/110 Rev B; js 0413/111 Rev B; JS 0413/112 Rev A; JS 0413/114 Rev A; JS 0413/115 Rev A; JS 0413/116 Rev A; JS 0413/117 Rev A; js 0413/201 Rev A; JS 0413/202 Rev A; JS 0413/203 Rev A; JS 0413/204 Rev A; JS 0413/301 Rev C; js 0413/302 Rev C; JS 0413/303 Rev B; JS 0413/304 Rev B; JS 0413/305 Rev A; JS 0413/401 JS 0413/402; JS 0413/403 Rev A

**Supporting documentation**

- Environmental Statement Volume 1
- Environmental Statement Volume 2 (Transport Assessment Report)
- Environmental Statement Volume 3 appendices
- Environmental Statement Appendix 3./1 Planning Drawings
- Design and Access Statement
- Environmental Statement Non technical summary
- Renewable Energy Strategy Environmental Statement Volume 4
- Part L Compliance Report

**Applicant:** The Cronlech Property Co Ltd

**Owner:** The Cronlech Property co Ltd

**Historic Building:** Not applicable

**Conservation Area:** Adjacent to Wentworth Street

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, Councils IPG (2007) the London Plan and Government Planning Policy Guidance and has found that:

(1) The proposal is in line with the Mayor and Council's policy, as well as government guidance which `maximise the development potential of sites. As such, the development complies with policy 3A.3 of the consolidated London Plan (2008) and PPS3.

2) The proposed hotel use is considered acceptable given the proximity of the site to public transport and the Central Area Zone. Furthermore, the hotel would not result in the loss of any housing or adversely affect the amenity of any adjoining residential properties. As such the development complies with policy 3A.1, 3C.1 and 3A.3 of the London Plan, ART7 of the Unitary Development Plan and policy CP13 of the Council's Interim Planning Guidance (October 2007) which seek to ensure hotels are suitably located within highly accessible locations and in proximity to business locations and tourist attractions.

(3) The massing and form of the building outline is considered acceptable and will make a positive contribution to the site and immediate area, with the height, bulk and footprint of the building is acceptable given the corner location of the site and the inconsistency of the adjacent street scene. In terms of the detailed design and external materials these will be dealt with via condition. As such, the proposal is in general accordance with the policies 4B.1 and 4B.2 of the consolidated London Plan (2008), DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV2 of the Interim Planning Guidance (October 2007) which seek to ensure the design of development is of high quality, suitably located and responds to the existing character of an area.

(4) The development is not considered to adversely affect the amenity of any neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure and provision of daylight and sunlight. It is considered to be in accordance with policies DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties is protected and maintained.

(5) Transport matters, including parking, access and servicing are acceptable and in line with policies T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments can be supported within the existing transport infrastructure and will not affect the safe operation of the highways.

## 3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement** to secure the following planning obligations:

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

(a) £1,167,180 for transport improvement including public transport and highways, pedestrian and cycle improvements in the vicinity of the site.

(b) Affordable housing- £1.5 million to mitigate against the loss of affordable housing on site.

(c) £333,000 for local community and environmental facilities and Initiatives

- (d): Preparation, implantation and review of a Service Management Plan.
- (d): Preparation, implantation and review of a Green Travel Plan.
- (e): Public realm improvements
- (f) TV reception monitoring and mitigation.
- (g): Completion of a car free agreement to restrict occupants applying for residential parking permits.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

- 3.4
1. Time limit;
  2. Design/materials of external materials proposed
  3. Details of:
    - a) Design of Building to include inclusive design principles
    - b) Hard and Soft Landscaping
    - c) external lighting and CCTV scheme
  4. Secure by design statement
  5. Submission of a statement of the methods of working for the demolition and construction phases.
  6. Details of construction of the foul and surface drainage system
  7. Submission of details of external ventilation/extract ducts to A3 units;
  8. Submission of details of high level/roof top plant and sound attenuation;
  9. Submission of details of refuse/recycling proposals;
  10. Submission of details of disabled access and inclusive design;
  11. Limit hours of operation of restaurant/ bar (Mon – Sun 8am to 11pm);
  12. Details of Water Efficiency measures;
  13. Submission of details of site foundations
  14. Details of renewable energy measures/ assessment to meet minimum 10% provision;
  15. Cycle Storage;
  16. Site Management Plan: location and management of plantings, next boxes and green walls
  17. Archaeology investigation study
  18. Submission of a Code of Construction Practice (CoCP);
  19. Hours of construction (8am to 6pm Monday to Friday; 9am-5pm on Sat and not at all on Sunday or Bank holiday)
  20. Any other condition(s) considered necessary by the Head of Development Decisions.
- 3.5 That if by the 13<sup>th</sup> June 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services); the Head of Development Decisions be delegated authority to refuse planning permission.

#### **Informatives**

- 3.6
1. Section 106 agreement required;
  2. Section 278 (Highways) agreement required; and
  3. Any other informative(s) considered necessary by the Head of Development Decisions.
  4. Construction Environmental Management Plan Advice.
  5. Environment Agency Advice.
  6. English Heritage Advice.
  7. Ecology Advice.
  8. Environmental Health Department Advice.
  9. Metropolitan Police Advice.

10. Transport Department Advice.
11. London Underground Advice.
12. Landscape department advice.
13. Contact the GLA regarding the energy proposals.

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

##### **Proposal**

- 4.1 The proposal was originally submitted on the 31/03/2005. The original application was for a slightly larger proposal comprised of the following:
  - 17 storey building providing 41,361sqm of office floorspace
  - 11 storey providing 272 guest rooms and comprising 18, 172 m2 floorspace
  - 310m2 of Class A1(retail) and A3 (restaurant)
- 4.2 Following the changes made during the course of the application during 2005, the current proposal is to create two new buildings for a mixed use development comprising of:
  - 17 storey office building providing 41,361 sqm of office floorspace
  - 11 storey hotel providing 207 rooms comprising 15,002 sqm floorspace
  - 872 sqm of retail (A1-4) floorspace
  - 20 car spaces (including 6 disabled)
  - 19 motorcycle spaces
  - 250 cycle spaces
- 4.3 The office building has primary frontages on to Whitechapel High Street/ Middlesex Street and the hotel fronts onto Middlesex Street with secondary frontage to Goulston Street. Retail type uses and 'active' office/commercial uses are at ground level as well as entrances to the offices and hotel off site. Servicing for the offices and the entrance to the car park are accessed from Goulston Street.
- 4.4 The hotel comprises a gross external floor area of 15, 002m2 and including a ground floor plus 8 upper floors. However the number of floors gradually reduces from the North end from 8 floors to the South end to 4 floors. There are 207 guest rooms incorporating 'disabled' rooms from the second floor up to the eight floor. The hotel has a restaurant bar on the ground floor along with back of house areas and has its main entrance from Middlesex Street. In addition there are meeting rooms and a fitness studio at the ground floor with a function room in the basement. There is a café and retail kiosk adjacent to the new pedestrian route/square between the two buildings.

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

- 4.6 The site is a long stretch plot of 5061.3 sq.m, approximately 150m long and 45 m wide, largely occupied by an empty office/warehouse building with the ground floor used and a car park. Part of the site is currently used for commercial purposes. The site is delineated by Middlesex Street and Goulston Street on the North-South grid and by Whitechapel High Street on the East-West urban grid.
- 4.7 The site is located in the 'Spitalfields and Banglatown' Ward in the London Borough of Tower Hamlets. The borough boundary to the City of London is located to the west of Middlesex Street.
- 4.8 The site lies in an area of transition, just within the western border of the London Borough of Tower Hamlets. The City of London (Col) is located to the west of the site, on the opposite side of Middlesex Street
- 4.7 The site is not located in a conservation area, but it is immediately adjacent to the Wentworth

Street conservation area. The others closest to it are the Tower, Whitechapel High Street and Fournier Street conservation areas.

- 4.8 A PTAL of 6 has been estimated for the site Both Aldgate and Aldgate East underground stations are within close proximity to the site.
- 4.9 The site lies within an Archaeology Priority Area as designated by the London Borough of Tower Hamlets in its Unitary Development Plan.
- 4.10 The site is located within the Central Activities Zone within the City Fringe AAP.

### **Planning History**

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

PA/05/364 Request for Scoping Opinion as to the information to be contained in an Environmental Impact Assessment to be submitted in respect of redevelopment to provide a mixed use commercial scheme including a 20 storey office building and a 272 room hotel.  
Scoping opinion issues 07/04/2005

- 4.13 PA/99/610 Redevelopment to provide
- a basement plus 12 storey building comprising a 388 guest room hotel, 70 no serviced apartments, offices, a health club, retail and restaurant units and ancillary basement car parking (for 40 cars); (ii) a five storey building comprising either Class A1, A2 or D1/D2 use on the ground floor, with 16 no flats on the upper floors, with ancillary basement car parking, (iii) the construction of a new link road between Middlesex Street and Goulston Street and (iv) a new entrance the subway under Middlesex Street.

The scheme was never progressed from resolutions to permission as the Section 106 was never signed.

## **5. POLICY FRAMEWORK**

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

### **Unitary Development Plan 1998 (as saved September 2007)**

- |     |                        |  |   |
|-----|------------------------|--|---|
| 5.2 | Proposals:<br>Policies | DTSR   | Suitable for mixed use development<br>Area of Archaeological Importance   |
| 5.3 | Policies:              | DEV1<br>DEV 2<br>DEV 4<br>DEV 50<br>DEV 55<br>EMP1<br>EMP6<br>T16<br>T21<br>S7<br>ART7 | Design Requirements<br>Environmental Requirements<br>Planning Obligations<br>Noise<br>Development & Waste Disposal<br>Encouraging New Employment Uses<br>Employing Local People<br>Traffic priorities for New Development<br>Pedestrian Needs in new Development<br>Special Uses<br>Tourist Accommodation |

## Interim Planning Guidance for the purposes of Development Control

- 5.4 Proposals: Area of Archaeological Importance
- 5.5 Core Strategies
- |      |  |
|------|--|
| CP45 | Strategic Road                                       |
| IMP1 | Planning Obligations                                 |
| CP1  | Creating Sustainable Communities                     |
| CP3  | Sustainable Environment                              |
| CP4  | Good Design  |
| CP7  | Job creation and Growth                              |
| CP13 | Hotels, serviced apartments and conference centres   |
| CP17 | Evening and night time economy                       |
| CP38 | Energy efficiency and production of renewable energy |
| CP39 | Sustainable Waste Management                         |
| CP41 | Integrating Development with Transport               |
| CP42 | Streets for people                                   |
| CP46 | Accessible and inclusive environments                |
- 5.6 Policies:
- |       |  |
|-------|--|
| DEV1  | Amenity  |
| DEV2  | Character & Design                               |
| DEV3  | Accessibility & Inclusive Design                 |
| DEV4  | Safety & Security                                |
| DEV5  | Sustainable Design                               |
| DEV6  | Energy Efficiency & Renewable Energy             |
| DEV7  | Water Quality and Conservation                   |
| DEV8  | Sustainable Drainage                             |
| DEV9  | Sustainable Construction Materials               |
| DEV10 | Disturbance from Noise Pollution                 |
| DEV11 | Air Pollution and Air Quality                    |
| DEV12 | Management of Demolition and Construction        |
| DEV15 | Waste and Recyclables Storage                    |
| DEV16 | Walking & Cycling Routes & Facilities            |
| DEV17 | Transport Assessments                            |
| DEV18 | Travel Plans                                     |
| EE2   | Redevelopment/ Change of Use of Employment Sites |
- 5.7 City Fringe Area Action Plan (Interim Planning Guidance)
- |       |
|-------|
| CA24  |
| CA29  |
| CFR12 |
- 5.8 **Supplementary Planning Guidance/Documents**
- Designing Out Crime  
Archaeology and Development
- 5.9 **Spatial Development Strategy for Greater London (London Plan)**
- |       |  |
|-------|--|
| 3A.3  | Maximising the potential of sites                |
| 3A.5  | Housing choice                                   |
| 3B.1  | Developing London's Economy                      |
| 3B.3  | Mixed use development                            |
| 3B.11 | Improving employment opportunities for Londoners |
| 3C.2  | Matching development to transport capacity       |
| 3D.7  | Visitors Accommodation and Facilities            |
| 3C.1  | Integrating Transport and Development            |
| 4A.19 | Improving air Quality                            |



4A.4	Energy assessment
4A.7	Renewable energy
4A.6	Decentralised energy, heating, cooling and power
4B.1	Design Principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the Quality of the Public realm
4B.6	Safety, security and fire potential
4B.5	Creating an inclusive environment
4B.8	Respect local context and communities
4B.9	Tall buildings and location
4B.10	Large scale buildings- design and impact
4B.15	Archaeology

#### 5.10 Government Planning Policy Guidance/Statements

PPG1	General Policy and Principles
PPS1	Delivering Sustainable Development
PPS22	Renewable Energy
PPG24	Planning & Noise

#### Community Plan

- 5.11 The following Community Plan objectives relate to the application:
- A better place for creating and sharing prosperity
  - A better place for learning, achievement and leisure
  - A better place for excellent public services

### 6. CONSULTATION RESPONSE

- 6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

- 6.2 The following were consulted regarding the application:

Environmental Agency (Statutory)

- 6.3 No objection subject to conditions

(Officers comment: The recommended conditions will be attached to the decision notice)

Natural England (Statutory)

- 6.4 Natural England is satisfied with the level and methodologies of the habitat and species surveys performed and accept the conclusions that the development will have negligible significance on the local ecology. Mitigation for any losses has been adequately provided for through native shrub and trees plantings, nest boxes and green walls. However, due to the size of the development and its location within an Area of Deficiency there is a requirement not only to mitigate for losses, but to provide additional open space and achieve a net biodiversity gain in line with the Major's Biodiversity Strategy. To make these gains clear it would be useful to address the quantity, location and management of plantings, nest boxes and green walls to be administered through a Site Management Plan to be presented as an obligation in the S106 Agreement.

Government Office for London (Statutory)

- 6.5 No comments received

City of London Corporation (Statutory)

6.6 No comments received

British Waterways (Statutory)

6.7 No comments received

London City Airport (Statutory)

6.8 London City Airport have no objection to the proposed development

6.9 Greater London Authority

The following comments were raised in the GLA Stage 1 report dated 18 October 2005:

- 1) In order to comply with the London Plan's mixed use policy; it should include residential use or contribute towards provision elsewhere.
- 2) A satisfactory design outcome is predicted.
- 3) Improve the application in terms of renewable energy.
- 4) The level of car parking is excessive.
- 5) Disabled parking should be increased and the means of access to the cycle parking is currently inconvenient.

(Officers comment: This will be addressed later in the report.)

Transport for London- Street Management (Statutory)

6.10 Transport for London note that a permanent closure to the subway system at Middlesex Street/Whitechapel High Street junction is recommended.

Commission for Architecture and Built Environment (statutory)

6.11 No comments received

East London and City Health Authority (statutory)

6.12 No comments received

Thames Water Authority (statutory)

6.13 No comments received

English Heritage Archaeology (non statutory)

6.14 No objection (recommend condition). Recommends an archaeological fieldwork need be undertaken prior to determination of the planning applications.

LBTH Environmental Health (non statutory)

6.15 No comments received

LBTH Cleansing Officer (non statutory)

6.16 There is a dedicated refuse storage area accessible via the service road which would need to be serviced on a frequency sufficient to meet the requirements of the site. The applicant should be aware of this.

LBTH Arts, Sports and Leisure Service (non statutory)

6.18 No comments received

London Fire and Emergency Planning Authority

6.18 No comments received

CABE

6.19 CABE were unable to comment on the scheme

**7. LOCAL REPRESENTATION**

7.1 A total of 433 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 1          Objecting: 1          Supporting: 0  
No of petitions received: 0 objecting containing 0 signatories  
0 supporting containing 0 signatories

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

- Overshadow Brunswick House
- Block light as well as restricting satellite signal reception.
- Invasion of privacy
- Increase in traffic will cause more disturbance.
- Health and safety.

**8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land use
2. Provision of off site affordable housing
2. Design & Layout
3. Amenity
4. Transport
5. Sustainability & Renewable Energy

**Land use**

8.2 The site is designated for 'mixed use development' in the UDP. The site forms part of the City Fringe Area Action Plan. In the Interim Planning Guidance the site is designated for employment (B1), Retail (A1, A2, A3, A4).

Office and retail use

8.3 The site is currently used by a number of employment uses comprising largely of a vehicle service centre (Kwik-fit) the remainder of the site appears to be for a variety of textile, office and storage uses. Council policies EMP1 of the UDP and CP11 of the IPG seek to ensure that existing employment sites are not lost and that job opportunities are retained. It is

therefore considered that the proposal accords with these policies given employment uses will be retained and maximised on site.

- 8.4 The proposal provides B1 and A1-4 uses. The City Fringe Interim Planning Guidance (2007) requires the development at ground floor level to contribute to the vitality of the area. The proposal provides for a flexible A1-4 use on the ground floor level, thus creating active street frontage.
- 8.5 Policy 3B.8, 3B.9 & B.10 of the consolidated London Plan (2008) promotes growth of employment opportunities. Policy EE2 of the Councils Interim Planning Guidance stipulates that proposals for redevelopment/change of use and/or reduction in employment floorspace may be considered where the site is considered unsuitable for continued employment use due to its location, accessibility, size and condition and where the creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal.
- 8.6 At present, there is 15,550 sqm of commercial floorspace on site. The proposal will result in 44,970 sqm of office floorspace and 310 sqm of retail floorspace. As such, the proposal will result in an increase of employment generating floorspace on site. The proposal therefore complies with national and local employment policy.

#### Hotel use

- 8.7 A hotel use on this site is not specifically identified on any local plans. However suitable hotel developments are encouraged in the City Fringe Area.
- 8.5 Policy ART7 of the Unitary Development Plan (UDP) states that the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). Outside of this zone major hotels may be permitted if the following criteria is met:
- 8.6
- The scale and density of the development is appropriate for the surrounding area and will not adversely impact on the local environment or amenity of adjoining uses.
  - The site is well served by public transport and is within easy reach of a public transport interchange.
  - The site has adequate road access and can accommodate necessary vehicle movements off the public highway.
  - The development will not adversely affect existing residential accommodation or result in a loss of residential accommodation.
- 8.7 In addition policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that hotel development will be supported in areas of high public transport accessibility and proximity to commercial development. CFR9 supports large scale hotels to provide accommodation for leisure and applicant.
- 8.8 The proposal was originally for an 11 storey hotel (comprising 272 guest bedrooms). The Council had expressed concern with the impact this could have on surrounding residential amenity. Resulting from this, the applicant amended the scheme accordingly. The revised proposal is now for an 8 storey hotel (comprising 207 guest rooms). The applicant has advised that the site currently employs approximately 40 people, with the proposed hotel expected to employ 65 persons.
- 8.9 The proposed use of the site for a hotel is in accordance with the relevant Council policies and will allow for existing employment opportunities on site to be maximised.
- 8.10 The Council believes that the proposed mixed use scheme is acceptable on the site. It is also worth noting that the principle of mixed use development (comprising retail, office and hotel) use on site has been acceptable at committee in December 1999.

## **Provision of affordable housing off site**

8.11 Policy 3A.5 of the consolidated London Plan 2008 requires a mix of uses in new development within the Central Activities Zone including housing. London's economic growth depends on the efficient labour market which in turn depends on adequate housing provision especially affordable housing. As such, as a general principle, all strategically important employment generating development is expected to contain other uses which shall including housing.

8.13 The proposal would not result in the loss of any existing residential accommodation as the site does not presently have any provided on site. Notwithstanding this, the site could potentially be suitable for residential use. The 2005 GLA Stage 1 report states that:

*‘To address the policy the requirement the developer should either provide finance toward affordable housing or split the site in order provide permanent residential units.....Any finance to mitigate for the absence of housing in this location should be vested in Tower Hamlets Council's Affordable Housing Fund so that housing can be provided elsewhere in the borough.*

8.14 The applicant has agreed to make a payment of £1.5 million to mitigate the loss of housing on site. The Councils considers this to be acceptable.

## **Design & Layout**

8.15 Policy 4B.9 of the consolidated London Plan 2008 states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.

8.16 Policy DEV6 of the UDP 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.

8.17 Policies CP1, CP48 and DEV27 of the IPG October 2007 state that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying wide range of criteria.

8.18 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.

8.19 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.

8.20 The site lies at a point of transition between different townscape character areas. Building heights vary across the area, with taller buildings to the west in the City and lower buildings to the east. As such, the height, massing and layout of the proposed development are considered to be acceptable.

8.21 The proposed massing includes a number of setbacks in the building to respect the adjoining properties and to limit the massing at higher levels. The hotel is shaped so as to step away

from the residential to the north and also forms a raised garden at the first floor level. The 'stepping' has been formed following detailed light studies to the adjoining residential buildings. Active uses occur on the main elevations with a bar/restaurant, entrances and views into the hotel lobby.

8.22 In terms of height and massing, the proposal responds to its surrounding context. The proposed height of the office building of 76m on the North end and 48m on the south end is generally of a similar to a smaller scale to the neighbouring office developments. A cluster of tall buildings is evident in the area.

8.23 The 2005 GLA report notes that:

*" The location is acknowledged as generally suitable for tall buildings by Tower Hamlets Council and the Mayor. The new tower is a glass curtain wall building that rises from its irregular plan with a calm and simple elevation treatment that gives vertical expression to the site boundary. The proposal is likely to be satisfactory in design terms and does not raise any issues of strategic importance that be addressed by Tower Hamlet's".*

8.24 The hotel will not adversely impact the adjacent Conservation Area. The hotel has stone with contemporary glass bays at lower levels and a light 'floating' glass upper levels with a horizontal emphasis creating a lightweight visual link to the offices.

8.25 As mentioned, policy DEV27 of the IPG October 2007 provides a suite of criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the above mentioned policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:

- The context of the site requires high architectural and design quality. This design not only meets this standard but also achieve good architectural composition with surrounding buildings and relationship to open space provision (design alternatives other than tall buildings were considered inappropriate);
- the development creates an acceptable landmark building within the centre of the newly defined housing area, which creates a focus point for the emerging group of tall buildings;
- it contributes to an interesting skyline, from all angles and at night time;
- the site is not within a strategic view corridor;
- the site is not within a local view corridor and would not impact adversely on local landmarks;
- the scheme provides adequate, high quality and usable amenity space;
- the proposal also includes an appropriate S106 to secure land for public open space and secure a contribution towards the proposed open spaces;
- the scheme present a human scaled development at street level and enhances the movement of people, including disabled users, through the communal/public open space whilst securing high standard of safety and security for future residents of the development;
- the proposal satisfies the Council's requirements in terms of impact on privacy, sunlight & daylight, amenity and overshadowing;
- the scheme meets the Council's requirements in terms of micro-climate;
- demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- the impact on biodiversity will not be detrimental;
- the mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- the site is located in an area with good public transport accessibility;
- takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;

- the scheme complies with density requirements set out in policy HSG1 of the IPG October 2007;
- conform with Civil Aviation requirements; and
- not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.26 In light of supporting comments raised by the Council's Design Department and the GLA, the form, height, massing of the development is considered to be acceptable. It is recommended that the scheme be conditioned appropriately, to ensure that a high quality detailing of the development is achieved. Overall, it is considered that the proposed development is acceptable in design terms and in accordance with the above mentioned policy and guidance set out in the London Plan and IPG October 2007.

### **Accessibility & Inclusive Environments**

- 8.27 Policies 4B.1 & 4B.5 of the London Plan seek to ensure that developments are accessible, usable and permeable for all users and that development can be used easily by as many people as possible without undue effort, separation or special treatment. Policy 3C.20 refers to the importance that connections from new developments to public transport facilities and the surrounding area (and its services) are accessible to all. Best practice guidance has been issued by the GLA (SPG Accessible London: Achieving an Inclusive Environment, 2004).
- 8.28 Policies ST3 and DEV1 of the UDP require that development contributes to a safe, welcoming and attractive environment which is accessible to all groups of people. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. This is reflected in policies CP1, CP4, CP40, CP46 and DEV3 of the IPG, which all seek to ensure that inclusive environments are created which can be safely, comfortably and easily accessed and used by as many people as possible without undue effort, separation or special treatment.
- 8.29 With reference to permeability on site, the new landscaped passage between the office block and the hotel will increase site permeability by opening an East-West new pedestrian route across the site from St. Botolph Street to Goulston Street.
- 8.30 The Council's secure by design officer notes that in terms of safety, the scale of the proposed development and the likely number of occupants generated at this location and active ground floor frontage will result in a greater activity within this area allowing for enhanced natural surveillance.
- 8.31 The proposal provides
- level access is provided to all entrances
  - all main entrances have suitable width doors adjacent to revolving doors.-
  - mobility impaired car parking spaces are provided in the basement car park
  - audible sound systems will be incorporated for the information and/or safety requirements.
  - all elements of the buildings will be built to all relevant building regulation codes and practices

### Public realm works.

- 8.32 The applicant proposes a new pedestrian link and linear square between Middlesex Street and Goulston Street creating a light, active and safe route through the Law Faculty entrance. In addition, the following works are proposed:
- Improve surface treatment to Goulston Street
  - Improve pedestrian links around the site
  - Improve hard and soft landscaping and pedestrian priority to the areas around the site

- Extend links through the Algate Union proposals to the future possible public square on the south side of Braham Street
- Create local 'landmark and enhanced Tower Hamlets 'gateway'.

The above will be secured by way of condition.

### **Impacts on adjacent Wentworth Conservation Area**

- 8.33 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character
- 8.34 Policy 4B.10 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.11 states that boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.35 Policy DEV 8 seeks to protect local views and is stated as follows:
- "Developments which adversely affect significant local views will be resisted"*
- 8.36 Policy CON1 of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.37 Viewpoints for assessment were agreed with LBTH as part of the EIA scoping exercise and consultations for the ES submitted in relation to the March 2005 scheme. The key views adopted, which include those where listed buildings and Conservation Area may appear in views or have their settings affected. Views for assessment were taken along the following streets:
- 1: Whitechapel High Street
  2. Mansell Street
  3. Goulston Street
  4. Middlesex Street
  5. St. Botolph's Street
  6. Quenn's Walk LVMF Assessment View 25A.1
  7. Queens Walk LVMF Assessment View 25A.2
- 8.38 `Full views of the proposed redevelopment would be mainly limited to the surrounding streets of the Algate gyratory system (notably from Whitechapel High Street and Braham Street), Middlesex Street, St. Botolph's Street and Goulston Street. Partial views of the proposed redevelopment would be possible from a number of local streets.
- 8.39 Longer-distance views of the proposed redevelopment would be possible from taller buildings in the area. A possible long distance view of the proposed redevelopment from Greenwich Park would not enable the Development to be readily picked out and it would not interfere with the protected vista of St. Paul's Cathedral. No other protected vista of St. Paul's or the Palace of Westminster, covered by the Secretary of State's Direction of May 2007 would be affected by the proposed Development.
- 8.40 The report concludes that the development would be of negligible significance.

### **Amenity**

- 8.41 Policy 4B.9 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.



8.42 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Furthermore, Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

### **Daylight and Sunlight**

8.43 The standards for measuring daylight and sunlight are guided by Building Research Establishment (BRE) guidance. 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 and importantly the rooms actual use.

8.44 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.

8.45 The ADF will consider the amount of light necessary for the rooms use and activities generally undertaken with that room it then gives a minimum percentage for each room. These percentages are 2% for kitchens (though for a kitchen to be considered as habitable the room must be over 13sqm), 1.5% for living rooms and 1.0% for bedrooms. Any other room i.e. bathroom or hallway are not considered to be habitable and are therefore not relevant for assessment under BRE standards.

8.46 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 amount of sunlight on a window should not be less than 5% of annual probable sunlight hours during the winter months 21st September to 21st March.  
This will ensure that the window will appear reasonably sunlit.

8.47 The comprehensive daylight/sunlight report has examined the properties which could potentially be affected by the proposed development. The scope and methods were worked on and agreed by the Local Planning Authority.

The following properties were examined for both the vertical sky component tests and the Average Daylight factor tests

Number 13 Goulston Street

*Daylight*

8.48 The rooms meet the ADF requirements.

*Sunlight*

8.49 The sunlight shows that no window would be subject to a reduction in its existing total or winter sunlight that would breach the BRE Guidelines.

Number 15 Goulston Street

*Daylight*

- 8.50 The VSC analysis shows that no window would be subject to a reduction in its existing VSC value of its excess of 20%.

*Sunlight*

- 8.51 The sunlight assessment shows that the Development would have a minor impact upon the existing sunlight values and that the retained sunlight would remain high and well in excess of the BRE Guidelines.

Number 17 Goulston Street

*Daylight*

- 8.52 The ADF analysis supports the conclusions of the VSC test. This analysis shows that the retained ADF values would remain high and very close to the existing values. The percentage reduction in ADF would in each case be 14% or less, showing compliance with the BRE Guidelines for all the rooms.

*Sunlight*

- 8.53 The sunlight analysis shows that no window would be subject to a reduction in its existing total or winter sunlight that would breach the BRE Guidelines. Each window would retain good APSH values. The BRE Guidelines would be complied with.

Number 19 Goulston Street

*Daylight*

- 8.54 The proposal retains ADF values.

*Sunlight*

- 8.55 The sunlight assessment shows that there are no breaches of the BRE criteria as a result of the proposal.

1-10 New Goulston Street

*Daylight*

- 8.56 The analysis shows that the retained ADF values would remain high and very close to the existing values. The percentage reduction in ADF would in each case be 14% or less, showing compliance with the BRE Guidelines for all the rooms. No windows which currently have an ADF value of 1.5% or more would have its ADF value would remain high and very close to the existing values. The percentage reduction in ADF would in each case be 14% or less, showing compliance with the BRE Guidelines for all the rooms. No window which currently has an ADF value of 1.5% or more would have its ADF value reduced to below 15% as a result of this proposal.

*Sunlight*

- 8.57 All but four of the windows would retain total APSH values in excess of the BRE Guideline of 25%. This is the guideline for the main window to a residential living room, and in most cases the retained total APSH would be double that of the aforementioned BRE Guideline value.

## 6 Herbert House

### *Daylight*

- 8.58 For the purpose of this assessment the windows on the internal elevations of this U shaped block have been examined. None of the windows which have an outlook into the internal courtyard are habitable rooms.
- 8.59 The VSC analysis shows that none of these windows would experience than a 20% reduction would be small; and well within BRE Guidelines. The ADF analysis supports this position by demonstrating that the impact to the proposal would be marginal and not in breach of the BRE Guidelines.

### *Sunlight*

- 8.60 The APSH values for the windows on the external elevations of Herbert House would remain substantially unaffected by the Development. The retained APSH values would remain high and in almost every case substantially in excess of the BRE Guideline total APSH value of 25%.

### *The proposal and its relationship with the London Metropolitan University.*

- 8.61 The proposal will result in a loss of daylight to many of the lecture rooms to the Metropolitan University. In order to mitigate the impacts of the proposed development, the applicant and the University have reached an agreement. The applicant will pay 600,000 for modification works to London Metropolitan University and £5,000 for fees. These modifications works will include relocating various staff, general refurbishments, improved use of natural and artificial lighting and the removal of some internal partitions. On the basis of the above, the University is willing to support the application. The Council is satisfied with the agreement made between the applicant and developer.

### **Conclusion**

- 8.62 It is acknowledged there will be a marginal loss of daylight/sunlight resulting from the proposed development. However, sufficient daylight/sunlight levels will be retained and given the urban context of this site, the minor loss of daylight and sunlight should not a warrant refusal of the scheme. There are also no standard protecting non residential buildings. In addition, the proposed development is not considered to adversely affect the amenity of any neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure or the provision of daylight and sunlight. It is considered to be in accordance with policy DEV2 of the UDP and policy DEV1 of the IPG `which seek to ensure the amenity of adjoining residential properties is protected and maintained.

### **Transport**

- 8.63 Both the UDP and the IPG contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport. Through the IPG the Council seeks to focus high density development in areas of high public transport accessibility (CP41).
- 8.64 It is considered that the site is well served by public transport being centrally located to the City Fringe by being within walking distance of Aldgate, Whitechapel and Shadwell Underground and DLR Stations and the site's proximity to a number of bus routes. The site has a Public Transport Accessibility Level (PTAL) of 5 which indicates that the level public transport in the area is high

### Access

- 8.65 Pedestrian access to the site is provided from Whitechapel High Street to Goulston Street and from Aldgate High Street and from Aldgate High Street to Middlesex Street. From Algate high Street an existing stairwell and ramp situated on the south western corner of the site provides access to the subway beneath Aldgate Gyrator and the western gyratory. Car and taxi pick up/drop off areas are proposed at the office and hotel entrances at Middlesex Street.

### Means of access and egress

- 8.66 Access from the street and the pedestrian areas surrounding the buildings will be facilitated by dropped kerbs, tactile paving, traffic lights and other public facilities to aid access to the buildings for use by MIP and wheelchair users.
- 8.67 A new public pedestrian route and linear square has been created between the hotel and offices. It connects the Law Faculty of the Metropolitan University to Middlesex Street and opens up a whole new network of linkages and permeability. It is 12.5m wide.

### Building entrances

- 8.68 The office building has two entrances one on Middlesex Street and the other on Goulston Street. Each entrance is located within the recess at ground level and is fully weather protected against the elements. The main entrance on Middlesex Street consists of a manually operated fully glazed revolving door at a minimum 1400 mm diameter.

### Car parking

- 8.69 TfL were initially concerned with '*the level of car parking proposed (40 spaces) is excessive, especially in relation to the exceptional public transport accessibility of the site*'. In light of comments made by TfL, the applicant has reduced the car parking bays from 40 to 20 and has increased the number of disabled car parking spaces from 3 to 6. The car parking spaces will be provided at lower ground floor level. This level is accessed from the building interiors by means of the circulation cores. The Council considers this to be acceptable for the development.

### Cycle Parking

- 8.70 Policy CP42 of the IPG encourages pedestrian and cycle permeability in new developments. The Council will ensure that new developments have a high level of connectivity with the existing and proposed transport, and pedestrian network.
- 8.71 Tower Hamlets cycle parking standard for employment use is a 'maximum' of 1 cycle space per 250m<sup>2</sup> GFA/GEA.
- 8.72 A total of 250 cycle parking spaces are proposed at the Site, which is in excess of TfL's 'minimum' cycle parking is proposed at lower ground floor level with access via a proposed wheel ramp situated adjacent to the staircase.
- 8.73 19 motorcycle parking spaces are proposed at lower ground floor level.

### Servicing

- 8.74 A total of three loading bays are proposed at the site for the office and retail uses, which are located adjacent to Goulston Street. This loading bay provision has been calculated based on the service vehicle trip generation discussed in Section 5.0

- 8.75 Tow loading bays allow for a maximum 8 metre rigid vehicle and one bay allow for a maximum 10 metre rigid vehicle. The coach parking bay which is 3.5 metres wide and 12 metres in length, can be shared use for both hotel servicing and for coach parking.
- 8.76 The servicing provision is considered adequate for the proposed development.
- 8.77 There is sufficient space in front of the compactor to allow for the skip lorry to loft/remove/replace the skip accordingly.
- 8.78 It is considered that the site and the surrounding road network will have sufficient capacity for additional vehicle movements. In particular any servicing will be restricted to Nelson Street via a dedicated loading area located off an existing access way and all drop off / picks ups restricted to the identified location on Cavell Street adjacent the site.

#### Cumulative impact of this development

- 8.79 Transport for London advised that in terms of any other committed developments in the area, reference should be made to the Algate Masterplan (currently in draft status), which indicates the development sites in the area..
- 8.80 The Transport Assessment notes that there will not be any significant capacity issues on either the London Underground or mainline rail services in the Aldgate area between 2001 and 2016, which takes into account the predicted increases in local employment and development in the area. The predicted increase in passengers is likely to be accommodated within existing capacity levels at the local stations.

#### Section 106

- 8.81 The Developer will pay a total of £1,167,180 to LBTH and Transport for London. This will be spent on public transport and highways, pedestrian and cycling improvements in the vicinity of the site the nature of which to be determined following consultation and consideration of representations from the Developer. The Council considers this to be acceptable and is identified in paragraph 3.1

#### **Sustainability & Renewable Energy**

- 8.82 Policies 4A.4, 4A.7 and 4A.6 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:
- all planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
  - major developments incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.

#### Energy

- 8.83 The applicant has noted in the Environmental Statement that "the proposed development would incorporate a considerable number of energy efficient measures in order to reduce its energy usage compared to a typical office development, as required to meet the 2006 Building Regulations Part L2". These measures include:
- Passive and active design measures
  - Low or zero carbon (LZC) energy measures.

8.84 According to the energy statement, the total carbon emissions reductions for the office development would be 11.07% and the total carbon emission reduction for the hotel development is 13.9%. Therefore, both the office and hotel fall short of the GLA target of reducing carbon emissions by 20% as set out in the 4A.7 of the consolidated London Plan 2008. However, when the application was submitted in 2005, the policy requirement was 10% and the proposal would exceed the previous policy requirement. The Council does not believe that the shortfall of the new policy requirement would warrant a refusal. The fact that the application was received by the Council on the 31<sup>st</sup> March 2005 needs to be considered.

#### Carbon emissions

8.85 Ground source heating/cooling in the preferred low or Zero carbon (LZC) technology for inclusion within the proposed development. Renewable Energy Report notes that: "it is provisionally through likely tri-generation solution offers the most appropriate method of compliance with GLA policy for the office component of the development. The biomass system could make a contribution to reducing the carbon emissions of the hotel development given the hot water and heating loads determined by the dynamic simulations and hot water calculations. The inclusion of a combined heat and power (CHP) engine negates this possibility given the CHP engine is meeting a significant proportion of the hot water and heating load.

#### Air Quality

8.86 Policy 4A.6 'Improving air quality' which states that the 'Major will and boroughs should implement the Major's Air Quality Strategy and achieve reductions in pollutant emissions.

8.87 Strategic Policy ST6 of the adopted Unitary Development Plan aims "to protect the environment of the Borough and the amenity of residents from pollution caused by development and the development process".

8.88 Policy Dev 2 states that "all development should seek to protect the amenity of residential occupiers and the environment of the borough generally from the effect of pollution".

8.89 The site is located in an Air Quality Management Area. An air quality assessment was submitted as part of the Environmental Statement. The report predicts changes of air quality would be of a long term and local character but of minor significance. Slight effects due to the closure of the existing car park, whilst potentially beneficial, would be insignificant in the context of the impact of existing urban traffic and other pollutant sources on N02 levels in the City and City Fringe.

8.90 The predicted changes in pollutant concentrations as a result of the development would be generally within the lowest significant threshold although due to poor existing and future air quality, the effects are deemed to be of minor significance. Overall, however, and on balance, the effects arising from the development are considered to be of magnitude as to not affect air quality in any material manner.

#### Noise

8.91 Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.

8.92 The Noise and Vibration Assessment, submitted as part of the ES (Chapter 9), concludes that noise of road traffic noise on Goulston Street would be of minor significance. On the other roads in the area the effects would be of negligible significance.

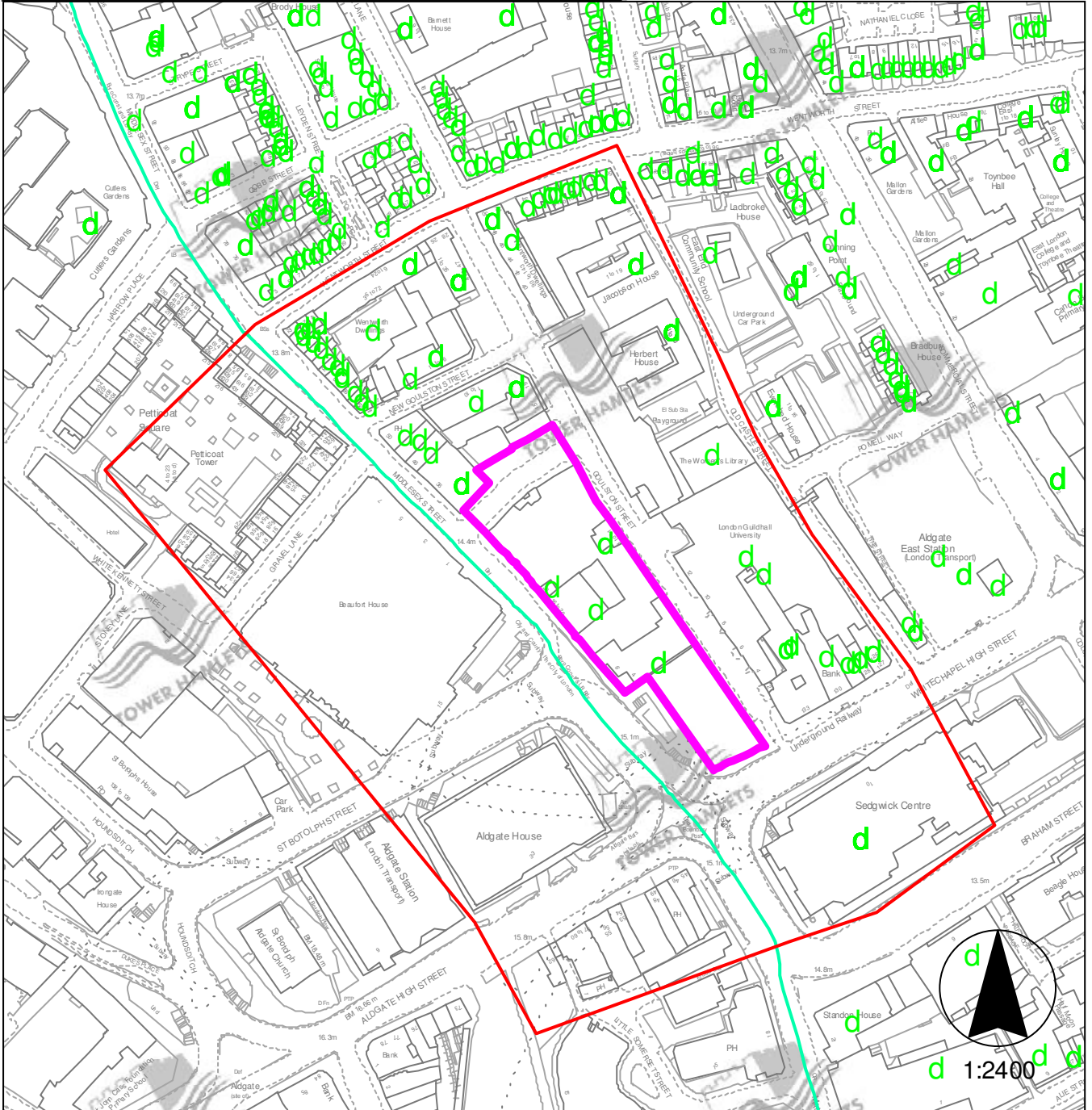
## Wind/microclimate

8.93 As part of the application the applicant undertook a Wind Assessment, to assess the impact of the proposal on the microclimate. The conclusions of the study show that compared to the existing site, the proposed development would result in slightly more windy conditions at several locations around the development, but unacceptable conditions would not be obtained at any location for the likely activity at that location. In general, the impact of the proposed development on the local wind environment is relatively small. This can be further reduced by suitable landscaping measures which be secured as a landscape condition for the development.

## **9 Conclusions**

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

# Site Map



**Legend**

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

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



# Agenda Item 7.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> March 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Shay Bugler		<b>Ref No:</b> PA/7/2193	
		<b>Ward(s):</b> Weavers	

## 1. APPLICATION DETAILS

Location:	32-42 Bethnal Green Road, London, E1 6HZ
Existing Use:	Light industrial (B8 warehouse and distribution use)
Proposal:	Demolition of existing buildings and erection of 4 to 25 storey buildings to provide 3,443sqm of commercial floorspace within Use Classes A1, A2, A3,A4,B8,D1 and/or D2 together with 360 residential units, 83 car parking, bicycle parking, refuse /recycling facilities, access, public amenity space and new public square.
Drawing Nos:	PL103; PL104 Rev B; PL 105 Rev B; PL106 Rev B; PL107 Rev B; PL108 Rev B; PL109 Rev B; PL110 Rev B; PL111 Rev B; PL112 Rev B; PL113 Rev B; PL114 Rev B; PL115; PL116 Rev B; PL117 Rev B; PL118 Rev B; PL119 Rev B; PL120 Rev B; PL121 Rev A; PL213; PL202 Rev B; PL203 Rev A; PL211 Rev A; PL201 Rev B; PL212 Rev A; PL204 Rev B; PL205 Rev A; PL206 Rev A; PL207 Rev A; PL210 Rev A; PL208 Rev A; PL209 Rev A
Supporting documentation	Design and assess statement dated August 2007 Sustainability Statement dated August 2007 Air Quality report dated August 2007 Planning/Socio economic statement dated August 2007 Energy Statement dated August 2007 Geotechnical Report (dated 24 <sup>th</sup> August 2007) Transport Assessment dated August 2007 Sunlight/Daylight Report dated August 2007 Tran  Courtyard and Design Development Study dated January 2008 Heritage Assessment (addendum) dated January 2008 Tall Buildings Development Study (addendum) dated Jan 2008 Heritage, Townscape & Visual Assessment (addendum dated January 2008 Transport Assessment (addendum) dated February 2008 Daylight and Sunlight report (addendum) dated January 2008
Applicant:	Telford Homes
Owner:	Telford Homes/Genesis Housing Group
Historic Building:	N/A
Conservation Area:	Adjacent to Fournier Street and Boundary Estate Conservation Area

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seek to ensure this.

- The retail uses (Class A1, A2, A3, A4) and/or community uses (Class D1) and/or leisure use (Class D2) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location. They will also provide a useful service to the community and future residents of the development, as well as provide visual interest to the street. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.4, 3A.7 and 3A.8 of the consolidated London Plan (2008), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- The loss of the employment use on site is acceptable because the site is unsuitable for continued industrial use due to its location, accessibility, size and condition. As such, the proposal is in line with employment policies 3B.1, 3B.2 & 3B.5 of the consolidated London Plan (2008), and policies CP9, CP11, CP12, CP19 and EE2 of the Council's Interim Planning Guidance (2007), and CFR1 of Council's Interim Planning Guidance City Fringe Area Action Plan (2007), which consider appropriate locations for industrial employment uses.
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.
- The development would enhance the streetscape and public realm through the provision of a public realm area and improved pedestrian linkages. As such, the amenity space proposed is acceptable and in line with policies 4C.17 and 4C.20 of the consolidated London plan (2008), policies ST37, DEV48 and T18 - T19 of the Council's Unitary Development Plan 1998 and policies CP30, CP36, DEV 3, DEV16 and OSN3 of the Council's Interim Planning Guidance (2006), which seek to improve amenity and liveability for residents.
- The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3 and HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2 and CFR5 the Council's Interim Planning Guidance City Fringe Area Action Plan (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- The building height, scale, bulk and design is acceptable and in line with GLA and Council criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.5, 4B.8, 4B.9 and

4B.15 of the consolidated London Plan (2008), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.

- The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.22, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- Sustainability matters, including energy, are acceptable and in line with London Plan policy 4A.6 and 4B.7, and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of affordable housing, health care and education facilities, highways, transport, public art, open space and public realm in line with Government Circular 1/97, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### **3. RECOMMENDATION**

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

A. Any direction by the Mayor of London

B. The prior completion of a legal agreement to secure the following planning obligations:

(1): Affordable housing provision of 35% of the proposed habitable rooms with a 71/29 split between rented/ shared ownership to be provided on site.

(2): A contribution of £313,548 to mitigate the demand of the additional population on health care facilities.

(3): A contribution of £537,000 to mitigate the demand of the additional population on education facilities.

(5): A contribution of £25,000 for the improvements of bus stops on Bethnal Green Road and Shoreditch High Street

(6): A contribution of £851,000 towards improving street environment and walking links between the development

(4): £2,093,978 for cultural, social and community products and for the provision of workspace off site.

(5): Completion of a car free agreement to restrict occupants applying for residential parking permits.

(7): TV reception monitoring and mitigation.

(8): Commitment towards utilising employment initiatives in order to maximise the employment of local residents.

(9): Preparation, implantation and review of a Green Travel Plan.

(10): Preparation, implantation and review of a Service Management Plan.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the following matters:

3.4 Conditions

1. Permission valid for 3 years.

2. Details of the following are required:

(a): Samples of materials for external fascia of building

(b): Ground floor public realm

(c): Cycle parking

(d): Security measures to the building

(e): All external landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures, details of the ground floor defensible spaces overlooking the internal courtyard, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins

(f): The design of the lower floor elevations of commercial units including shopfronts;

(g) escape doors

2. The storage and collection/disposal of rubbish

3. Details of the design and layout of proposed canal side pedestrian walkway.

4. Landscape Maintenance and Management Plan.

5. Parking – maximum of 83 cars (including 4 disabled spaces) and a minimum of 360 residential and 110 non-residential bicycle parking spaces.

6. Construction of storage facilities for oils, fuels or chemicals

8. Investigation and remediation measures for land contamination (including water pollution potential).

9. Archaeological Investigation

10. Details of the site foundation works.

11. Construction of storage facilities for oils, fuels or chemicals to be carried out

12. Construction Environmental Management Plan, including a dust monitoring.

13. Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.

14. Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design work purposes.

15. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
16. Limit hours of power/hammer driven piling/breaking out to between 10.00 hours to 16.00 hours, Monday to Friday.
17. Ground borne vibration limits.
18. Noise level limits.
19. Implementation of micro-climate control measures.
20. Implementation of ecological mitigation measures.
21. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
22. Details of the disabled access and inclusive design.
23. Details of the highway works surrounding the site.
24. Any other condition(s) considered necessary by the Head of Development Decisions

### 3.5 Informatives

1. Section 106 agreement required.
2. Section 278 (Highways) agreement required.
3. Site notice specifying the details of the contractor required.
4. Construction Environmental Management Plan Advice.
5. Environment Agency Advice.
6. English Heritage Advice.
7. Ecology Advice.
8. Environmental Health Department Advice.
9. Metropolitan Police Advice.
10. Transport Department Advice.
11. London Underground Advice.
12. Landscape department advice.
13. Contact the GLA regarding the energy proposals.

- 3.6 That, if by 13<sup>th</sup> June 2008 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## 4. PROPOSAL AND LOCATION DETAILS

- 4.1 The application was originally submitted in September 2007 for the demolition of the existing buildings and erection of 4 to 25 storey buildings to provide:
- 3,660 sqm of commercial floorspace (A2,AA4,B1,B8,D1 and/or D2)
  - 372 residential units
  - car parking, bicycle parking, refuse/recycling facilities, access, public amenity space and new public square.
- 4.2 The application was amended as a result of discussions held by the Council and the applicant. The revisions made to the scheme were as follows:
- The height of the tower has been reduced from 25 & 23 storeys to 25 & 20 storeys;

- The southern part of the tower has been reduced by three storeys to 20 storeys in order to reduce the impact of views from the south east and the relationship of the tower with the Brick Lane- Fournier Street Conservation Area
  - Loss of breise soleil- this comprised a horizontal projection at every third level and
  - Creation of sky garden/roof terrace at the top of the tower.
- 4.3 The revised proposal is for mixed use development comprising:
- 3,443 sq.m of commercial floorspace (A1, A2,A4, B1,D1 & D2)
  - 360 residential units
  - 83 car parking spaces
- 4.4 The application comprises Block A which occupies the western part of the site, Block B occupying the eastern part and a new public square is proposed between them.
- 4.5 As noted, Block A would occupy the western part of the site, between the new square and the new Shoreditch Station. A series of commercial units are proposed at ground floor, with residential above, which would be market sale and shared ownership tenures. A stand-alone five storey commercial block is proposed at the very western end of the site, with a glazed space linking this to the remainder of the building. The block would wrap around and create an internal courtyard area.
- 4.6 The basement provides car parking, cycle parking, commercial floorspace and plant space. Vehicle access is from Cygnet Street. The block varies in height from 25 storeys at the western end, to 4 storeys facing onto Sclater Street. The highest point would be 73.5 metres.
- 4.7 Block B occupies the eastern part of the site and is smaller in scale, reflecting the proximity to the conservation area covering Brick Lane. On Bethnal Green Road commercial units face the new square with residential above with family houses located on Bacon Street. These units are for socially rented housing. In the middle of the block, communal amenity space is provided, including children's play space.
- 4.8 This block would also have a basement, including car parking, cycle parking, commercial units and plant space. In terms of height, the scale would vary from 5 storeys at the eastern end, reflecting the height of existing buildings on Brick Lane and Bethnal Green Road, to 8 storeys facing onto the new square.
- 4.9 83 car parking spaces are proposed. This breaks down into 8 blue badge holder, 70 spaces for the family units (3, 4 and 5 beds) and some remaining spaces for car club spaces and for the operational requirements of the commercial units. 470 cycle parking spaces are proposed
- 4.10 The scheme proposes 3443 sq.m. of commercial floorspace on site, which represents a re-provision of existing floorspace. At present the end users have not been identified, so to ensure maximum flexibility and ensure the units are let and do not remain vacant, a range of uses have been applied for. Possible end users could include shops, office space, light industrial or studio uses, nursery/crèche or community facilities.

### **Site and Surroundings**

- 4.11 The site area is 0.6 hectares and consists of an irregular shaped parcel of land located on Bethnal Green Road. The site also has frontage to Sclater Street, Cygnet Street and Bacon Street. The site is currently occupied by a commercial building.
- 4.12 The existing commercial building is in B8 warehouse and distribution use, although the majority of the building is vacant. It is divided into approximately six units, which have a combined floorspace of 3,393 sq.m.

- 4.13 The site is located outside a Conservation Area although it abuts the boundary of the Brick Lane/Fournier Street Conservation Area to the east and south.
- 4.14 A limited number of listed buildings are located close by and the site adjoins a conservation area to the east and the south, with a further conservation area slightly further away to the north.
- 4.15 To the south of the site lies Bishopsgate Goods Yard, a 4.6 redevelopment hectare site. It is envisaged that this site will provide a new mixed use quarter to include retail, residential and office accommodation. This proposal is a joint venture by Ballymore Properties and Hammerson.
- 4.16 In 2010, the new Shoreditch underground station is expected just to the west of the site. The entrance to the station will be located on the reopened Wheler Street, just off Bethnal Green Road. The site is bounded by Bethnal Green Road to the north, Sclater Street and Bacon Street to the south and Cygnet Street and Brick Lane to the east

### **Planning History**

- 4.17 PA/07/1521: Request for a Screening Opinion as to whether an Environmental Impact Assessment is required in support of an application for clearance of the site and erection of a part 4 to 24 storey development to provide 2152 sq m of new commercial floorspace falling within Use Classes A1, A2, A3, B1, B1, D1 and/or D2 together with 380 new homes with bicycle parking, refuse/recycling facilities and access. Environmental Impact Assessment was not required (Decision date 13/07/2007).

### **5. POLICY FRAMEWORK**

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

#### **5.2 Unitary Development Plan 1998(as saved September 2007)**

5.3	Proposals:	Proposal	Opportunity Site (Mixed uses, including predominately residential).
5.4	Policy	DEV1 DEV2 DEV3 DEV4 DEV DEV12 DEV17 DEV44 DEV50 DEV51 DEV55 DEV57 DEV69 EMP1 HSG7 HSG15 HSG16 T10 T16 T18 T21	Design Requirements Environmental Requirements Mixed Use development Planning Obligations Protection of local views Provision of Landscaping in Development Siting and Design of Street Furniture Protection of Archaeological remains Noise Contaminated Land Development and Waste Disposal Development affecting nature conservation areas Water Resources Encouraging New Employment Uses Dwelling Mix Preservation of residential character Amenity Space Priorities for Strategic Management Impact of Traffic Pedestrian Safety and Convenience Existing Pedestrians Routes

OS9	Child Play Space
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences

## 5.5 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

5.6 Proposals Development site (mixed use development including Residential C3; Employment (B1); Retail (A2,A3,A4); Public open space

### 5.7 Core Strategies:

MP1	Planning Obligations
CP1	Creating Sustainable Communities
CP2	Equal Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job Creation and Growth
CP11	Sites in Employment Use
CP15	Range of Shops
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP22	Affordable Housing
CP25	Housing Amenity Space
CP27	Community Facilities
CP28	Healthy Living
CP29	Improving Education and Skills
CP30	Improving the Quality and Quantity of Open Space
CP31	Biodiversity
CP37	Flood Alleviation
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP40	A sustainable transport network
CP41	Integrating Development with Transport
CP42	Streets for People
CP43	Better Public Transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety
CP48	Tall Buildings
CP49	Historic Environment
CP50	Important Views

### 5.8 Policies:

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV7	Sustainable Drainage
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments



DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development and Sequential Approach
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space
CON1	Listed Buildings
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views

5.9 **Spatial Development Strategy for Greater London** (consolidated with alterations since 2004)

2A.1	Sustainability Criteria
3A.1	Increasing London's Supply of housing
3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.7	Large Residential Developments
3A.8	Definition of affordable housing
3A.9	Affordable Housing targets
3A.10	Negotiating affordable housing in individual private residential and mixed use schemes
3A.11	Affordable housing thresholds
3B.1	Developing London's economy
3B.2	Office demand and supply
3B.5	Supporting Innovation
3B.6	Improving London's ICT infrastructure
3B.7	Promotion of e-London
3B.8	Creative Industries
3A.17	Addressing the needs of London's diverse population
4B.1	Design principles for a compact City
4B.2	Promoting world class architecture design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety, security and fire prevention and protection
4B.8	Respect and local character and communities
4B.9	Tall buildings location
4B.10	Large scale buildings-design and impact
4B.11	London's built heritage
4A.12	Heritage Conservation
4A.1	Historic Conservation led regeneration
4A.4	Energy Assessment
4A.5	Provision of heating and cooling
4A.6	Decentralised energy, heating, cooling and power

4A.7	Renewable energy
4A.14	Sustainable drainage
4A.17	Water Quality
4A.19	Improving air quality

5.10 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS22	Renewable Energy
PPG24	Planning & Noise

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

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

5.12 **Supplementary Planning Guidance/Documents**

- Designing Out Crime
- Residential Space
- Landscape Requirements
- Archaeology and Development

**6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

Greater London Authority (Statutory):

6.2 The GLA Stage 1 report dated 17<sup>th</sup> October 2007 concluded that: *“the application contains an appropriate mix of uses for this City Fringe Opportunity Area location, maximising its potential compatible with local context broadly in accordance with London Plan design principles”*.

6.3 Notwithstanding the support in principle, the following issues were identified as not being consistent with strategic planning policy:

- There are a number of detailed design issues particularly due to the exposure to high noise levels, which need further attention.
- Require further review of the financial appraisal to ensure that the affordable housing offer represents the maximum reasonable amount of affordable housing.
- A small number of the corner residential units within the tall building appear cramped, overlooking by adjoining balconies and lacking in daylight. The layout of these units should be reconsidered.
- Examine and provide for connections to adjacent development in line with the emerging policies, establish verifiable baseline emissions and demonstrate improvements through energy efficient design.
- Clarify whether or not there will be a cooling load and how this will be met.
- Re examine renewable energy options in light of an optimally sized combined heat and power system.

6.4 (Officer comment: In response to the concerns raised by the GLA, the applicant has made amendments and provided additional information to clarify and respond to the above points.

The amendments made to the scheme have gone out to public consultation)  
Transport for London (Statutory)

- 6.7 TfL initially had the following concerns
- The Transport Assessment significantly underestimates public transport trips in the AM and PM periods and the number of trips associated with the proposed development
  - The cumulative impact of the redevelopment of the Bishopsgate Goods Yard has not been adequately considered.
  - Assess the impact and necessary mitigation required on the local highways networks and footways.
  - TfL wish to see further swept path analysis to demonstrate that the refuse vehicles are able to manoeuvre within the site.
- 6.8 (Officers comments: In response to the concerns raised by TfL, the applicant has responded to the above points raised. This has been addressed later in the report).

Environmental Agency (Statutory):

- 6.9 No objection to the proposed development subject to conditions

### **Non Statutory Consultees**

English Heritage: (Historic buildings)

- 6.10 English Heritage object to the proposal on the following grounds:

*(a): Impact on Conservation Area and Listed Buildings*

*(b): Impact the proposal has on Bishopsgate Goodsyard*

(a) Impact on Conservation Area and Listed Buildings

- 6.11 The proposal would be detrimental to the character and appearance of the Brick Lane/Fournier Street Conservation Area.
- 6.12 The proposal would be detrimental to the setting of various nearby listed buildings.
- 6.1 The proposal is also potentially prejudicial to the emerging Bishopsgate Goodsyard Masterplan.
- 6.15 English Heritage has issues with the lack of pre application involvement with a scheme which has fundamental implications for the historic environment.
- 6.16 The proposal would, by virtue of its scale and massing, be significantly detrimental to the character and appearance of these Conservation Areas. Important conservation area views including those along Cheshire Street and Bacon Street as well as Bethnal Green Road (part of which is included in the Brick Lane /Fournier Street Conservation Area) would be significantly harmed.
- 6.17 The site boundary abuts the rear of No. 149 Brick Lane which is Grade II listed. The proposed development, by virtue of its scale and mass, would be detrimental to the setting of this building along with that of other Grade II buildings including the nearby Knave of Clubs Public House at 25 Bethnal Green Road, the terrace of shops and flats at 123-159 (odd) Bethnal Green Road and various listed buildings within the Boundary Estate Conservation Area.

(b): Impact the proposal has on Bishopsgate Goodsyard

6.18 The site is adjacent to the former Bishopsgate Goodsyard which includes the Grade 11 listed Braithwaite Viaduct. A masterplan framework is currently being evolved for the Courtyard site. This draft document envisages buildings stepping down in scale from Norton evaluation of the scheme should await the publication of the final masterplan. English Heritage are concerned that, should the scheme be granted permission, it may restrict the development options around the Braithwaite Viaduct, thereby reducing the chances of creating an acceptable setting for the viaduct.

6.19 (This has been addressed later in the report)

English Heritage Archaeology

6.20 No comments received

London Borough of Hackney

6.21 No comments received

Landscape section:

6.23 No comments received

Highway Development:

6.24 Doors which open outwards over the public highway are forbidden by Section 153 of the Highways Act, 1980. Where an escape door is required to open outwards it must be suitably recessed. The developer should amend those doors opening outwards on the submitted plans

6.25 All changes to the landscaping on public highways will have to be submitted and agreed with the local planning authority.

6.26 Section 106 agreement should include a 'car free' agreement

6.27 Section 106 contributions should be in place to improve the surrounding area for the following.

(a): Resurfacing of the carriageway in Bacon Street, Sclater Street and Cygnet Street

(b): Pay for the raised tables

6.28 The developer should dedicate some land on Bacon Street to upgrade the existing pavement to LBTH standard of 2m. The developer should enter an agreement under section 72 of the Highways Act 1980 to dedicate some land for this purpose.

6.29 The development shall not commence until a scheme for the carrying out of the highways works shown generally on the 'Section 278/72 Agreement Highways Works Plan has been submitted to and approved in writing by the local planning authority.

(Officers comment: The above will be addressed by way of condition or Section 106 agreement)

Education:

6.30 The proposed dwelling mix in this application is assessed as requiring a developer contribution towards the provision of 45 primary school places @12, 343= £537,390

## Primary Care Trust

- 6.31 A total capital contribution of £313,548 to mitigate the demand of the additional population on education facilities.

## Tower Hamlets Conservation Advisory Group (CAG)

- 6.32 CAG had the following comments to make:
- The proposal makes little reference to the emerging Bishopsgate Masterplan. The cumulative impact of this proposal and Bishopsgate Goodsyard has not been considered.
  - Inappropriate design proposed for its surrounding context
  - The proposal does not respond to the wedged shaped red building on the acute corner of Bethnal Green Road and Sclater Street.
  - The proposal will compromise the setting of Christ Church Grade 1 Listed Building
  - The proposed public square linking the site to the Rich Mix would be in shade much of the time due to building heights.

(Officers comment: This has been addressed later in the report)

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 492 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site.

### 7.2 Initial consultation

- 7.3 As noted in 4.1, the application was originally submitted in September 2007 for the demolition of the existing buildings and erection of 4 to 25 storey buildings to provide:

- 3,660 sqm of commercial floorspace (A2,AA4,B1,B8,D1 and/or D2)
- 372 residential units
- car parking, bicycle parking, refuse/recycling facilities, access, public amenity space and new public square.

- 7.4 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

- 7.5 No of individual responses: 49      Objecting: 49      Supporting: 0  
No of petitions received: 1 objecting containing 49 signatories  
0 supporting containing 0 signatories

- 7.6 The following issues were raised in representations relating to the initial proposal submitted (372 units) that are material to the determination of the application, and they are addressed in the next section of this report:

### Land Use and Design

- 7.7 The proposed density is too high and will negatively impact on the social and physical infrastructure of the area (i.e. roads, public open space, social facilities, drainage, sewerage, transport, refuse collection, schooling, medical, etc).
- 7.8 There is no need for further retail in the area, where the area is currently provided with an excellent range of shops.
- 7.9 The proposal will result in a spillover of tall buildings from City of London.

- 7.10 The height, bulk, scale, and design quality (inc. materials) will negatively impact upon the context of the surrounding area.
- 7.11 The proposal will adversely impacts on the nearby Conservation Areas. The Boundary Estate is an historic, Grade 2 listed site.

#### Amenity

- 7.12
- Loss of daylight and sunlight.
  - Overshadowing.
  - Loss of privacy.
  - Increased disruption including noise and vibration.
  - Increased pollution.
  - Increased anti-social behaviour, noise nuisance and crime.
  - Sense of enclosure/ outlook.

#### Highways

- 7.13 There is inadequate provision for car parking spaces. This will have a negative impact on the surrounding area which currently experiences problems from lack of parking.
- 7.14 There is insufficient infrastructure along Wapping Lane to support the increased traffic levels proposed. Wapping Lane is narrow and would become a danger given the increase proposed. The traffic volumes will also ruin the safe and quiet character of the area.

#### Amenity space

- 7.15 The ratio of the amenity space to density is insufficient
- 7.16 The proposal will result in increase strain on children school places

#### Winds

- 7.17 Wind will be increased around the nearby streets. In addition, television reception and mobile phone reception will be badly affected.

#### Environmental and social

- 7.19 There will be increased strain on the availability of school places, doctor/dentist surgeries, water pressure, gas and electricity supplies- all of which services are already overstretched in this area.

#### **Consultation on the amended scheme**

- 7.21 Consultation letters for the amended scheme were sent out on the 1<sup>st</sup> February 2008. A total of 492 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment.

As noted in 4.3, the revised scheme was for:

- 3,443 sq.m of commercial floorspace (A1, A2,A4, B1,D1 & D2)
- 360 residential units
- 83 car parking spaces

- 7.22 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.23 No of individual responses: 16      Objecting: 4      Supporting: 0  
No of petitions received: 1 objecting containing 4 signatories  
0 supporting containing 0 signatories

7.24 The objections received were based on the following grounds:

7.25 Land use and design

- The proposed density of the proposal results in overdevelopment of the site.
- This proposal will set a precedent for tall buildings in the area
- The proposal is out of keeping with the whole character of the area
- Negative impact on character and quality of Bethnal Green Rd public realm
- Tall buildings on this site should only be considered in a comprehensive local development sites.
- The 'context' studies in several of the documents, not only the DAS, is that they rely heavily on future developments, therefore the design relies for its justification upon non-existent and unapproved future possible tall buildings on sites of varying distances away.
- The Tower element is described as a 'gateway to the east', however, it is inappropriately located to perform this function, which is and will continue to be carried out by better located landmarks.
- Poor quality architectural design and finishes
- Tall buildings are unnecessary to achieve density & promote regeneration of an area.
- The tower will have a negative impact on Brick Lane and Boundary Estate Conservation Areas
- Daylight and Sunlight assessment does not include residential properties north of the development especially on homes in Redchurch Street and Old Nichol Street
- Rix mix will be dwarfed by the proposed tower and is situated immediately opposite the site
- With reference to culture, this site would be better used for creative industries as this area serves an artistic community.
- With reference to health, the area needs a modern health care centre with up to date facilities.

7.26 Amenity

Loss of daylight and sunlight to buildings to the north of the site on Redchurch Street and Club Row.

Public Realm

7.27 1) The section on public open space within the Design and Assess Statement notes that the proposal includes 1040 sqm of new public open space which equates to approximately 18.5% of the site area. The report notes that:

- 160 metres of frontage along Bethnal Green Road will be improved as part of the works. However, this may not be within the site boundary.
- Scalter Street, Cygnet Street and Bacon Street are all bound by the site but are not within the boundary although some treatment is illustrated.

(Officers comment: The improvement works stated in the design and access statement are within the site boundary. Works the take place outside the boundary will be agreed in a Section 106 and 278 agreements. A contribution of £851,000 will be provided towards improving street environment and walking links between the development AS PART OF THE Section 106 agreement.

7.28 2) The public square appears to be 8.7% of the total area

(Officers comment: The overall public space on site needs to be confirmed. This will be reported in the addendum report)

7.29 Winds

The new development will cause high winds in the nearby streets

7.30 Environmental and social impacts

The proposal will have an adverse environmental and social impact on the integrity of the local area.

7.31 Electricity, gas and water supplies will be badly affected.

7.32 The following procedural issue was raised by a member of the public with regard to pre consultation:

- The public exhibition was held on only one day (which was not on a weekend when more people would have been able to attend)
- The notice of the exhibition gave scant information in respect of the application; in particular, the notice did not mention the proposed height of the tower.
- The questionnaire, while specifically asking for feedback on the proposed public square and proposed uses for the commercial space, did not ask for principal concern of those who attended the public exhibition.

The following non material considerations were raised:

7.33 Having a 25 storey block is bad for psychological and physical health

English Heritage

7.44 English Heritage were consulted on the amended scheme and the objections raised on the initial application apply to the revised proposal (refer to 6.10-6.19)

CABE

7.45 No comments received

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Density
3. Design
4. Housing
5. Amenity/open space
6. Daylight and Sunlight
7. Transport
8. Sustainability

### **Land use**

8.2 The proposed scheme includes the demolition of the existing industrial uses on the site, to



provide a mixed use residential led development.

- 8.3 The site is not designated in the Unitary Development Plan 1998 (UDP). However, the site is designated for mixed uses including residential (C3), employment (B1), retail (A2, A3, A4) and public open space in the Councils Interim Planning Guidance 2007. In addition, the site in question has been identified as a site allocation in the City Fringe Area Action Plan in the Banglatown and Brick Lane sub-area which is covered by Policy CFR32. According to Policy CFR32, the preferred uses for 32-42 Bethnal Green Road are:
- Residential (C3)
  - Employment (B1)
  - Retail (A2, A3, A4)
  - Public open space
- 8.4 In accordance with polices 3A.1, 3A.3 & 3A.5 of the consolidated London Plan (2008), the Mayor is seeking the maximum provision of additional housing in London. The London Plan housing targets (December 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes, subject to the provision of adequate social and physical infrastructure and contributing to sustainable communities (CP19). On the basis of housing targets, it is considered that the site is appropriate for residential development.
- 8.5 In addition, where a residential led development is considered to be appropriate, the loss of employment land should be compensated with an increase in the provision of non residential uses to ensure direct employment opportunities for local people are maximised. In terms of employment generation, the current proposal provides an area of 3,434 sqm for Class A1, A3, A4, B1, D1 & D2 use). Given the range of employment densities applicable to the proposed development, once operational, the scheme will result in more employment in the area.
- 8.6 The proposed mix of land uses are therefore considered appropriate for this site.

### **Density**

- 8.7 The site has a net residential area of approximately 0.63 hectares. The scheme is proposing 360 units or 980 habitable rooms. The proposed residential accommodation would result in a density of approximately 1544 habitable rooms per hectare (hr/ha).
- 8.8 The site has a public transport accessibility level, or PTAL, of 5b. According to TABLE 4b.1 of the London Plan, the site is best described as 'urban' and therefore has a suggested density range of 650-1100 habitable rooms per hectare (hr/ha) in accordance with the 'Density location and parking matrix'.
- 8.9 In general numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.10 Residents have considered that this application results in an unacceptable increase in density and is therefore an overdevelopment of the site. However it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure

- 8.11 These issues are all considered in detail later in the report and were considered to be acceptable.
- 8.12 Policy 3A.4 of the consolidated London Plan (2008) states that the Mayor will ensure the development proposals achieve the highest possible intensity of use compatible with local context, the design principles of 4B.1 and with public transport capacity.
- 8.13 Policy 3A.2 of the consolidated London Plan (2008) encourages boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to:
- maximise residential densities on individual sites;
  - taking into consideration the local context and character;
  - residential amenity, site accessibility;
  - housing mix and type;
  - achieving high quality,
  - well designed homes;
  - maximising resource efficiency;
  - minimising adverse environmental impacts;
  - the capacity of social and physical infrastructure and open spaces
  - ensure the most efficient use of land within the Borough.
- 8.14 On review of these issues, a high density mixed use development can be supported in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:
- 8.17 A number of contributions towards affordable housing, health, education, transport, cultural, social and community facilities and local employment initiatives been agreed to mitigate any potential impacts on local services and infrastructure. It is to be noted that residents feel that the developments high density will result in increased problems. However, it is proposed that these contributions will assist in alleviating any adverse impacts from this development.
- 8.18 The development is located within an area with suitable transport links. The GLA notes that "the site is located approximately 200m east from the nearest Transport for London Road network, the A10 Shoreditch High Street. There are currently three vehicular accesses to the site via Sclater Street, and a further three via Bacon Street and Cygnet Streets. The site has a public transport accessibility level (PTAL) of 6 where 1 is poor and 6 is excellent. Two bus services operate along Bethnal Green Road, a further seven services operate along Shoreditch High Street. Liverpool Street station is within 12 minutes walk of the site and is serviced by the Central, Metropolitan, Circle and Hammersmith and City lines". Moreover, a new tube station is proposed on Bishopsgate Goodsyards. As such, given the extent of suitable transport links, a high density scheme is acceptable on this site.

## **Housing**

- 8.21 Policy HSG2 'Housing Mix' of the Interim Planning Guidance specifies an expected unit mix.

### Affordable Housing

- 8.22 Policy 3A.9 of the consolidated London Plan (1998) sets out a strategic target that 50% of the new housing provision should be affordable. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.23 An evaluation of the schemes viability was prepared by the applicant using the GLA Affordable Housing Development Control Toolkit, where the scheme is proposing less than 50% affordable housing, in line with policy 3A.10 of the London Plan. The toolkit assessment

has been scrutinised and its results, on balance, are supported. The proposal provides 35% affordable housing by habitable rooms which complies with the Councils requirement on affordable housing.

Social Rented/ Intermediate Ratio

- 8.24 Against London Plan policy 3A.9 the GLA’s affordable housing target is that 70% should be social rented housing and 30% should be intermediate rent.
- 8.25 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing. A summary of the affordable housing social rented/ intermediate split is provided below:
- 8.26 The proposal provides 35% habitable rooms as affordable housing, which meets the Council’s minimum target; 71% of those are for affordable social rented accommodation and 29% for intermediate housing. This falls short on the 80% requirement for social rented within the IPG. However the scheme meets the London Plan target of 70% of the affordable being for rent, and is therefore, on balance, acceptable.
- 8.27 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide any prescribed targets. Overall, the application provides 65 x 3 bed; 7 x 4 bed & 5x 5 bed which the Council considers to be an acceptable mix on site.

Housing mix

- 8.28 Policy CP21 ‘Dwelling Mix and Type’ of the Interim Planning Guidance governs the ratio of social rented units to those of intermediate tenures. Policy HSG2 ‘Housing Mix’ of the Interim Planning Guidance specifies an expected unit mix.
- 8.29 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Borough’s current housing:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total Units in scheme	units	%	target %	units	%	target %	units	%	target %
Studio	32	0	0	0	0	0	25	32	12	25
1 bed	135	20	28	20	8	27.5	25	107	41	25
2 bed	116	19	26.3	35	8	27.5	25	89	35	25
3 bed	65	21	29	30	13	45	25	31	12	25
4 bed	7	7	10	10	0			0		
5 Bed	5	5	6.9	5	0			0		
<b>TOTAL</b>	<b>360</b>	<b>72</b>	<b>100</b>	<b>100</b>	<b>29</b>	<b>100</b>	<b>100</b>	<b>259</b>	<b>100</b>	<b>100</b>

**Table 1: Proposed housing mix and tenure split**

- 8.30 The Council’s Interim Planning Guidance requires 45% of social rented units to be suitable for family accommodation (3 bed or more). The proposal provides 46% family

accommodation by unit numbers. The proposed development therefore exceeds the policy requirement of HSG 2 'Housing Mix'.

- 8.31 The Council's Interim Planning Guidance requires 25% of intermediate and market units to be family sized accommodation. The proposal makes provision for 45 % family housing and in the intermediate tenure and therefore exceeds the policy requirement. The proposal makes provision for 12% family units in the private tenure and which falls short of the policy requirement. The Council is prepared to accept the deficiency of family units in the private sector and the proposal exceeds the policy requirement provision for family units in the social rented and intermediate tenure.
- 8.32 The scheme provides 72 units in the social rented sector, 29 units in the intermediate tenure and 360 units in the private tenure. The proposal makes provision for 77 family units out of a total of 360 units. Overall, the Council makes provision for 22% family accommodation within the scheme against the Council target of 30%. However it is considered that the overall provision of family sized units is in line with Councils aspirations.
- 8.33 The financial viability assessment in the form of the GLA's Toolkit has been submitted justifying the financial viability of the mix as proposed. Importantly, the scheme exceeds the amount of family housing otherwise achieved across the Borough based on the most recently published LBTH Annual Monitoring Report 2005-6 as shown in the table below. Therefore the scheme is a positive step towards LBTH achieving key housing targets and better catering for housing need.

<b>Tenure</b>	<b>Borough wide %</b>	<b>PA/07/2193 %</b>
Social rented	21.7%	33
Intermediate	9.7	45
Market	1.7	12
<b>Total</b>	<b>6.8</b>	<b>22</b>

### Design

- 8.35 The existing industrial development on the site does little to make an active contribution to the urban environment. The Council's Planning Department however is of the opinion that the proposed building's height, scale, bulk and quality of design are appropriate for this location. This assessment is examined in detail below.

### Bulk and Massing

- 8.36 Good design is central to all the objectives of the London Plan. Policy 4B.1 of the consolidated London Plan (2008) refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.37 Policy CP4 of the Interim Planning Guidance (2007) states that LBTH will ensure the development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.38 Comments from the 2007 GLA stage 1 report advises that the site is able to take up increased massing and height, subject to high quality architecture and use of materials.
- 8.39 Policy DEV27 of the Interim Planning Guidance provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:

- The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials & relationship to other buildings
- Presents a human scaled development at the street level.
- The wind and micro climate testing has been undertaken and concludes that the impact on the microclimate of the surrounding area, including the proposal site and public spaces, will not be detrimental.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses.
- Incorporates principles of inclusive design.
- The site is located in an area with good public transport access.
- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces.
- The scheme provides publicly accessible areas, including the ground floor non residential uses and public realm.

8.40 The design of the tower is positive and reflects its residential nature. Layering of cladding and materials for the tower element are of high quality and subjected to good detailing will be acceptable. Sky gardens on intermediate floors and large one at 20<sup>th</sup> floor, winter gardens for units are further positive contributions to the scheme. The revisions made to the Southern elevation have resulted in better though through and animated façade.

8.41 The access statement indicates that 10% of the units will be wheelchair accessible. The scheme should be conditioned appropriately to ensure that this is provided for.

### Tall Buildings

8.42 The London Plan encourages the development of tall buildings in appropriate locations. Policy 4B.9 of the consolidated London Plan (2008) states that tall buildings will be particularly appropriate where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the consolidated London Plan (2008) requires all large-scale buildings, including tall buildings, to be of the highest quality of design.

8.43 CP48 of the Interim Planning Guidance permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.

8.44 Within the wider context of the site there are a number of tall buildings. These tall buildings occur both within the City Quarter to the south west of the site but also within the more residential areas to the north of the site. Examples of tall buildings approved in the area are:

- 201 Bishopsgate- two commercial towers of 5 and 13 storeys (under construction)
- 100 Bishopsgate-40 storey commercial building (planning approved)

8.45 London Borough of Hackney's South Shoreditch SPD identifies the western corner of the site near Commercial Road and Shoreditch High Street as potential places for tall buildings. In the vicinity of the site is Bishopsgate Goodsyard. The site is constrained by the existing and future east London tube line which runs through the site. It is therefore likely that high density development will be proposed on the remainder of the site in light of the fact that it is identified an opportunity site for development in the City Fringe Area Action Plan. As such, tall buildings are likely on this site somewhere.

8.46 The GLA stage 1 report notes that the proposed development when seen in its wider context is considered to be a suitable location. The designs show that care has been taken in relation to the surrounding residential environment, including privacy, amenity and overshadowing. In particular, lower buildings have been located to the south of the site and the plan has a mix of single and dual aspect dwellings.

8.47 In addition, the GLA report states that:

*“the design response has been derived from a rigorous urban design assessment and has evolved through a number of iterations to take account of microclimate, adjoining conservation areas and other constraints. In particular, the massing and orientation result in a striking and contemporary form rising at the apex of the intersection between Wheeler Street and Bethnal Green Road looking east. This produces an appropriate landmark looking east from the new Shoreditch station. The proposed form of the tall building is therefore an appropriate design response to the site’s context creating an attractive landmark building which will add positively to London’s skyline. It will also contribute to the maximisation of the site’s potential and the creation of good quality public realm”.*

8.48 With reference to public realm improvements, The GLA report notes that:

*“the wider proposals for the public realm, to include 1,040 sq.m. of new public space, are convincing. It will re-establish a connection towards the rich mix centre which existed historically. The Club Row covered space provides an enclosed pedestrian route integrated with the commercial units that will be a destination in itself. Other street improvements are proposed along Bethnal Green Road and Sclater Street and are welcomed. All frontages are animated by active uses and seem likely to add positively to street scene”*

#### Built Heritage

8.49 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building’s character

8.50 Policy 4B.11 of the consolidated London Plan (2008) seeks to protect and enhance London’s historic environment. Further, Policy 4B.12 and 4B.13 states that boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.

8.51 Policy CON1 [1] of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.

8.52 As mentioned earlier in this report, the site is not located in a conservation area. There are a number of listed buildings within the vicinity of the site.

8.53 English Heritage has objected on 2 key grounds. These include:

- Impact on Conservation Area and listed building
- Impacts on Bishopsgate Goodsyrd

#### Views along Shoreditch High Street south of junction with Bethnal Green Road

8.54 The Council considers that the reduction in height of the south tower produces a more stepped effect, emphasising the contrast between the taller elements of the buildings. In addition, the predominant use of glass lightens the affect of the building and reduces the massing on the south and west elevation.

View from Bethnal Green Road at junction with Padbury Court looking south west

- 8.55 The Council considers that the stepping down of the tower adds to the visual interest. The v 'wedged-shaped' towers compliment the design and mass of the Bishopsgate Tower. The eastern elevation of the lower tower is mostly glass and in keeping with the Bishopsgate Tower. The development visually links in to the City in the distance.
- 8.56 The stepped effect of the taller elements of the development provides further visual interest in a view that already includes recent development of a larger scale.

View from Buxton Street looking through Allen Gardens into Brick Lane- Fournier Street Conservation Area and towards the site

- 8.57 The setting of the listed building and the Truman Brewery chimney are not unduly harmed by the development. The Council does not consider that the development will adversely impact on the views.

Views from Bethnal Green Road at the junction with Wheler Street close to the proposed Shoreditch Station looking east and towards the Brick Lane- Fournier Street Conservation Area and the site

- 8.58 The Council considers that the setting of the Grade II public house is not harmed by the development. Views through to the Conservation Area are not adversely affected as the visual impact of the taller element will be acceptable as a result of the materials and modelling of the elevations.

Impact proposal has on Hawksmoor's Christchurch Spitalfields (Grade I building)

- 8.59 The proposal will not have an immediate or adverse impact on the setting of the Christchurch building as it is not within close proximity of the site and as such will not affect the setting of this listed building. The stepping down if the southern element of the towers provides articulation within this townscape. The setting of the Hawksmoor Christchurch Spitalfields (Grade 1) and the eastern façade of Spitalfields Market (Grade II) will be unharmed as the proposal will only be partially visible in a distance background view.

Impact on the Bishopsgate Goodsyard site

- 8.60 The development of the Goods Yard is likely to come forward in phases. Officers are working jointly with LB Hackney to guide the preparation of a masterplan for Bishopsgate Goods Yard, to be adopted ultimately as SPD to provide guidance for future development. Work is at a very early stage and the draft masterplan will be subject to preliminary and statutory consultation, sustainability appraisal and equalities impact assessment. Notwithstanding comments made by English Heritage, the proposals for 32-42 Bethnal Green Road have to be considered on their merits and in the light of current planning policies and not pre-determine the design of any development that may be incorporated in the emerging Bishopsgate Goods Yard Masterplan. The Council does not consider that the proposal will prejudice future development potential of the Bishopsgate Goodsyard site.

Conclusion

- 8.61 The Council acknowledges that the proposal will affect the townscape generally. This area includes several heritage assets whose setting would be affected by the buildings and in particular the taller element of the scheme. A significant part of the tower will be visible from one significant, public open space and to a limited degree from other areas. However, the Council considers that the stepping down of the south tower provides visual interest and

articulation within the wider townscape. Views of the development from the adjacent Brick Lane- Fournier Street Conservation Area provide visual interest to the townscape and as such, the development is considered acceptable on these grounds.

### Amenity/Open Space

8.62 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

8.63 The following is an assessment against the residential amenity space requirements under policy HSG7 of the Interim Planning Guidance:

8.64 The amount of amenity space required is set by Policy HSG7 from the Interim Planning Guidance (2007) as detailed above. Given the dwelling mix and their locations within the scheme, this results in the following private amenity space requirements.

Minimum Private Amenity Space Provision			
Unit Types	Amenity Space Required	Number of Units	Total Amenity Space Required
All houses, ground floor flats with 3+ beds	50 sqm	6	300 sqm
Ground floor flats with less than 3 beds	25 sqm	2	50 sqm
1 bed flats and studios	6 sqm	167	1002 sqm
2 bed + flats	10 sqm	185	1850 sqm
	Totals	360	<u>3202 sqm</u>

8.64 The scheme provides private amenity space in various forms including:

- Balconies - 1618 sqm
- winter gardens- 88 sqm
- Roof terraces- 706 sqm
- Rear gardens- 100sqm

The total amount of private amenity floorspace is 2548 sqm.

8.65 This is slightly under the target figure set in Policy HSG7. However, it should be recognised that the quality of the spaces is good, with all areas being practical and useable. Furthermore, as set out below, the communal amenity space provision is well over the level sought by Policy HSG7, which does offset any shortfall in private space provision.

8.66 Policy HSG7 also sets standards in relation to communal amenity space provision. Again, the requirements for the proposal are set out below.



Minimum Communal Amenity Space Provision			
All developments with 10+ units	50 sqm for first 10 units, then 5 sqm for every extra 5 units	First 10 units	50 sqm
		Remaining Units	350 350 sqm
		Total	400 sqm

- 8.67 The proposal actually provides communal amenity space in the form of sky gardens, communal terraces, the Block A internal courtyard and the Block B internal courtyard, which have a combined total area of 2260 sqm. It should be noted this figure excludes the public open space within the scheme. This excludes significantly the figure suggested by Policy HSG7.
- 8.68 Essentially, a hard open space is welcomed in this locality. Its location, opposite the rich mix centre and surrounded by active uses, is also welcomed. The proposed design and arrangement appears to provide a sufficient, robust and useable amount of public space connected with the desire lines and movement routes for pedestrians. It does fall short of the 2 hectare requirement of the City Fringe AAP though, but its design suggests it will be used and become a lively space for local people in an urban setting.

#### Child Play Space

- 8.69 Policy 3A.18 'Protection and enhancement of social infrastructure and community facilities' of the consolidated London Plan (2008) seeks the protection and enhancement of social infrastructure, including child play and recreation facilities. As such, all residential development is expected to provide child play space.
- 8.70 The draft GLA Guide to Preparing Play Strategies encourages the provision of a wide range of play opportunities and spaces, rather than prescribed, fenced off area with a quota of manufactured equipment. Further, according to paragraph 11.8 of the Mayor's SPG for Housing, when assessing needs of children and young people:
- "full account should be taken of their need for play and informal recreation facilities within walking distance of their home".*
- 8.71 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development "provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies". Paragraph 17 of PPS3 states that "where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space"
- 8.72 The scheme has various amenity areas. The most suitable areas for children's playspace are the two internal courtyards. The 'Providing for Children and Young People's Play and Informal Recreation' SPG states that play space for children under five would include both small equipped play areas and public open spaces with potential for informal play. Given this, both of the internal courtyards could be considered as being suitable for playspace. They have a combined floorspace of 1104 sqm, well over the 540 sqm sought by the SPG.
- 8.73 Given the location of the affordable units within the scheme, and the higher child yields that tenure generates, it is considered that the Block B courtyard is the most suitable for more formal children's playspace. Details of the playspace proposals, the Nature Play Area, are shown in the Landscape Design Statement submitted with the application
- 8.74 As the Landscape Design Statement sets out, the play areas have been designed to be

suitable for 5 to 11 year olds as well, in addition to under fives. There is likely to be 49 children falling within the 5 to 11 year old range, with a resulting requirement for 490 sqm of space. When combined with the 520 sqm needed for the under fives, this results in a need for 1010 sqm, which could be accommodated within the two courtyard areas, which total 1104 sqm. The scheme includes enough areas within the site for their playspace needs, as well as the playspace needs of the under fives.

8.75 The GLA stage 1 report notes that:

*“overall, play space is fully integrated into the detailed design and features prominently in the landscaping proposals. The design response has produced attractive, engaging and challenging spaces for children and accords with the London Plan”.*

#### Safety and Security

8.76 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.

8.77 With reference to inclusive design, the access statement indicates that 10% of the units will be wheelchair accessible. The scheme should be conditioned appropriately to ensure that this is provided for. The affordable and market housing elements have been designed to incorporate full Lifetime Home Standard requirements.

#### Daylight /Sunlight Access

8.78 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment

8.79 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

8.80 The applicant submitted a Daylight and Sunlight report within the ES, prepared by Delva Patman Associates, which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.

#### a) Daylight Assessment

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

8.82 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms.

8.83 The properties tested for light deficiencies were:

49 Bethnal Green Road

51 Bethnal Green Road  
114-118 Bethnal Green Road  
145 Brick Lane  
149 Brick Lane  
151 Brick Lane  
153 Brick Lane  
155 Brick Lane  
155 Brick Lane  
157 Brick Lane  
169 Brick Lane  
161 Brick Lane  
16 Bacon Street  
93-95 Sclater Street  
97-99 Sclater Street  
101-103 Sclater Street  
70-74 Sclater Street  
66-68 Sclater Street

49 Bethnal Green Road

Daylight

- 8.84 Majority of the rooms pass the daylight sunlight test. The rooms which fall short of the BRE ADF guidance by 0.07%. This shortfall is considered to be negligible.

Sunlight

- 8.85 The property faces within 90 degrees of due south and therefore falls within the BRE sunlight criteria. The values obtained for these windows show that they will continue to receive extremely good levels of sunlight.

51 Bethnal Green Road

Daylight

- 8.86 Majority of windows pass the VSC test. The rooms which fail pass the ADF tests. The ADF values that have been obtained for each of the rooms are well in excess of the target standards.

Sunlight

- 8.87 The rooms will receive adequate daylight levels.

114-118 Bethnal Green Road

- 8.88 With reference to daylight, all rooms either pass the VSC or the ADF test.
- 8.89 The sunlight assessment falls short of the minimum room size standards. However, in the context of the site, the deficiencies are not considered to be hugely significant for west facing windows.

145-161 (odd) Brick Lane

- 8.90 155 Brick Lane and 159 Brick Lane can be totally discounted as both of these properties are fully in commercial use as bakeries and therefore do not contain any habitable rooms. 151, 153, 157 and 161 all materially satisfy the BRE Guidelines. This therefore leaves two windows. The first bedroom window in 149 Brick Lane does not fully satisfy the VSC target

but achieves a very respectable amount of internal daylight distribution and yields an ADF value of 1.49%, well in excess of the target standard. As ADF is the Council's preferred method of measurement, this room would be considered as adequate. The remaining room is the second floor room in 145 (14/147) Brick Lane which is set back in a recessed balcony. Although this single room does not satisfy the VSC test, it will nonetheless be left with relatively good internal daylight distribution, which gives the circumstances of its recessed nature, is not considered to be reasonable.

#### 16 Bacon Street

- 8.91 The ground floor of 16 Bacon Street is in commercial use and the residential content is limited to the first and second floors. The windows serving the habitable rooms will experience more than a 25% loss in terms of VSC and daylight distribution and each of the rooms will also fall below the target ADF values. However, given the urban context of the site, it is inevitable that a loss of daylight will occur. As such, a refusal could be sustained on these grounds.
- 8.92 Sunlight will not be an issue as the windows do not face within 90 degrees of due south and therefore fall outside the BRE sunlight criteria.

#### 93-95 Sclater Street

- 8.93 All of the rear facing windows in this property will satisfy the VSC, daylight distribution and ADF tests. Consequently, there will be no material impact on daylight. Sunlight is not an issue as these do not face within 90 degrees of due south and therefore fall outside the BRE sunlight criteria.
- 8.94 Sunlight is not an issue as these windows do not face within 90 degrees of due south and therefore fall outside the BRE sunlight criteria.

#### 97-99 Sclater Street

- 8.95 Satisfies the BRE daylight and sunlight tests

#### 101-103 Sclater Street

- 8.96 Satisfies the BRE daylight and sunlight tests

#### 70-74 Sclater Street

- 8.97 Satisfies the BRE daylight and sunlight tests

#### 60-68 Sclater Street

- 8.98 Majority of the rooms pass the daylight tests. However, some of the bedrooms will not meet the ADF tests. However, given the urban context of the site, it is inevitable that a loss of daylight will occur. As such, a refusal could not be sustained on these grounds.
- 8.99 Sunlight is not an issue as none of the windows with an aspect over the site face within 90 degrees of due south and therefore do not fall within the BRE sunlight criteria.

#### 66-68 Sclater Street

- 8.100 Two bedrooms will fall below the target ADF standard. This is a result of restoration of the historical street pattern and natural parapet height coupled by the smaller window openings that serve those particular bedrooms.
- 8.101 The applicant was asked to assess the impacts the proposal has on 145-161 (odd numbers)

Brick Lane and 70-74 Sclater (odd numbers) Brick Lane and 70-74 Sclater Street.

#### 70-74 Sclater Street

- 8.102 Those drawings show rooms that have a dual aspect with additional windows facing south over Bishopsgate goods yard which when added to the daylight received by the north facing windows over Sclater Street, demonstrate that internal daylight levels would be adequate.

#### (b) Sunlight Assessment

- 8.103 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.

#### Properties on Redchurch Street and Club Row

- 8.104 The Following properties on Redchurch Street and Clun Row were examined:

Property	Existing VSC	Proposed VSC	% loss
45 Redchurch Street	23.30	23.18	.52
47 Redchurch Street	20.62	20.49	.65
49 Redchurch Street	18.87	18.82	.79
51 Redchurch Street	18.22	18.02	1.10
53/55 Redchurch Street	18.67	18.48	1.01
57 Redchurch Street	21.18	20.00	5.57
59 Redchurch Street	22.74	21.54	5.29
61 Redchurch Street	22.88	21.86	4.46
63 Redchurch Street	23.52	22.36	4.92
65 Redchurch Street	23.78	21.94	7.72
67 Redchurch Street	24.67	21.97	10.95
71 Redchurch Street	25.25	23.51	6.89
73 Redchurch Street	23.55	21.33	9.41
75 Redchurch Street	21.07	20.74	1.57
77-81 Redchurch Street	20.08	19.56	1.81
3 Club Row	25.23	21.16	16.13
5 Club Row	26.05	23.17	11.06
7 Club Row	27.29	25.19	7.71

- 8.105 From the analysis, it is clear that the only part of the proposed development that will be directly visible from the first floor window serving habitable rooms is the proposed tower. The impact of that proposed tower is more prominent at the junction of Club Row and Redchurch Street where the view of the site is less obstructed by existing buildings as there is a direct line of sight along Club Row itself. The results in the table above that these will be no significant impact at all on the daylighting to any of the habitable rooms along Redchurch Street and Club Row as they will all be well within the BRE Guidelines.

#### Daylight and sunlight to proposed amended scheme

- 8.106 The original daylight sunlight report dated 26<sup>th</sup> October 2007, indicated that a number of habitable rooms within the two 'courtyards' would receive relatively poor levels of daylight and sunlight. Following on from this, there has been a number of revisions made to the design since the date of submission, namely:  
redesign of balconies  
redesign of internal room layouts

changes and increases in window sizes

- 8.107 Significant improvements have been achieved with only a very few habitable rooms which presently fail to meet the target design standards. Whilst the majority of rooms pass the ADF tests, there are a few which fall marginally short of the ADF values. However, given the constraints of the site and its urban context, the extent of the impact on daylight is not significant enough to warrant a refusal to this application.

#### Overshadowing

- 8.108 A portion of the courtyard in Block A and block B will be in permanent shadow. It is however possible to offset the lack of sunlight by providing high quality landscaping in order to make the courtyards an attractive sitting-out area as in the case of the areas of 'public realm' around Butler's Wharf or the covered courtyards and market square at Spitalfields and Covent Garden.

#### Privacy

- 8.109 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most People. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window.

#### Conclusion

- 8.110 If the aims and objectives of central and local government policies are to be achieved, making the best use of previously developed land in urban area and enhancing the existing housing stock, it has to be accepted that the resultant increased density of development will lead to taller buildings in relatively increased density of development will lead to taller buildings in relatively close proximity. This is a key redevelopment site for the Borough, allocated specifically for development in the Councils Interim Planning Guidance in the City Fringe, an area where a large amount of change will take place over the next few years. It has also been identified as being suitable for a Tall Building by the GLA. On this site, replacement of the existing low rise warehouse building with a suitable form of development will therefore lead to some loss of light of neighbouring properties and strict application of the BRE tests would be neither appropriate nor workable.
- 8.111 There are a number of windows which will experience an impact that goes beyond the guidelines contained in the BRE Guidelines and British Standard Code of Practice for Daylighting. The vast majority of those technical transgressions are of a relatively minor nature and are unlikely to have a material impact on the actual use of the neighbouring premises.
- 8.112 In terms of sunlight, the overall sunlight values achieved for all of the properties around the site are very good and the only matter where there is not full compliance with the BRE Guidelines is generally in terms of some minor losses to winter sunlight hours. However, even where there are losses to winter sunlight, the overall annual sunlight to those particular windows remains good.

#### **Highways**

##### Access

- 8.113 In terms of pedestrian access, two new pedestrian routes through from Bethnal Green Road to Sclater Street and Cygnet Street and Bacon Street are proposed. The route to the west of the site is proposed through an atrium.

- 8.114 The route through to the east of the site will act as an additional pedestrian only street for public use. This route will be attractive, provide active ground floor surveillance from overlooking residential units and ground floor uses. Seating and landscaping will be provided with this pedestrian only link.
- 8.115 It is proposed that a new pedestrian crossing be provided across Bethnal Green Road, to link the new street through the development with the Rich Mix Cultural centre on the north side of Bethnal Green Road.
- 8.116 Access to the basement level car parking is from Sclater Street and Cygnet Street  
Private vehicle access for the development is proposed on Cygnet Street and Bacon Street. The local Authority highways department consider this to be acceptable.
- 8.117 Servicing of refuse is proposed along Cygnet Street, Bacon Street and Bethnal Green Road.

#### Car parking.

- 8.118 According to policy 3C.23 of the consolidated London Plan (1998), on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan and UDP policies.
- 8.119 Parking standards for residential is 0.5 spaces per dwelling (no parking allowance for visitors) as set out in the Councils Interim Planning Guidance. As a result of discussions with LBTH, the number of car parking spaces is 83 at basement level. Therefore, the proposal is to have a 23% car parking provision and complies with Council policy.
- 8.120 The parking standard in Annex 4 of the London Plan states that boroughs should take a flexible approach in providing disabled spaces. The only minimum standard mentioned is for new developments to provide 2 car parking spaces which the development complies. The Accessible London Supplementary Planning Guidance (SPG) does not provide additional information with regards to the quantity of spaces to be provided. The proposal provides 8 disabled parking spaces which the Council are satisfied with.
- 8.121 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there will be no overspill parking from the development. Most of the residents will therefore be committed to using public transport services and alternative modes for all journeys. As noted above, the provision of public transport to the site is of a good level. Whilst the Council's Highways department have indicated that the number of spaces should be reduced, there is insufficient policy justification to sustain a refusal on these grounds.

#### Cycle Parking

- 8.122 The London Plan does not designate cycle parking standards. Annex 4 of the London Plan states that developments should provide sufficient secure cycle parking and supporting facilities in accordance with PPG13. It also acknowledges that TFL has indicative guidance on cycle parking standards.
- 8.123 PPG13 does not adopt a minimum figure for cycle spaces, rather requires that convenient and secure cycle parking is provided in developments at least at levels consistent with the cycle strategy in the local transport plan.
- 8.124 The TFL cycle parking standard and the Council's IPG require 1 bicycle space per unit for the residential element. The scheme makes provision for 470 cycle spaces and therefore exceeds the policy requirement which is welcomed by the Council. The additional cycle

spaces will be used for occupiers of the commercial element of the scheme.

8.125 All cycle parking will be secure, and ensure that cycling is made a viable option for residents and potential employees at the site. The cycle parking is proposed along Bethnal Green Road, Sclater Street, Cygnet Street & Bacon Street.

8.126 In response to TfL comments, the Council has the following comments to make:

*(1): The Transport Assessment (TA) significantly underestimates public transport trips in the AM and PM periods and the number of trips associated with the proposed development.*

8.127 The applicant has clarified this point. In the Transport assessment the number of public transport trips from the proposed development was estimated based on taking average travel to work from 2001 census data for Weavers Ward in Tower Hamlets. The target modal splits derived based on a modal split assumption for the City Fringe Area made by Buro Happold as part of the Tower Hamlets LDF Public Transport Capacity Assessment (November 2006)

*The cumulative impact of the redevelopment of the Bishopsgate Goods Yard has not been adequately considered*

8.128 According to the applicants transport consultants, discussions have taken place with WSP Group WHO are the transport consultants relating to the Bishopsgate Goods Yard scheme. The masterplan for this scheme is at an initial concept stage only, therefore no specific information regarding transport impacts or public transport changes or improvements have not yet been considered or made available. Therefore, it cannot be assessed at this stage in any detail. Proposal for improvements to the footway and public transport infrastructure relating to the scheme are considered to positively improve the area. Due to the fact that the proposed development is forecast to have negligible impact on surrounding highway network, the relationship between development at Bethnal Green Road and Bishopsgate Goods Yard on the highway network is negligible.

*Assess the impact and necessary mitigation required on the local highways networks and footways*

8.129 From the comments made by TfL, an audit relating to the condition of the local highway and footway network surrounding the site has been carried out. Proposed improvements will be carried out as part of the scheme. These include proposals relating to improvement on the pedestrian network surrounding the site, in order that non car trips by future residents and employees at the site can be maximised by improving the surrounding pedestrian environment.

*TfL wish to see further swept path analysis to demonstrate that the refuse vehicles are able to able to manoeuvre within the site*

8.130 The scheme now removes the need for refuse storage and collection from the basement of both buildings A & B. All refuse storage and collection is now at ground floor level allowing servicing from Sclater Street, Cygnet Street and Bacon Street. Refuse collection from stores fronting Bethnal Green Road would be required. Collection from these stores will need to be carried out during the early morning.

8.131 A swept path analysis of a large refuse vehicle to collect from refuse stores within the site fronting Cygnet Street and Bacon Street has been provided. No problem with the vehicle movement are anticipated

8.132 Funding will need to be available from Telford Homes to LBTH for proposed works to improve pedestrian network surrounding site. The works include:



1): New pelican pedestrian crossing across Bethnal Green Road outside opposite Rich Mix

2): Improvements to lighting and repaving of damaged footpaths with quality surface material outside site on Bethnal Green.

This will be secured via the Section 106 agreement.

### Shoreditch High Street Station

8.133 The site is adjacent to the new Shoreditch High Street Station. This station is due to be opened in 2010. This will significantly affect both the immediate context and the development potential of the adjacent sites. The development is deemed to be reliant on access to the new East London Line Station (Shoreditch High Street Station) on Bethnal Green Road. Further contribution is requested towards improving the street environment and walking links between the development and the new station. The contribution to be negotiated between TfL and the developer.

8.134 In conclusion, TfL has in principle no objection to this application provided the above issues are resolved satisfactorily.

## **Sustainability**

### Energy

8.135 Policy 4A.7 of the consolidated London Plan (2008) seeks to adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from onsite emissions of 20% from onsite renewable energy generation (which can include sources of decentralised renewable energy) unless it can be demonstrated that such provision is not feasible.

8.136 Carbon emissions for the development will be reduced by approximately 39% against the calculated baseline from passive design, fabric specification, energy efficiency, use of CHP and on site energy generation.

8.137 The GLA stage 1 report seek clarification on the following:

1) Was the energy efficiency carbon savings calculated through the use of appropriate software?

2) Is the combined heat and power system optimised to meet the thermal demands of the scheme?

3) Is cooling proposed for the flats or commercial areas? If cooling is proposed this should also be shown in the baseline calculations

Was the energy efficiency carbon savings calculated through the use of appropriate software?

8.138 The likely energy demand of the site was calculated using approved SAP software for the residential units while CIBSE benchmark figures were used for assessment of the commercial areas as there is insufficient technical information available to complete a detailed model using SBEM. Individual calculations were carried out for each flat type and position e.g. corner, central, ground, middle and top 32-42 Bethnal Green Road, London, E1. The results were then extrapolated out for the total flat types to give a realistic assessment of the scheme as a whole.

Is the combined heat and power system should be optimised to meet the thermal demands of the scheme?

8.139 The applicant has investigated the use of combined heat and power for the use at the

Bethnal Green Road development and proposes to include a 70kWe machine as part of the community heating system. The thermal and electrical energy loads for the project have been calculated from the modelled flat types and commercial space, the loads were then assessed against profiles projected using CIBSE empirical data to assess the hourly energy demands to determine the true energy base load profile. This allows determination of the units operating hours and carbon emissions reduction potential. CHP Design Considerations

- 8.140 When assessing the use of combined heat and power (CHP) there are a number of important factors that were considered when sizing CHP. The size of the unit was determined by the base heating and electrical load of the site that the unit will supply. In this instance the unit would be designed to supply heat energy and electricity for consumption on this site alone and therefore will not export to the national grid or adjacent buildings. As is widely recognised a CHP unit must operate for approximately 6,000 hours, and hence be considered a Quality CHP installation. If the demand is not sufficient enough then the reduced hours of operation or dumped heat energy would mean higher delivered fuel costs for residents. This is especially important on this site where there is a large volume of shared accommodation and affordable housing.

*Is cooling proposed for the flats or commercial areas. If cooling is proposed this should also be shown in the baseline calculations*

- 8.141 Cooling is not proposed for the residential areas. Insufficient data is available to allow a detailed analysis of the predicted cooling loads that will be encountered on the proposed site as the commercial spaces are to be developed to 'shell and core'. It is envisaged that these areas will utilise heat pumps to supply both the cooling and heating requirements. The calculated electrical energy demand includes for the use of locally installed units sized to meet the heating and cooling needs of the tenants. Therefore this approach goes towards substantiating the CHP installation by providing a larger constant electricity load throughout the day.
- 8.142 The combined heat and power has been maximised considering the following design considerations; thermal demand, electrical demand, demand profiles, operating hours, economic benefit to residents and financial feasibility.
- 8.143 In sum, therefore, the applicant has demonstrated a strong willingness to address London Plan energy policies but further work is required to: examine and provide for connections to adjacent developments in line with the emerging policies; establish verifiable baseline emissions and demonstrate improvements through energy efficient design; clarify whether or not there will be a cooling load and how this will be met; and re-examine renewable energy options in the light of an optimally sized combined heat and power system.

#### Microclimate

##### Wind

- 8.144 As part of the application, the applicant undertook a Wind Assessment to assess the impact of the proposal on the microclimate. The conclusions of the study show that the pedestrian level wind environment in and around the site will have no significant residual impact. In respect of wind conditions on the thoroughfares surrounding the site, the assessment shows that the introduction of soft landscaping measures will result in local wind conditions that are suitable for existing and planned activities.
- 8.145 The wind regime in Sclater Street must be considered in the light of proposals for Bishopsgate Goods Yard. The addendum notes that the down drafts in Sclater street in the case of southerly winds are not the result of airflows from the façade of the tower. The report concludes that the height of the tower is unlikely to have a significant or detrimental influence on pedestrian comfort or safety at ground level.

- 8.146 Careful design of landscaping and street furniture will reduce the issues identified, including trees, formal planting and café screens where appropriate. If the Committee was minded to approve the scheme in its current form, the scheme should be conditioned appropriately to ensure the mitigation measures are implemented.

#### Noise and Vibration

- 8.147 The consolidated London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.148 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.149 The Council's noise officer also found the noise assessment to be acceptable. The scheme will be conditioned to apply restricted construction hours and operation hours, noise and vibration limits to ensure the amenities of surrounding and future residents will be protected.

#### Air Quality

- 8.150 The development would result in changes to traffic flow characteristics on the local road network. Effects of the proposed development on local air quality based on traffic flow predictions have been assessed
- 8.151 During the operational phase, encouraging sustainable transport and reducing dependence on the private car would reduce the impact of the development in terms of both greenhouse gases and pollutants. This will be addressed through s106 agreement.

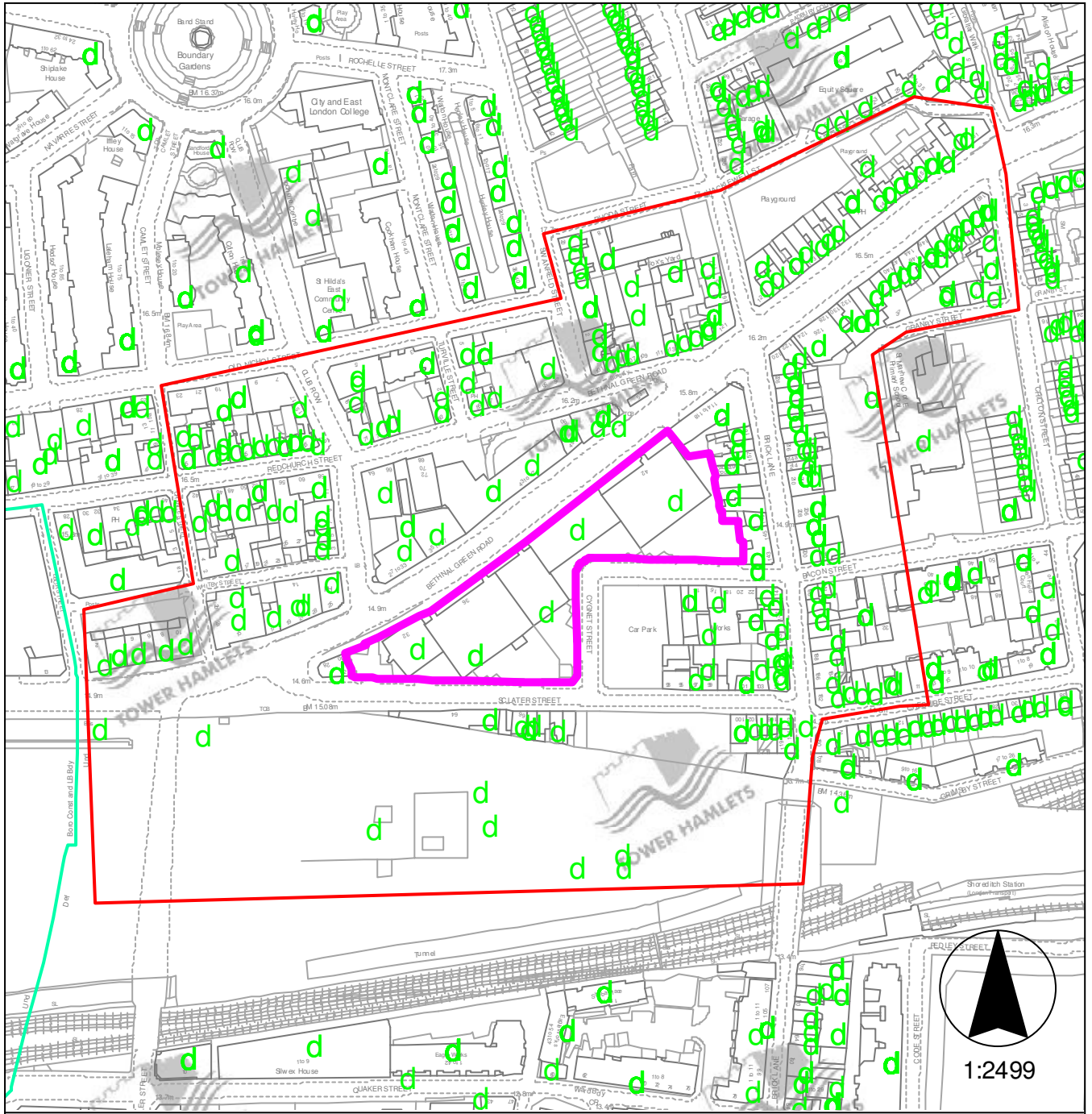
#### TV reception

- 8.152 A TV reception was undertaken. The results are based on a system installed for Telford Homes at 26 Wheler Street. The report notes that the signal in this area will gradually deteriorate over time with the erection of new buildings. The more buildings, especially tall buildings are built in the City, the worse the reception will be in this area. The proposal and other large scale developments in this area will impact on the signal strength in the area. Development of 32-42 Bethnal Green Road would have an impact on the television reception to the surrounding buildings, as the lowest block is 5 floors and the highest is 25 storeys.
- 8.153 The applicant will be required to monitor and mitigate TV reception loss to surrounding resident. The applicant will be required to appropriately compensate the effected residents and local businesses. It is recommended that this be secured as part of the Section 106 agreement.

### **9 Conclusions**

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

# Site Map



## Legend

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

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

# Agenda Item 7.3

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> March 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Simon Ryan		<b>Ref No:</b> PA/07/3088 PA/07/3089 PA/07/3090	
		<b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

- Location:** Heron Quays West, Heron Quays, London E14
- Existing Use:** Business (Use Class B1) and Education (Use Class D1)
- Proposal:** PA/07/3088:  
Demolition of the existing buildings and structures on the site, partial infilling of South Dock and its redevelopment by:
- erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;
  - construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;
  - erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);
  - relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;
  - provision of a new publicly accessible open space;
  - associated infrastructure and landscaping together with other works incidental to the application.
- PA/07/3089:
- Partial demolition of a Grade I listed quay wall, copings and buttresses to south edge of West India Export Dock to facilitate works for the relocation of the existing canal; reinstatement of Grade I listed quay wall and copings along existing canal entrance to West India Export Dock alterations and stabilisations of Grade I listed quay wall and copings and associated works.
- PA/07/3090:
- Partial demolition and associated works to the Grade II listed former lock entrance to South Dock to facilitate works for the relocation of the existing canal.
- Drawing Nos:**
- 760-50001, 760-50980 rev A, 760-50985 rev A, 760-50990 rev A, 760-51000 rev A, 760-51005, 760-51010, 760-51020, 760-51030, 760-51040, 760-51050, 760-51060, 760-51070, 760-5180, 760-51090, 760-51100, 760-51110, 760-51120, 760-51130, 760-51140, 760-51150, 760-51160, 760-51170, 760-51180, 760-51190, 760-51200, 760-51210, 760-51220, 760-51230, 760-51240, 760-51250, 760-51260, 760-51270, 760-51280, 760-51290, 760-51300, 760-51310, 760-51320, 760-51330, 760-52001, 760-52002, 760-52003, 760-52004, 760-53001, 760-53002, 760-53003, 760-53004, 760-53501, 760-53502, 760-

55001, 760-55002, 760-55003, 760-55004, 760-55005, 760-55006, 760-55007, OX4398-P-100, 364-10-100, 364-10-103, 364-10-104, 364-10-105, 364-10-106, 364-10-107, 364-10-108, 364-10-201, 364-10-202, 364-10-203, 364-10-204, 364-10-301, 364-10-302, 364-10-303 and 364-10-304;

- Design & Access Statement, dated November 2007;
- Planning Statement, dated November 2007;
- Sustainability statement, dated November 2007;
- Travel Plan, dated November 2007;
- Transport Assessment, dated November 2007;
- Waste Management Strategy, dated November 2007;
- Energy Statement, dated November 2007;
- Environmental Statement, dated November 2007, consisting of: Volume 1: Main Report, Volume 2: Figures, Volume 3: Appendices, Volume 4: Visual Impact Study; Volume 5: Sunlight & Daylight Appendices and Volume 6: Supplement (dated January 2008);
- Statement in support of the Listed Building Consent Application, including PPG15 assessment, for partial demolition of and works to the Quay wall, coping and buttresses to Import Dock and Export dock (Grade I listed), dated November 2007;
- Statement in support of the Listed Building Consent Application, including PPG15 assessment, for partial demolition of the Former western lock entrance to South Dock (Grade II listed), dated November 2007.

**Applicant:** South Quay Properties Ltd  
**Owner:** Various  
**Historic Building:** Grade I listed (quay wall) and Grade II listed (South Dock former lock entrance)  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The scheme will consolidate the sustainable future economic role of the area as an important global financial and legal centre, whilst also facilitating locally-based employment, training and local labour opportunities for the local community together with numerous public realm improvements. The scheme therefore accords with policy 3B.4 of the London Plan, CP11 of the Council's Interim Planning Guidance (October 2007), and saved policies DEV3 and CAZ1 of the Council's Unitary Development Plan (1998), which seek to develop London's regional, national and international role, ensure appropriate mixed use development and protect sites in employment use.
- The retail (Class A1), restaurant and café (Class A3), drinking establishment (Class A4) and training (Class D1) uses are acceptable as they will provide for the needs of the development and also present employment opportunities in a suitable location. As such, it is in line with saved policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (October 2007) and policy IOD4 of the Isle of Dogs Area Action Plan (2007) which seek to ensure services are provided that meet the needs of the local community and to promote entertainment, food and drink premises and

retail in the Isle of Dogs, specifically along the docksides.

- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- Contributions have been secured towards the provision of affordable housing; health care and education facilities; highways improvements; transport; open space; and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- The submitted Environmental Statement is satisfactory. Mitigation measures will be ensured through conditions and a s106 agreement.
- The proposed works to the Grade I listed quay walls and the Grade II listed West Entrance Lock of the South Dock would enhance the historic character and importance, subject to conditions regarding construction methods. As such, the scheme is in line with policy CON1 of the Council's Interim Planning Guidance (October 2007) and policies 4B.11 and 4B.12 of the London Plan (2008) which seek to protect listed buildings and structures within the Borough and London respectively.

### 3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following planning obligations:

#### Financial Contributions

a) Provide **£175,000** for the improvement and upgrade of the 24 hour lighting in the

- lower Westferry roundabout
- b) Provide a contribution of **£870,521** towards open space management. This will fund the enhanced management of existing public open spaces on the Isle of Dogs for a period of 5 years
  - c) Provide a contribution of **£1,500,000** for Heron Quays public realm improvements
  - d) Provide a contribution of **£3,178,000** towards social and physical infrastructure. In line with similar developments elsewhere within the Canary Wharf estate, the projects/improvements would be defined under specific headings within the S106 agreement, these being:
    - i. *Environmental improvements within and around the site*; up to £2,500,000
    - ii. *Sustainable transport initiatives*; improvements to facilitate walking, cycling, sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan and Millwall Outer Dock walkway improvements
    - iii. *Heritage and culture*; improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area
    - iv. *Provision of affordable flexible business space*; to assist small/start-up businesses within the Borough
  - e) Provide a contribution of **£3,000,000** towards Docklands Light Railway (DLR) capacity enhancement works and works that would improve the hard landscape under Heron Quays station
  - f) Provide **£1,800,000** towards TfL Buses improvements (£200,000 per bus per year for three years)
  - g) Provide **£2,250,000** towards the conversion of 3 grass pitches to Astroturf to increase capacity, in accordance with the Council's emerging Sports Pitch Strategy
  - h) Provide **£2,500,000** towards social and community facilities (Isle of Dogs Community Foundation)
  - i) Provide **£3,000,000** towards Employment and Training – 'pump priming' the new employment service during the first two years of its operation

(Total s106 contribution of **£18,273,521**)

#### Non-Financial Contributions

- j) TV Reception - mitigation of any impacts on TV Reception.
- k) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access
- l) Biodiversity Management Plan - Ensure biodiversity value is maintained in the long-term
- m) Code of Construction Practice - To mitigate against environmental impacts of construction
- n) Travel Plan - To promote sustainable transport
- o) Access to employment - To promote employment of local people during and post construction
- p) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions on the planning permission to secure the following matters:

#### **Conditions**

- 1) Time Limit (3 years)



- 2) Phasing programme details
- 3) Particular details of the development
  - External materials;
  - External plant equipment and any enclosures;
  - Wind mitigation measures;
  - Hard and soft landscaping including the reed bed planting and trees; and
  - External lighting and security measures
- 4) Full particulars of energy efficiency technologies required
- 5) Hours of construction (0800-1800 Hours Monday to Friday and 0800 – 1300 Hours on Saturdays)
- 6) Hours of operation of A3/A4 units
- 7) Environmental Noise Assessment required
- 8) Demolition and Construction Management Plan required including feasibility study and details of moving freight by water during construction
- 9) Noise control limits
- 10) Land contamination assessment required
- 11) Details of additional cycle parking spaces
- 12) Green Travel Plan required including
- 13) Biodiversity Plan required
- 14) Submission of method statement for works to listed dock
- 15) Full details of the new canal required
- 16) Programme of archaeological work required
- 17) Drainage strategy details required
- 18) Protection of public sewers
- 19) Impact study of the existing water supply infrastructure required
- 20) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 21) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### **Informatives**

- 1) Section 106 agreement required
- 2) Contact Thames Water
- 3) Contact London City Airport regarding cranes and aircraft obstacle lighting
- 4) Contact LBTH Building Control
- 5) Contact British Waterways
- 6) Contact London Fire & Emergency Planning Authority
- 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

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

### **Proposal**

- 4.1 The applications propose the redevelopment of Heron Quays West by way of the demolition of the existing low-rise 'red shed' buildings and structures, and the erection of a main building, visually subdivided into three linked elements of 12, 21 and 33 storeys in height (heights of 101.75m, 153.8m and a maximum height of 204.9m AOD respectively). Also proposed are three basement levels containing underground parking, servicing and plant, and retail units. The construction of an associated subterranean pedestrian link (also containing retail units) leading to the Jubilee Place retail mall and the Underground station (Jubilee Line) is also proposed.

- 4.2 The building would provide accommodation of approximately 193,175 sq.m. of office (Use Class B1) floorspace over 33 storeys, with 2,454 sq.m. of retail (Use Class A1) within the lower basement level and subterranean pedestrian link to Jubilee Place mall and the Underground station.
- 4.3 The application also proposes a four storey 'pavilion' building upon the adjacent retained deck on Middle Dock. This pavilion building would provide a total of 4,155sq.m. of floorspace for either restaurant/café or drinking establishment usage (Use Class A3/A4) and a training centre (Use Class D1) at first and second floor level.
- 4.4 The proposal also includes the relocation of the existing canal between the Middle Dock and South Dock, from the eastern to the western part of the site, with the existing canal being decked over to create a new publicly accessible space created to the east, between 20 Bank Street and the proposed main building. This area, which measures approximately 1,550 sq.m, would comprise hard and soft landscaped open space, which will be accessible from the north and south parts of the site, enabling access to the new building and providing amenity areas. The application also proposes a promenade boardwalk which extends over the water to the south of the site, together with a new dockside pedestrian route.
- 4.5 In order to construct the relocated canal, part of the Grade I listed banana dock wall to the north and the upper part of the Grade II listed wall to the south are proposed to be removed. In addition, building 1 Heron Quays, which is situated on a platform over the south-western corner of the Middle Dock, is proposed to be demolished and the Grade I listed wall revealed.

### **Site and Surroundings**

- 4.6 The site is located in northern part of the Isle of Dogs, on land to the east of Heron Quays roundabout. Marsh Wall/Westferry Road and the Heron Quay roundabout form the western boundary, with Middle Dock water body to the north and West India Dock South water body to the south. To the east lies 20 Bank Street. Heron Quays Road passes through the northernmost part of the site (east-west), and a canal is located at the eastern end of the application site and links the Middle Dock and West India Dock South. These docks have mooring facilities and as such the canal is in occasional use.
- 4.7 The application site is approximately 2.04 hectares in area, and presently comprises two identifiable areas; the main site to the south of Heron Quays Road and the retained deck in Middle Dock, which previously accommodated 11/12 Heron Quay (demolished in 2003).
- 4.8 The main site is currently in commercial use, with the existing buildings at 1-16 Heron Quays providing office (Use Class B1) and educational (Use Class D1) uses. The existing buildings (known as the 'red sheds') are 3-4 storeys in height and contain a total of 13,700 sq.m. of floorspace. The River House Montessori Primary School is located within 15-16 Heron Quays and the Tower Hamlets Recruitment and Training Centre is also being temporarily housed within the site. The application site also presently provides parking for 48 vehicles.
- 4.9 Being located on the western edge of the Canary Wharf estate, the application site is predominantly surrounded by office buildings, with a number of redevelopment sites within the vicinity providing a mix of uses, primarily residential, commercial and retail. Approximately 200m to the west, beyond the Heron Quays roundabout, lies the Riverside South site, currently being redeveloped to provide commercial and retail space within two towers of 241m and 191m in height with a lower rise central link building. Also 190m to the south lies 22 Marsh Wall, a residential development currently under construction, comprising two towers of 137m and 95m, with retail and food and drink uses at ground a first floor level.
- 4.10 The site has good access to public transport, with a Public Transport Access Level (PTAL) of

6a (very good – excellent). The underground Jubilee Line tunnel runs east-west 30 metres to the north of the application site, with Canary Wharf Station 250m to the east. Heron Quays DLR station is located approximately 100m to the east.

- 4.11 In terms of built heritage, the site does not fall within a conservation area, with the closest being the Narrow Street Conservation Area some 500m to northwest, and the Coldharbour Conservation Area 1km to the east. The Dock Walls within and surrounding the site include both Grade I and Grade II listed structures, as well as sections of unlisted walls. The South Dock wall of the former West India Export Dock is Grade I listed, and the South Dock former entrance to the lock linkage to the River Thames at the south west corner of the site is Grade II listed. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework (GLA, 2007).

### Planning History

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

T/92/0010 & T/92/0011	In January 1992 a planning application was submitted for the redevelopment of the site (referred to as the Tarmac site) together with part of the South Dock comprising 134,075 sq.m. gross floorspace, consisting of offices (121,789 sq.m.), retail (5,989 sq.m.), public uses (6,641sq.m.) and a public park (1,000sq.m.). In addition a new road was proposed through the site connecting Heron Quays roundabout to the rest of Heron Quays together with underground car parking and a pedestrian route around the perimeter of the site. The application proposed a large single block located on the southern side of Heron Quays and extending into South Dock by approximately 32m from the quay edge. The building was between 71m AOD and 130 sq.m. AOD in height. Planning permission was granted on 24 <sup>th</sup> April 1992 and listed building consent (ref. T/92/0011) for works of stabilisation, refurbishment and reinstatement of the listed banana dock wall was later granted on 7 <sup>th</sup> May 1992.
T/97/0076 & T/97/0085	Applications for planning permission and listed building consent were submitted for the renewal of the 1992 consents in February 1997. Planning permission (ref. T/97/0076) was granted for the redevelopment of 134,705 sq.m. gross floorspace, consisting of offices (121,789 sq.m.), retail (5,989 sq.m.), public uses (6,641 sq.m.) and a public park (1,000 sq.m.) on the 3 <sup>rd</sup> December 1997 for a further five years. The associated renewal of the listed building consent (T/97/0085) was approved on 27 <sup>th</sup> November 1997. Planning permission ref. T/97/0076 was implemented in 2002 with the construction of Heron Quays Road between Bank Street and the Heron Quays roundabout. These works also included the associated footway, dock edge balustrade and landscaping.
PA/02/01734	The listed building consent for the stabilisation, refurbishment and reinstatement of the Grade I listed wall was further renewed on 13 March 2003 to amend condition 1 of listed building consent ref. T/97/0085.
PA/05/01095	Temporary planning permission was granted on 31 <sup>st</sup> August 2005 for the change of use of the ground floor and part first floor of 15-16 Heron Quays from offices (Use Class B1) to education use (Use Class D2) for a period of three years.
PA/07/00233	Planning permission was granted on 22 <sup>nd</sup> March 2007 for the change of use of derelict office use pontoon to a temporary children's playground with ancillary perimeter fencing and re-surfacing works, to be used in conjunction

with temporary Montessori School (Use Class D2) at 15-16 Heron Quay.  
This permission expires on 1<sup>st</sup> September 2008.

## 5. POLICY FRAMEWORK

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

### Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Flood Protection Area Central Area Zone Water Protection Area Site of Nature Conservation Importance
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV17	Siting and Design of Street Furniture
	DEV44	Protection of Archaeological remains
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV69	Water Resources
	EMP6	Employing Local People
	CAZ1	Location of Central London Core Activities
	CAZ4	Special Policy Areas
	T10	Priorities for Strategic Management
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Routes
	U2	Consultation Within Areas at Risk of Flooding
	U3	Flood Defences

### Interim Planning Guidance for the purposes of Development Control

Proposals:		Development site ID12 – Identifies preferred uses as Employment (Use Class B1) and retail and leisure (A1, A2, A3, A4, A5) Major Centre Flood Risk Area
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP15	Range of Shops
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity

	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV10	Disturbance from Noise Pollution
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	SCF1	Social and Community Facilities
	OSN2	Open Space
	CON1	Listed Buildings
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	IOD1	Spatial Strategy
	IOD2	Transport and movement
	IOD5	Public open space
	IOD7	Flooding
	IOD8	Infrastructure capacity
	IOD10	Infrastructure and services
	IOD13	Employment Uses in the Northern sub-area
	IOD16	Design and Built Form in the Northern sub-area
	IOD17	Site allocations in the Northern sub-area

**Spatial Development Strategy for Greater London Consolidated with Alterations Since 2004 (London Plan February 2008)**

3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London's economy
3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development

3C.2	Matching development to transport capacity
3C.23	Parking strategy
3D.14	Biodiversity and nature conservation
4A.2	Mitigating climate change
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
4A.18	Water and sewerage infrastructure
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s built heritage
4B.12	Heritage conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.20	Development adjacent to canals
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London

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

PPS1	Delivering Sustainable Development
PPS9	Biodiversity & Conservation
PPS22	Renewable Energy
PPS25	Development and Flood Risk
PPG4	Industrial, Commercial Development and Small Firms
PPG13	Transport
PPG15	Planning & The Historic Environment

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

- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

## **6. CONSULTATION RESPONSE**

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

### **LBTH Cleansing**

- 6.3 LBTH Cleansing commented that the submitted waste management strategy appears to be extremely thorough, well researched and conducive to high diversion rates of recycling. As such, no objections are raised.

## **LBTH Education**

6.4 No objections.

## **LBTH Energy Efficiency Unit**

6.5 LBTH Energy Services are in support of the proposed development and are generally satisfied with the submitted energy statement. The energy strategy however, needs to be developed further to be acceptable, and are satisfied that this can be dealt with by way of condition.

## **LBTH Environmental Health**

### Contaminated Land

6.6 The proposal is acceptable subject to a condition requiring further contamination investigation and mitigation works.

### Noise

6.7 No objections, subject to a condition requiring building service plant/equipment noise levels to be agreed with Environmental Health prior to the commencement of development. An informative is also requested regarding the need for a Section 61 consent to be obtained from LBTH Environmental Health for the demolition/construction phase of work.

## **LBTH Highways**

6.8 LBTH Highways initially raised concerns regarding the proposed development, specifically that:

- There is an overprovision of parking spaces
- The number of disabled spaces is too low
- Manoeuvrability in the basement parking area is poor
- Bicycle parking spaces are too low

### Officer Comment:

Following correspondence and meetings between LBTH and the applicants, revised basement level plans have been submitted in order to address Highways' concerns. Whilst the majority of the concerns have been addressed, such as the reconfiguration of the basement layout, a reduction in car parking spaces and the provision of additional disabled parking spaces, visitor spaces and motorcycle spaces, the bicycle parking is substandard. However, it is considered that the shortfall can be secured by way of condition. The applicant has also agreed to provide electric charging points within the basement.

## **British Waterways (Statutory Consultee)**

6.9 British Waterways welcomes the redevelopment of the site and raise no objections. However, they request the imposition of a suitably worded condition to any consent as further detailed design work is required on the relocated canal to ensure that its configuration allows navigation to the same extent as the existing canal.

## **Crossrail (Statutory Consultee)**

6.10 No objections.

## **Environment Agency (Statutory Consultee)**

6.11 The Environment Agency are generally satisfied with the proposal, however have raised an objection stating that no evidence has been provided that the flood risk Sequential Test has been adequately demonstrated. At the time of drafting this report, the Council are liaising with the Environmental Agency regarding this matter, and expect to have resolved the issue prior to the Strategic Committee meeting.

**Government Office for London (Statutory Consultee)**

6.12 No comments received.

**Greater London Authority (Statutory Consultee)**

6.13 At the time of drafting this report, the proposal has yet to be heard by the Mayor. If received prior to committee, the GLA's comments will be included in an addendum report.

**London City Airport (Statutory Consultee)**

6.14 No objections, subject to informative regarding aircraft obstacle lighting and cranes during construction.

**London Fire and Emergency Planning Authority (Statutory Consultee)**

6.15 No objections.

**London Thames Gateway Development Corporation (Statutory Consultee)**

6.16 No comments.

**London Underground Ltd (Statutory Consultee)**

6.17 No objections.

**Natural England (Statutory Consultee)**

6.18 Natural England is supportive of the biodiversity enhancements that have been put forward as part of the development. They also recommend that a biodiversity management plan is secured by way of condition.

**National Air Traffic Services (Statutory Consultee)**

6.19 No comments received.

**Port of London Authority (Statutory Consultee)**

6.20 No objections. PLA recommend that details of use of the waterways for the transport of freight and materials be detailed within the demolition and construction plan.

**Transport for London (TfL) (Statutory Consultee)**

6.21 TfL's consultation comments conclude that the proposed development is acceptable in principle. However, the following issues were identified as being unclear or inconsistent with strategic planning policy:

- A total of 125 parking car parking spaces is high; given the high PTAL rating and future transport infrastructure improvements, TfL would support a car-free development, save for disabled provision
- The trip generation assessment does not represent the survey data used. As such further clarification on how the figures were calculated is required



- The development includes 311 cycle parking spaces. In order to comply with TfL cycle parking standards 885 cycle parking spaces should be provided
- Taxi stands are required
- A construction management plan should be developed with the aim that 50% of materials be moved by barge
- A total contribution of £4.8 million towards DLR and bus improvement works is expected

**Officer Comment:**

As detailed above within the Officer Comments upon LBTH Highways consultation response, revised basement level plans have been submitted in order to address Highways' concerns. Whilst the majority of the concerns have been addressed, such as the reconfiguration of the basement layout, a reduction in car parking spaces and the provision of additional disabled parking spaces. Furthermore, within the submitted Travel Plan, the applicant outlines the Canary Wharf Estate Draft Travel Plan, one of the themes of which is the encouragement of walking and cycling. It details that there are currently 920 free cycle spaces on the estate and 405 private cycle parking spaces were recently added, for which a charge is applied. A further 781 private cycle spaces are located within individual buildings. The applicant also details the following:

*"The Heron Quays West development is expected to have a total employment of 7,960 staff – assuming that 85% of staff attend on any one day, this is equivalent to cycle parking for 4.6% of staff. In practice, the occupier is likely to be a 24/7 employer with staff working shift patterns and some staff working part time. If 80% of daily staff are working in the building at any one time, the provision is equivalent to 5.7% of staff being able to cycle... The latest survey of Canary Wharf employees shows an increase to 2.9% of staff cycling to work. The proposed provision of cycle parking provides a significant margin for cycle use to increase"*

In light of the above information, it is considered that the attachment of a condition would suffice in order to secure the implementation of an appropriate amount of cycle parking, and in an appropriate location.

With regard to the accuracy of the trip generation assessment data, this issue was put forward to the applicant who detailed that the Transport Assessment is based on trends within the Canary Wharf Employee Surveys of 2005 and 2007. The Council's Strategic Planning department have recognised the aforementioned surveys as a robust source of information.

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

6.23 No comment.

**English Heritage (Statutory Consultee)**

6.24 No objections are raised. English Heritage note that the proposal would not intrude into the viewing corridors towards St Paul's Cathedral or the Palace of Westminster, but that it would be visible from designated viewpoints including the General Wolfe Statue in Greenwich Park where it would form a key part of the evolving Canary Wharf Cluster of tall buildings, appearing between the iconic towers of Sir Christopher Wren's Royal Naval College.

**English Heritage – Archaeology & Built Heritage (Statutory Consultee)**

6.25 No objections raised, subject to conditions including archaeological mitigation measures and the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

**British Broadcasting Corporation (BBC)**

6.26 No comments received.

**The Inland Waterways Association**

6.27 No objections.

**London Borough of Greenwich**

6.28 No objections.

**London Borough of Southwark**

6.29 No comments received.

**London Wildlife Trust**

6.30 No comments received.

**City of London Corporation**

6.31 No objections.

**Metropolitan Police**

6.32 No objections.

**National Grid**

6.33 Object on the grounds of a gas main being located on the application site.

Officer Comment: The relocation of a gas mains would fall under separate legislation. As such, it is not considered that this is a material planning consideration. The applicant will arrange for any relocation, maintenance and protection of gas mains through liaising with National Grid.

**Thames Water Utilities**

6.34 Thames Water has identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal. As such, Thames Water have requested a number of conditions be attached to any planning permission, requiring the submission of impact study, no works are to be undertaken within 3 metres of a public sewer without prior approval, and a drainage strategy is to be submitted and approved prior to the commencement of any development. A number of informatives are also recommended.

Officer Comment

Relevant conditions have been added in order to address Thames Water's concerns.

**Maritime Greenwich Heritage Site**

6.35 Concerned that additional tall buildings to the west of the Isle of Dogs would alter the composition of the skyline, altering it from a 'cluster' to a 'wall' of tall structures.

Officer comment:

The above concerns are discussed later in the report, from paragraph 8.7 onwards.

**Association of Island Communities**

6.36 No comments received.

## 7. LOCAL REPRESENTATION

7.1 A total of 442 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	3	Objecting:	3	Supporting:	0
No of petitions received:	0				

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

- The application does not address flooding issues
- The increase in the number of tall buildings in the area is leading to wind tunnel effects
- Pedestrian access to Westferry DLR station will be severely limited during demolition and construction, particularly while the Riverside South works are ongoing
- The scale of the development will lead to excessive pedestrian and vehicular traffic in the immediate area. As such a lower building would be more appropriate
- Restrictions on the works should be imposed to protect pedestrians, cyclists and the environment

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

- Many of the ongoing developments within the area are flouting their hours of construction restrictions

Officer comment: Should the Council receive complaints regarding specific sites failing to adhere to any restrictive conditions attached to a planning permission, these will be passed to the Enforcement team as a possible breach of condition investigation.

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design, Mass and Scale
3. Listed Building Issues
4. Transport and Highways
5. Amenity
6. Energy and Renewable Technology
7. Section 106 Planning Contributions
8. Other Issues

### Land Use

8.2 The adopted UDP (1998) designates the application site within the Central Area Zone which seeks to promote commercial development. The existing buildings on site are predominantly used for office purposes, with a temporary consent for a private nursery school at 15-16 Heron Quays expiring on 31 August 2008 (consent was applied and granted for a temporary period only, in order for a more appropriate location to be found for the school, and to return the usage of the site to B1 in the long term). The application site is also identified as a development site (ID12) within the Interim Planning Guidance Isle of Dogs Area Action Plan,

with preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4 & A5). It is also located within the Northern sub-area; the main focus of commercial development on the Isle of Dogs and a landmark location for major corporate occupiers.

- 8.3 Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. The application therefore accords with Policy CAZ1 of the UDP (1998) which seeks to develop the Central Activities Zone in order to foster London's regional, national and international role, and Policy IOD13 which promotes high-density office-based employment uses in the Northern sub-area.
- 8.4 Additional uses proposed include 2,454sq.m. of retail floorspace at lower basement level and within the pedestrian link to Jubilee Place mall, and 4.155sq.m. of floor space within the four storey pavilion building, which is proposed to be used for restaurant/café and a training centre at first and second floor level.
- 8.5 The retail and restaurant/café uses are acceptable in principle as they will provide for the needs of the development and also present employment opportunities in a suitable location. As such, it is in line with saved policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (October 2007) and policies IOD4 and IOD15 of the Isle of Dogs Area Action Plan (2007) which seek to ensure services are provided that meet the needs of the local community and to promote entertainment, food and drink premises and retail in the Isle of Dogs, specifically within the Northern sub-area and along the docksides.
- 8.6 The provision of a training centre is considered to accord with policies CP7, CP29 and SCF1 of the Interim Planning Guidance (2007) and saved policy EMP6 of the UDP (1998), which seek the provision of social and community facilities and encourage the employment of local people. It is also in line with the Community Plan's objective of ensuring a better place for learning, achievement and leisure.

### **Design, Mass and Scale**

- 8.7 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.8 Policy DEV6 of the UDP 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.
- 8.9 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.10 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.11 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings

- 8.12 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states, inter alia, that the Northern sub-area will continue to be a location for tall buildings and new tall buildings should help to consolidate this cluster and provide new landmarks consistent with the national and international role and function of the area. It also goes on to state that building heights will respect and complement the dominance of One Canada Square and heights should progressively reduce from this central landmark through to the periphery of the Northern sub-area.
- 8.13 In terms of form, height and massing, the proposed development responds to the context of the existing office buildings within the Canary Wharf Estate. The orientation of the docks has led to development following a strong east-west/north-south pattern with the east-west orientated docks becoming dominant spatial corridors. The scheme continues the progressive reduction in height away from One Canada Square, by way of its visual separation into three towers of descending height towards the west, specifically 33 storeys, 21 storeys and 12 storeys in height (204.9m, 153.8m and 101.75m AOD respectively).
- 8.14 As with the implemented planning permission (T/97/0076), the proposed main building footprint will extend into the South Dock. The previous consent details a heavy 71m high block with a 130m high tower on the western side of the site. The visual subdivision of the proposed building into three tower elements provide a strong vertical emphasis in keeping with the context of the form of the existing built environment within Canary Wharf Estate, whilst the dropping of the mass towards the west avoids a concentration of bulk adjacent to Riverside South, giving a more harmonious configuration of building masses.
- 8.15 With regards to the architectural design, each 'tower' has a perimeter core to the north and south which consists of a structural box in the form of an 'H'. This structural box, which effectively envelopes the front and rear façade of each tower, is open, and contains staircases, lifts and atria behind a glazed wall, to further emphasise the verticality and independence of each tower. These external structures rise above the general roof level on each of the towers, and enclose the recessed plant enclosures. The applicant states within the design and access statement that the external structure also enhances the public realm at ground level by avoiding the need for external columns along the north and south facades. All elevations use a palette of clear glazing, within a metallic cladding system, with metal panels and louvers disguising rooftop plant.
- 8.16 The four storey pavilion building proposed to be erected upon the retained deck on Middle Dock, is articulated as three elements; a portal frame sitting on the dock edge which supports the glazed cube-like building below, and the platform of the deck providing public amenity space. The building is proposed to be finished with layered coloured glass, with moveable glass louvers over. The proposed pavilion building would appear to be suspended over the retained deck, with the platform surface being a semi-enclosed publicly accessible area during normal working hours, thereby providing a visual connection to the Middle Dock from Heron Quays Road. The deck and the bridges will be clad in stone with the sides of the deck being over clad to conceal the existing structure.
- 8.17 Policy DEV27 of the IPG (October 2007) provides criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:
- the development creates an acceptable landmark building to the edge of the Canary Wharf Estate, invigorating the South Dock and complementing the existing tall buildings;
  - it contributes to an interesting skyline, from all angles and at night time;
  - the site is not within a strategic view corridor;
  - the site is not within a local view corridor and would not impact adversely on local landmarks;
  - the scheme provides adequate, high quality and usable amenity space;

- the proposal also includes an appropriate S106 contribution towards the proposed open space and the upkeep of existing public open spaces on the Isle of Dogs;
- the scheme enhances the movement of people, including disabled users, through the communal/public open space whilst securing high standard of safety and security for future users of the development;
- the scheme meets the Council's requirements in terms of micro-climate;
- demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- the impact on biodiversity will not be detrimental;
- the mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- the site is located in an area with good public transport accessibility;
- takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
- conform with Civil Aviation requirements; and
- not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.18 It is considered that the proposed buildings will contribute positively to the Canary Wharf cluster and help to animate the South Dock. In light of supporting comments received from the Council's Design Department regarding the form, height, massing and design of the development, and subject to conditions to ensure high quality detailing of the development is achieved, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan (2008) and IPG (2007).

### **Listed Building Issues**

- 8.19 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.
- 8.20 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.21 Policy CON1 of the IPG October 2007 states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.23 As detailed within Section 1, the application site is not located within a conservation area. Two Listed Building Consent applications have been received for proposed works to a Grade I listed quay wall and a Grade II listed former lock entrance, in order to facilitate works for the relocation of the existing canal. English Heritage and the Council's Design & Conservation Department have raised no objections to the proposed works, subject to the imposition of conditions. Furthermore, the aforementioned bodies have raised no objections with regard to the proposed buildings' impact upon the setting of the listed structures. As such, the proposal is considered to be appropriate and in accordance with PPG15, the London Plan and the Council's Interim Planning Guidance (2007).

### **Transport & Highways**

- 8.24 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on

existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.

- 8.25 Vehicular access to the site for taxis and visitor drop-off and pick-up would be provided at ground level in the form of on-street lay-bys. There is a ramp proposed from Heron Quays Road, which provides access to the basement level car parking and servicing areas. Servicing for the Pavilion building would take place from an on-street lay-by in front of the building where loading bays are detailed. A total of 107 parking spaces are provided at basement level, of which 16 are disabled spaces. A total of 28 motorcycle spaces and 311 cycle parking spaces are proposed at basement level, with 22 visitor cycle spaces at ground floor level.
- 8.26 The site is located within an area of very good public transport accessibility (PTAL 6a). The underground Jubilee Line tunnel runs east-west 30 metres to the north of the application site, with Canary Wharf station 250m to the east. Heron Quays DLR station is also located approximately 100m to the east and there are a four bus routes which travel through the Canary Wharf Estate, with a new bus route planned to be opened by TfL in Spring 2008 between Old Street and Crossharbour.

#### S106 Contributions

- 8.27 Given the large amount of additional employment the development would bring to the area, the Council and TfL have determined that contributions for transport infrastructure and public realm improvements are required via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is discussed further within paragraphs 8.49 and 8.50.
- 8.28 As such, TfL have requested a total contribution of £4.8 million towards transport improvements. This amount consists of £3 million towards DLR enhancements, such as new rail car vehicles to enhance the services that DLR can provide and to a more hospitable station environment, improving safety and creating a more active corridor in the heart of Canary Wharf, providing better links from the north to the south via the footbridge across the Dock to South Quay and the Millennium Quarter. The remaining contribution of £1.8 million is requested to cater for the additional demand for the three bus services serving the development, and is calculated at £200,000 per bus per year for three years. These sums have been included within the draft heads of terms and have been presented to the applicant.

#### Cycle Parking

- 8.29 TfL have raised concerns with regard to level of cycle parking. TfL cycle parking standards require a total of 885 stands for the proposed development, whilst the application provides 331. It is therefore considered necessary to attach a condition requesting the submission of cycle parking details prior to the implementation of development.
- 8.30 As detailed above within paragraph 6.22, within the submitted Travel Plan, the applicant outlines the Canary Wharf Estate Draft Travel Plan, one of the themes of which is the encouragement of walking and cycling. It details that there are currently 920 free cycle spaces on the estate and 405 private cycle parking spaces were recently added, for which a charge is applied. A further 781 private cycle spaces are located within individual buildings. The report adds that provision of parking for cyclists will continue to be met. A condition has been attached which will secure the implementation of an appropriate amount and location of cycle parking, upon taking into account the next phase of the Canary Wharf Estate Travel Plan.

### Car Parking

- 8.31 TfL have stated that they would support a car free development (with the exception of disabled parking). Following negotiations with the applicant, revised ground floor and basement floor plans have been submitted reducing the number of car parking spaces from 125 to 107, and the number of disabled spaces has been increased from 13 to 16. Policy 3C.23 of the London Plan (2008) states that a non-operational employment (B1) parking standard of one space per 1,000 - 1,500 sq.m. of gross floorspace should be provided in the CAZ. The proposed development could therefore provide up to 194 spaces within this standard. As such, the application accords with the policy and it is not considered that a refusal of permission on the overprovision of parking spaces could be substantiated. It is considered that TfL's request for a taxi drop-off point can be secured by way of condition.

### Servicing and Refuse Provisions

- 8.32 The applicant has provided a waste management strategy which details that waste produced in the buildings will be consolidated in the basements, where waste and recyclables will be transported by road to suitable waste transfer and recycling storage. The Council's Cleansing Department have commented positively upon the waste management strategy.

### Officer Response to Highways-Based Objections

- 8.33 As detailed above within paragraph 7.2, objections to the application were received on the grounds that the development may interrupt pedestrian routes during construction, and also requesting that pedestrians and cyclists are protected. With regard to the interruption of pedestrian routes around the site to the various surrounding transport hubs, such issues will be pre-empted by way of a condition requiring the applicant to submit a construction management plan. This document will also need to take into account ongoing development elsewhere within the area, in order to ensure pedestrian and cycle routes along Westferry Road and other main thoroughfares are maintained at all times and that where necessary diversion routes are implemented and clearly signposted. With regard to the protection of pedestrian and cyclists, it is unclear if concern is during the construction period or upon completion of the development. Nevertheless, further to the requested construction management plan, the submitted Environmental Statement summarises the effect of the development and notes that all junctions within the vicinity of the development would operate within capacity in peak hours. Furthermore, the s106 agreement seeks significant sums towards the upgrade of lighting, cycle routes and public realm improvements.

### **Amenity**

- 8.34 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.35 In terms of amenity, the applicant provided an Environmental Statement which addressed a wide range of issues, such as daylight/sunlight provision and impact, noise and vibration, air quality and biodiversity.
- 8.36 The application site is not located within or adjacent to any residential development. As such, the impact upon amenity is limited to users of the development and the surrounding Canary Wharf Estate. The Council's Environmental Health Department have raised no objections on the grounds of loss of amenity created by the proposed development, subject to the imposition of conditions requiring the submission of a noise impact assessment.



## Officers Comment to Wind/Microclimate Based Objection

- 8.37 As detailed above within paragraph 7.2, one objection has been received on the grounds of the addition of a tall building contributing to a windy microclimate in the area. Although there is no national or regional planning guidance in relation to wind assessments, Policy 4B.10 of the London Plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on microclimates in terms of wind, sunlight, reflection and overshadowing.
- 8.38 Within the submitted Environmental Statement, the applicant undertook a wind assessment, in order to assess the impact of the proposal upon the microclimate, using wind tunnel tests. The report concludes that the pedestrian comfort level will be at an acceptable level in the majority of areas. However, to the northwest of the site lies an open existing wind tunnel area, due to property boundaries and flood control provisions, which the proposed development would exacerbate. The applicant has proposed mitigation measures to ameliorate this impact, such as the addition of trees and wind screens, which are proposed as part of the landscaping scheme. These additional measures would provide a protective 'alley' to screen pedestrians from adverse south westerly winds that sweep around the pedestrian path along the Heron Quays West property line in this area. The implementation of these measures can be secured by way of the landscaping conditions. It is also considered necessary to request wind control measures integrated into the design of the building, the implementation of which would also be secured through the external materials conditions.

### **Energy and Renewable Technology**

- 8.39 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan (2008) sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:
- All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
  - Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.
- 8.40 As detailed earlier within this report, the applicant submitted an Energy Statement with the application. The information has been considered by the Council's Energy Department who have commented that the design proposes some good passive design and energy efficiency measures. The Energy Officer made other specific comments, including:
- The scheme proposes to install Fuel Cell CHP, and as this is a new technology and the introduction is delayed, then an alternative strategy is required to bridge the gap of 400kWe that the contingency plan does not provide
  - Biomass is not suitable for this development
  - The scheme proposes 1,800m<sup>2</sup> of building integrated photovoltaic panels, which will provide 0.3% of the development's electricity requirement. All efforts must be made to install and maximise the potential of this renewable energy technology
  - Further information is required regarding the use of dock water for cooling of the retail units
  - Although there is a lack of renewable energy technology proposed for the development, as the scheme proposes Fuel Cell technology, which Tower Hamlets and the GLA promote, the proposed energy strategy is considered to be satisfactory; however the full details are required.

In light of the above comments, a condition is to be attached to the planning permission requiring full details of the energy efficiency measures and preferred energy technologies to be submitted and agreed by the local planning authority, along with the requested information above. The condition also states that the energy technologies should reduce

carbon dioxide emissions from the development by at least 20%.

## **Section 106 Planning Contributions**

8.41 The section 106 includes £3,178,000 towards social and physical infrastructure. As with the Riverside South development there are a wider range of mitigation projects the Council considers as necessary arising from the Heron Quays West development. However, given the uncertainties over the timing of the development and in particular the fact that the development may not be completed for a number of years, it is not possible to define these projects in detail at this stage. To this end, the Council is seeking an 'additional contribution for social and physical infrastructure' of £3.178m which equates to the equivalent per sq.m. 'additional contribution' that has been agreed for Riverside South. In line with similar developments elsewhere within the Canary Wharf estate, the projects/improvements would be defined under specific headings within the S106 agreement, these being:

- *Sustainable transport initiatives*; (improvements to facilitate walking, cycling, sustainable transport modes)
- *Heritage and culture*; (improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area)
- *Environmental improvements within and around the site*; and
- *Provision of affordable flexible business space*; to assist small/start-up businesses within the Borough.

### Other Section 106 Contribution Matters

8.42 The site is within the Isle of Dogs Opportunity Area and therefore Policy 3B.3 of the London Plan (2008) is relevant. This states: *"Within the Central Activities Zone and the north of the Isle of Dogs Opportunity Area, wherever increases in office floorspace are proposed they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan."* Policy 5G.3 of the London Plan targets this policy at the CAZ and Isle of Dogs Opportunity Area. Paragraph 5.178 states: *"As a general principle, mixed use development in CAZ and the north of the Isle of Dogs Opportunity Area will be required on-site or nearby within these areas to create mixed-use neighbourhoods. Exceptions to this will only be permitted where mixed-uses might compromise broader objectives, such as sustaining important clusters of business activities, for example in much of the City and Canary Wharf, or where greater housing provision, especially of affordable family housing, can be secured beyond this area. In such circumstances, off-site provision of housing elsewhere will be required as part of a planning agreement."*

8.43 In considering the above, it is not considered reasonable for the applicant to make a contribution towards off-site affordable housing in order to make the proposed development acceptable in planning terms, particularly when considering the following:

- The Council is currently meeting its housing targets;
- The development complies with Policy 3B.1 in developing London's Economy and policies 3B.2 and 3B.3 which encourage developments that meet office demand and rejuvenate office-based activities in the CAZ. The key impact raised in these policies from such developments is upon transport infrastructure, which has been appropriately addressed within this report;
- According to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development, and with the proposed development providing approximately 7,900 jobs, this is considered a significant contribution towards the target of 100,000 new jobs by 2016 within Isle of Dogs as set out in Policy 5C.1 of the London Plan; and
- The consented and implemented office development in 1992 (and as renewed in 1997) was not required to provide a contribution towards off-site affordable housing. Furthermore, given that the aforementioned consents have been implemented by way

of construction of the associated infrastructure, a considerable commercial development could be constructed on site which provides considerably less in the form of planning contributions and the aforementioned London Plan employment targets.

## **Other Planning Issues**

### Flooding

- 8.44 As detailed above within paragraph 7.2, a representation has been received objecting on the grounds of the application failing to address flood risk matters.
- 8.45 Policy U3 of the UDP and policy DEV21 of the IPG October 2007 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.
- 8.46 Chapter 11 of the submitted Environmental Statement reports on the effects on water resources and flood risk of the proposals, addressing the effects on surface water and foul water drainage, water supply, flood risk, surface water quality and groundwater hydrology. The report details that during construction work, temporary flood defences would be installed to maintain the integrity of the flood defences, which would need to satisfy a Flood Risk Management Consent. The applicant also acknowledges that during an extreme event, there could be run-off water discharging off site, and while a temporary cofferdam is in place, there would be a temporary loss of flood storage, however, together with good construction practice, the effect would be short term and negligible.
- 8.47 The applicant also details that a meeting was held with the Environment Agency in October 2007 to discuss the proposal which encroaches into the South Dock. This leads to a loss of flood storage in the River Thames catchment during extreme tides because the docks are hydraulically linked to the river when the water level in the River Thames rises above the easter level in the docks. The EA confirmed that the loss of flood storage for the proposed scheme would be acceptable provided it did not exceed the loss proposed as part of the implementation consented scheme that was approved in 1997. The proposal results in a slight gain in flood storage capacity in comparison to the consented 1997 scheme. As such, the effects of the proposal upon completion would be negligible.
- 8.48 As detailed above within paragraph 6.11, the Environment Agency have reported that they are generally satisfied with the proposal, however have raised an objection stating that no evidence has been provided that the flood risk Sequential Test has been adequately demonstrated. At the time of preparing this report, the Council are liaising with the Environment Agency regarding this matter, and expect to have resolved the issue prior to the Strategic Committee meeting.

### Biodiversity

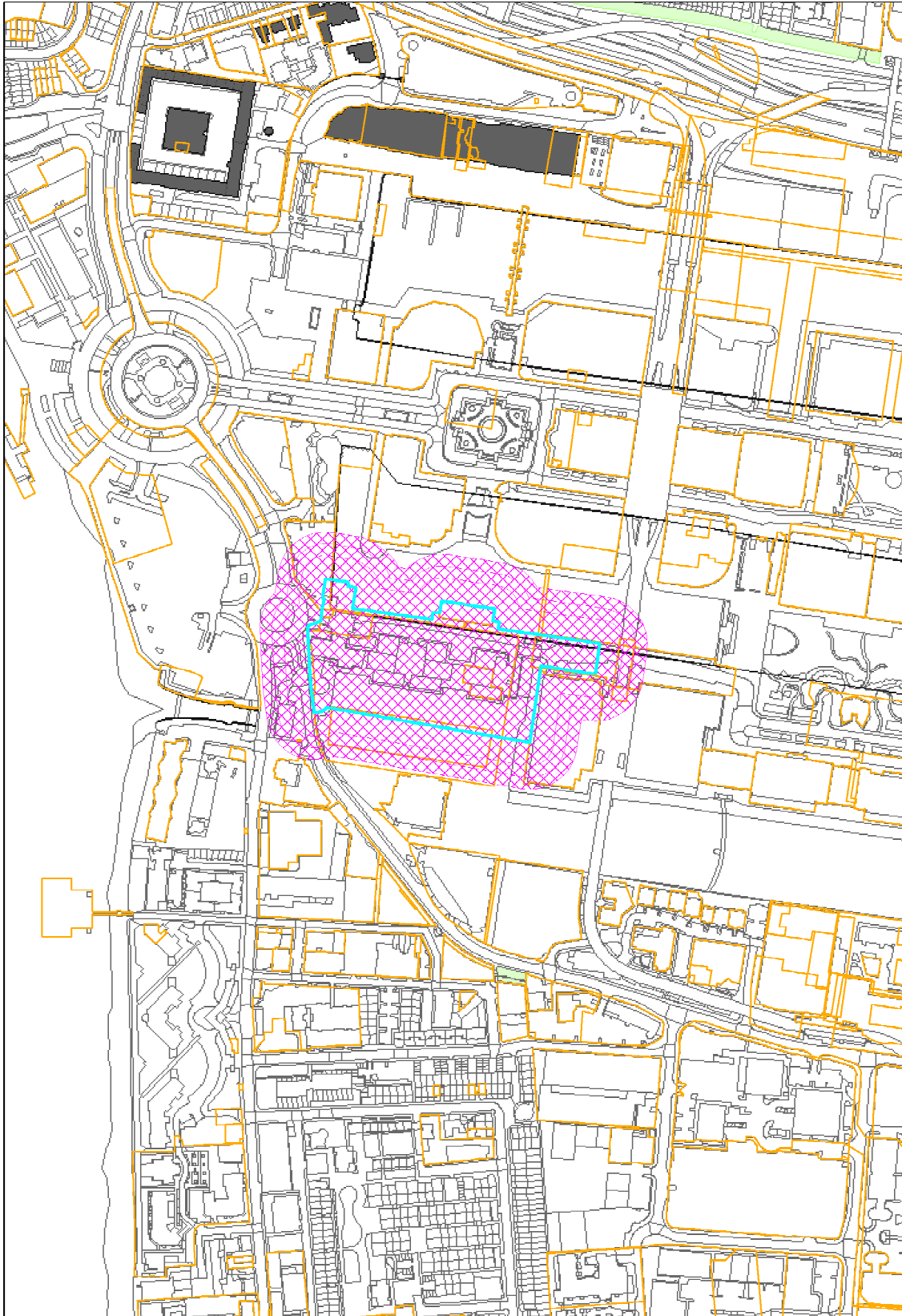
- 8.49 As detailed above within paragraph 7.2, a letter of representation was received objecting on the grounds, inter alia, that the environment needs to be protected. It is not clear whether this relates to the construction period or subsequent to completion. The majority of environmental issues are dealt with above, with the exception of biodiversity.
- 8.50 It is considered that the proposed development will not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.
- 8.51 The attachment of a condition requiring the submission and agreement of a Biodiversity Action Plan has been considered necessary.

### Environmental Statement

8.52 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Atkins. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

## 9.0 **Conclusions**

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



**Heron Quays West, Heron Quay, London**

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# Agenda Item 7.4

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> March 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.4
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Ila Robertson		<b>Ref No:</b> PA/07/03282	
		<b>Ward(s):</b> Millwall (February 2002 onwards)	

## 1. APPLICATION DETAILS

**Location:** Indecon Court, 20 Millharbour,

**Existing Use:** 4 low-rise, mainly single storey, commercial units primarily in use as printing (B2), distribution (B8) and warehousing (B8) uses with some ancillary offices.

**Proposal:** Demolition of the existing buildings on site and construction of a mixed use development comprising of two buildings. The main building ranges from 12 to 32 storeys with a maximum height of 95 metres (99.5 AOD) and a 10 storey 'Rotunda' building being a maximum height of 31.85 metres (36.15 AOD).

Use of the new buildings for 546 residential units (Use ClassC3) (87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms, 14 x 4 bedrooms), 5,390sqm for hotel (Use Class C1) and /or Serviced Apartments (Sui Generis), 1,557sqm of Leisure floorspace (Use Class D2) and 1,654sqm commercial floorspace (Use Classes A1/A2/A3 and/or A4). Plus a new vehicle access, 150 car parking spaces in one basement level, public and private open space and associated landscaping and public realm works at ground floor level.

An Environmental Impact Assessment (EIA) has been submitted in support of this application.

**Drawing Nos:** CS24235/T/035, (PL)010 REV C, (PL)011 REV C, (PL)012 REV C, (PL)499 REV H, (PL)500 REV J, (PL)501 REV H, (PL)502 REV J, (PL)503 REV J, (PL)504 REV J, (PL)505 REV J, (PL)506 REV J, (PL)507 REV J, (PL)508 REV J, (PL)509 REV J, (PL)510 REV J, (PL)511 REV J, (PL)512 REV J, (PL)513 REV J, (PL)514 REV J, (PL)515 REV J, (PL)516 REV J, (PL)517 REV J, (PL)518 REV J, (PL)519 REV J, (PL)520 REV J, (PL)521 REV J, (PL)522 REV H, (PL)523 REV H, (PL)524 REV H, (PL)525 REV H, (PL)526REV H, (PL)527 REV H, (PL)528 REV H, (PL)529 REV H, (PL)530 REV H, (PL)531 REV H, (PL)532 REV H, (PL)600 REV D, (PL)601 REV D, (PL)602 REV E, (PL)603 REV E, (PL)604 REV E, (PL)605 REV E, (PL)606 REV E, (PL)607 REV D, (PL)608 REV D, (PL)609 REV D, (PL)610 REV D and (PL)611 REV D

L.200 Rev D, L.201 Rev C, L202 Rev C, L203 Rev C, L204 Rev C,

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

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

Name and telephone no. of holder:

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

Eileen McGrath  
020 7364 xxxx

Environmental Statement Volume I, Volume II and Non-Technical Summary prepared by RPS dated December 2007  
Design Statement, prepared by Hamilton's and Ass, dated Dec 2007  
Planning Statement, prepared by RPS Planning dated Dec 2007  
Energy Statement, prepared by RPS Planning dated 8<sup>th</sup> Feb 2008  
Access Statement prepared by RPS Planning dated 3<sup>rd</sup> Dec 2007  
Sustainability Statement prepared by RPS Transport dated Nov 2007  
BRE Addendum Internal daylight Report, prepared by Drivers Jonas and dated 14<sup>th</sup> Feb 2008

**Applicant:** Millharbour Developments Ltd  
**Owner:** Walbrook Trustees (Jersey) Ltd and Walbrook Properties Ltd  
**Historic Building:** N/A  
**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2
- The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3
- The retail uses (Class A1, A2, A3, A4) and/or community uses (Class D1) and/or leisure use (Class D2) are acceptable in principle as they will provide a suitable provision of jobs and activity in a suitable location. They will also provide a useful service to the community and future residents of the development, as well as provide visual interest to the street. As such, it is in line with policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (2007), which seek to ensure services are provided that meet the needs of the local community.
- 2.4
- The proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.5, 3A.6 and 3A.9 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.
- 2.5
- The provision of a hotel/serviced apartments is considered acceptable given the proximity of the site to public transport and the Canary Wharf area. Furthermore, the hotel would not result in the loss of any housing or adversely affect the amenity of any adjoining residential properties. As such the development complies with policy 3B.2, 3C.1 and 3D.7 of the London Plan, ART7 of the Unitary Development Plan, policy CP13 of the Council's Interim Planning Guidance (October 2007) which seek to ensure hotels are suitably located within highly accessible locations and in proximity to business locations.
- 2.6
- The density of the scheme would not result in the overdevelopment of the site and any of the problems that are typically associated with overdevelopment. As such, the scheme is in line with policies DEV1 and DEV2 of the Council's Unitary Development



Plan 1998 and policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of accommodation.

- 2.7 • The development would enhance the streetscape and public realm through the provision of a public realm area and improved pedestrian linkages through the Millennium Quarter. As such, the amenity space proposed is acceptable and in line with policies 3C.21, 4B.3 and 4B.5 of the London plan, policies ST37, DEV48 and T18 - T19 of the Council's Unitary Development Plan 1998 and policies CP30, CP36, DEV 3, DEV16 and OSN3 of the Council's Interim Planning Guidance (2006), which seek to improve amenity and liveability for residents.
- 2.8 • The quantity and quality of housing amenity space and the public realm strategy is considered to be acceptable and in line with PPS3, policy 3A.15, 3D.13 and 4B.3 of the London Plan, policy HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2 and CFR5 the Council's Interim Planning Guidance City Fringe Area Action Plan (2007) which seeks to improve amenity and liveability for residents without adversely impacting upon the existing open space.
- 2.9 • The building height, scale, bulk and design is acceptable and in line with English Heritage and CABA criteria for tall buildings; Planning Policy Guidance 15, policies 4B.1, 4B.2, 4B.9 and 4B.10 of the London Plan, policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV 27, CON2 and CON5 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- 2.10 • The submitted Environmental Statement is satisfactory, including the cumulative impact of the development. Mitigation measures will be ensured through conditions and a s106 agreement.
- 2.11 • The safety and security of the scheme is acceptable in accordance with policy DEV1 of the Council's Unitary Development Plan 1998 and policy DEV4 of the Council's Interim Planning Guidance (2007), which requires all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.12 • Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policy 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- 2.13 • Sustainability matters, including energy, are acceptable and in line with London Plan policy 2A.1 and 4A.3 to 4A.11, and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007), which seek to promote sustainable development practices.
- 2.14 • Contributions have been secured towards the provision of affordable housing, health care and education facilities, public access, in line with Government Circular 1/97, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### **3. RECOMMENDATION**

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

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

- B. The prior completion of a **legal agreement** to secure the following planning obligations:
- a) Affordable housing provision of a 35% minimum of the proposed habitable rooms with a 78/22 split between rented/ shared ownership to be provided on site. In addition the inclusion of a cascade clause to allow for additional affordable housing provision up to a maximum of 50% if grant is received.
  - b) A contribution of £76,973.12 to mitigate the demand of the additional population on health care facilities.
  - c) A contribution of £93,672.88 to mitigate the demand of the additional population on education facilities.
  - d) Provision of public open space being Lightermans Plaza and landscaping to the Millharbour Frontage.
  - e) Provision of public access through the site via the north-south and east-west linkages.
  - f) Completion of a car free agreement to restrict occupants applying for residential parking permits.
  - j) Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
  - h) TV reception monitoring and mitigation.
  - i) Preparation, implantation and review of a Green Travel Plan.
  - j) Preparation, implantation and review of an Environmental Management Plan.
  - k) Linkage of new eastern phase into the commencement of work on western phase.
  - l) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions [and informatives] on the planning permission to secure the following matters:

### **Conditions**

1. Permission valid for 3 years.
2. Details of the following are required:
  - Samples of materials for external materials of building in accordance with design precedents detailed in the design and access statement, dated November 2007.
  - Details of all balcony balustrading and screening.
  - The design of the lower floor elevations of commercial units including shopfronts, entrances to the hotel and residential blocks.
  - Mitigation measures required for an acceptable microclimate.
  - Details of all signage.
3. Details of all external landscaping (including roof level amenity spaces and details of brown and/or green roof systems and bird, bat and insect boxes) including lighting and security measures, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins.

4. Landscape Maintenance and Management Plan
5. Implementation of Landscaping
6. Parking – maximum of 150 cars (including 15 disabled spaces) and a minimum of 546 residential and 32 non-residential bicycle parking spaces.
7. Provision of details regarding servicing management plan.
8. Details of provision of ducting pathways and ventilation systems for A3/A4 uses.
9. Operating hours for A3, A4 and D1 uses (8.00am – 11pm Mon – Sun).
10. Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design work purposes.
11. Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 8.00 Hours to 13.00 Hours on Saturdays.
12. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
13. Construction Management Plan, including a dust monitoring
14. Ground borne vibration limits.
15. Noise level limits
16. Implementation of micro-climate control measures
17. Implementation of ecological mitigation measures
18. Submission of the sustainable design measures and construction materials, including details of energy strategy, efficiency and renewable measures.
19. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
20. Details of the disabled access and inclusive design
21. Hotel/ Serviced Apartment 90 day maximum stay
22. Details of noise insulation between residential and commercial uses.
23. Details of foundation design
24. Investigation and remediation measures for land contamination (including water pollution potential) including submission of verification report, and long-term monitoring of and maintenance plan to ensure remediation.
25. Details of water efficiency measures.
26. Full particulars of the surface/ foul water drainage plans/ works.
27. Details of Secure by Design Measures
28. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### **Informatives**

1. Section 106 agreement required.
  2. Section 278 (Highways) agreement required.
  3. Site notice specifying the details of the contractor required.
  4. Construction Environmental Management Plan Advice.
  5. Environment Agency Advice on Pollution Control
  6. Environment Agency Advice on Construction and Duty of Care
  7. Environmental Health Department Advice.
  8. Code of Construction Practice.
  9. Contact the GLA regarding the energy proposals.
- 3.4 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

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

- 4.1 This application represents an alternative scheme for the redevelopment of the eastern side of the Indecon Court suite. The site has two previous outline approvals for development on the site. The original scheme was an outline permission (LBTH Reference PA/02/01330) that covered both the eastern and western parts of the site. The scheme

was approved on the 22<sup>nd</sup> June 2004 for the following:

*'Outline application for a mixed use development up to a maximum height of 19 storeys (78.5 metres) comprising residential (Class C3), offices (B1), shops/financial and professional services/food and drink units (A1,A2,A3), B1 workspace units, public open space and pedestrian routes with basement car parking, access and new highway arrangements.'*

The second outline scheme (LBTH Reference PA/05/01294) was solely for the eastern side of the Indecon Court site. The scheme was approved on the 28<sup>th</sup> September 2007 for the following:

*In outline, the redevelopment of the eastern side of Indecon Court by a building of a maximum height of 84 metres to accommodate a Use Class C1 (hotel) of 2,775 sq m, 962 sq m for use as an apart-hotel or further hotel floor space, 35,000 sq m of Class C3 (residential – up to 490 units), 550 sq m of B1 (business), 1,000 sq m of either A1 (shop), A2 (financial & professional services), A3 (restaurants/cafes) or A4 (pubs/bars), 1,800 sq m of either Class D2 (assembly & leisure), Classes A3 (restaurants/cafes) or A4 (pubs/bars) at ground and basement, with private and public open space, pedestrian routes, basement car parking, access and landscaping.*

4.2 The western (residential) phase of the first outline scheme (LBTH Reference PA/02/01330) is currently under construction on the site with the reserved matter details of the scheme were approved under LBTH reference PA/06/00900 and PA/07/01422 on the 11<sup>th</sup> January 2007 and 24<sup>th</sup> September 2007 respectively.

4.3 The current proposal for the redevelopment of the eastern site comprises the following:

- Two buildings one being an 'S' shaped building comprising of six blocks (F, G, H, J, K and M) and a separate building (Block L) to the north west of the site known as the 'rotunda'.
- The blocks are of varying height ranging from 31 to 12 storeys and drop down across the site from north to south, with a maximum height of 99.5m AOD.
- The building will comprise of 546 residential units being 87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms and 14 x 4 bedrooms.
- The building will include a hotel/ serviced apartment complex comprising of 108 rooms totalling 5,390sqm.
- The provision of part of a public park (Lightermans Gardens), communal and private open space amenity areas located across the site at ground level, podium level, roof terraces and winter gardens totalling 11,413sqm.
- A shared common basement including 150 car parking spaces and 546 cycle parking spaces are proposed;
- As there are no defined users for the proposed ground floor commercial floorspace at this stage. The applicant has asked for it to be able to be used for a variety of uses. Consequently, the commercial space is proposed to be used for retail, financial and professional services, restaurant and cafes and drinking establishments, (Classes A1, A2, A3, A4 and A5) and/or community facilities (Class D1) and/or leisure use (Class D2); and
- Public pedestrian routes through the site.

4.3 The proposed layout strengthens the east-west and north-south pedestrian routes through the site with the focus being the Lightermans gardens at the heart of the site and Lightermans Plaza which wraps around the on the north eastern corner.

4.4 It is also important to note that given the site is located within the Millennium Quarter area a tariff system operates for s106 contributions for transport and infrastructure. However, in this instance the applicant is providing a public park on the site known as 'Lightermans

Gardens' which is situated within the middle of the site. Given the applicant is providing a public park this thereby exempts the development from paying the tariff as the costs associated with providing the park are in lieu of the tariff. As noted in paragraph 3.1, the applicant is to make contributions to education and health based on the uplift of the numbers of units from the previously approved scheme. This is on top of the previously approved contributions package which includes the provision of part of Lightermans gardens.

### **Site and Surroundings**

- 4.5 The Indecon Court site comprises 1.76ha and is located within the Millennium Quarter Master Plan (MQMP) on the Isle of Docks just south of the Canary Wharf area. The MQMP identifies the site as being in the heart of the quarter with a larger area of public realm known as Lightermans Gardens.
- 4.6 However, this particular application relates solely to the eastern side of the site and is known as phase two (the mixed-use phase) of the original outline planning permission and incorporates an area of 0.94ha.
- 4.7 The site currently has four one to two storey commercial units located on site in use as printing (B2), distribution (B8) and warehousing (B8) uses with some ancillary offices. The remainder of the Indecon Court site is currently a construction site as the western residential phase of the original permission is being built out.
- 4.8 The site is bounded by three roads being Lightermans Road to the north, Millharbour to the east and Lanterns Lane to the south. To the west of the site is the western residential phase of the original outline phase which is currently under construction.
- 4.9 There a number of residential schemes that either built out, currently under construction or consented adjacent the site. These are identified as follows:
- Former Tate and Lyle Site (Constructed to the west opposite phase one of Indecon Court).
  - 31-39 Millharbour (To the west constructed).
  - 41-43 Millharbour (To the west under construction).
  - Lanterns Court (To the south under construction).
- 4.8 There are a number of existing amenity and support services within the area and the site is in close proximity to the Canary Wharf Shopping centre.
- 4.9 In terms of built heritage, the site is not located within a Conservation Area and none of the buildings on the site are listed.
- 4.10 The site has good access to public transport and other amenities, benefiting close proximity to the Crossharbour (approximately 500m to east) and South Quay (approximately 200m to north) Docklands Light Railway, Canary Wharf and the Jubilee Tube Line (approximately 400 metres to the north) and several bus networks.

### **Planning History**

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

PA/02/1330 Outline application for a mixed use development up to a maximum height of 19 storeys (78.5 metres) comprising residential (Class C3), offices (B1), shops/financial and professional services/food and drink units (A1,A2,A3), B1 workspace units, public open space and pedestrian routes with basement car parking, access and new highway arrangements. The application is

accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

PA/05/1294 In outline, the redevelopment of the eastern side of Indecon Court by a building of a maximum height of 84 metres to accommodate a Use Class C1 (hotel) of 2,775 sq m, 962 sq m for use as an apart-hotel or further hotel floor space, 35,000 sq m of Class C3 (residential – up to 490 units), 550 sq m of B1 (business), 1,000 sq m of either A1 (shop), A2 (financial & professional services), A3 (restaurants/cafes) or A4 (pubs/bars), 1,800 sq m of either Class D2 (assembly & leisure), Classes A3 (restaurants/cafes) or A4 (pubs/bars) at ground and basement, with private and public open space, pedestrian routes, basement car parking, access and landscaping.

PA/06/0900 Reserved matters (external appearance, design and landscaping) pursuant to condition 2 of outline planning permission (Ref: PA/02/01330) for the erection of an 8 storey building, rising to 17 and 15 storeys in the north-west and south-east corners respectively, comprising 427 residential units (Class C3), retail units (Class A1, A2, A3, A4 and A5) with basement parking for 174 cars and 457 cycle parking spaces, access provided from Mastmaker Road (Cassilis Road), with public and private open space and pedestrian routes with associated landscape works.

Approval of details pursuant to conditions 3 (Phasing of development), 6 (parking layout) and 12 (Access for disabled persons) of outline planning permission PA/02/01330 dated 22nd June 2004.

PA/07/1422 Reserved matters (external appearance, design and landscaping) pursuant to condition 2 of outline planning permission (Ref: PA/02/01330) for the erection of an 8 storey building, rising to 17 and 15 storeys in the north-west and south-east corners respectively, comprising 364 residential units (Class C3), retail units (Class A1, A2, A3, A4 and A5) with basement parking for 174 cars and 393 cycle parking spaces, access provided from Mastmaker Road (Cassilis Road), with public and private open space and pedestrian routes with associated landscape works. **(Amended application)**

## 5. POLICY FRAMEWORK

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

### Unitary Development Plan (as saved September 2007)

Proposals:	FPA	Flood Protection
Policies:		
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV69	Water Resources
	EMP1	Encouraging New Employment Uses
	HSG7	Dwelling Mix
	HSG16	Amenity Space
	T3	Provision of Additional Bus Services
	T16	Impact of Traffic

T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
S7	Public House
S10	New Shopfronts
OS9	Child Play Space
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences

### **Interim Planning Guidance for the purposes of Development Control (Oct 2007)**

Proposals:	ID34	Development Site (Public Open Space and Residential C3)
	FRA	Flood Risk Area
	LCN	London Cycle Network
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP13	Hotel, Serviced Apartments and Conference Centre
	CP15	Range of Shops
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix
	CP22	Affordable Housing
	CP25	Housing Amenity Space
	CP27	Community Facilities
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	Development Control Policies	
	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments

DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
SCF1	Social and Community Facilities

#### Isle of Dogs Area Action Plan Policies

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD5	Public Open Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD18	Employment Uses in the Central Sub-Area
IOD19	Residential Uses in the Central Sub-Area
IOD20	Retail and Leisure uses in the Central Sub-Area
IOD21	Design and Built Form in the Central Sub-Area
IOD22	Site Allocations in the Central Sub-Area

#### **Millennium Quarter Master Plan (September 2000)**

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

Designing Out Crime  
Residential Space  
Landscape Requirements

#### **Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (London Plan February 2008)**

2A.1	Sustainability Criteria
2A.2	The Spatial Strategy for Development
3A.1	Housing Supply
3A.2	Borough Housing Targets
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of Affordable Housing
3A.9	Affordable Housing Target
3A.10	Negotiating Affordable Housing
3A.17	Needs of Diverse Communities
3A.18	Social Infrastructure and Community Facilities
3A.20	Health Objectives
3A.24	Education Facilities
3A.27	Meeting Floor Targets
3A.28	Social and Economic Impact Assessments



3B.2	Office Demand and Supply
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking
3D.7	Visitor Accommodation and Facilities
3D.13	Children's Play and Informal Play Space
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources
4A.19	Improving Air Quality
4A.20	Noise
4B.1	Design Principles for a Compact City
4B.2	Promoting world class architecture and design
4B.3	Enhancing the Quality of the Public realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Protection
4B.8	Respect Local context and communities
4B.9	Tall Buildings-Location
4B.10	Large scale buildings, design and impact
5C.1	The Strategic Priorities for East London
5C.2	Opportunity Areas in East London

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS22	Renewable Energy
PPG24	Planning & Noise

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

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

## **6. CONSULTATION RESPONSE**

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

### **LBTH Education**

- 6.1 A contribution towards the provision of 74 additional primary school places @ £12,342 =

£913,308.00. (OFFICERS COMMENT: As mentioned in paragraph 4.4 of the report the site is providing a public park as required by the Millennium Quarter Masterplan. Given the scheme is providing this public asset it is considered that any education contribution should be limited to the uplift resulting from the previously approved scheme for 490 units and the proposed 546 units, being 56 units. This results in a contribution to education of £93,672.88.

### **LBTH Energy Efficiency Unit**

- 6.2 The proposal considers a range of renewable energy technology and proposes to meet the 10% on site renewable energy requirement by providing a 280kW biomass boiler, which is satisfactory, provided further information on the procurement of the biomass fuel a sustainable source.

In addition, the development proposes a 300kWe gas fired CHP system to supply energy efficiently to the development. The connection to Barkantine Heat and Power Company has been considered and dismissed on the basis that Barkantine only offer to supply heat and not electricity and the higher initial capital cost of the connection. Councils communication with Barkantine have advised that they are willing to offer electricity and are offering to refund some of the capital cost when adjacent developments join on to the Barkantine scheme. It is therefore considered that further investigations should be completed before the possible connection to Barkantine is dismissed.

The energy strategy in principle is satisfactory however it has not fully explored all the opportunities in terms of connecting into Barkantine CHP plant. It is therefore considered that a condition should be included requiring the submission of a strategy prior to the commencement of works on the site to allow for further exploration on this matter.

### **LBTH Environmental Health**

#### Contaminated land

- 6.3 The contamination assessment is very detail and the proposed remediation measures appear acceptable. Recommend the inclusion of a condition to secure the implementation and verification of these measures.

#### Noise

- 6.4 No objection.

#### Daylight/ Sunlight

- 6.5 The impact on the surrounding buildings is acceptable for the urban nature of the area, with the proposal in general accordance with the baseline established by previous approvals.

The Shadow Analysis between baseline-consented-proposed scheme for 21st March and the cumulative impact is acceptable with any impacts limited to the early hours ( 07:00-09:00 hrs) and appears satisfactory later on in the day.(10:00-17:00hrs).

Within the scheme the majority of windows comply and the amendments made to the internal configurations and balcony adjustments allows for a good level of compliance.

The proposal is considered to be acceptable in terms of the guidance set out by the Building Research Establishment (BRE criteria).

### **LBTH Highways**

- 6.6 This development would be deemed acceptable providing:

- The entire development is covered by a car free agreement
- That a travel plan is secured by s106
- Details regarding final design of servicing area are conditioned;
- That car parking be kept at no more than 150 spaces; and
- That section 278 and 106 agreements are entered into.

#### Section 278 Requirements

- 6.7 There will significant section 278 requirements brought about by the construction of this development; these to include footways surrounding the site and highways adjacent to the site.

#### Section 106 Requirements

- 6.8 The scale of the development will require contributions to the following:
- A construction management plan;
  - A Travel Plan; and
  - Car Free agreement.

#### **LBTH Landscape**

- 6.9 No comments received.  
LBTH Crime Prevention Officer
- 6.10 No Objection. A number of pre-application discussions were held on the proposal and all my concerns have been addressed. It is considered that a condition securing submission of secured by design statement should be included to ensure the as-built design does not reduce any of the design quality.

#### **British Waterways (Statutory)**

- 6.11 No Objection.

#### **Environment Agency (Statutory)**

- 6.12 No objection subject to appropriate conditioning in respect to groundwater protection, surface water runoff and water efficiency measures.

#### **Government Officer for London (Statutory)**

- 6.13 No comment received.

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

- 6.14 No formal comments received.

#### **Natural England (Formally English Nature and Countryside Agency) (Statutory)**

- 6.15 Overall they consider that the ecological issues are being handled effectively under the ES. If the authority is minded to grant planning permission for the proposal they recommend the use of suitable planning conditions or legal agreements to ensure these aspects are fully adhered to.

### **Transport for London (Statutory)**

6.16 No comments received.

### **CABE**

6.17 No comments received.

### **English Heritage - Archaeology**

6.18 No objection.

### **London City Airport**

6.19 No safeguarding objections.

### **London Fire and Civil Defence Authority**

6.20 No comment received.

### **Metropolitan Police**

6.21 No comments received.

### **Thames Water Utilities**

6.22 No comments received

### **Docklands Light railway**

6.23 No comments received.

### **National Air Traffic Services Ltd**

6.24 No objection.

### **BBC – Reception Advice**

6.25 No comments received.

### **Tower Hamlets PCT**

6.26 Communication with the PCT indicated that the uplift in the number of units on site will generate a capital contribution requirement of £76,973.12.

(OFFICER COMMENT: As mentioned in paragraph 4.4 of the report the site is providing a public park as required by the Millennium Quarter Masterplan. Given the scheme is providing this public asset it is considered that any health contribution should be limited to the uplift resulting from the previously approved scheme for 490 units and the proposed 546 units, being 56 units. This results in a capital contribution to health of £76,973.12).

## **7. LOCAL REPRESENTATION**

7.1 A total of 1016 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in the East End Life and on site.

In addition the following Residents and Tenants Associations were consulted:

- Millwall Tenancy Association
- Association of Island Communities
- Mill Quay Residents Associations
- Barkantine Tenants and Residents Associations

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 0      Objecting: 0      Supporting: 0  
No of petitions received: None

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design
- Amenity
- Highways
- Other

### **Land Use**

#### Principle of Residential-Led Mixed Use Development

##### *Residential Use*

8.2 The proposed scheme includes the demolition of the existing industrial uses on the Site, to provide a residential development. In accordance with polices 3A.1 and 3A.2 of the London Plan, the Mayor is seeking the maximum provision of additional housing in London. The London Plan housing targets (December 2006) for Tower Hamlets from 2007 to 2016 is 31,500 new homes, subject to the provision of adequate social and physical infrastructure and contributing to sustainable communities (CP19).

8.3 The site is allocated in the Interim Planning Guidance 2007 (IPG) for public open space and residential uses. The Indecon Court site is providing an area of public park to be known as 'Lighterman's Gardens'. Under the Millennium Quarter masterplan the site is identified for a mixed use development.

8.4 It is considered that the site is appropriate for residential-led development given it is identified for residential uses by the site allocation and it falls within the mixed use area of the Millennium Quarter.

##### *Employment Use*

8.5 The site is not a Strategic Employment Site according to the London Plan or in a Local Employment Location for employment in the UDP. The site has previously had employment generating uses on site. These uses comprised of 12 industrial/ warehouse units, however nine of these units have been removed as part of the construction of the approved western phase of residential development. In particular, the loss of this use was determined under the previous outline consent for the site. It is therefore considered that the loss is acceptable and in accordance with Council policy given the level of replacement floorspace and vision detailed below under the masterplan.

8.6 The site is identified as being at the 'heart of the Millennium Quarter' where a diversity of uses should be concentrated. In particular the masterplan states:

*'This area will include shops, restaurants, health and fitness centres, pubs, bistros and cafes. Ideally it will also include religious centres, community facilities, art centres and a wide range of leisure and sports facilities. All development proposals in this area will be expected to incorporate a diverse mix of uses, either at the time of development or by future conversion.'*

The scheme therefore proposals include active ground floor frontages adjacent to the pedestrian linkages and areas of public realm, comprising of 1,654sqm of floorspace for use classes A1, A2, A3 and/or A4 and 1,557sqm of leisure floorspace.

8.7 The upper levels of the building will comprise of 546 units over 46,726sqm of residential floorspace and 108 room hotel/ serviced apartment complex over 5,390sqm. This provision is in accordance with the vision set out under the masterplan for a diversity of uses and follows the site allocation under the IPG for inclusion of residential uses.

8.9 In accordance with policies 3B.2 and 3D.7 of the London Plan, the Mayor is seeking the provision of a wide range of tourist accommodation and support services for large office development. Furthermore, Council policy CP13 under IPG supports the location of hotels in areas of high accessibility and within the central areas of the Isle of Dogs. Therefore, given the proximity of the site to Canary Wharf and accessibility of the site by public transport it is considered an acceptable location for a hotel/ serviced apartment use.

8.10 In view of the above comments a residential-led mixed use redevelopment of this site is in principal supported.

#### Density

8.11 The Site has a net residential area of approximately 0.94 hectares. The scheme is proposing 546 units or 1,436 habitable rooms per hectare. The proposed residential accommodation would result in a density of approximately 580 units per hectare and 1528 habitable rooms per hectare (hr/ha).

8.12 The site has a public transport accessibility level, or PTAL, of 4. According to policy 3A.3 of the London Plan, the site is best described as 'central' and therefore has a suggested density range of 650– 1100 habitable rooms per hectare (hr/ha) in accordance with the 'Density location and parking matrix'. Furthermore, policy IOD19 of the IPG states that densities in a range of 650 to 1100 hr/ha are anticipated in the Central Sub-Area of the Isle of Dogs with in the order of 7,000 new homes expected.

8.13 In general numerical terms, the proposed density of 1528hr/ha would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.

8.14 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and

- Impacts on social and physical infrastructure;

These issues are all considered in detail later in the report and were considered to be acceptable.

- 8.15 The proposed density of 580 units per ha does not grossly exceed the density level for the previously approved schemes which had a density of 521 units per ha. The site continues to be located within easy access to public transport and open space, and of high quality design.
- 8.16 Policy 3A.2 of the London Plan encourages Boroughs to exceed the housing targets and to address the suitability of housing development in terms of location, type and impact on the locality. Policies CP20 and HSG1 of the IPG seek to maximise residential densities on individual sites; taking into consideration the local context and character; residential amenity, site accessibility; housing mix and type; achieving high quality, well designed homes; maximising resource efficiency; minimising adverse environmental impacts; the capacity of social and physical infrastructure and open spaces; and to ensure the most efficient use of land within the Borough.
- 8.17 On review of these issues, a high density mixed use development can be supported in this location in accordance with London Plan, UDP and IPG policies. The scheme is considered acceptable for the following reasons:
- The proposal is of quality design and responds appropriately to its context.
  - The proposal is not considered to result in any adverse symptoms of overdevelopment.
  - A number of contributions towards affordable housing, health, education and the provision of public open space, have been agreed to mitigate any potential impacts and are in accordance with the Millennium Quarter Masterplan.
  - The development is located within an area with good access to public transport services, open space and other local facilities. The site also has good access to cycle and pedestrian linkages.

## Housing

### *Affordable Housing*

- 8.18 Policy 3A.9 of the London Plan sets out a strategic target that 50% of the new housing provision should be affordable.
- 8.19 Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.20 The applicant is proposing to provide 165 affordable dwellings, which represents 35% of the proposed housing on habitable room basis. However, following discussions with Council and the GLA the applicant is prepared for a cascade clause to be included in the s106 to allow for additional affordable units above this 35% up to the maximum of 50% on site if the scheme secures grant funding.
- 8.21 An evaluation of the schemes viability was prepared by the applicant using the GLA Affordable Housing Development Control Toolkit, where the scheme is proposing less than 50% affordable housing, in line with policy 3A.10 of the London Plan. The toolkit assessment has been scrutinised and its results, on balance, are supported.

8.22 It is considered that the level of affordable housing provision complies with Council policies and is therefore acceptable.

*Social Rented/ Intermediate Ratio*

8.23 Against London Plan policy 3A.9 affordable housing target of 50%, it requires that 70% should be social rent and 30% should be intermediate rent.

8.24 Policy CP22 of the IPG states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing.

8.25 A summary of the affordable housing social rented/ intermediate split is provided below:

Tenure	Units	Habitable Rooms	London Plan	LDF
social rent	123 (75%)	385 (78%)	70%	80%
shared ownership	42 (25%)	107 (22%)	30%	20%
total	165 (100%)	492 (100%)	100%	100%

8.26 The proposed tenure split falls slightly short on the 80% requirement for social rented within the IPG with 78% of the total affordable being for affordable rent. However the scheme exceeds the London Plan target of 70% of the affordable being for rent, and is therefore on balance acceptable.

*Housing Mix*

8.27 The scheme is proposing a total of 546 residential units comprising of 87 x Studios, 173 x 1 bedrooms, 125 x 2 bedrooms, 147 x 3 bedrooms and 14 x 4 bedrooms.

8.28 Paragraph 20 of Planning Policy Statement 3 states that

*“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.*

8.29 Pursuant to policy 3A.5 of the London Plan the development should:

*“offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups”.*

8.30 The GLA housing requirements study identified within the Mayor’s Housing SPG provides a breakdown of housing need based on unit mix. However, according to the Mayors SPG, it is inappropriate to apply the identified proportions crudely at local authority level or site level as a housing mix requirement. Rather, they should be considered in preparing more detailed local housing requirement studies.

8.31 Policy HSG7 of the UDP states that new housing development should provide a mix of unit sizes where appropriate including a substantial proportion of family dwellings of between 3 and 6 bedrooms. The UDP does not provide and prescribed targets.

8.32 The following table below summarises the proposed housing mix against policy HSG2 of the Interim Planning Guidance 2007, which seeks to reflect the Boroughs current housing needs:



		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	87	0	0	0	0	0	0	87	23	25
1 bed	173	26	21.2	20	26	62	37.5	121	31	25
2 bed	125	37	30.1	35	9	21	37.5	79	21	25
3 bed	147	46	37.3	30	7			94		
4 bed	14	14	11.4	10	0			0		
5 Bed	0	0	0	5	0	17	25	0	25	25
<b>TOTAL</b>	<b>546</b>	<b>123</b>	<b>100</b>	<b>100</b>	<b>42</b>	<b>100</b>	<b>100</b>	<b>381</b>	<b>100</b>	<b>100</b>

8.33 The overall scheme provides 30% family sized accommodation with the targets in both the social rented and private housing mix met or exceeded. The provision of family sized units is at 49% for the social rented units, 25% for the private units and 17% for the intermediate mix. It is considered that the proposal is in accordance with Council policies HSG2 which seek to ensure adequate family sized accommodation is provided to ensure a mixed and balanced community.

8.34 It is to be noted that the scheme also exceeds the amount of family housing otherwise achieved across the borough based on the most recently published LBTH Annual Monitoring Report 2005-6. The table below demonstrates that the proposed development is a significant improvement upon what has been achieved across the borough and in terms of aspiration, is a positive step towards LBTH achieving key housing targets and better catering for housing need.

Tenure	Borough-Wide %	Proposal %
Social-rented	21.7	49
Intermediate	9.5	17
Market	1.7	25
<b>Total</b>	<b>6.8</b>	<b>30</b>

8.36 The scheme provides a suitable range of housing choices and meets the needs of family housing across all tenures. As such, the proposed housing mix is considered to comply with national guidance, the London Plan and the Interim Planning Guidance in creating a mixed and balanced community.

### Design

8.37 The scheme has two previous outline approvals for tall buildings on the site. It is considered that the new proposal is a marked improvement in terms of massing, siting and orientation.

8.38 The Council's Planning Department are of the opinion that the buildings height, scale, bulk and quality of design are appropriate for this location in the Millennium Quarter and in general accordance with the previous approvals on the site. This assessment is examined in detail below.

### Bulk and Massing

- 8.39 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.40 Policy CP4 of the IPG states that LBTH will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.41 The Millennium Quarter Masterplan states that Lightermans Gardens should be the heart of the quarter providing a focus. It is therefore consider that any building on the site needs to both draw people down Millharbour by providing a visual anchor.
- 8.42 The proposed development comprises of two buildings one being an 'S' shaped building comprising of six blocks (F, G, H, J, K and M) and a separate building (Block L) to the north west of the site known as the 'rotunda'. The highest part of the scheme is located at the northern end of the site and drops across the site to the south, ranging from 31 to 12 storeys with a maximum height of 99.5m AOD. The height is consistent with the height profile set by the Millennium Quarter Masterplan.
- 8.43 The main building is 11.2 metres higher than the previous outline consent, however the height is limited to the northern part of the building, with the massing and height then drops across the site from north to south. The bulk of the building is concentrated with the northern part of the building and the S Shape allows for the massing to be broken up by provision of infill spaces and cantilevering of parts of building and allowing for the building to wrap around the amenity spaces. It is considered that the proposed building is an improvement on the previous outline approval.
- 8.44 In summary, the bulk and massing of the development is considered to be acceptable. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

### Tall Building

- 8.45 The London Plan encourages the development of tall buildings in appropriate locations. Policy 4B.9 states that tall buildings will be particularly appropriate where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan requires all large-scale buildings, including tall buildings, to be of the highest quality of design.
- 8.46 CP48 of the emerging LDF permits the Council to consider proposals for tall buildings in locations outside the tall building cluster locations identified in this policy if adequate justification can be made for their development.
- 8.47 The site is located within the Millennium Quarter which sets out a height profile across the quarter requiring buildings to drop in height from north to south. The proposed building is consistent with this profile and drops in height across the site.
- 8.48 It is considered that the height of the building will provide a visual focus for the pedestrians through the Quarter towards Lightermans Gardens which immediately adjoins the site.

The height is limited to the northern part of the building with the remainder of the development dropping in height and wrapping around the amenity areas.

8.49 The success of the building height is considered to lie in the quality of the materials and fenestration proposed which incorporates infill areas of glazing for winter gardens at higher levels and projecting balconies. It is therefore considered that conditions need to be included to ensure that this design quality is not lost during construction.

8.50 Policy DEV27 of the IPG provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:

- The design is sensitive to the local and wider context of the Millennium Quarter area.
- The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and open space provision.
- The proposed development does not fall within the strategic views designated in Regional Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) or the Mayor's draft London View Management Framework SPG (2005). However, the scheme has demonstrated consideration of the appearance of the building as viewed from all angles and is considered to provide an appropriate contribution to the skyline.
- Visually integrated into the streetscape and the surrounding area as a landmark building providing a focus for the heart of the Millennium Quarter.
- Presents a human scaled development at the street level which the north-south and east-west linkages through the site supported and enhanced by the design.
- Respects the emerging local character of the masterplan area, whilst seeking to incorporate and reflect elements of local distinctiveness to ensure it is successful as a focal point in the quarter.
- There will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents. Any potential internal impacts are considered to be appropriately mitigated by both the external and internal design of the building. For example, by the provision of dual aspect units, orientation of the main living areas and window and balcony placement.
- Extensive environmental impact testing including wind and micro climate testing has been undertaken and concludes that the impact on the microclimate of the surrounding area, including the proposal site and public spaces, will not be detrimental.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management.
- The impact on biodiversity will not be detrimental and will be enhanced by the provision of new habitats via brown and green roofs.
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses directly adjacent new areas of public realm.
- Incorporates principles of inclusive design.
- The site is located in an area with good public transport access.
- Takes into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces, in particular the north-south and east-west linkages through the site are improved and enhanced.
- The scheme provides publicly accessible areas, including the ground floor non-residential uses and public realm.
- The scheme would conform to Civil Aviation requirements. The City Airport has advised there is no safeguarding objection.

- Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.51 On balance, in accordance with London Plan, CABE / EH guidance on tall buildings, and the IPG the proposal scores merit for its response to the context, evolution of form, distinct character, high quality finishes and generous public realm. The height of the building is considered to be acceptable.

#### Unit sizes

8.52 According to policy HSG13 of the UDP, all housing units should have adequate provision of internal space in order to function effectively, in accordance with the Council's residential space supplementary planning guidance (SPG).

8.53 The developer identified that of the 546 units, 44 residential units may be below minimum standard. Detailed analysis shows that these units are restricted to one bedroom units in the private component of the development and only fall a maximum of 1.2sqm below the standard. It is considered that given the individual room sizes exceed Council standards that the overall unit size failure is acceptable in this instance.

8.54 Therefore, the proposed units which were initially considered to be below the areas identified within the Council's residential space SPG, do in fact exceed the minimum room areas.

8.55 Further to this, the applicant has provided dual aspect family sized units through both the private and affordable components of the scheme allowing for enhanced layout in terms of solar gain, internal space and outlook. On balance, where the unit sizes and design are considered to comply with the Council's SPG, the scheme is considered to be acceptable.

#### Material and External Appearance

8.56 The scheme proposes a material palette for the external cladding system, which includes pre-fabricated metal panels, stainless steel and terra-cotta panels, is now considered to be of a high quality design. Notwithstanding, further details should be submitted for approval by conditioning to ensure the performance and hard wearing properties required of a development of this quality is achieved.

#### Permeability and legibility

8.57 DEV2 of the IPG seeks to improve legibility and permeability of the urban environment. The development is entirely publicly accessible with key linkages across the site being from east to west and northern south through Lightermans Gardens and Plaza. These linkages are required as part of the masterplan for the Millennium Quarter and were provided under the previous outline approvals for the site. The linkages are secured under the s106 agreement to ensure public rights of way across the site.

8.58 The linkages through the site have been reviewed by Council and are considered to be in accordance with policy 3C.21 of the London Plan and DEV2 of the IPG.

#### Amenity/Open Space

8.59 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council's Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided, as shown below:

Tenure	Proposed	SPG Requirement	Total (m <sup>2</sup> )
Family Units	161	50sqm of private space per family unit	8050
Non-family units	385	50sqm plus an additional 5sqm per 5 non-family units;	435
Child Bed spaces (according to the ES calculations)	168	3sq.m per child bed space	504
<b>Total</b>			<b>8989sqm</b>

8.60 Following is an assessment against the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document.

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
Studio	87	6	522
1 Bed	173	6	1038
2 Bed	125	10	1250
3 Bed	147	10	1470
4 Bed	14	10	140
<b>Grand Total</b>	<b>546</b>		<b>4420sqm</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>586sq.m</b> (50sq.m plus 536sqm).
<b>Total Housing Amenity Space Requirement</b>			<b>5006sqm</b>

8.61 The applicants Landscaping Design Report states that the site is designed to be read as four distinct character areas of communal private amenity space each with distinctly different character, as follows:

- *The Podium:* Would provide a child's play space for under 5 years which will benefit from afternoon sun and be protected from the wind. The space will be enclosed by adjacent dwellings and canopies will be used to ensure noise is kept within the spaces. It will feature a naturalistic setting with landscaping designed to allow for exploration rather than standard play equipment.
- *The kick-about Play Space:* Is a rooftop terrace on the southernmost block that will provide a sports activity space for 5-11yr olds and 12yrs and over. The space will include a basketball/ football area and an educational play features.
- *The Play Roof Garden:* Would provide spaces for 5-11yrs and 12yrs and over and would incorporate landscaping with play features for swinging, climbing and balancing.
- *The 9<sup>th</sup> Floor Terrace and Winter Garden* – Would be a communal space featuring landscaping and seating and would incorporate both a winter garden and external terrace orientated west to look over Lightermans Garden.
- *The 15<sup>th</sup> Floor Roof Terrace* – Would feature mainly hard landscaping with a large chessboard inset in the centre of the terrace with seating to the edges.
- *The 23<sup>rd</sup> Floor Conservatory Space* – Would be an enclosed winter garden of four storeys which would incorporate a mezzanine level with tall and low level planting orientated to the south.
- *The Rooftops* – *The two roof tops not in use as roof terraces would be landscaped as brown and green roofs to provide habitat for local wildlife.*

8.62 The landscaping report also details the proposed approach for the areas of public realm around the site being Millharbour, Lightermans Road and Lane, Lightermans Plaza and Lanterns Lane. The proposed landscaping seeks to define the north-south and east-west

linkages through the site by landscaping treatment, tree planting, lighting and surfacing whilst clearly defining the entrances to the building and providing visual interest all year round.

- 8.63 Also, the majority of all units being 81% are provided with private balconies. In particular, all family sized accommodation both private and affordable have areas of private open space to the same level.
- 8.64 The total amenity space provision for the proposed development, consisting of both public accessible ground floor areas of public realm across the site (6,435sqm), communal roof terraces, podium and winter gardens (2,442sqm) and private balconies/ terraces (2,536sqm), comprises a total of 11,413sqm. As such, this exceeds the Council's standard.

#### *Child Play Space*

- 8.65 The revised ES advises that the child yield for the development would be 168 children. Applying the GLA SPG guidelines of 10sqm of play space per child, a total of 1680qm would be required on site.
- 8.66 The scheme is proposing a total area of 1850sqm for informal and formal child play space. The landscaping scheme identifies that there will be four spaces which have been identified for children's amenity space, being the podium level, kick about space, passive play space and activity play space.
- 8.67 London Plan Policies 3A.17 and 3D13 seek to protect and enhance of social infrastructure, including child play and recreation facilities. The policy seeks to ensure that these facilities are provided within easy reach by walking and public transport of the population that use them.
- 8.68 The draft GLA Guide to Preparing Play Strategies encourages the provision of a wide range of play opportunities and spaces, rather than prescribed, fenced off area with a quota of manufactured equipment. Further, according to paragraph 11.8 of the Mayors SPG for Housing, when assessing needs of children and young people, *"full account should be taken of their need for play and informal recreation facilities within walking distance of their home"*.
- 8.69 According to paragraph 16 of PPS3, matters to consider when assessing design quality of housing developments include the extent to which the proposed development *"provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies"*. Paragraph 17 of PPS3 states that *"where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space"*
- 8.70 As detailed in paragraph 8.62 of the report the landscape strategy for the site sets out to provide an environment that will accommodate informal play and recreation for all ages. The three communal spaces provided on site would be managed by the on-site building management team, be restricted to daytime use and would incorporate security features for users.
- 8.71 In addition, the site adjoins Lightermans Gardens a public area of open space that will provide additional opportunities for children to play and explore.
- 8.72 It is clear that the total open space provision exceeds the minimum requires of the Council's housing SPG and the Interim Planning Guidance. With all family sized units across all tenures provided with private amenity space. In addition, the development

provides a significant communal open space area on-site and enables good access to off-site recreational areas directly adjacent or within walking distance of the site. The proposed child play space is also considered to comply with relevant national and local policies and guidance.

- 8.73 On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 agreement to secure public access to the ground floor spaces and management of the communal spaces on site.

#### Accessibility and Inclusive Design

- 8.74 The access statement indicates that 13.2% of the units will be wheelchair accessible. The scheme should be conditioned appropriately to ensure that this is provided for.
- 8.75 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements.
- 8.76 To ensure the scheme complies with the minimum accessibility standards, the scheme will be conditions appropriately.

#### Safety and Security

- 8.77 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 8.78 Councils Crime Prevention officer has been involved in the evolution of the proposal and has advised that the design responds well to crime prevention principles and therefore raises no objections to the scheme/

#### **Amenity**

##### Daylight /Sunlight Access

- 8.79 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.80 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.81 The applicant submitted a Daylight and Sunlight report within the ES, prepared by Driver Jonas, which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.
- 8.82 The following residential properties that were considered to include habitable rooms were assessed for daylight and sunlight:
- Former Tate and Lyle Site
  - 31-39 Millharbour
  - 41-43 Millharbour
  - Lanterns Court

8.83 This assessment demonstrates that any external impacts on adjoining residential properties from the proposed development are the same or less than that demonstrated under the previously consented outline scheme. The surrounding residential properties can therefore expect the same daylighting/ sunlighting conditions established by the previous approvals with any effect from the new proposal to be negligible. It is therefore considered that no further regard needs to be given to adjoining properties given the assessment outcomes.

8.84 The assessment then examined the internal impacts of the proposed building. The report advises that 97% of the habitable rooms do pass the standards set out by Building Research establishment (BRE) Guidelines. These results will be discussed in further detail below.

*(a) Internal Daylight Assessment within the proposed Development*

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

8.86 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms.

8.87 Within the proposed development the daylight analysis identified that the majority (97%) of habitable rooms are left with adequate ADF for their room use and therefore meet the required standard. There were 46 windows that fell short of the standards these failures featured on units at lower levels and improved as you went up the building.

8.88 The results demonstrate that the following points are representative of the worst case scenario for most of the blocks as follows:

- Block H – Second floor bedroom (0.6%)
- Block H – Second floor living room (0.8%)
- Block F – Third floor living room (0.9%); and
- Block F – Third Floor bedroom (0.85).

8.89 The results show all of the worst case scenario rooms tested will be left with adequate levels therefore conforming to BRE standards. Furthermore, it is important to note that the failures were evenly distributed across both private and affordable housing and the majority result from the addition of balconies for private open space. On balance it is considered that the provision of amenity space to these units is a more appropriate outcome.

*(b) Sunlight Assessment within the Proposed Development*

8.90 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 windows within 90 degrees of due south.

8.91 The results showed that the levels of sunlight to the majority of habitable rooms within the development would be acceptable and in accordance with BRE standards.

*(c) Shadow Analysis Within the Proposed Development*



- 8.92 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.
- 8.93 The applicants shadow analysis identifies that the adjoining Lightermans Gardens and Plaza will still received sufficient sunlight during the year with any impacts between the approved scheme and the proposed new building being comparable.

#### Sense of Enclosure/ Outlook

- 8.94 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. However, following an assessment it is considered that the separation distances provided both within the scheme and in relation to the western phases of Indescon court and other adjoining residential schemes provide sufficient separation and are acceptable.
- 8.95 In particular, the design and internal layout of the proposed residential units allows for the main outlooks for the majority of the units

#### Privacy

- 8.96 According to Policy DEV2 of the UDP, new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.97 In this regard, the development is not considered to have an impact of the adjacent residential buildings. To the, north, south and east of the site, the development is setback over 18 metres or is off-set from adjacent habitable rooms. The proposed building will adjoin part of the western phase of Indescon Court separation by less than 18 metres with 13-14 metre separation, however given the internal orientation of the units and main outlooks from habitable rooms this is considered acceptable.
- 8.98 Consideration should also be given to the impact on future occupants of the development. The internal layouts have been redesigned to address policy concerns to allow for dual aspect units, screening and room orientation. Generally, all internal habitable rooms have a separation distance exceeding 18 meters. Where the separation falls less that this the internal layouts have been designed to prevent main outlooks between units and window and balcony placements have been carefully considered. The separation distances therefore provided within the scheme are considered to be acceptable in this instance to ensure the future privacy of occupants.
- 8.99 The proposed scheme is a marked improvement on the previous approval which had significant privacy failings with single aspect units orientated around a narrow central courtyard. Resulting in only a seven metre separation distance between habitable rooms in some instances.
- 8.100 It is recommended that a condition is included on any permission to ensure that final details of screening details for balconies and window placements are provided prior to construction.
- 8.101 On balance, it is considered that the proposal is acceptable and will ensure that the amenity of the future occupants is safeguarded.

### Wind/ Microclimate

- 8.102 As part of the application, the applicant undertook a Wind Assessment to assess the impact of the proposal on the microclimate. The conclusions of the study show that the pedestrian level wind environment in and around the site will have no significant residual impact.
- 8.103 In respect of wind conditions on the thoroughfares surrounding the site, the assessment shows that the introduction of parapets, soft landscaping and pergolas measures will result in local wind conditions that are suitable for existing and planned activities at both ground and upper floor levels.
- 8.104 With the implementation of the above measures the assessment demonstrates that the proposal would be suitable for the planned uses.
- 8.105 If the Committee were minded to approve the scheme in its current form, the scheme should be conditioned appropriately to ensure the mitigation measures are implemented.

### Noise and Vibration

- 8.106 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.20).
- 8.107 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.108 A noise assessment was carried out and is included within the Environmental Statement. The assessment considers impacts upon the surrounding environment during the construction phase and the operation phase.
- 8.109 The review of the ES document, undertaken by Bureau Veritas identified the noise assessment to be in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. Whilst the potential impacts during the construction and operation phase are considered to be acceptable, Bureau Veritas has requested that the scheme be conditioned to allow further baseline measurements of the noise from the site during construction phase and the operational phase (plant noise) to be undertaken for design work purposes. The scheme has been conditioned appropriately.
- 8.110 It is considered that the scheme should be conditioned to apply restricted construction hours and operation hours, noise and vibration limits to ensure the amenities of surrounding and future residents will be protected.

### Air Quality

- 8.111 The development would result in changes to traffic flow characteristics on the local road network. Effects of the proposed development on local air quality based on traffic flow predictions have been assessed
- 8.112 An assessment shows that the effects of the proposed development are likely to be of minor negative impact. In order to mitigate any potential impacts a Construction Environmental Management Plan (CEMP) will be required setting out measures to be applied throughout the construction phase.

- 8.113 During the operational phase, encouraging sustainable transport and reducing dependence on the private car would reduce the impact of the development in terms of both greenhouse gases and pollutants. This will be addressed through s106 agreement.

## **Highways**

### Access

- 8.114 The site is in a location of good public transport accessibility (PTAL 4) and has good links to areas with high public transport accessibility and is in close proximity to a range of local facilities, thereby encouraging more walking and reducing the reliance on private car use. The Dockland Light Railway Stations are located in close proximity, being Crossharbour Station approximately 500m to east and South Quay Station approximately 200m to north. The Canary Wharf Jubilee Tube Line is located approximately 400 metres to the north and several bus networks are located within easy walking distance to Marsh Wall and Westferry Roads.
- 8.115 There are also good cycle routes in the area as it adjoins the London Cycle Network which runs through the docks through the Isle of Dogs.
- 8.116 In order to maximise the areas of open space for pedestrians and to minimise the impact of car parking at ground level, basement car parking will be provided. Access into all areas of the car park will be directly from Millharbour. Access into the basement car parking will be controlled by a physical barrier system located at point of entry.
- 8.117 Given the site is located within the Millennium Quarter area a tariff system operates for s106 contributions for transport and infrastructure. However, given the site was identified for the provision of a public park it has been exempt the tariff given the development costs associated with providing a public park across the site.
- 8.118 Given the level of development currently occurring within the Millennium Quarter and Canary Wharf area it is considered appropriate for a condition to be included to provide an Environmental Construction Management Plan prior to the commencement of works on the site.

### Parking

#### *Car parking*

- 8.119 The basement car park will provide 150 spaces, including 15 disabled spaces, with 142 for residents only and 8 for the hotel. The layout for the disabled bays will be designed as per LBTH guidance and meet the minimum required spaces under the IPG guidance.
- 8.120 According to policy 3C.23 of the London Plan, on-site car parking provision for new developments should be the minimum necessary to ensure there is no overprovision that could undermine the use of more sustainable non-car modes. This in part, is to be controlled by the parking standard in Annex 4 of the London Plan and UDP policies.
- 8.121 The residential parking provision is equivalent to a parking provision of 0.26 spaces per dwelling. The proposed car parking provision is in accordance with the standard set out within the IPG parking standard. Further, the number of car parking spaces complies with the parking standards identified in Annex 4 of the London Plan.
- 8.122 It is recommended that a S106 agreement be put in place to ensure that the development is 'car free', so that no controlled parking permits are issued to the new residents of the development. As such, there will be no overspill parking from the development. Most of the

residents will therefore be committed to using public transport services and alternative modes for all journeys. As noted above, the provision of public transport to the site is of a good level. Whilst the Council's Highways department have indicated that the number of spaces should be reduced, there is insufficient policy justification to sustain a refusal on these grounds.

#### *Cycle Parking*

- 8.123 The scheme proposes 546 cycle parking spaces both within accessible and secure stores at ground and basement levels close to the building cores. Furthermore, 32 stands are provided within the landscape plan to allow for the needs of non-residents using the commercial units. This provision meets the standards set out by TFL and the Council's IPG.
- 8.124 In addition, a s106 agreement for the preparation, implementation and maintenance of a green travel plan will be secured.
- 8.125 It is therefore considered that the provision of cycle parking across the site for both residential and commercial uses is acceptable and accordance with Council, TfL and London Plan standards.

#### Servicing and Refuse Provisions

- 8.126 The servicing strategy for the site proposed to service the ground floor uses and hotel will be from a designated drop-off and pick up area adjacent to the north-eastern corner of the site within the highway. All residential uses will be serviced from the basement, apart from the biomass deliveries which will utilise a designated loading area adjacent the south-eastern corner of the site solely for these deliveries.
- 8.127 It is recommended that a service management plan should be provided and secured by condition to ensure that the service areas identified above are secured and appropriately managed given the size of the development.
- 8.128 Provision for the storage and collection of refuse for the residential and non-residential uses has been provided for. It is recommended that a condition be included to ensure the adequate provision of storage of refuse and recycling facilities is provided.

#### **Other**

##### Biodiversity

- 8.129 The development site is not designated for its ecological importance and is considered to be poor in terms of plant diversity and abundance. The proposed development will have a minor positive impact through the redevelopment of the site. Proposed mitigation measures include the inclusion of native species in landscaping (including trees, water features and green roof), creation of brown roofs and vertical habitat and installation of bat, bird and insect boxes.
- 8.130 The Council's review of the EIA identified that the ecology statement provides an adequate assessment of the potential impacts of construction and operation on the site and local ecology. A number of conditions have been attached to this development to ensure the provision of the biodiversity measures identified within the ES are implemented.
- 8.131 On balance, the development is considered acceptable in terms of potential impact on biodiversity, subject to appropriate conditioning.

##### Flooding/ Water Resources

- 8.132 Policy U3 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding. The Environmental Statement identified that the south eastern corner of the site is shown to be affected by the Thames River flood defence system, but is only at risk if the Thames Water flood defences fail.
- 8.133 The Environment Agency raised no objection on flooding issues. They have requested the inclusion of a number of conditions if planning permission was granted to ensure the groundwater is protected during construction.

#### Archaeology

##### Archaeology

- 8.134 PPG15 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Policy 4B.10 of the London Plan relates to historic conservation
- 8.135 The site is not located within an Archaeological Priority Zone as specified within the UDP and the IPG. English Heritage have reviewed the proposal and given the previous archaeological evaluations of the site under the previous schemes they do not consider it necessary for a condition to be included on the scheme.

#### Waste

- 8.136 The application states that “it is recommended that a Construction Environmental Management Plan is implemented for the site in which management of waste will form an integral part.” This is supported and the management plan and its implementation should be conditioned. The management plan will implement the requirement to maximise the reusing or recycling of demolition and construction waste, following targets as set out in the Tower Hamlets Council Municipal Waste Strategy which has set a performance target for recycling and composting of municipal waste of 35% by 2010.

#### Sustainability

- 8.137 The London Plan energy policies policy 2A.1 and 4A.3 to 4A.11 aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Energy Efficiency is addressed in policy DEV6 which reiterates the Mayor’s target of 20% of new development’s energy to come from renewable energy generated on site and a reduction of 20% of emissions. Policies DEV7, DEV8, DEV9 and DEV11 seek sustainable developments through water quality and conservation, sustainable drainage, sustainable construction materials and air pollution and air quality. It is important to note that at the time of lodgement the policy requirement of the London Plan was for 10% provision of renewable energy generation onsite.
- 8.138 The applicant has submitted an energy statement to indicate that it will reduce carbon dioxide emissions through design measures to meet minimum requirements of building regulations. A range of energy technologies have been considered as potential on-site energy generation sources. The proposed scheme will comprise 280kW biomass boiler and 300kWe gas fired CHP system to supply energy efficiently to the development to serve the residential units, hotel and ground floor commercial units.
- 8.139 The proposed biomass boiler and CHP system will assist in reducing carbon emissions by 22.6%. As a result of the proposed measures, the development will result in an overall 22.6% reduction in carbon dioxide emissions, of which 11.5% would come from on-site renewable energy sources.

- 8.140 It is noted that whilst the connection to the Barkantine Heat and Power Company has been considered and the statement lodged dismisses this on the basis that Barkantine only offer to supply heat and not electricity and the higher initial capital cost of the connection. Council investigations highlight that Barkantine are willing to offer electricity and are offering to refund some of the capital cost when adjacent developments join on to the Barkantine scheme. Therefore, it is not possible to accept that connection to Barkantine is not feasible and further investigations including a more detailed feasibility study should be completed before the possible connection to Barkantine is dismissed. Council's energy officer considers that this matter can be satisfactorily dealt with via condition.
- 8.141 Furthermore, the statement states the residential development will achieve a code level 3 – code for sustainable homes. To ensure this is delivered Council's Energy Officer recommends that a condition is included on any permission to secure an assessment confirming compliance.
- 8.142 Whilst agreed measures should be secured by the Council as part of any planning permission, the Council's energy efficiency unit is satisfied that this matter can be dealt with by an appropriate planning condition.

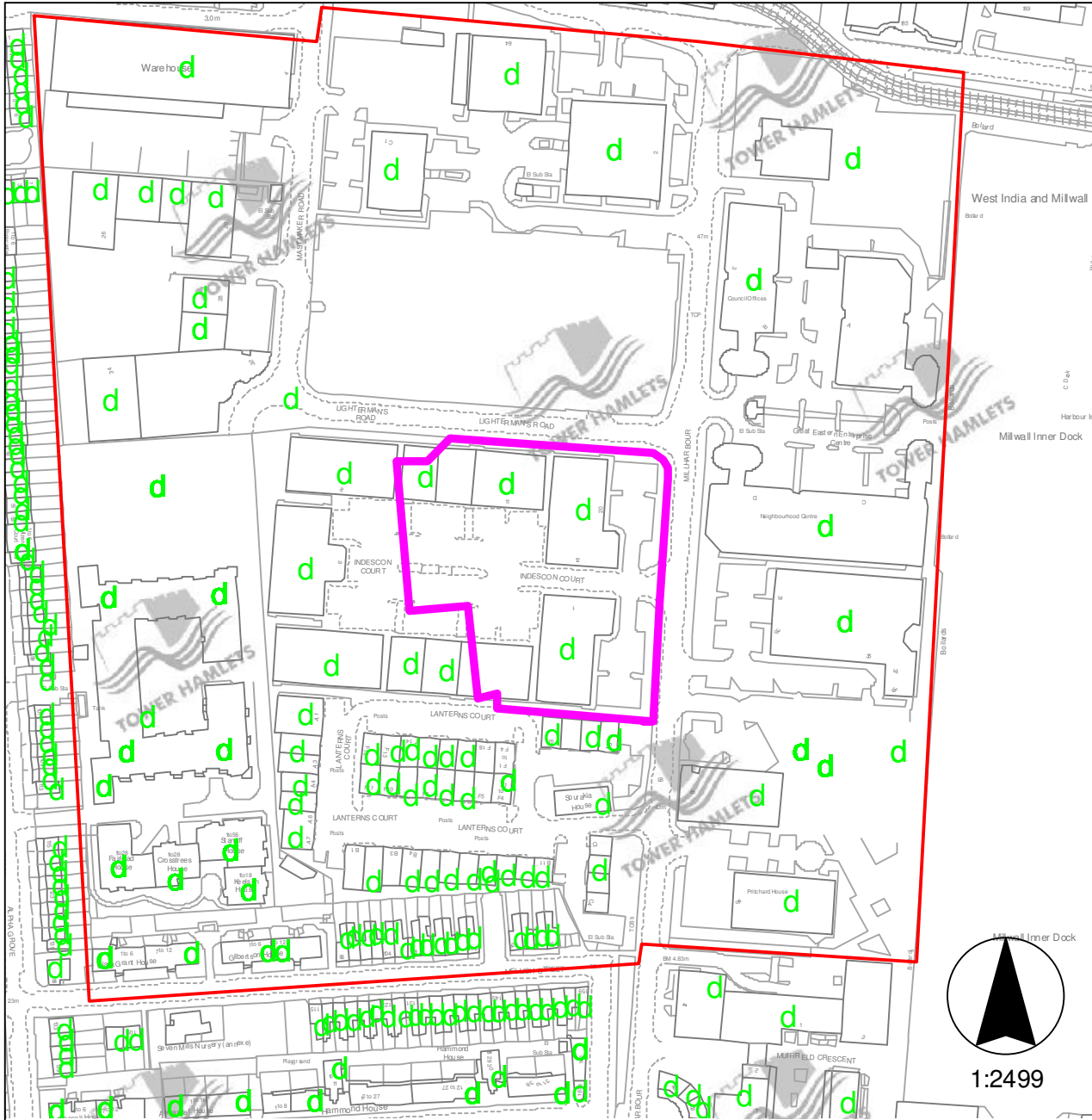
#### Environmental Statement

- 8.143 The Council's consultants, Bureau Veritas undertook a review of the Environmental Statement. The ES examines the impact of the proposed development on the following issues:
- EIA Process and Method
  - Design Evolution
  - Planning Policy and Context
  - Landscape and Visual Character
  - Archaeology
  - Built Heritage
  - Geology and Contaminated Land
  - Solid Waste management
  - Ecology and Nature Conservation
  - Water Quality and Drainage
  - Noise and Vibration
  - Daylight, Sunlight and Overshadowing
  - Wind Assessment
  - Energy Assessment
  - Telecommunications
  - Traffic and Transport
  - Local Air quality
  - Socio-economics
  - Cumulative Impacts
- 8.144 The review highlighted a number of areas where additional information or clarification was required. Following the submission of further information, Council was satisfied that the additional information provided in the 'Response to regulation 19 issues and environmental statement review prepared by Bureau Veritas' to supplement the original Environmental Statement for Indescon Court, is adequate for the Council to appropriately form a viewpoint on the environmental impacts of the proposed development. No further information was required.
- 8.145 The environmental impacts have been considered to be satisfactory, with mitigation measures for potential impacts to be implemented through conditions and/ or Section 106 obligations.

## **9. Conclusions**

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

# Site Map



## Legend

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

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