

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 28 August 2008 at 7.30 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Shafiqul Haque Vice-Chair: Councillor Ahmed Adam Omer	
Councillor M. Shahid Ali Councillor Lutfa Begum Councillor Alibor Choudhury Councillor Stephanie Eaton Councillor Joshua Peck Councillor Dulal Uddin Vacancy	Councillor Marc Francis, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck) Councillor Fazlul Haque, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck) Councillor Azizur Rahman Khan, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Rania Khan, (Designated Deputy representing Councillor Lutfa Begum) Councillor Abdul Matin, (Designated Deputy representing Councillor Stephanie Eaton) Councillor Abjol Miah, (Designated Deputy

representing Councillor Dulal Uddin)
Councillor Harun Miah, (Designated
Deputy representing Councillor Dulal
Uddin)
Councillor Abdul Munim, (Designated
Deputy representing Councillor Dulal
Uddin)
Councillor Tim O'Flaherty, (Designated
Deputy representing Councillor Stephanie
Eaton)
Councillor Oliur Rahman, (Designated
Deputy representing Councillor Lutfu
Begum)

[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: Amanda Thompson, Democratic Services, Tel: 020 7364 4651, E-mail: amanda.thompson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 28 August 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.

3. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 10th July 2008.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 20	
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4. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

5. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **21 - 22**

6. DEFERRED ITEMS **23 - 24**

- | | | | |
|-------------|--|------------------|---|
| 6 .1 | 2 Gladstone Place, London | 25 - 106 | St Dunstan's
& Stepney
Green |
| 6 .2 | St George's Estate, Cable Street, London E1 | 107 - 114 | Bow East |

7. PLANNING APPLICATIONS FOR DECISION

- | | | | |
|-------------|--|------------------|--------------------|
| 7 .1 | Newfoundland, Canary Wharf | 115 - 144 | Millwall |
| 7 .2 | Second Floor, 18-22 Damien Street, London, E1 2HX | 145 - 156 | Whitechapel |
| 7 .3 | 1 Park Place, London, E14 4HJ | 157 - 176 | Millwall |

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, 10 JULY 2008

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Shahed Ali
Councillor M. Shahid Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Ahmed Adam Omer (Vice-Chair)
Councillor Joshua Peck

Councillor Rania Khan

Other Councillors Present:

Councillor Ohid Ahmed
Councillor Anwara Ali
Councillor Marc Francis
Councillor Peter Golds
Councillor Ahmed Hussain
Councillor Ann Jackson
Councillor Dr. Emma Jones
Councillor Azizur Rahman Khan
Councillor Lutfur Rahman
Councillor Oliur Rahman
Councillor David Snowdon
Councillor Bill Turner

Officers Present:

Suki Binjal	– (Interim Legal Services Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Terry Natt	– Strategic Applications Manager
Tim Porter	– (Case Officer)
Jason Traves	– (Case Officer)
Alison Thomas	– (Manager, Social Housing Group)
Owen Whalley	– (Service Head, Major Project Development, Development & Renewal)
Louise Fleming	– Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lutfa Begum. Councillor Rania Khan deputised in her place.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Type of Interest	Reason
Shafiqul Haque	All	Personal	Correspondence received on all applications.
Shafiqul Haque	7.1	Personal	Owns a property on Christian Street approximately 500 yards from site.
Shafiqul Haque	7.1; and 7.2	Personal	Involved in Cabinet decisions relating to sale of land and development plans.
M. Shahid Ali	6.1; 7.3; and 7.4	Personal	Resident of ward in which application site is situated.
M. Shahid Ali	7.2	Personal	Communication received from parties involved
Shahed Ali	6.2; and 7.2	Personal	Representations received
Shahed Ali	7.1	Personal	Resident of the estate involved in the application
Alibor Choudhury	6.2	Personal	Representations received
Stephanie Eaton	7.2	Personal	Representations received
Ahmed Omer	7.2	Personal	Application is within Councillor's ward
Josh Peck	7.1; and 7.2	Personal	Lead Member with responsibility for sale of Council land. Involved in Cabinet decisions relating to sale and development plans.
Marc Francis (in attendance)	7.2	Prejudicial	Old Ford Housing Association Board Member
Ann Jackson (in attendance)	7.2	Personal	Site within Councillor's ward. Lives in the vicinity of the site.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 29th May 2008 were agreed as a correct record, subject to the following amendment (in italics):

“Mr Warwick Croucher spoke in objection on the grounds of height, scale, bulk, density and the effect on daylight/sunlight. He felt that the proposals would be contrary to planning policies, local guidance notes and national standards.”

4. RECOMMENDATIONS

The Committee RESOLVED 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 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

The Committee noted the position in respect of Deferred Items.

6.1 Car Park at South East Junction of Prestons Road and Yabsley Street, Prestons Road, E14

Mr Michael Kiely, Head of Development Decisions, presented a detailed update report on the application, which had been considered at the last meeting. Members had sought clarification on the PTAL rating on which the density calculations had been based; and also asked that the views of the Corporate Director Communities, Localities and Culture be sought.

Mr Kiely advised the Committee that the PTAL map used in the original calculation had shown the site to be level 5. However, the site was in fact level 3, rising to 4 upon the completion of Crossrail. It was not felt that the change in level was sufficient to affect the officers' original recommendation. It was noted that the S106 contribution towards local transport had been calculated using TfL's analysis of the site as a level 3-4, and was therefore correct. The Committee was also advised that the Corporate Director Communities, Localities and Culture had no objection to the scheme and therefore the Committee was asked to confirm its original decision.

The Committee unanimously RESOLVED that planning permission for the erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; 8 x 5 bed), 49 car parking spaces at basement

level, communal open space including roof gardens and associated works at the car park at south east junction of Prestons Road and Yabsley Street, Prestons Road, London E14 be GRANTED 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 37% of the proposed habitable rooms with a 76/24 (social rented/intermediate) split between rented/shared ownership to be provided on site.
 - 2) A contribution of £198,784 to mitigate the demand of the additional population on health care facilities.
 - 3) A contribution of £234,498 to mitigate the demand of the additional population on education facilities.
 - 4) A contribution of £75,000 for the civic works required and upgrading the lights and controller and £75,000 to TfL/DTO for a commuted sum of ten years to ensure the operation of the lights.
 - 5) £30,000 for the upgrade of pedestrian links to Blackwall Station.
 - 6) Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
 - 7) Preparation, implementation and review of a Green Travel Plan.
- C That the Corporate Director of Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D 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:
 - 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 hard and soft landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures)
 - f) The design of the lower floor elevations of commercial units including shopfronts
 - g) Escape doors
- 3) Details of the design and the proposed use of the commercial use on the ground floor to be submitted and approved
- 4) Details of site foundations
- 5) Details of the basement car park and access ramp
- 6) The storage and collection/disposal of rubbish

- 7) Parking – maximum of 49 cars (including 6 disabled spaces) and a minimum of 141 residential and 2 non-residential bicycle parking spaces
- 8) Investigation and remediation measures for land contamination (including water pollution potential)
- 9) Archaeological investigation
- 10) Secure by Design Statement
- 11) Construction Environmental Management Plan, including dust monitoring
- 12) Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures
- 13) Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design purposes
- 14) 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
- 15) Limit hours of power/hammer driven piling breaking out to between 10.00 hours to 16.00 hours Monday to Friday
- 16) Ground borne vibration limits
- 17) Noise level limits
- 18) Details of the disabled access and inclusive design
- 19) Details of the highway works surrounding the site
- 20) Any other conditions considered necessary by the Head of Development Decisions

Informatives

- 1) Section 106 agreement required
- 2) Section 278 (Highways) agreement required
- 3) Construction Environmental Management Plan Advice
- 4) Environment Agency Advice
- 5) Ecology Advice
- 6) Environmental Health Department Advice
- 7) Metropolitan Police Advice
- 8) Transport Department Advice
- 9) London Underground Advice
- 10) Landscape department advice
- 11) Contact the GLA regarding the energy proposals

E That if by 10th October 2008, the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

(Councillor Rania Khan could not vote on the application as she had not been present at the previous meeting when the application had been considered).

6.2 St Georges Estate, Cable Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed) and the erection of four townhouses and a community centre of 510 sqm and landscaping at St Georges Estate, Cable Street, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed update report which clarified the figures relating to affordable housing, distances between proposed and existing buildings and design solutions proposed to mitigate any overlooking on Site 1.

Members expressed concern that the level of affordable housing did not meet the Council's targets. Mr Kiely advised Members that the relevant policy to be applied to estate regeneration schemes, HSG5, recognised the need to invest in existing housing stock, therefore making allowance for a lower percentage of affordable housing. It was noted that in comparison to recent estate regenerations in the Borough, this was the highest percentage achieved to date. He stressed the need for investment in the estate and explained the viability assessments carried out on the scheme. He also reminded Members that 89% of the affordable housing proposed was family sized units, which were needed in the Borough.

Members asked questions relating to the privacy of George Leybourne House in relation to the design of the scheme, the traffic impact on Wellclose Square and the Conservation Area Policy in respect of the comments received from English Heritage. Mr Natt addressed the concerns and advised the Committee of the mitigation measures which had been proposed in respect of obscure glazing to overcome any loss of privacy and the traffic calming conditions which had been proposed by the Council's Highways department. It was the view of the Officers that the development would enhance the Conservation Area, as the estate in its current form was in need of regeneration and did not contribute visually to the area. Officers had to balance the advice received from English Heritage against the benefits of the scheme for the area. It was not felt that a refusal could be justified on such grounds.

After consideration of all the issues and representations made, it was proposed and seconded that the application be deferred to enable officers to negotiate further with the applicant with a view to increasing the amount of affordable housing on site and altering the mix of social rented accommodation on the site.

On a vote of 4 for and 1 against, the Committee RESOLVED that planning permission for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed) and the erection of four townhouses and a community centre of 510 sqm and

landscaping at St Georges Estate, Cable Street, London be DEFERRED to enable further negotiation in respect of increasing the amount of affordable and altering the mix of social rented accommodation.

(Councillor Rania Khan could not vote on the application as she had not been present at the previous meeting when the application had been considered).

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site at Bishop Challoner School, Christian Street, E1 1SE

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and the redevelopment to provide 214 residential units including affordable housing, in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre, public open space extending to 4,546 sqm incorporating a new public open square, sports pitch provision and an extension to Ropewalk Gardens, car parking , landscaping and associated infrastructure works at Bishop Challoner School House, Christian Street, E1 1SE.

Mr B Teal spoke in objection on the grounds that the development would result in a loss of park space on Christian Street. The proposed open space was fragmented and the development was overcrowded.

Mr Jamal Uddin spoke in objection on the grounds of the social deprivation on the Berner Estate. He felt that residents were currently overcrowded and that the new development would exacerbate the situation. He felt that the Council should try to improve the social environment. He was also concerned over the effect on the Community Centre.

Mr Jamalur Rahman spoke in support on the grounds that the development would improve the area for the local residents. He praised the public consultation which had taken place. However, he asked that the management of the Community Centre be given careful consideration.

Mr Kieran Wheeler spoke on behalf of the applicant. He reiterated the points made regarding the public consultation and outlined the benefits of the scheme, including the increase of 170 sqm in public open space. He reminded Members that the management of the Community Centre was not a material planning consideration.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application outlining the benefits of the scheme, including the S106 legal agreement and the mitigation measures proposed to overcome any overlooking. He advised Members of the objections received and addressed the concerns of the residents, explaining the movement of the amenity and open space around the site.

Members asked questions relating to lighting, open space and the Community Centre. Clarification was sought on the safety of the football pitch from traffic, the car club, the carbon reduction strategy and the engagement with the PCT in respect of healthcare contributions. Mr Kiely explained the “Hudu” Model, used to calculate healthcare contributions, which was a nationally applied model. The Committee was advised that there was no floodlighting proposed, due to the effect it would have on surrounding residents. The Community Centre would be managed by the same users who would be temporarily rehoused during construction, to ensure continuity of service to the local community. Conditions were proposed in respect of fencing to ensure the safety of the football pitch, however it was not possible to block off Golding Street due to the need for emergency vehicle access. Mr Irvine advised Members that the proposal met the relevant targets in relation to affordable housing.

It was proposed and seconded that permission be granted subject to officers being delegated authority to negotiate a minimum size of 580 sqm for the Community Centre.

On a vote of 4 for and 3 abstentions, the Committee RESOLVED that planning permission for the demolition of existing buildings and the redevelopment to provide 214 residential units including affordable housing, in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre, public open space extending to 4,546 sqm incorporating a new public open square, sports pitch provision and an extension to Ropewalk Gardens, car parking, landscaping and associated infrastructure works at Bishop Challoner School House, Christian Street, E1 1SE be GRANTED subject to

- A Any direction by The Mayor
- B The prior completion of a legal agreement to secure the following planning obligations:
 - 1) A proportion of 35.2% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8 of the agenda report;
 - 2) Provide £122,000 towards transport improvements;
 - 3) Provide £370,260 towards education to mitigate the demand of the additional population on educational facilities
 - 4) Provide £300,417 towards medical facilities to mitigate the demand of the additional population on medical facilities;
 - 5) Provide £257,323 towards community facilities (in addition to delivery of the community centre building – being a minimum of 580 sq m);
 - 6) £20,000 for DAISY boards; and
 - 7) Car Free, travel plan, car club, TV reception monitoring/mitigation, local employment initiatives.

- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D 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) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - a) External appearance and materials board
 - b) Balcony details
 - c) Landscape plan for private gardens and ground floor public realm improvements including children's playspace and sports pitch.
- 3) Parking maximum cars comprising 2 x accessible spaces and 3 x car club spaces
- 4) Hours of construction limits (0800 – 1800m, Mon-Fri; and 0800 – 1300 Sat)
- 5) Piling hours of operation limits (1000 – 1600 Mon-Fri)
- 6) Wheel cleaning facility during construction
- 7) 10% renewables required
- 8) Full land contamination study required to be undertaken with remediation certificate
- 9) Method of piling as required by EA
- 10) No soakaways in contaminated land as required by EA
- 11) Oil bypass interceptors prior to discharge into any watercourse as required by EA
- 12) Program of archaeology as required by EH
- 13) Construction in accordance with the noise and vibration report
- 14) Full details of the recycling facilities
- 15) Details of green roofs
- 16) Lifetimes homes standards and 10% wheelchair accessible required
- 17) Sustainable homes standard required
- 18) Full CHP details
- 19) Condition requiring a S278 agreement
- 20) Any other conditions required by the Corporate Director Development & Renewal

Informatives

- 1) Subject to S106 agreement
- 2) Consult the Environment Agency in terms of conditions 9-11
- 3) Consult Metropolitan Police in terms of conditions 2
- 4) Consult Network Rail in respect of demolition, plant/scaffolding/cranes locations, excavations and footings, drainage, fencing, landscaping and Party Wall Act 1996 matters and secure any necessary permissions in writing prior to commencement of works on site

- 5) Consult English Heritage in respect of the retention of the granite sets in Golding Street
- 6) Site notice specifying the details of the contractor required
- 7) EA prior approval for dewatering
- 8) Obtaining consent under the pollution act prior to commencement
- 9) Submission of an archaeological project design and consult EH Archaeology
- 10) S278 highways agreement
- 11) Drainage provision
- 12) Water supply provision
- 13) Details submitted in respect of landscaping (condition 3) to have regard for the recommendations of the microclimate study.

E 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.

The Committee adjourned for a short break at 9.35 pm and resumed at 9.52 pm.

7.2 2 Gladstone Place, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687 sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x4 bed; and 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space at 2 Gladstone Place, London.

Mr Alan Tucker spoke in objection on the grounds that despite the community wanting a new supermarket, residents did not want the proposed height of the building which was felt to be overdevelopment of the site. He commented on the density and the low PTAL rating for the area. He also objected on the grounds of parking problems and access for deliveries.

Mr John Woolstencroft spoke on behalf of the applicant and Ms Madeline Forster spoke on behalf of Old Ford Housing Association, both in support of the scheme. Mr Woolstencroft detailed the extensive consultation which had taken place and that the scheme had the support of the GLA. He also outlined the benefits of the scheme which included affordable family sized housing. Ms Forster reiterated the need for affordable family sized housing in the area.

Councillor Ann Jackson spoke on behalf of the residents in support. She felt that the carpark of the disused supermarket attracted anti-social behaviour. The Roman Road area had become run-down and was in need of regeneration. She felt that the community would benefit from the proposal.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He outlined the benefits of the scheme and the reasons why the proposal was considered acceptable, in terms of the heights, scale, bulk, design and comments from the GLA. It was considered that the application was in line with relevant policy and was needed for the regeneration of the area.

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 asked questions relating to the height and design of the buildings; noise mitigation measures; gated communities and the lack of a taxi drop off/collection point.

Mr Irvine advised that the proposal had been assessed against relevant planning policy in terms of height and design. The buildings would be set back to mitigate impact on adjoining residents. The application would enhance the area visually and would increase the safety by removing the current dark alleyways. A reason for refusal could not be sustained on the grounds of loss of light or overdevelopment. He also advised that there would be no gated elements to the scheme. If a taxi point was provided, it would result in a loss of residential parking. Deliveries to the new supermarket would take place within a walled area, which would reduce the noise impact on surrounding residents. A Service Delivery Management Plan would be implemented to mitigate any impact.

Members expressed concern over the design, density, housing mix and car parking. Clarification was also sought in respect of the road names and the name of the development.

Following a vote of 3 for, 3 against and 2 abstentions, the Committee adjourned at 10.55 pm to enable the Chair to receive legal advice on the use a casting vote in the decision of a Committee. The Committee resumed at 11.05 pm. The Chair advised Members that, after consideration of all the issues and representations, he would not be exercising his casting vote and therefore it was proposed to defer the item to enable officers to further consider the concerns which had been raised by the Committee.

The Committee RESOLVED that planning permission for the demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687 sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; and 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space at 2 Gladstone Place, London be DEFERRED to further consider the concerns of the Committee.

(Councillor Marc Francis declared a prejudicial interest in the above item and left the room during the consideration by Members)

7.3 London Arena (Phase II), Limeharbour, London E14 9TH

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the amendment to the proposed application, reference PA/06/2068, permitted on 3rd October 2008, involving revised designs, layout and land uses, removing Office (B1) uses and providing 6 additional hotel rooms (143 in total), 195 services apartments, 54 additional residential units (1111 in total), additional retail floorspace, a health club and additional open space at the London Arena (Phase II), Limeharbour, London E14 9TH.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application, outlining the changes which had been made to the mix of uses on the site, compared with that previously approved. He answered Members questions relating to the loss of office space and the S106 contributions.

The Committee unanimously RESOLVED that planning permission for the amendment to the proposed application, reference PA/06/2068, permitted on 3rd October 2008, involving revised designs, layout and land uses, removing Office (B1) uses and providing 6 additional hotel rooms (143 in total), 195 services apartments, 54 additional residential units (1111 in total), additional retail floorspace, a health club and additional open space at the London Arena (Phase II), Limeharbour, London E14 9TH 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:

- a) A proportion of 35% on a gross floor space basis of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.15.
- b) Provide **£8,579** towards the installation of Docklands Arrival Information System (DAISY) within the London Arena development.
- c) Implement measures to offset signal interruption to mitigate the adverse effects on DLR radio communications.
- d) Provide a minimum of **£22,763** towards the D5 bus service or new bus service (TFL proposal) and potential new bus stops on East Ferry Road.
- e) Provide **£7,149** towards general improvements to pedestrian and cycle routes in the area including crossings and new paving surfaces.
- f) Provide **£4,289** towards the signalisation of the junction of Marsh Wall/Limeharbour with a green man phase.
- g) Provide **£6,225** towards open space improvements to cater for the demand

that will arise from the new housing on existing open space and recreational facilities.

h) Set of measures for the public realm including provision of the public piazza and access to the Dockside Walkway.

i) Provide **£30,018** towards education to mitigate the demand of the additional population on education facilities.

j) Provide **£163,375** towards medical facilities to mitigate the demand of the additional population on medical facilities.

k) Provide **£7,114** towards the Local Labour in Construction (LliC) programme.

l) Provide **£4,289** towards Skillsmatch to maximise the employment of local residents.

m) Preparation of a Workplace Travel Plan (including welcome pack for residents).

n) Preparation of a Service and Delivery Plan.

o) Obligations in relation to construction works (noise levels, hours of work, transport arrangements, air quality, method statements) to be secured through a Code of Construction Practice.

p) TV Reception monitoring and mitigation.

q) Preparation and implementation of a public art strategy including involvement of local artists.

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

s) Preparation of an Environmental Management Plan – post construction.

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

Conditions

- 1) Time limit for full planning permission
- 2) Details of the following are required to be submitted:
 - Elevational treatment including samples of materials for external fascia of building
 - Interface of retail areas with public space
 - The design of the lower floor elevations of commercial units including shopfronts

- External lighting and security measures
- 3) Landscape Plan to be submitted
- 4) Landscape Management Strategy to be submitted
- 5) Biodiversity Strategy to be submitted
- 6) Details of signage to be submitted
- 7) Land contamination study required to be undertaken
- 8) Hours of construction limits
- 9) Hours of operation limits – hammer driven piling
- 10) Details of insulation of ventilation systems and any associated plant to be submitted
- 11) Details of site drainage to be submitted
- 12) Full particulars of refuse/recycling/composting storage to be submitted
- 13) Construction Management Plan to be submitted
- 14) Details of finished floor levels
- 15) Details of surface water control measures
- 16) Detailed Energy Strategy to be submitted
- 17) Black Redstarts habitat provision required
- 18) Green roofs
- 19) Construction operations and impact on dock walls
- 20) Horizontal access strip from dock wall
- 21) Materials openings and maintenance regime for boundary with DLR
- 22) Use of barges
- 23) Lifetime homes
- 24) Highways works
- 25) Archaeological watching brief
- 26) Parking plan to be submitted
- 27) Wheel wash facilities
- 28) Vibration
- 29) Health Club Management Plan
- 30) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Thames Water Advice
- 2) British Waterways Advice
- 3) Site notice specifying the details of the contractor.
- 4) Any other informative(s) considered necessary by the Head of Development Decisions

D. That, if by 10th October 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.

7.4 25 Churchill Place, London E14

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of a 23 storey office building (Use Class B1)

incorporating car parking, servicing and plant at basement level, together with associated infrastructure, landscaping, and other works incidental to the application at 25 Churchill Place, London E14.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application, explaining the increase in height of the building previously approved.

Members asked questions relating to the wind analysis, the increase in height and the S106 contributions. Mr Kiely advised the Committee that the original building had been approved by the London Docklands Development Corporation, which had unique permitted development rights. Therefore, the original permission could not be revisited and the Committee needed to consider the increase in building height only.

On a vote of 2 for and 5 abstentions, the Committee RESOLVED that planning permission for the erection of a 23 storey office building (Use Class B1) incorporating car parking, servicing and plant at basement level, together with associated infrastructure, landscaping, and other works incidental to the application at 25 Churchill Place, London E14 be GRANTED subject to

- A. Any **direction** by **The London Mayor**
- B. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Provide **£307,249** towards the provision/conversion of pitches to AstroTurf in accordance with the Council's Sports Pitch Strategy
- b) Provide **£546,014** towards open space and public realm improvements
- c) Provide **£655,217** towards transport infrastructure, specifically:
 - i. Canary Wharf Underground station improvements
- d) Provide **£342,415** towards social & community and employment & training initiatives, these being:
 - i. *Sustainable transport initiatives*; improvements to facilitate walking, cycling and sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan
 - ii. *Heritage and culture*; improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area
 - iii. *Idea Store*; Contribution to mitigate the increased demand upon the existing Idea Store, particularly upon the IT infrastructure and the free wireless service
 - iv. *Access to Employment*; A contribution towards the Skillsmatch Service
 - v. *Isle of Dogs Community Foundation*; A contribution towards social and community facilities
- e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(Total s106 contribution of **£1,850,895**)

Non-Financial Contributions

- f) TV Reception - mitigation of any impacts on TV Reception
 - g) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access
 - h) Code of Construction Practice - To mitigate against environmental impacts of construction
 - i) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
 - j) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal
- C. That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D. That the Corporate Director Development & Renewal be delegated authority to impose conditions [and informatives] on the planning permission to secure the following matters:

Conditions

- 31) Time Limit (3 years)
- 32) Phasing programme details
- 33) Particular details of the development
 - External materials;
 - External plant equipment and any enclosures;
 - Hard and soft landscaping; and
 - External lighting and security measures
- 34) Full particulars of energy efficiency technologies required
- 35) Sustainable design and construction.
- 36) Hours of construction
- 37) Biodiversity Action Plan required
- 38) Demolition and Construction Management Plan required including feasibility study and details of moving freight by water during construction
- 39) Noise control limits
- 40) Land contamination assessment required
- 41) Groundwater quality assessment required
- 42) Long term groundwater quality monitoring and assessment plan required
- 43) No infiltration of surface water drainage into the ground
- 44) Express consent required for piling and other penetrative foundation designs
- 45) Details of additional cycle parking spaces
- 46) Green Travel Plan required
- 47) Programme of archaeological work required
- 48) Scheme of access to new flood defences required
- 49) Drainage strategy details required
- 50) Protection of public sewers
- 51) Impact study of the existing water supply infrastructure required

- 52) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 53) Bellmouth Passage to be kept open during construction of Crossrail
- 54) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 5) Section 106 agreement required
- 6) Contact Thames Water
- 7) Contact London City Airport regarding cranes and scaffolding
- 8) Contact LBTH Building Control
- 9) Contact British Waterways
- 10) Contact Environment Agency
- 11) Contact London Fire & Emergency Planning Authority
- 12) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

- E. 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.

The meeting ended at 11.30 a.m.

Chair, Councillor Shafiqul Haque
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

Committee: Strategic Development	Date: 28 th August 2008	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Michael Kiely		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following 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
10/07/08	PA/08/146	St Georges Estate, Cable Street	Refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings; the erection of four townhouses and erection of a community centre of 510 sq m and landscaping	To enable further negotiation in respect of increasing the amount of affordable and altering the mix of social rented accommodation.
10/07/08	PA/07/3277	2 Gladstone Place, London	Demolition of existing buildings and redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687 sqm retail floorspace (Class A1) and 208 residential units (2 x studio; 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed) 104 parking spaces and landscaped public, communal and private amenity space.	To enable officers to further consider the concerns of the Committee

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 The following deferred applications are for consideration by the Committee. The original reports along with any update reports are attached.

6.1 PA/07/3277: 2 Gladstone Place, London

6.2 PA/08/146: St Georges Estate, Cable Street

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 and to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Strategic Development	Date: 28 th August 2008	Classification: Unrestricted	Agenda Item No: 6.1
Addendum Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/07/3277	
		Ward(s): Bow East	

1. APPLICATION DETAILS

- 1.1 **Location:** 2 Gladstone Place, London
- 1.2 **Existing Use:** Former Safeway store (retail) and ancillary car parking.
- 1.3 **Proposal:** Demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space.
- 1.4 **Drawing Nos:** PA(20)01 Rev. D, PA(20)02 Rev. D, PA(20)03 Rev. D, PA(20)04 Rev. C, PA(20)05 Rev. C, PA(20)06 Rev. C, PA(20)07 Rev. C, PA(20)08 Rev. B, PA(20)09 Rev. B, PA(20)10 Rev. B, PA(20)11 Rev. B, PA(20)12 Rev. B, PA(20)20 Rev. D, PA(20)21 Rev. D, PA(20)22 Rev. B, PA(20)30 Rev. D, PA(20)31 Rev. C.
- 1.5 **Applicant:** Goldquest Investment Ltd c/o Stock Woolstencroft
- 1.6 **Owner:** London Borough of Tower Hamlets
- 1.7 **Historic Building:** N/A
- 1.8 **Conservation Area:** N/A (Note: No part of the 'development' falls within the Roman Road Conservation Area. Whilst the north part of Gladstone Place forms part of the Conservation Area, it is an existing highway. Any proposed work to Gladstone Place constitutes highway improvement works, not development as defined under the Planning Acts).

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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, 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

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.

- 2.3 • The retail uses (Class A1) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location and amongst other things contribute to the regeneration of the Roman Road District Centre. As such, the use is in line with policies 2A.8, 3D.1 and 3D.3 of the London Plan (Consolidated with Alterations since 2004), ST34, ST35, DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure services are provided that meet the needs of the local community and strengthen designated shopping centres.
- 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.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.5 • 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 policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6 • The development would enhance the streetscape and public realm through the provision of a public realm, public open space and improved pedestrian linkages. Further, the quantity and quality of housing amenity space and the communal/child play space strategy is also considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.
- 2.7 • The building height, scale, bulk and design is acceptable and in line with Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, DEV 27, CON 1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.8 • 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): Core Strategy and Development Control, which require all developments to consider the safety and security of development without compromising the achievement of good design and inclusive environments.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line

with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development.

- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • Contributions have been secured towards the provision of affordable housing, health, education, town centre regeneration, public realm and open space improvements 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 (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

3. RECOMMENDATION

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

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

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

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 £293,324 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £333,234 to mitigate the demand of the additional population on education facilities.
4. Provide £620,000 towards open space/ public realm improvements, which have been designed into the proposed scheme, though they are located off-site. This contribution is required to relieve the pressure that will arise from the new dwellings on existing open space/ public realm within the area.
5. A contribution of £50,000 towards the provision of child play space facilities in Victoria Park to meet the recreational needs of the 12 – 16 year old age group.
6. The provision of £388,442 towards Roman Road district shopping centre regeneration works.

(Officer Comment: During the pre-application process, the LBTH Market Services inquired of the applicant to explore provision of market trader parking spaces within the proposed car parking area to accommodate an identified need. The market currently operates 3 times a week.

The applicant explored a number of options and identified that the scheme could viably provide up to 16 market trader spaces on site as a planning contribution if required, and was designed into the scheme and assessed accordingly. The applicant advised that if the Council determined that these spaces were no longer required the spaces could be allocated and sold to the residents of the development. The capital receipt

(valued at approximately £400,000) would then be transfer to the Council as a s106 financial contribution towards Roman Road district shopping centre regeneration improvement works.

Upon submission of the application, further investigation was undertaken to evaluate the appropriateness of on-site market trader spaces. The LBTH Market Services has advised that a more suitable solution in meeting the needs of market traders is to identify opportunities for on-street trader parking spaces within the local area. This was considered to be a more appropriate solution than providing trader spaces within the Gladstone Place development.

In accordance with the Council's Strategic Plan and the London Plan, in terms of improving existing town centres, the Council is currently preparing a program of delivery works that will assist in the regeneration the Roman Road district shopping centre. The LBTH Development Implementation Team, who is tasked with the role of pushing forward the regeneration of the Roman Road, has advised that a financial contribution is imperative in securing much needed capital to deliver this programme that will assist in mitigating any negative impacts that additional residential and retail uses may bring to the immediate environs, including the proposed development.

This regeneration program is essential to help sustain and improve the town centre for new residents and businesses. This funding will allow for a multi - faceted approach to regenerating the town centre, rather than addressing trader parking alone. As such, in consideration of the schemes viability assessment, a financial contribution of £388,442 towards the regeneration of Roman Road district shopping centre is considered reasonable).

7. A contribution of £135,000 towards highway improvement works on Cardigan Road which will include, resurfacing works to the carriageway, upgrade of the eastern footway and a raised table at the junction of Cardigan Road and Anglo Road (including the proposed access to the site).
8. Exclusion of delivery traffic from the locality of the store until the appropriate delivery times conditioned by the planning permission.
9. The provision of a north-south and east west-public walkway through the site
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. Commitment towards Code of Construction Practice.

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

3.4 Conditions

1. Permission valid for 3 years.
2. Details of the following are required:
 - Samples for all external materials to be submitted with detail specifications.
 - 1:10 scale details for typical elevation conditions including balconies, window reveals, roof parapet, glazing

- Cardigan Road elevation – including the treatment of the parking and service access and shutter if proposed. This will include details of signage, lighting and a green wall.
 - All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment, planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels; and
 - The design of the lower floor elevations of commercial units including shopfronts;
3. No exit/entry doors are permitted to open outwards over the public highway.
 4. Landscape Maintenance and Management Plan. Native species should be implemented, including green/brown roofs.
 5. Parking – maximum of 74 residential car parking spaces (including 7 disabled spaces and 2 car club spaces), 30 commercial car parking spaces (including 4 disabled spaces), 10 residential and 4 commercial motor cycle spaces, and a minimum of 208 residential and 21 non-residential bicycle parking spaces.
 6. Archaeological investigation.
 7. Investigation and remediation measures for land contamination (including water pollution potential).
 8. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
 9. Construction Environmental Management Plan, including dust monitoring
 10. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
 11. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
 12. No deliveries to the A1 use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs.
 13. No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
 14. 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 and no working on Sundays or Public Holidays
 15. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 16. Sound insulation mitigation measures to be implemented in accordance with the Noise and Vibration Assessment and LBTH Environmental Health advice.
 17. During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property.
 18. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
 19. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.
 20. Delivery and Service Management Plan, including management details for the car park and service/delivery area, including details of the car club spaces and security point adjacent to the car park entrance). Also, management details of the refuse and recycling facilities are required.

21. Submit Secure by Design Statement to address the design of the ground floor pocket park and north-south route, lighting and planting details along Gladstone Walk, lighting along the north and south elevations of Block E, and the use of CCTV cameras throughout the site.
22. Provision of electrical charging points for vehicles.
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. Environmental Health Department Advice.
6. English Heritage Advice
7. Parking Services Advise – Traffic Management Order
8. Metropolitan Police Advice.
9. Transport Department Advice.
10. Contact the GLA regarding the energy proposals.
11. Contact Thames Water for water and sewage infrastructure advice

That, if by 28th November 2008 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4.0 BACKGROUND TO THIS REPORT

Previous Meeting

- 4.1 This application was presented before the members of the Strategic Development Committee on the 10th July 2008. The original report, recommending approval of this proposal subject to conditions, is attached as **Appendix 1**. Attached as **Appendix 2** is a copy of the Strategic Development Committee 'decisions on planning applications' of the 10th July 2008 meeting. Further, attached as **Appendix 3**, is a copy of the Strategic Development Committee minutes of the 10th July 2008 meeting.
- 4.2 At this meeting, the Committee resolved that planning permission for the proposed development be deferred to enable officers to further consider the concerns of the Committee members. Having further considered the content of the July committee report, members comments and officer responses to these comments at the committee, the following four points are considered by officers to represent the outstanding issues raised as concerns by the committee members:
 1. There is no taxi pick-up/drop off area;
 2. The affordable housing tenure mix should be amended to comply with Council's policy;
 3. Lack of child play space provision for the 12 to 16 year old age group; and
 4. Noise issues associated with the proposed service yard.
- 4.3 In response to the Committee members concerns, a detailed response is provided below.

5.0 LOCAL REPRESENTATION

- 5.1 Four (4) additional written objections have been received since the 30th July 2008

committee. The following issues raised in the objections have already been considered in the 30th July 2008 committee report:

- The proposed density is too high;
- Overdevelopment due to height, mass, scale, bulk;
- Impact on conservation area;
- Removal of existing car parking (ex-safeway site) will have an impact on the success of the Roman Road markets;
- Overshadowing;
- Loss of daylight and sunlight;
- Increased noise;
- Increased traffic congestion;
- Loss of privacy;
- Disruption to TV reception;
- Wind impacts;
- Carpark and servicing arrangements; and
- Impact on the accessibility of Cardigan Road from Roman Road.

5.2 With respect to the last dot point above, it was noted in the July Committee report that the applicant provided turning circle diagrams for this junction showing acceptable lorry movement which neither TFL nor the Highways department objected to. Concerns have since been raised by the public over the accuracy of these diagrams. In response, the applicant has provided further scaled drawings which validate the conclusions within the Transport Assessment that the proposed lorry movements at the junction of Cardigan Road and Roman Road are acceptable.

5.3 Further to this, a verbal representation was received regarding part 8.119 of the July committee report where it was reported that the first floor level of the Lord Cardigan Public House was understood to be used as ancillary accommodation and was therefore considered to be commercial in type. Concern has been expressed by the public who has identified the first floor level as potentially being a separate residential flat. In response, it is to be noted that in the context of the July committee report, a habitable room assessment of the daylight/sunlight impacts upon the first floor level of the Public House had been carried out and was identified as acceptable in line with the BRE guidance. Furthermore, whilst the separation distance of approximately 15m from the development is slightly below the 'guidance' in the UDP, in consideration of the urban context and the fact that the UDP guidance on separation distances is not applied as rigid criteria, the separation distance is on balance considered to be acceptable.

5.4 A letter of support has also been received. Whilst the letter of support acknowledges the concerns raised above, it identifies that the need for a supermarket is so great that on balance the application should be supported to ensure a new supermarket is secured.

6.0 ISSUES

Taxi pick-up/drop off area

6.1 Members of the 10th July 2008 Strategic Development Committee raised concern that the development did not provide a taxi pick-up/drop off area, primarily required to benefit supermarket customers as an alternative to private vehicles or Public transport.

6.2 Section 8.145 of the July committee report identified that, in accordance to the Council's Interim Planning Guidance (IPG), the requirement for a taxi pick-up/drop off area is only an indicative standard and is to be determined on a case by case basis, subject to the Transport Assessment results. The committee report advised that neither TFL nor the LBTH Highways Department objected to the scheme where a taxi area had not been

provided.

- 6.3 Notwithstanding this, and in response to the members concern, an analysis has been undertaken by the applicant to ascertain the possibility of and likely position for a new taxi pick-up/drop off area.
- 6.4 It is proposed that shoppers will exit the supermarket onto the new Gladstone Walk, which runs in an east-west direction along the northern boundary of the site. This position is roughly equidistant between Roman Road to the north and Cardigan Place to the east. With the market making Roman Road inaccessible to cars on 3 days of the week, a taxi-rank position north of Gladstone Place has been discounted. This leaves the north end of Cardigan Road as the most viable location. Anglo and Vernon Road had previously been discounted due to the greater distance from the supermarket and the quieter nature of these streets.
- 6.5 Analysis has been undertaken of the current parking conditions on Cardigan Road. Currently there are double yellow lines located on the western side of Cardigan Road and to the north of Gladstone Walk. Further to this analysis, the applicant has had discussions with the Council's highways department and parking services who have confirmed that the double yellow lines are to remain in place.
- 6.6 Transport for London's Public Carriage Office (PCO) notice 44/06 confirms that Taxi's are permitted to drop-off and pick-up clients on double yellow lines if they do not impede the free flow of traffic or cause a safety hazard. Therefore the length of double yellow lines on the western side of Cardigan Road and north of Gladstone Walk may be used for taxi pickup/ drop-off. Utilising the existing double yellow lines in this location rather than creating a dedicated taxi-bay, will retain flexibility, add no additional parked cars on Cardigan Road and remove the need for further alterations to existing parking controls. The applicants transport consultant has also confirmed that there is adequate space on Cardigan Road for a taxi to turn on days when the market is active and exit south.

Affordable housing tenure mix

- 6.7 Members raised concern where the development did not comply with the Council's affordable housing tenure split. This matter was addressed in detail under sections 8.45 to 8.48 of the July committee report.
- 6.8 The July committee report identified that, according to the Council's IPG, a social rented to intermediate housing ratio split of 80:20 for all affordable housing is required. It was also noted that "against London Plan policy 3A.9 affordable housing target, 70% should be social rent and 30% should be intermediate rent".
- 6.9 The scheme was proposing a housing ratio split of 69.1:30.9 rented/ intermediate (by habitable room). The GLA stage 1 report noted that the affordable housing "*tenure mix of the development is acceptable*".
- 6.10 However, in response to the members concerns the applicant has re-examined the affordable housing mix to seek to increase the proportion of units for affordable rent, with a consequential reduction in intermediate ownership provision.
- 6.11 In response to this, whilst the viability of the scheme and current affordable housing offer of 69.1/30.9% is finely balanced, the applicant has adjusted the proposed affordable housing mix to provide a 71/29% split. This has been achieved by switching a three bedroom maisonette in Block E from shared ownership to affordable rent, as shown on the attached schedule below:

		affordable housing						market housing		
		social rented			intermediate			private sale		
Unit size	Total units in scheme	units	%	LDF %	units	%	LDF %	units	%	LDF %
Studio	2			0			0	2	1.5	
1 bed	81	15	37.5	20	7	32	37.5	59	40.5	37.5
2 bed	76	2	5	35	11	50	37.5	63	43	37.5
3 bed	39	13	32.5	30	4	18	25	22	15	25
4 bed	4	4	10	10	0					
5 Bed	6	6	15	5	0					
TOTAL	208	40	100	100	22	100	100	146	100	100

6.12 Since the proposed tenure split is now inline with the London Plan 70/30 target, the provision is considered, on balance, to be acceptable. In this instance, we do not believe that the Council could defend a refusal at appeal where this scheme complies with the London Plan target.

12 to 16 year old child play space provision

6.13 Members raised concern where the development did not provide on-site child play space facilities for 12 to 16 year olds. This matter was addressed in detail under sections 8.80 to 8.88 of the July committee report.

6.14 The applicant originally advised that it was not possible or appropriate to provide onsite provision of outdoor play space for the 12 – 16 year old group. With Victoria Park (located approximately 400 to 500 metres to the north) providing a range of recreational facilities including pitches, tennis courts and a running track, the needs of 12 – 16 year olds were considered to be adequately catered for in the local area. This response was reported to and accepted by the GLA.

6.15 Notwithstanding this, to address members concerns, the planning department has had discussions with the Council's parks department to determine if there are any specific child play space projects within Victoria Park that this development could financially contribute towards.

6.16 The parks department advised that they are proposing to provide a range of play facilities for children and young people within Victoria Park. In particular, they propose to locate new play facilities on the south side of the park near the bridges across the Canal which will provide adventure play facilities for older children, particularly for the 12 to 16 year old age group. In addition, they are intending to provide an adventure play trail to provide fun, challenge and exercise for this age group within the park.

6.17 The parks department has advised that there is a deficiency in appropriate play facilities for this age group and for older children in the north-east part of the Borough at present. As such, S106 funding to build and expand these facilities on the south-east side of Victoria Park is required.

6.18 Given that the viability of the proposed development is finely balanced, the planning department has determined that £50,000 from the previously identified S106 package should be diverted from the proposed Roman Road regeneration contribution towards the

provision of these off-site play spaces. The applicant has agreed to this approach.

- 6.19 The proposal before the members to redistribute contributions towards child play space is considered to comply with both London Plan and Council policies.

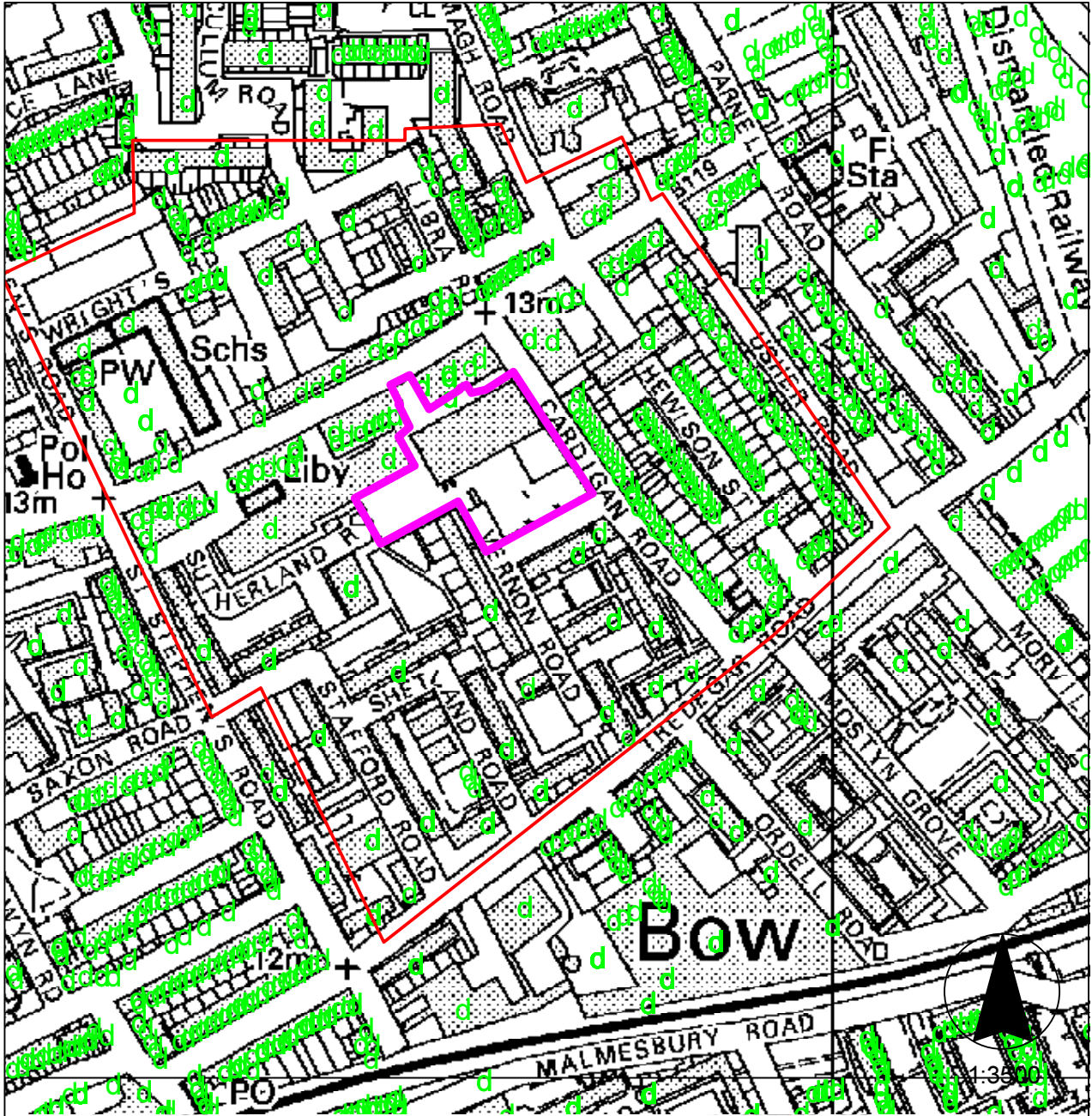
Noise issues associated with the proposed service yard

- 6.20 Members were concerned with the potential noise issues associated with the proposed service yard. This matter was addressed in detail under sections 8.127 to 8.132 of the July committee report.
- 6.21 The applicant has advised that service vehicles (maximum size 16.5m articulated) will approach the service bay by driving north up Cardigan Road and turning left into the bay. The service bay doors will open as the lorry makes its approach and be closed once it is inside the service area and before any unloading has commenced.
- 6.22 The specification of the service bay doors will be defined during the detail design process. However, it is proposed that acoustically treated doors such as the Kone Insulated Roller shutter will be used for both service bay doors. As well as reducing acoustic transmittance, the doors have seals designed to dampen the rattling noise commonly associated with roller shutter doors. Unloading will then take place within a fully enclosed and acoustically sealed enclosure.
- 6.23 For operational and safety reasons, access to the public and private car-parks at ground and basement level will be temporarily suspended whilst service vehicles are entering the loading bay. This will encourage service vehicles to promptly enter the service bay and the shutters to be closed before parking can resume.
- 6.24 Once unloading has finished the northern service doors will be opened, allowing vehicles to exit back onto Cardigan Road. On non-market days (Monday, Wednesday, Friday & Sunday) articulated lorries will exit north along Cardigan Road, turning left into Roman Road. Smaller vehicles may chose either to exit north or turn right on exiting the service bay and proceed south down Cardigan Road. On Market days all service vehicles – including articulated vehicles will exit right from the service bay turning to exit south on Cardigan Road. Vehicle tracking diagrams showing how this manoeuvre can be accommodated within the existing constraints of Cardigan Road were included within the transport assessment.
- 6.25 The Noise Impact Assessment submitted with the application contained detailed information regarding the anticipated noise reduction achieved by the proposed enclosed service bay, in contrast to the noise levels that would have occurred with the existing 'open' arrangement. In summary, continuous noise levels associated with unloading activity in the covered service yard will be reduced by 36% in comparison with the current open yard arrangement. Sudden or impact noise (e.g. dropped tailgate etc) will be similarly reduced under the new arrangement.
- 6.26 These figures do not take into account the introduction of specific additional noise reduction measures comprising the acoustic roller shutter described above. It is anticipated that these will enhance noise reduction by a further 20% above the conditions resulting from the operation of the existing service bay in its existing.
- 6.27 As discussed within the July Committee Report, the Council's noise officer examined the applicants Noise Impact Assessment and found it to be acceptable. The scheme will continue to be conditioned to restrict delivery hours and to provide a delivery and service management plan. A s106 agreement to exclude delivery vehicles from the locality of the store until the appropriate delivery times will also continue to apply to this scheme.

7.0 Conclusions

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

Committee: Strategic Development	Date: 10 th July 2008	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/07/3277	
		Ward(s): Bow East	

1. APPLICATION DETAILS

- 1.1 **Location:** Roman Place, London
- 1.2 **Existing Use:** Former Safeway store (retail) and ancillary car parking.
- 1.3 **Proposal:** Demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space.
- 1.4 **Drawing Nos:** PA(20)01 Rev. D, PA(20)02 Rev. D, PA(20)03 Rev. D, PA(20)04 Rev. C, PA(20)05 Rev. C, PA(20)06 Rev. C, PA(20)07 Rev. C, PA(20)08 Rev. B, PA(20)09 Rev. B, PA(20)10 Rev. B, PA(20)11 Rev. B, PA(20)12 Rev. B, PA(20)20 Rev. D, PA(20)21 Rev. D, PA(20)22 Rev. B, PA(20)30 Rev. D, PA(20)31 Rev. C.
- 1.5 **Applicant:** Goldquest Investment Ltd c/o Stock Woolstencroft
- 1.6 **Owner:** London Borough of Tower Hamlets
- 1.7 **Historic Building:** N/A
- 1.8 **Conservation Area:** N/A (Note: No part of the 'development' falls within the Roman Road Conservation Area. Whilst the north part of Gladstone Place forms part of the Conservation Area, it is an existing highway. Any proposed work to Gladstone Place constitutes highway improvement works, not development as defined under the Planning Acts).

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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, 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

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Eileen McGrath 020 7364 5321

guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.

- 2.3 • The retail uses (Class A1) are acceptable in principle as they will provide a suitable provision of jobs in a suitable location and amongst other things contribute to the regeneration of the Roman Road District Centre. As such, the use is in line with policies 2A.8, 3D.1 and 3D.3 of the London Plan (Consolidated with Alterations since 2004), ST34, ST35, DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure services are provided that meet the needs of the local community and strengthen designated shopping centres.
- 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.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- 2.5 • 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 policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP5, HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to provide an acceptable standard of accommodation.
- 2.6 • The development would enhance the streetscape and public realm through the provision of a public realm, public open space and improved pedestrian linkages. Further, the quantity and quality of housing amenity space and the communal/child play space strategy is also considered to be acceptable. As such, the amenity space proposed is acceptable and in line with PPS3, policies 3A.18 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies ST37, DEV1, DEV12, HSG16, T18 and OS9 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents whilst creating a more attractive environment for those who live and work here.
- 2.7 • The building height, scale, bulk and design is acceptable and in line Planning Policy Guidance 15, policies 4B.1, 2, 3 and 5 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, DEV 27, CON 1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- 2.8 • 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): Core Strategy and Development Control, which require all developments to consider the safety and security of development without compromising the achievement of good design and inclusive environments.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line

with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development.

- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • Contributions have been secured towards the provision of affordable housing, health, education, town centre regeneration, public realm and open space improvements 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 (2007), which seek to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

3. RECOMMENDATION

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

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

3.3 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% of the proposed habitable rooms with a 69.1/30.9 split between rented/ shared ownership to be provided on site.
2. A contribution of £293,324 to mitigate the demand of the additional population on health care facilities.
3. A contribution of £333,234 to mitigate the demand of the additional population on education facilities.
4. Provide £620,000 towards open space/ public realm improvements, which have been designed into the proposed scheme, though they are located off-site. This contribution is required to relieve the pressure that will arise from the new dwellings on existing open space/ public realm within the area.
5. The provision of £438,442 towards Roman Road district shopping centre regeneration works.

(Officer Comment: During the pre-application process, the LBTH Market Services inquired of the applicant to explore provision of market trader parking spaces within the proposed car parking area to accommodate an identified need. The market currently operates 3 times a week.

The applicant explored a number of options and identified that the scheme could viably provide up to 16 market trader spaces on site as a planning contribution if required, and was designed into the scheme and assessed accordingly. The applicant advised that if the Council determined that these spaces were no longer required the spaces could be allocated and sold to the residents of the development. The capital receipt (valued at approximately £400,000) would then be transfer to the Council as a s106 financial contribution towards Roman Road district shopping centre regeneration improvement works.

Upon submission of the application, further investigation was undertaken to evaluate the appropriateness of on-site market trader spaces. The LBTH Market Services has advised that a more suitable solution in meeting the needs of market traders is to identify opportunities for on-street trader parking spaces within the local area. This was considered to be a more appropriate solution than providing trader spaces within the Gladstone Place development.

In accordance with the Council's Strategic Plan and the London Plan, in terms of improving existing town centres, the Council is currently preparing a program of delivery works that will assist in the regeneration the Roman Road district shopping centre. The LBTH Development Implementation Team, who is tasked with the role of pushing forward the regeneration of the Roman Road, has advised that a financial contribution is imperative in securing much needed capital to deliver this programme that will assist in mitigating any negative impacts that additional residential and retail uses may bring to the immediate environs, including the proposed development.

This regeneration program is essential to help sustain and improve the town centre for new residents and businesses. This funding will allow for a multi - faceted approach to regenerating the town centre, rather than addressing trader parking alone. As such, in consideration of the schemes viability assessment, a financial contribution of £438,442 towards the regeneration of Roman Road district shopping centre is considered reasonable).

6. A contribution of £135,000 towards highway improvement works on Cardigan Road which will include, resurfacing works to the carriageway, upgrade of the eastern footway and a raised table at the junction of Cardigan Road and Anglo Road (including the proposed access to the site).
7. Exclusion of delivery traffic from the locality of the store until the appropriate delivery times conditioned by the planning permission.
8. The provision of a north-south and east west-public walkway through the site
9. Completion of a car free agreement to restrict occupants applying for residential parking permits.
10. TV reception monitoring and mitigation;
11. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
12. Commitment towards Code of Construction Practice.

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

3.4 **Conditions**

1. Permission valid for 3 years.
2. Details of the following are required:
 - Samples for all external materials to be submitted with detail specifications.
 - 1:10 scale details for typical elevation conditions including balconies, window reveals, roof parapet, glazing
 - Cardigan Road elevation – including the treatment of the parking and service access and shutter if proposed. This will include details of signage, lighting and a green wall.

- All landscaping (such as roof level brown and/or green roof systems, courtyard area, and ground floor play space, open space and public realm works) including lighting and security measures, play equipment, planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins. The landscaping detail should mitigate any resultant wind environment at ground floor and podium levels; and
 - The design of the lower floor elevations of commercial units including shopfronts;
3. No exit/entry doors are permitted to open outwards over the public highway.
 4. Landscape Maintenance and Management Plan. Native species should be implemented, including green/brown roofs.
 5. Parking – maximum of 74 residential car parking spaces (including 7 disabled spaces and 2 car club spaces), 30 commercial car parking spaces (including 4 disabled spaces), 10 residential and 4 commercial motor cycle spaces, and a minimum of 208 residential and 21 non-residential bicycle parking spaces.
 6. Archaeological investigation.
 7. Investigation and remediation measures for land contamination (including water pollution potential).
 8. Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
 9. Construction Environmental Management Plan, including dust monitoring
 10. Submission of details of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures.
 11. Details of the operating hours for the A1 use/s to be submitted and approved prior to the date of occupation.
 12. No deliveries to the A1 use/s shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs.
 13. No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
 14. 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 and no working on Sundays or Public Holidays
 15. Limit hours of power/hammer driven piling/breaking out to between 10.00 Hours to 16.00 Hours, Monday to Friday.
 16. Sound insulation mitigation measures to be implemented in accordance with the Noise and Vibration Assessment and LBTH Environmental Health advice.
 17. During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property.
 18. All residential accommodation to be built to Lifetime Homes standard, including at least 10% of all housing being wheelchair accessible.
 19. Submit a Green Travel Plan, for both the commercial and residential elements, to be maintained for the duration of the development.
 20. Delivery and Service Management Plan, including management details for the car park and service/delivery area, including details of the car club spaces and security point adjacent to the car park entrance). Also, management details of the refuse and recycling facilities are required.
 21. Submit Secure by Design Statement to address the design of the ground floor pocket park and north-south route, lighting and planting details along Gladstone Walk, lighting along the north and south elevations of Block E, and the use of CCTV cameras

throughout the site.

22. Provision of electrical charging points for vehicles.
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. Environmental Health Department Advice.
6. English Heritage Advice
7. Parking Services Advise – Traffic Management Order
8. Metropolitan Police Advice.
9. Transport Department Advice.
10. Contact the GLA regarding the energy proposals.
11. Contact Thames Water for water and sewage infrastructure advice

- 3.6 That, if by 10th October 2008 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions be delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

- 4.1 The full description of the proposed development submitted to the Planning Authority was as follows:

- 4.2 *“Application for full planning permission for the demolition of existing buildings occupying the site and redevelopment to provide five buildings of between four/five and ten storeys providing 2,633sqm retail floorspace and 221 x no. studio, one, two three and five bedroom residential units (C3), plus associated car and cycle parking, public space and landscaped amenity space”*

- 4.3 However, following issues raised by the public regarding the impact of the development upon the Roman Road Conservation Area, the applicant has made amendments to the scheme reducing the height along Cardigan, Anglo and Vernon Roads resulting in a total reduction of 13 units. The current description of development is as follows:

- 4.4 *“Demolition of the existing buildings occupying the site and redevelopment to provide five buildings of between four and ten storeys accommodating 2,687sqm retail floorspace and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; 6 x 5 bed), 104 parking spaces and landscaped, public, communal and private amenity space”.*

- 4.5 An EIA screening opinion was sought by the applicant. The proposed development falls within the description at paragraph 10 (b) and Column 2 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. However, taking account of the criteria in Schedule 3 of the Regulations; the Council’s Environmental Impact Assessment officer did not considered the development would have significant effects on the environment by virtue of factors such as nature, size or location. Accordingly, the proposal is not EIA development.

- 4.6 The development consists of 5 buildings. Buildings A to D are set around a podium level communal courtyard space, whilst the buildings Ei and Eii form two blocks within the western section of the site. The following provides an overview of the proposed buildings:

- *Building A:* A ten storey block at the centre of the site with two small, flexible units of retail floorspace at ground floor level (170sqm and 127sqm) and 71 residential units in the floors above. The proposed retail units will be accessed from Gladstone Place, whilst the residential entrance will be on the southern side of the building.
- *Building B:* A five storey building, plus recessed upper floor, occupying the northern section of the site. The building will include the 2,390sqm supermarket unit at ground floor and basement level and 48 residential units above. The main entrance to the supermarket will be at its north western corner of the building, whilst the residential entrance will be from Cardigan Road to the east.
- *Building C:* A three storey building, plus recessed upper floor fronting the western side of Cardigan Road. The building will accommodate the delivery/servicing bay for the supermarket at ground floor level and 27 residential units in the floors above. Vehicles will access the delivery bay via an entrance at the southern end of the building and will exit the bay further north. The vehicle entrance will also provide access to the car parking areas at basement and ground floor level. The residential entrance to the building will be situated within its south eastern corner and will include a concierge's office.
- *Building D:* An L-shaped residential building of between four and six storeys within the southern and south western sections of the site. The southern section of the block will comprise a four storey building, plus recessed upper floor fronting Anglo Road. The building will step up to five storeys, plus a set back level fronting Gladstone Place. It will accommodate 37 residential units, including eight double height family units with front garden spaces at ground floor level and private gardens at podium level to the rear. The residential units above will be accessed via an entrance from Anglo Road at the south western corner of the block.
- *Building E:* Two adjoining blocks within the western section of the site. The westernmost block will rise to a height of six storeys, whilst the eastern block will step down to five storeys. The building will accommodate 25 residential units which will be accessed via entrances from the pedestrian route west from Gladstone Place on the southern side of the building. The ground floor level units will be served by private gardens.

Site and Surroundings

- 4.7 The application site covers an area of approximately 0.75ha. It is currently occupied by a former supermarket building with a footprint of ca. 3,000sqm, including ancillary service area off Cardigan Road and two areas of pay and display car parking, which have been vacant since November 2005.
- 4.8 The site is located immediately to the south and west of the Roman Road Conservation Area, though no part of the development is within a conservation area. The site does not include any listed or locally listed buildings, though a neighbouring building (Passmore Edwards Public Library, No. 564 Roman Road) is grade II listed. The site is located in an area of archaeological significance.
- 4.9 The application site is located to the south of the Roman Road district shopping centre and ancillary markets. It is bounded by Gladstone Place to the north, Cardigan Road to the east, Anglo Road to the south, Cruden House to the south west and the Bow Neighbourhood Office/Ideas Store to the west. The predominant land uses to the north of the site are retail and commercial uses flanking Roman Road, whilst the areas to the south, east and west are principally residential in use.
- 4.10 The former supermarket building occupies the northern part of the site and presents blank unadorned frontages to Gladstone Place/Gladstone Walk and Cardigan Road. It is constructed of pale brick with metal seam upper sections and rises to a height of ca. 10m, stepping up to ca. 14m to the east. The building is adjoined to the south by an open loading bay/storage area which is enclosed by a 4m high brick wall. The supermarket was

formerly accessed by pedestrians from Gladstone Place, whilst servicing was from Cardigan Road. The building relates poorly to neighbouring buildings and creates visually unattractive and intimidating alleyways to the rear of buildings fronting Roman Road and adjacent to the Bow Neighbourhood Office/Ideas Store.

- 4.11 The car parking areas occupy the southern and western sections of the site and together cover an area of ca. 5,000sqm. Parking within these areas is on a pay and display basis, though they appear to suffer from poor management/enforcement. Additionally, the areas are cluttered and visually unattractive. The open spaces also appear to have been subjected to fly tipping.

Planning History

- 4.12 The London Borough of Tower Hamlets planning records reveal that the earliest planning application for development at the site related to the construction of the supermarket and associated car parking areas in May 1978 (TH12789/92/07). Following this consent, a number of applications were submitted to vary the permissible delivery hours. The most recent application, PA/02/674, was approved by the Council permitting the following hours:

- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of planning permission.
- In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate delivery times.

- 4.13 The Council's records reveal no other recent applications relating to the site.

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 (as saved September 2007)

Proposals: Not subject to site specific proposals

Policies: Environment Policies

ST34	Shopping
ST35	Retention of Shops
ST37	Enhancing Open Space
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV69	Water Resources
EMP1	Encouraging New Employment Uses
EMP6	Needs of Local People
HSG6	Separate Access
HSG7	Dwelling Mix
HSG15	Residential Amenity
HSG16	Amenity Space
T16	Impact of Traffic

T18	Pedestrian Safety and Convenience
T19	Pedestrian Movement In Shopping Centres
T21	Existing Pedestrians Routes
S10	New Shopfronts
OS9	Child Play Space

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

Proposals: C12 Development Site (Specific uses have not yet been identified)
Archaeological Priority 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
CP16	Town Centres
CP18	Street Markets
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix
CP22	Affordable Housing
CP25	Housing Amenity Space
CP30	Improving the Quality and Quantity of Open Space
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety

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
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development

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
CON1	Setting of a Listed Building
CON2	Conservation Area

5.4 **Supplementary Planning Guidance/Documents**

Designing Out Crime
Residential Space
Landscape Requirements
Archaeology and Development

5.5 **The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy**

2A.1	Sustainability Criteria
2A.8	Town Centres
3A.1	Increasing London's Supply of Housing
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 Targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.18	Protection and Enhancement of social infrastructure and community facilities
3B.11	Improving Employment Opportunities for Londoners
3C.1	Integrating Transport and Development
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities
3D.13	Children and Young People Play Strategies
4A.4	Energy Assessment
4A.7	Renewable Energy
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.11	Built Heritage
4B.12	Heritage Conservation

5.6 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning

5.7 **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 Cleansing

6.2 The Design Statement incorporates a waste plan that is based on Planning Standard 2. As such, refuse and recycling provision should be compliant.

6.3 Due to the hauling distances for Blocks A and E, the containers need to be brought to a collection point under a managed scheme. Highway based collections do not appear practical as shown at Anglo Road as this would disrupt traffic flow. There is parking bays currently on the street to the front of the Anglo Road store which would add to the difficulties of the collection service. Collections should be from within the site.

6.4 (Officer Comment: Amendments to the scheme have been made to facilitate refuse collection on Anglo Road, including the introduction of dropped curbs and a managed refuse collection point for Blocks A and E. The applicant has advised that in order to meet the servicing requirements, the current spaces on Anglo Road need to be reshuffled, however their survey confirms that these spaces can continue to be accommodated within Anglo Road without any loss. Council's parking services has advised that they have no objection to this proposal subject to a Traffic Management Order. Further, it is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities).

LBTH Education

6.5 The education department identified a contribution towards 27 additional primary school places @ £12,342 = £333,234

6.6 (Officer Comment: The financial contribution will be secured by s106 agreement).

LBTH Energy Efficiency Unit

6.7 Comments were provided on the energy and sustainability strategy for this site on the 22nd of January 2008 raising a number of concerns with the scheme, in particular, the lack of a CHP system. As a result of the comments made by the Energy Efficiency Unit, the energy strategy has been revised. The strategy is now considered to comply with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London plan and LBTH Interim Planning Guidance although the detailed information on the proposals are pending and shall be provided at the detailed design stage, via condition.

6.8 (Officer Comment: The details of the revised energy strategy are provided later in this report. The scheme shall be conditioned appropriately)

LBTH Environmental Health

6.9 Contaminated land

6.10 No objection subject to appropriate conditioning.

Air Quality

6.11 No objection subject to appropriate conditioning.

Noise

6.12 No objection subject to the following requirements being implemented:

- Parts of the building are expected to be exposed to external noise levels falling into Noise Exposure Category (NEC) “B” of PPG 24. As such, sealed thermal double glazing with sound attenuating ventilators are required to provide a noise reduction of approximately 25 dBA
- A higher degree of sound insulation would be required between the residential units and the commercial units. This must be at least 60 Dntw.
- Deliveries should only be allowed between 0700 and 2300 hrs – Monday to Friday, 0800 and 2200hrs – Saturdays and 1000 – 1600 hrs- Sundays, provided lorries are not permitted to wait in the road with engines or refrigeration units running at any time.
- Construction work to be only carried out within the following hours: 8a.m.- 6p.m. Monday-Friday, 8a.m.-1p.m. Saturdays and no working on Sundays or Public Holidays
- No noise nuisance to be caused to neighbouring residents. Permissible noise levels are as follows: 08:00-18:00 Monday to Friday Max Leq 75dB (A) Leq 10 hour at the nearest premises and 08:00-13:00 Saturday Max Leq 75dB (A) Leq 5 hour at the nearest premises. These noise limits apply at 1 metre from the façade of any occupied building.
- During the demolition and construction phases of the proposed development, a programme of on-site vibration monitoring is required to demonstrate compliance with London Borough of Tower Hamlets standards. Measured ground borne vibrations should not exceed a peak particle velocity of 1 mm/s at any occupied residential property and 3 mm/s at any other property

6.13 (Officer Comment: These matters will be address by planning condition or informative, where they can only be enforced by Environmental Health Regulations).

Sunlight/ Daylight

6.14 *External Impacts (Neighbouring Properties)*

6.15 In assessing the impact of the development on the neighbouring properties the ADF levels of failures are minimal, therefore the impact on surrounding buildings from the proposed scheme is minimal.

Internal Impacts (Within the Development)

6.16 There is a concern regarding the impact of the development upon itself between Blocks A, B, C, D and E where there are some rooms that do not comply with BRE standards for daylight and sunlight. The main considerations given by the applicant where the scheme does not meet the BRE standard are:

- (1) The urban character of the area surrounding the site.
- (2) The high density nature of the scheme.
- (3) Some of the windows are situated beneath balconies.

Whilst this is a concern, the Planning Officer must determine whether the non-compliance with the BRE standard when considering the impact of the development upon itself can be considered acceptable for planning permission to be granted.

6.17 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

LBTH Highways

6.18 The developers should provide some motorcycle bays.

6.19 (Officer Comment: The development has been amended to provide 10 residential and 4 commercial motorcycle spaces).

6.20 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 door(s) opening outwards on Cardigan Road.

6.21 (Officer Comment: The scheme has been conditioned to ensure no door opens outwards over the public highway).

6.22 For pedestrian safety reasons, as well as avoiding possible vehicular conflict points, it is advisable that the service access points are separate from the customers and residents vehicular access point/parking area.

6.23 (Officer Comment: The scheme has been conditioned to provide a service management plan. This will ensure personnel are present at the time of deliveries and that any potential impacts with customer vehicles or pedestrians are mitigated. Also, a pedestrian refuge has been provided in the middle of the cross-over to create a safe place for pedestrians. The Highways Officer has confirmed the acceptability of the amendments to address his concerns).

6.24 The development should secure the following highway works:

- i. Closure of the existing access;
- ii. Reconstruction/resurfacing of the carriageway/footway; and
- iii. Removal of existing highway trees.

6.25 (Officer Comment: This matter will be addressed by a s278 agreement).

6.26 The following financial contributions are required:

- Highway improvement works on Cardigan Road, which will include resurfacing works to the carriageway and upgrade of the eastern footways = £100,000
- Raise Table at the junction of Cardigan Road and Anglo Road, including the proposed access to the site = £35,000

Greater London Authority (Statutory)

6.27 The application was referable to the GLA under Category 1B of the Order 2000: *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings in Central London (other than the City of London) and with a total floorspace of more than 20,000sq.m”*.

6.28 The application was considered by the Deputy Mayor under Stage 1 referral on the 15th May 2008. The Deputy Mayor concluded that *“whilst the principle of the development is*

acceptable, the application raised serious strategic issues that must be addressed, including the quantum of affordable housing, the proposed mix of social rented units, the provision of children's play space, particularly for older children, design and inclusive design, provision of Lifetime Homes and accessible housing, the sustainability and energy strategy, and transport".

- 6.29 (Officers Comment: A number of the issues raised are not considered to be strategic issues and have been addressed in detail within the body of this report. The applicant has sought to address the Mayors concerns and has amended the scheme accordingly. Each of the issues raised by the Deputy Mayor has been addressed within the body of this report and are not considered to be grounds for refusal.

It must be noted that the Stage 1 referral response does not represent the final decision of the Mayor. If the committee is minded to approve the application, the application must be referred back to the Major for Stage 2 referral decision, whereby, the Mayor will decide whether or not to direct the Council to refuse planning permission).

Transport for London (Statutory)

- 6.30 TFL comments are addressed within the body of the Deputy Mayors Stage 1 response as raised above. As such, TFL comments have been addressed in detail within the Highways section of this report.

English Heritage

- 6.31 English Heritage did not object or recommend the development for approval. Rather, they advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

English Heritage - Archaeology

- 6.32 No objection subject to conditions.

Metropolitan Police

- 6.33 The crime prevention officer made the following comments:
- 6.34 • Regarding the east-west link along Gladstone Walk, the following is required: excellent lighting, prickly planting to discourage access where appropriate, no seating, and the building to be flush as possible.
- 6.35 (Officer Comment: The applicant has advised that the lighting and planting matters will be incorporated in the detailed building and landscaping design, which will be conditioned. The seating has been removed from the plans and the building façade has been amended to reduce any insteps).
- 6.36 • The large undercroft to the ground floor car parking access may attract anti-social behaviour
- 6.37 (Officer Comment: This area will be covered by CCTV and a dedicated security point adjacent the car park entrance has been introduced).
- 6.38 • There is a concern over the apparent lack of active frontage to the north and south of Block E. CCTV, fencing and lighting should be incorporated, entrances brought flush to the façade.
- 6.39 (Officer Comment: CCTV, fencing and lighting will be introduced in the design stage to be

conditioned. The entrances have been amended and brought flush to the building).

- 6.40 • The design of the pocket park must ensure mitigation of anti-social behaviour. The play equipment should not form a visual barrier. The play area must be Secure by Design certified.
- 6.41 (Officer Comment: Given the detailed nature of these design comments, the pocket park will be conditioned appropriately to address these concerns).
- 6.42 • The recessed entrances at ground level to Block A and the narrow pedestrian route from the car park may result in safety issues
- 6.43 (Officer Comment: The entrance to Block A is now flush and the car park/bin store access has been rationalised with secure gates to avoid hidden areas. Also, the car park access passage has been doubled in width)
- 6.44 • The recessed entrance to Block D must be removed
- 6.45 (Officer Comment: The recess has been removed).
- 6.46 • Along the north-south route through the site, the seating should not be covered to discourage any potential anti-social behaviour after business hours; CCTV coverage will be required here. Also, there should be no permanent market stalls here.
- 6.47 (Officer Comment: The canopies have been removed from above the seating and CCTV will be installed at the design stage. Further, the applicant has advised that any market stalls would be temporary, but to avoid confusion, have been removed from the plan).
- 6.48 • The planting fronting the entrance to the sub-station should be removed to minimise any potential hiding places
- 6.49 (Officer Comment: The plans have been amended accordingly)

Tower Hamlets PCT

- 6.50 In accordance with the HUDU model, the PCT indicated that the development will generate a required contribution of £1,309,588 towards primary care needs of residents as follows:

Revenue Planning Contribution	Capital Planning Contribution	Total
£978,269	£293,324	£1,271,593

- 6.51 Doubt has been cast over the consistency of the HUDU model and its application in Tower Hamlets, the detail of which has been considered in two recent Appeal cases as follows:
- 6.52 • Appeal made by Bernard Construction (Stepney) Ltd against the Council of the London Borough of Tower Hamlets (Former Police Station and Magistrates Court, East Arbour Square and West Arbour Square, London E1 0PU) – 29 March 2007; and
 - Appeal made by Virsons Ssas against the Council of the London Borough of Tower Hamlets (10 – 22 Dunbridge Street, London, E2 6JA) – 18 June 2007.
- 6.53 To summaries both cases, the Planning Inspectorate found that:
 - The HUDU model has little current policy backing for its use as yet; and
 - There is a lack of in-depth information provided regarding the inputs in the spreadsheet; i.e.:
 - There are no details of capacity of health services in an area, need or slack in the

system.

- Furthermore, the model does not have a geographical or functional link to the proposal. The exact nature or location of any revenue spent/ improvement of healthcare is not identified; and
- With regard to revenue, the HUDU model relies on the timing of development relative to a 2/3 year funding cycle. However, the harm that is sought to be mitigated may only appear on occupancy, which could occur much later.

6.54 Whilst the Planning Inspectorate indicated that healthcare obligations were reasonable requests in most instances, the appeal examples (and this application) do not fully justify the healthcare contributions required by the PCT. As such, the inspectors concluded that, in these particular circumstances, the health contributions would not accord with all the tests in the Circular 05/05. The Circular states that planning obligations can only be sought where they meet all of the five tests.

6.55 The Inspectors found that the healthcare obligations had not been shown to be necessary to make the proposed development acceptable in planning terms. Similarly, the obligations had neither been demonstrated to be directly related to the proposed development, nor to be fairly related in scale and kind to the proposed development.

6.56 The request from the PCT shows no real evidence of the capacity, need or slack of existing health facilities in the area which might serve the appeal site, nor any indication as to whether or not additional provision would be necessary to meet the demands made by the development. Moreover, the exact nature, location or timing of the proposed new service has not been identified.

6.57 In line with the Appeal decisions mentioned above, and recent Planning Committee decisions, the proposed development is similar in that there is insufficient evidence to convince the Planning Department that the requested obligation is directly related to the proposed development, necessary to make it acceptable in planning terms, or fairly and reasonably related in scale and kind to the proposed development.

6.58 The request for the financial revenue contribution in this instance is therefore considered to be unreasonable where it may fail to comply with Circular 05/05. However, the capital contribution sought is considered satisfactory, particularly in consideration of recent committee decisions.

7. LOCAL REPRESENTATION

7.1 A total of 1372 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.] As mentioned above, the scheme was advertised twice due to the amendments that were made to the scheme. The number of representations received from neighbours and local groups in response to the first round of notification and publicity of the application were as follows:

No of individual responses:	Objecting: 170	Supporting: 0
No of petitions received:	Petition 1 34 Signatures	
	Petition 2 649 Signatures	
	Petition 3 1249 Signatures	

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

No of individual responses:	Objecting: 279	Supporting: 4
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7.3 The following issues were raised in representations that are material to the determination of

the application, and they are addressed in the next section of this report:

7.4 Land Use

- The proposed density is too high and will negatively impact on social and physical infrastructure of the area (i.e. roads, open space, Roman Road market, public transport, schooling, medical, etc);
- The development will 'kill off' the Roman Road markets and existing shops;
- Inadequate provision of family housing;
- Insufficient provision of affordable housing;
- The proposed retail development is smaller than the previous Safeway store; and
- The area does not need more residential buildings.

7.5 Design

- The height, bulk, scale and design quality of the development will have a negative impact upon the context of the surrounding area, particularly the Roman Road Conservation Area;
- The development is gated and child play space is not accessible;
- Poor frontage design along Cardigan Road;
- Disruption to TV reception;
- Lack of play space; and
- Increased anti-social behaviour, particularly along Cardigan Road, Gladstone Walk and the proposed pocket park.

7.6 Amenity

- Loss of daylight and sunlight;
- Wind impacts;
- Overshadowing;
- Loss of privacy;
- Increased dust pollution;
- Increased noise;
- Sense of enclosure/ loss of outlook ; and
- Deliveries should only occur after 10am Monday to Saturday and after 12 on Sunday (Officer Comment: The Council's Noise officer has recommended acceptable hours which have been conditioned appropriately).

7.7 Highways

- Impact on the accessibility of Cardigan Road from Roman Road;
- Increased congestion;
- Lack of parking;
- Safety issue with the servicing arrangements;
- Impact of the lorries on the surface treatment of Roman Road (Officer Comment: Neither TFL or the LBTH Highways Department raised objection to the scheme on these grounds);
- Existing parking spaces on adjacent roads should not be removed to meet servicing requirements;
- No taxi drop-off/ pick-up area;
- Inadequate public transport;
- Removal of existing car parking (ex-Safeway site) will have an impact on the success of the Roman Road markets;
- The cycle parking areas will encourage thieves in this area; and
- Servicing of the site should not occur before 7am (Officer Comment: The Council's

Noise officer has recommended acceptable hours which have been conditioned appropriately).

7.8 Other

- No mention of the heat and power source.
- Loss of trees on Anglo Road.

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

- The motive for the development is to maximise profits;
- Limited scope and duration of the public consultation;
- The development will result in loss of value to surrounding buildings;
- An unconditional agreement for lease of the main retail unit as a supermarket must be obtained before commencement of development (Officer Comment: The applicant has advised that Tesco's will be using the retail unit if planning approval is granted. Notwithstanding, tenants of the retail use cannot be conditioned by planning approval);
- Increase in fly tipping; and
- The Council must review the parking permits allocated to Council officers at the Bow Neighbourhood offices who utilise the existing car park if the scheme is approved.

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 development will provide a range of residential units, including units suitable for smaller households and an appropriate level of family orientated accommodation. The site is moderately well served by public transport and is situated within a mixed-use district centre location, which includes existing residential uses as well as local shops, services and employment opportunities. The site is also reasonably well located in relation to public amenity space. Accordingly, the site is considered appropriate for a mixed use development of the scale, quantum and character proposed.
- 8.3 In accordance with policies 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 proposed development responds to a defined local and strategic need for new housing and will make a valuable contribution to local and strategic housing objectives. It therefore meets the requirements of the London Plan.
- 8.4 Further, there is no strategic land use designation over the site, in accordance with the Unitary Development Plan 1998 (UDP) or the Interim Planning Guidance 2007 (IPG), that would prohibit the proposed use.

- 8.5 The current development represents low density use of the site, which does not accord with local and strategic objectives. Whilst there has been public objection to further residential development in the area, the proposed residential element to the scheme represents a more efficient and appropriate use of the site, whilst contributing to strategic and local housing objectives. The residential component of the proposal is also considered acceptable given the character and land use mix of the area surrounding the site, in accordance with policy DEV3 of the UDP.

Retail Use

- 8.6 The development will comprises 2,687sqm of retail floor space that is proposed to be utilised as a supermarket and two small flexible retail units. The site is located immediately to the south of the Roman Road district shopping centre, which covers the urban blocks on either side of Roman Road.
- 8.7 The main pedestrian access to the site is through Gladstone Place which fronts the district shopping centre. Gladstone Place is currently used to gain access to the Bow Idea Store, which is also located to the rear of the main shopping street. The entrance to the proposed supermarket is located opposite the entrance to the Idea Store, and will be visible from the main street. The applicant proposes public realm improvements to Gladstone Place, providing a permeable route from the main street to the development, the Idea Store, and the existing residential properties to the south of the site.
- 8.8 PPS6 seeks to preserve and enhance the vitality and viability of town centres and to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access to. It notes that developments which are likely to generate high levels of travel should be located in existing town centres.
- 8.9 Annex A of PPS6 defines the main characteristics of different types of centres. It is to be noted, in particular for district centres, PPS6 states:
- “District centres will usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library”*
- 8.10 Policy 2A.8 of the London Plan sets out an over-arching approach to support and regenerate town centres. The policy seeks to accommodate economic and housing growth through intensification and selective expansion and sustaining and enhancing the vitality and viability of town centres. Policy 3D.1 identifies Roman Road as a district centre. Whilst the policy discourages retail uses outside the town centres, the policy encourages net additions to town centre capacity where appropriate to their role in the overall network. Further to this, the London Plan policy 3D.3 seeks to resist the loss of retail facilities and paragraph 3.276 states *“the existence of thriving local convenience shopping is important, especially for less mobile people and those on low incomes”*.
- 8.11 According to the Council’s UDP and IPG proposal maps, the site primarily falls outside and borders the district centre designation. However, the Council’s Borough-Wide Retail Capacity Study Appendices (which forms part of the evidence base used in formulating the IPG) paragraphs 1.41 and 1.42, state that the Roman Road District Centre is split into 3 parts, of which the application site is considered to be an ‘anchor’ for the Roman Road East part of the centre designation.
- 8.12 As mentioned earlier the site already contains up to 3000sqm of retail floorspace. Clearly the proposed development is not introducing retail floorspace to a new location, and therefore it is more appropriate to consider the proposal as replacement floorspace. In this respect, there is nothing that would prevent the existing store reopening and trading as a

supermarket. Whilst a number of objections were received over the reduction of retail floor space, the applicant advised that the redevelopment provides the opportunity to create a unit which is better designed and more suitable to the needs of modern retailers.

- 8.13 Further to this, the applicant has undertaken a Retail Statement to assess the need for the development, in accordance with PPS6, at the request of the Council, following objections raised by the public. The assessment identifies that whilst the Roman Road district centre offers a range of goods and services, together with a street market; its role is undermined by the lack of a good supermarket, a high vacancy rate and a lack of national multiples. In the wider area there are no major food stores, and residents are forced to travel significant distances to undertake their main food shop. Given the current lack of a supermarket within the Roman Road district centre, there is a clear need for such a facility, in order for the centre to fulfil its role.
- 8.14 The loss of the former supermarket building has had a detrimental effect on local retail provision and viability in the Roman Road district centre. The Central Area Action Plan (issues and options paper) which was consulted on in April 2007, states that the Roman Road East district centre is one of the key centres suffering from decline, particularly following the loss of its anchor foodstore. It notes that the local community would like to see another large retail provider operating in the centre as soon as possible.
- 8.15 The applicant has identified that the proposed development will generate approximately 149 new jobs in this area which will contribute to the growth and diversification of the local economy and act as a catalyst in the ongoing regeneration of this area, as sought by London Plan policy 3B.11 and UDP Policy EMP1.
- 8.16 A number of people have raised objection to the scheme where they believe the scheme will have a negative impact on the Roman Road markets and existing shops. The Retail Statement identifies that the market stall operators occupy a different role in the provision of convenience goods. As noted in the Council's Borough-Wide Retail Capacity Study, *"these markets provide a mix of convenience and comparison goods and specialise in ethnic foodstuffs"* and *"ethnic goods including textiles and fabric"* (para 1.193). The statement concludes that they *"sell a different range of niche goods which would be available from the proposed foodstore and are therefore unlikely to be directly impacted by it"*. Further, the Statement suggests that the district centre may experience spin-off benefits as a result of the potential to promote 'linked trips'.
- 8.17 Within the Stage 1 report, the GLA have stated that *"given the site's location, and the current loss of retail facilities within the district centre caused by the closure of the previous supermarket, the re-provision of retail floorspace within this development is acceptable"*.
- 8.18 Where the development replaces an existing supermarket which forms a fundamental part of the regeneration of Roman Road district shopping centre, providing a valuable contribution towards local and strategic employment, retail and residential objectives, the scheme is considered acceptable in line with national, regional and local planning policies.

Density

- 8.19 The Site has a net residential area of approximately 0.75 hectares. The scheme is proposing 208 units or 614 habitable rooms. The proposed residential accommodation would result in a density of approximately 277 units per hectare and 819 habitable rooms per hectare (hr/ha).
- 8.20 London Plan policy 3A.3 outlines the need for development proposals to achieve the highest possible intensity of use compatible with the local context, the design principles within Policy 4b.1 and with public transport capacity.

- 8.21 The applicant has stated that the site has a public transport accessibility level, or PTAL, of three. However, TFL have advised that the appropriate PTAL level is two. Table 3A.2 of the London Plan suggests a density of 250 to 450 habitable rooms per hectare for sites with a PTAL range of 2 to 3. The proposed density is therefore significantly higher than the GLA guidance and would appear, in general numerical terms, to be an overdevelopment of the site.
- 8.22 However, the density matrix within the London Plan and Council's IPG is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context and London Plan design principles, as well as public transport provision.
- 8.23 Moreover, 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;
 - Loss of privacy and outlook;
 - Small unit sizes
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure;

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

- 8.24 Policies 3A.1, 3A.2 and 3A.3 of the London Plan encourage 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.
- 8.25 The GLA made the following comment:

“The built character of the surrounding area is urban, comprising a mix of four and six storey mid rise flatted development. The scheme therefore relates well to its context and does not appear over-scaled. Whilst the PTAL is not high, three bus routes are within walking distance of the site. The development includes a supermarket and is located immediately adjacent to a district centre which comprises shops, an outdoor market, health centre and a dentist surgery. Consequently occupiers of this development will be within walking distance of a range of retail provision and local services. The development is also adjacent to Bow Idea Store, which provides a library, adult learning opportunities and a café. In addition, the proposal includes landscaped residential amenity provision, as well as children’s play space, and the proposal contains a mix of tenures and bedroom sizes.

The local context therefore supports a high-density development”

- 8.26 On review of these issues, a high density mixed use development is justified 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 a high design quality and responds appropriately to its context.

- The proposal is not considered to result in any adverse symptoms of overdevelopment.
- The provision of the required housing mix, including dwelling size and type and affordable housing, is acceptable.
- A number of contributions towards affordable housing, health, education, town centre, public realm and open space improvements, have been agreed to mitigate any potential impacts on local services and infrastructure.
- The development is located within an area with moderate access to public transport services, open space, town centre and other local facilities, whilst also providing a generous provision of retail space on site.
- A planning condition will look at ways to improve the use of sustainable forms of transport through a travel plan. Also, a section 106 agreement will be implemented to prohibit any overspill parking from the residential development as well as monitor and mitigate any potential impact on TV reception.

Housing

Housing Mix

8.27 The scheme is proposing a total of 208 residential units.

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 housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation”.

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	2			0			0	2	1.5	
1 bed	81	15	38.5	20	7	30	37.5	59	40.5	37.5
2 bed	76	2	5	35	11	48	37.5	63	43	37.5
3 bed	39	12	31	30	5	22	25	22	15	25
4 bed	4	4	10	10	0					
5 Bed	6	6	15.5	5	0					
TOTAL	208	39	100	100	23	100	100	146	100	100

8.33 A number of residents have raised concern that the scheme does not provide sufficient family housing (+3 bedrooms per p255 of the Interim Planning Guidance). However, policy HSG2 and of the IPG identifies that family housing is needed mostly within social rented housing, which the proposed development exceeds as mentioned above.

8.34 There has been an overall reduction of 13 units from the original submitted scheme, which has had some impact on the proportion of family accommodation. The new proposal introduces 4, four bedroom units into the affordable rented mix, and result in an increase from 50% to 56.5% in the percentage of family accommodation within the affordable rented which includes 25.5% four and five beds, meeting a priority housing need.

8.35 The GLA has raised concern over the provision of 1 and 2 bed units. The Councils Housing Department however has accepted that a consequence of the high proportion of family accommodation is the low percentage of two bedroom units, and finds the mix on balance acceptable.

8.36 The Housing Department also finds the level of family accommodation in the intermediate housing mix (22%) and market housing mix (15%) to be acceptable, and the resultant overall unit mix of approximately 24% family housing.

8.37 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 2006-7. 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	17.5	56.5
Intermediate	2.5	22
Market	4.1	15
Total	7.1	23.6

8.39 On balance, the scheme provides a suitable range of housing choices and meets the needs of family housing in the social rented component. As such, the proposed housing mix is considered to comply with national guidance, the London Plan, UDP and the Interim

Planning Guidance in creating a mixed and balanced community.

Affordable Housing

- 8.40 Policy 3A.9 of the London Plan sets out a strategic target that 50% of the new housing provision should be affordable.
- 8.41 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.
- 8.42 The scheme is proposing 35% affordable housing based on habitable rooms.
- 8.43 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. Whilst the GLA have raised concerns with the toolkit assessment in their Stage 1 report, the applicant has sought to address these. In response the GLA have advised that they broadly support the toolkit assessment and the affordable housing provision. The toolkit assessment has been scrutinised by the Council and its conclusion that 35% affordable housing is the most that is viable for this scheme, on balance, is supported.
- 8.44 Where the scheme is meeting the Council's affordable housing target of 35%, the scheme on balance, is considered acceptable.

Social Rented/ Intermediate Ratio

- 8.45 Against London Plan policy 3A.9 affordable housing target of 50%, 70% should be social rent and 30% should be intermediate rent.
- 8.46 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.
- 8.47 The scheme is proposing a housing ratio split of 69.1:30.9 rented/ intermediate (by habitable room). The GLA stage 1 report states that the affordable housing "*tenure mix of the development is acceptable*".
- 8.48 The proposed tenure split falls short on the 80% requirement for social rented within the Council's IPG. However, where the split is generally in line with the London Plan 70/30 target, the provision is considered on balance to be acceptable.

Design

- 8.49 The site is on the edge of Roman Road Conservation Area and behind Grade II listed Passmore Edwards Public Library. Gladstone Place forms punctuation along Roman Road street market and is home to the Bow Ideas Store. Conservation Area boundaries include the two storey terrace along Cardigan Road, which is the eastern edge of the application site. Building heights within the Conservation Area are consistent between 2-3 storeys and rise towards the south with post-war modern housing estates. However, immediately to the west of the site is the Bow Neighbourhood Office/Ideas Store which comprises a modern, four/five storey red brick building and just beyond this is Brodick House; a 22 storey residential block.
- 8.50 There is objection to the proposed development where the residents are of the opinion that the proposed buildings do not reflect the scale or character of the surrounding area. However, the Council's Development and Renewal Department are of the opinion that the

building's height, scale, bulk and quality of design are appropriate for this location. This opinion is examined in detail below.

Bulk and Massing

- 8.51 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.
- 8.52 Policy CP4 of the draft Core Strategy states that LBTH will ensure development creates buildings and spaces that are of high quality in design and construction, 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.
- 8.53 Following concerns raised by the public over the height and bulk of the development, as well as officers original concerns over the impact on Cardigan Road terrace, the applicant has sought to address this by re-designing the eastern, western and southern elevations of the scheme, reducing its mass (in particular to blocks C and D) and amending elevation detailing by omitting projected balconies where possible. The general distribution of bulk and massing is now considered acceptable.
- 8.54 Objections to the scheme suggest that the scheme is a gated community. It must be noted that the podium play space area above the car park is not required by policy to be publicly accessible in accordance with private and communal amenity space requirements. Also, this design responds well to the constraints of the site, and in providing car parking space, to meet the needs of the residents and users of the retail space. Further, the proposed layout will provide better accessibility and safety for pedestrians, where the north - south and east west routes are to be improved and a series of plazas provided, that include public child play space.
- 8.55 Along Cardigan and Anglo Roads, the development will define the street edge with four/ five storey residential accommodation, including appropriate setbacks at the higher levels. When viewed from Roman Road, the proposed massing will generate sufficient interest with minimal impact on the setting of the Listed Building. With choice of sympathetic materials, brickwork and well proportioned windows; it will achieve adequate transition in character. Use of materials will be conditioned appropriately.
- 8.56 By re-introducing active retail at ground floor, Gladstone Place and Gladstone Walk will receive a fresh lease of life and has the potential to become a successful place. Further, the alignment of building E with Cruden House, including defined entrances, fits well within the context. Blocks A, B, C, D and E are generally well designed with appropriately sized units.
- 8.57 The site will continue to be serviced from Cardigan Road for proposed retail at ground floor and parking spaces. Whilst objections have been received over the lack of active frontage, this location is the only viable vehicular access point for the site, with limited impact on the surroundings. With careful site management and articulation of ground floor gates, green wall and residential entrances; any impact on existing houses should be mitigated. The quality of external finishes and detailing is critical in ensuring promised design quality. Also, proposed CCTV and dedicated security point adjacent the car park entrance should mitigate the anti-social behaviour concerns along this frontage as raised by the public.
- 8.58 The GLA stage 1 report states that "*the development concept and the scale of the development are largely supported*". Whilst the stage 1 report identified a number of design elements that could be improved, including the need for more double aspect dwellings and reconfiguration of block E for safety reasons, these matters are not considered to be

strategic nor sustainable reasons for refusal. Notwithstanding this, the applicant has amended the scheme to increase the total provision of dual aspect units to 77 as well as committing to improve lighting and CCTV along the north and south elevations of block E.

- 8.59 On balance, the bulk and massing of the development is considered to be acceptable. The proposal generally meets the Council's UDP design & conservation policies. The site layout and contribution to public realm responds well to the urban context. The development presents a good opportunity to reinvigorate Gladstone Place and the Roman Road district centre. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

Tall Building

- 8.60 The London Plan defines a tall building as one that is significantly taller than their surroundings, has a significant impact on the skyline and is larger than the threshold sizes for the referral of planning applications to the mayor.
- 8.61 The IPG defines a tall building as buildings generally exceeding 30 metres in height, or which are significantly higher than the surrounding buildings, dependent on the scale of existing development and the character of the area. The development is not considered to be a tall building in accordance with the London Plan and the IPG since the development was not referable to the mayor under the tall building criteria. Whilst the proposed development exceeds the height of the existing commercial development on the site, the majority of the development is between 5 and 6 storeys, apart from building A which is 10 storeys. There are buildings up to 4 storeys adjacent to the development to the north, south and west and a 22 storey building adjacent to the site to the west (Brodick House)
- 8.62 Notwithstanding, the development has been assessed against the tall building policies within the IPG given the concerns raised by the public. 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.
- 8.63 The site is not within an identified tall building cluster. The design quality of the development will create a landmark that has the potential to act as a catalyst for the regeneration of the surrounding area. The height of Block A reflects the larger grain development to the west of the site. Also, the height of the building would guide legibility along Roman Road where the site will be an anchor for economic activity in the area.
- 8.64 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 satisfies the relevant policy criteria as follows:
- The design is sensitive to the local and wider context.
 - 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 public realm 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). Nonetheless, the building is considered to provide an appropriate contribution to the skyline.
 - Visually integrated into the streetscape and the surrounding area as a landmark building.
 - Presents a human scaled development at the street level.
 - Respects the local character and seeks to incorporate and reflect elements of local distinctiveness.

- On balance, there will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency.
- 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 relatively 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.
- The scheme would conform to Civil Aviation requirements.
- Whilst a TV reception report was not submitted, a s106 agreement will be secured to monitor and mitigate any impacts upon TV reception.

8.65 The Council's Design and Conservation Officer and the Mayor considered the proposal to be acceptable in terms of building height. Further, English Heritage raised no objection to the scheme.

8.66 On balance, in accordance with London Plan and the IPG, the proposal scores merit for its response to the context, evolution of form, distinct character, high design quality and generous public realm. The height of the building is therefore considered to be acceptable.

Built Heritage

8.67 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building or Conservation Area to have special regard to the preservation of the setting of the listed building or Conservation Area, as the setting is often an important part of the building or areas character.

8.68 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character. 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 a listed building. Further, CON2 states that development that would affect the setting of a Conservation Area will be granted only where it would preserve or enhance the special architectural or historic interest of the Conservation Area.

8.69 As mentioned earlier in this report, no part of the development is located in a conservation area. However, the site is adjacent to the Roman Road conservation area and the Grade II listed Passmore Edwards Public Library.

8.70 Notwithstanding, English Heritage has raised no objection to the proposal; rather, they advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

8.71 Also, the Council's Design and Conservation team has advised that the proposal would enhance the character of the Conservation Area along Roman Road and Gladstone Place in contrast to the existing development upon the site. The affect on Cardigan Road is considered moderate; however, this can be mitigated at the detailed design stage for its external appearance. As mentioned earlier, the use of materials will be conditioned appropriately.

8.72 The proposal is therefore considered to be appropriate in accordance with PPG15, the

London Plan and the IPG.

Amenity/Open Space

8.73 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 ²)
Family Units	49	50sqm of private space per family unit	2450
Non-family units	159	50sqm plus an additional 5sqm per 5 non-family units;	209
Child Bed spaces	93	3sq.m per child bed space	279
Total	208		2938

8.74 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	2	6	12
1 Bed	81	6	486
2 Bed	76	10	760
3 Bed	30	10	300
4 Bed	4	10	40
TOTAL	193		1598
Ground Floor Units			
3 Bed	9	50	450
5 Bed	6	50	300
Total	15		750
Grand Total	208		2348
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	248 (50sq.m plus 198sqm).
Total Housing Amenity Space Requirement			2596sqm

8.75 In total, the proposed development will provide 1,101sqm of communal amenity space and 2,131sqm of private amenity space within the site. It will also provide 986sqm enhanced public realm within the site boundary and 1,157sqm beyond the site boundary as a s106 contribution. In total, the development will provide 3,232sqm of private and communal amenity space and 2,143sqm of enhanced public realm.

8.76 The enhanced public realm will include a widened, hard landscaped pedestrian link between Gladstone Place and Vernon Road, and improved connections to the north of the proposed supermarket along Gladstone Walk and to the north and south of building E. The public realm will be integrated with the proposed pocket park within the south western corner of the site. The area at podium level above the proposed parking area and supermarket will form a private and communal courtyard space, including private gardens, children's play space and a soft communal amenity area.

- 8.77 All of the proposed residential units, with the exception of a limited number of 1 bed apartments, will be served by private amenity space in the form of private gardens or balconies.
- 8.78 A range of amenity space is therefore provided as part of the proposed development. The proposed amenity space will complement existing areas of public space in the vicinity of the application site, including Victoria Park (approximately 400 to 500 metres to the north) and Mile End Park (approximately 750 metres to the west).
- 8.79 Taking account of the site's urban, district centre location and the scale and character of the proposed development, it is considered that the scheme will provide adequate amenity space in accordance with UDP Policy HSG16 and Policy HSG7 of the IPG, despite objections raised by the community.

Child Play Space

- 8.80 London Plan Policy 3D.13 requires developments that include residential units to make provision for play and informal recreation, based on the expected child population. The applicant has not submitted an estimated child occupancy rate. Using the methodology within the Mayors SPG, this development will be home to 93 children (being 36 under 5 year olds; 35, 5 to 11 year olds; and 22, 12 to 16 year olds).
- 8.81 Using the Council's methodology for calculating child play space, the scheme will be home to 60 children. The methodology for this calculation is inline with the Council's capacity study for education. As this document is only supporting evidence to the IPG, the mayor's methodology would appear to be the more realistic calculation.
- 8.82 Whilst both the UDP Residential Standards SPG and the IPG prescribe 3sq.m per child bed space, paragraph 4.29 of the Mayors child play space SPG states that a benchmark standard of 10sq.m per child should be applied to establish the quantitative requirements for play space provision for new developments. This equates to a requirement of 930sq.m recreation space.
- 8.83 The applicant has stated that 48sq.m of play space and 1,134 sq.m amenity space will be provided within the development. Two courtyard spaces are proposed in addition to communal space provided on the roof space of blocks B and D. This is in addition to a 232sq.m publicly accessible pocket park that is being provided by the development. The spaces have been designed so as to provide passive and active areas and amount to 1,414sq.m of play and recreational space.
- 8.84 The children's play space within the development will be designed for children under six and will include equipment such as climbing frame, sand pit and educational fixed toys. The passive spaces will include grassed area with seating. Whilst the applicant has indicated materials to be used and demonstrated on the plan the design of the courtyard spaces, further illustrative material is required to ensure the quality of the proposed spaces are achieved. This will be conditioned appropriately.
- 8.85 The pocket park will act as a community facility, and will also provide play space for children from the development up to 12 years old. By using more adventurous equipment, including climbing walls and a tree play fort.
- 8.86 Whilst specific facilities are provided for 0 – 5s and 6 – 11s age groups, the applicant has provided no details on provision for the 12 – 16 year olds. The GLA stage 1 report states that if *“off-site provision is to be used, then the location, size, suitability and quality of the space should be illustrated, including demonstrating a clear and safe route from the development to the space, that should meet the distance criteria of the Mayors SPG”*.

- 8.87 The applicant has advised that it is not possible or appropriate to provide onsite provision of outdoor play space for the 12 – 16 year old group. Victoria Park is a large urban park with a range of recreational facilities including pitches, tennis courts and a running track. The needs of 12-16 year olds are therefore adequately catered for in the local area. This response has been accepted by the GLA.

Summary

- 8.88 It is clear that the open space provision exceeds the minimum requires of the Council's housing SPG and the Interim Planning Guidance. Whilst not all of the units are provided with private amenity space, the development provides significant communal open space. The applicant is also proposing to improve public realm, including a new pocket park. The proposed child play space is also considered to comply with relevant national and local policies and guidance.
- 8.89 On balance, the amenity space provision is considered acceptable subject to a detailed landscape design condition and s106 contribution towards open space and public realm improvements to mitigate and adverse impact upon the surrounding open space areas.

Accessibility and Inclusive Design

- 8.90 The access statement indicates that 10% of the units will be wheelchair accessible in accordance with Council policy. The scheme should be conditioned appropriately to ensure that this is provided for. The scheme has also been conditioned to ensure the proposed disabled parking spaces are provided and maintained.
- 8.91 The affordable and market housing elements have been designed to incorporate full Lifetime Homes standard requirements and will be conditioned appropriately.
- 8.92 The GLA has raised concern over the schemes accessibility and inclusive design standard, in accordance with policy 4B.5 of the London Plan. The particular issue raised concerns the use of ramps on the podium deck. Again this matter is not considered to be strategic where the applicant has advised that the gradient of the access ramp complies with the building regulations, ensuring accessibility issues are appropriately addressed. As such, this is not considered to be a sustainable reason for refusal.

Safety and Security

- 8.93 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.
- 8.94 The Metropolitan Police raised a number of design issues with the scheme regarding the safety and security of the development, as mentioned earlier in this report. These matters have been addressed satisfactorily by the applicant following amendments. The scheme will also be conditioned appropriately to ensure a number of proposed mitigation measures are implemented in consultation with the Metropolitan Police.

Amenity

Daylight /Sunlight Access

- 8.95 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.

- 8.96 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.
- 8.97 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.
- 8.98 The following properties were assessed for daylight and sunlight, particularly in response to objections received and where they are considered to represent worst case scenarios:
- No. 568a Roman Road (Emerson Building) to the north;
 - No's 36 to 60 Cardigan Road to the east;
 - 1 to 10 Dornoch House and Lord Cardigan Public House to the south; and
 - 11 to 16 Cruden House and Brodick House to the west.
- 8.99 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).
1. Daylight Assessment
- 8.100 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.
- 8.101 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.
- 8.102 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines.
- a. Daylight Results: Impacts on Neighbouring Properties*
- 8.103 Overall, of the 109 windows assessed, 62 will comply with the VSC target levels. Given that a number of neighbouring windows will receive VSC levels below the relevant BRE target levels, ADF calculations have been undertaken. It is important to reiterate that the calculation of ADF provides a more rigorous and accurate assessment of the level of daylight received by a room than the calculation of VSC as it takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s)
- 8.104 The ADF results show that 92 of the 105 rooms assessed (not including Brodick House) will comply with the respective BRE target levels (87% compliance). The rooms assessed that will receive interior daylight levels below the BRE guide levels represent isolated rooms within No.568a Roman Road (3 rooms) and Dornoch House (10 rooms). In the case of the majority of these rooms, the breach of the guide is marginal and not sufficient to realistically sustain a refusal. The majority of these rooms are kitchens and are within 0.5% of the respective target level (2%), and comply with the relevant target for living rooms (1.5%). In accordance with advice from Council's sunlight/daylight officer and the sites urban context,

this impact on balance is considered acceptable.

- 8.105 Objections have been raised from residents of Dennis House to the north of Roman Road. However given the separation distance of approximately 50 metres, any impact is considered to be minimal and not requiring a detailed analysis.
- 8.106 The impacts of the development on the northernmost, east facing ground floor level window within Brodick House that will be most affected by the development was assessed. This window represents the worst case scenario and the resultant VSC level resulting from the proposed development would be above the BRE guide level.

b. Daylight Results: Impacts on Proposed Units

- 8.107 The results of the interior daylight calculations undertaken for the 588 proposed main rooms and bedrooms within the development, demonstrate that 498 rooms will comply with the respective BRE interior daylight guide levels (85%). The windows that will receive levels of daylight below the BRE guide levels are principally situated beneath balconies, which in themselves have high amenity value.

2. Sunlight Assessment

- 8.108 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.

a. Sunlight Results: Impacts on Neighbouring Properties

- 8.109 The results of the sunlight assessment demonstrate that all 53 of the south facing neighbouring windows assessed will comply with the BRE annual sunlight guide levels (100% compliance). In addition, 49 of the 53 windows will comply with the BRE winter sunlight guide levels (92% compliance). Those that don't comply but one would be within 2% of the guide level.

b. Sunlight Results: Impacts on Proposed Units

- 8.110 The sunlight results for the 356 south facing windows serving main rooms/bedrooms within the proposed units demonstrate that 216 windows will comply with the BRE annual and winter sunlight guide levels (61% compliance). The windows that will receive levels of sunlight below the BRE guide levels are generally either situated directly beneath balconies or are at a low level overlooking the courtyard.
- 8.111 On balance, it is acknowledged that there will be a loss of daylight/sunlight to both proposed units on site and to a small number of existing neighbouring buildings as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.112 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the units across the scheme comply with the daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

(c) Shadow Analysis

- 8.113 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 21st of March.
- 8.114 The applicants assessment confirms that the amenity areas surrounding the site will not experience permanent shadow beyond the permitted limits indicated within the BRE guideline. Similarly, whilst objections have been received regarding the impact upon surrounding residential gardens, the applicants assessment shows that no garden will experience permanent shadow beyond the permitted limits indicated within the BRE guideline.
- 8.115 The assessment also considers the impacts upon the proposed areas of amenity space, including the public realm, podium deck, pocket park and the ground floor/ podium private garden areas. The analysis identifies that the permanent shadow resulting from the development within each of the proposed areas of amenity space/public realm will be well below 40% of their total area, as advised by the BRE guidance. The shadow impacts therefore comply with the BRE guidance.

Privacy/ Overlooking

- 8.116 A number of the objections raised concerns with reference to the potential overlooking from the development and the resulting loss of privacy. The particular sites that may be impacted upon are addressed below. The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where 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 depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

- 8.117 • No. 568a Roman Road to the north

The positions of the windows in the north elevation facing No. 568a Roman Road have been adjusted to ensure the opposing windows are offset and an inset in the face has been provided to ensure a setback distance of approximately 15 to 18 metres. Separation distances such as these are not uncommon in urban settings and are considered appropriate in this instance.

- 8.118 • No's 36 to 60 Cardigan Road to the east

The minimum separation distance between the eastern elevation and these neighbouring dwellings is a minimum of approximately 16m. The separation distance is generally in compliance with policy guidance and, in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

- 8.119 • Lord Cardigan Public House to the south

The minimum separation distance between the southern elevation of the development and the Lord Cardigan Public House is approximately 15m. It is understood that the first floor level of the public house is used for ancillary accommodation and is therefore considered to be commercial in type. As such, these rooms are not considered as habitable in line with Council policy. The 18m policy guidance therefore does not apply.

- 8.120 • 1 to 10 Dornoch House to the south

The minimum separation distance between the southern elevation and these neighbouring dwellings is approximately 17m. The separation distance is generally in compliance with policy guidance and in consideration of the urban setting and width of the street, the setback distance on balance is considered acceptable.

8.121 • 11 to 16 Cruden House to the west

There is a separation distance of approximately 23 metres between adjacent habitable windows. The separation distance exceeds the policy direction and is therefore considered acceptable.

8.122 • Impact of the development upon itself

The separation distance between windows within Block E is below the guideline distance, at approximately 16 metres. The opposing windows however have been offset to prevent direct overlooking and are therefore considered acceptable.

8.123 The separation distance between windows within Blocks A and E is below the guideline distance at approximately 14 metres. The only windows of concern are on levels 1 and 2. However, these are generally offset to prevent direct overlooking and are on balance considered acceptable.

Sense of Enclosure/ Loss of Outlook

8.124 Unlike, sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, whilst it is acknowledged that the development may result in an increased sense of enclosure and/or loss of outlook to surrounding residences given the increase in height, on balance this proposal is not considered to create an unacceptable impact given the urban context and where the scheme is generally compliant with the setback guidance that governs privacy matters. A reason for refusal based on these grounds is not considered to be sustainable.

Wind/ Microclimate

8.125 Members of the public have concerns regarding the potential impacts that may arise from wind. The applicant has not undertaken a Wind Assessment. Notwithstanding, potential wind effects that require specific assessment are generally caused by tall buildings beyond the height of the proposed scheme.

8.126 As mentioned above, the scheme is not considered to be a tall building. The GLA stage 1 report does not assess the development against the tall building policies, which must consider wind impacts. Further, there is no objection from the GLA regarding the height of the scheme or any impacts caused by wind. It is acknowledged that most developments that intensify the existing situation would materially affect the wind environment. However, any wind impacts caused by this development are considered to be appropriate for the scale of this development. Notwithstanding this, to address the public concern, the landscape condition should consider the resultant wind environment to the public realm.

Noise and Vibration

8.127 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.14).

- 8.128 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.
- 8.129 A supplementary noise assessment was submitted which considers impacts upon the surrounding environment during the construction phase and the operation phase. The main noise sources of concern would typically be as follows:
- Construction
 - Deliveries to the store
 - Service yard activity at the store
 - Car park activity associated with the store and the residential car park
 - Fixed plant associated with the store.
- 8.130 The Council's noise officer found the noise assessment to be acceptable. The scheme will be conditioned to apply restricted construction and operation hours, delivery, noise and vibration limits to ensure the amenities of surrounding and future residents will be protected.
- 8.131 Notwithstanding this, as mentioned earlier in the report, the delivery hours for the previous supermarket were restricted as follows:
- No deliveries to the Store shall be received other than on Sundays between the hours of 10.00hrs and 14.00hrs with a maximum of two lorries, nor on Bank Holidays other than between the hours of 8.00hrs and 14.00hrs with a maximum of two lorries, nor on Monday to Saturday other than between the hours of 07.30hrs and 18.00hrs for a period of 12 months from the date of the permission.
 - In addition, a s106 agreement was entered into to exclude delivery traffic from the locality of the store until the appropriate times.
- 8.132 LBTH Environmental Health Department identified more extensive delivery hours in considering the applicants noise report. However, given the residential nature of the surrounding environment and the previous planning approval history for the site as a supermarket, the applicant has agreed to operate the store in accordance with the previously approved delivery hours. Also, the applicant has agreed to enter into a s106 agreement to exclude delivery traffic from the locality of the store until the appropriate times.

Air Quality

- 8.133 The development would result in changes to traffic flow characteristics on the local road network. Potential impacts caused by the proposed development on local air quality has been assessed, and was found to be acceptable by the Councils' Environmental Health department.
- 8.134 In order to mitigate any potential impacts and to address concerns raised by the public, a Construction Environmental Management Plan (CEMP) will be required setting out measures to be applied throughout the construction phase, including dust mitigation measures.
- 8.135 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 by condition via a travel plan.

Highways

Access

- 8.136 The proposed development is bounded by Anglo Road, Cardigan Road and Gladstone Place. Cardigan Road, the main frontage to the site, is not well connected to the Transport for London Road Network (TLRN) as the A12 East Cross Route is 650m east and the A11 Bow Road 1000m south. The nearest section of the Strategic Road Network (SRN) is the A110 High Street, terminating at Bow Interchange, 1500m east of the site. Roman Road is part of the London Cycle Network but the route does not connect directly to the site. There are 3 bus routes within a 285m walk from the site; routes 8, 339 and S2. Bow Road Underground and Bow Church DLR stations are approximately 951m and 958m respectively south from the proposed development.
- 8.137 The public have raised objection to the impact of the scheme upon the transport system in the area. Whilst the applicants transport assessment identifies the site as having a PTAL score of three, TFL has advised that the site has a PTAL score of two. Notwithstanding, the accessibility level and current service is considered to be acceptable for the proposed development, particularly given the proximity of the development to the town centre and the proposed supermarket on the site.
- 8.138 Also, the public have raised objection to increased congestion within the surrounding streets. The LBTH highways department did not object to the scheme on these grounds, particularly given the existing trips generated by the existing use of the site as a car park and the previous retail development.
- 8.139 The public also objected to the scheme based on the impact of the development upon the accessibility of Cardigan Road from Roman Road. The applicant provided turning circle diagrams for this junction showing acceptable movement which neither TFL nor the Highways department have objected to.
- 8.140 Residents have raised concern regarding impacts associated with the construction traffic. As such, the scheme has been conditioned to provide an Environmental Construction Management Plan to mitigate any potential impacts.

Parking

Car parking

- 8.141 The proposed car parking provision is 104 spaces which represents a reduction from the 140 spaces on site at present. 72 spaces will be for residential parking whilst a further two space will be used as car club spaces (this represents a parking ratio of 0.35 which is well below the maximum standard). The allocated residential spaces will include 7 disabled spaces.
- 8.142 The remaining 30 spaces are pay and display for the retail elements of the scheme, including 4 disabled spaces). A further 10 residential and 4 commercial motorcycle spaces have been provided at the request of the LBTH Highways department.
- 8.143 The public have raised concern that the scheme provides insufficient parking spaces and as such, there will be an overspill from the development upon the surrounding street. Both TFL and the LBTH Highways Department have found the car parking provision for the residential and commercial elements of the scheme to be policy compliant. 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 should be no overspill parking from the development. The scheme will also be conditioned to comply with a travel plan to ensure residents are committed to using more sustainable forms of transport.
- 8.144 Also, the public are concerned that the removal of the existing car parking (ex-Safeway site)

will have an impact on the success of the Roman Road markets. It must be noted that the existing car park was approved ancillary to the operation of the supermarket. It has been mentioned earlier in this report that the success of the district centre is dependant on the provision of a supermarket in this area. TFL has confirmed that the number of car parking spaces proposed for the commercial premises is acceptable.

- 8.145 Objection has been raised where there is no taxi drop-off/ pick-up area. According to the IPG, the requirement for a taxi pick up/set down area is to be determined on a case by case basis, subject to the Transport Assessment results. Neither TFL nor the LBTH Highways Department have objected to the scheme where a taxi area has not been provided.

Cycle Parking

- 8.146 Planned provision of 1 cycle parking space per residential unit complies with TfL's and the Council's cycle parking standards. The 21 spaces proposed for the commercial element of the scheme also meet the levels required (229 spaces in total). It is supported that the cycle parking will be secure and covered. The public has raised concern that the cycle parking areas will encourage thieves in this area. TFL have requested that the cycle parking spaces be covered by CCTV to discourage thieves. As such, to address TfL's comments and to address public concerns, the scheme should be conditioned appropriately.

Servicing and Refuse Provisions

- 8.147 Currently the site has two vehicular accesses onto Cardigan Road: One for the car parking and one for service vehicles. The car park access will be retained for the new development proposal and merged into a combined access for residents, visitors, delivery and service vehicles. The access will be widened to allow a private access into the basement car park for residents, and an opening into the pay and display parking area for shoppers.
- 8.148 As stated, delivery vehicles will also share this entrance with residents and visitors. Delivery vehicles will enter through this entrance, drive into an enclosed delivery area, service the site and then leave through a second exit onto Cardigan Road. A series of track plots were carried out to ensure articulated vehicles can enter and exit the designated servicing area without any hazardous movements.
- 8.149 Amendments to the scheme have been made to increase pedestrian safety at these access points to address safety concerns raised by LBTH Highways Department. Also, a condition requiring the submission of a service and delivery management plan to be approved by the Council is required to ensure personnel are always present at the time of deliveries, to ensure the protection of pedestrians crossing the access road, as well as mitigating any potential impact upon Cardigan Road. This is considered sufficient in addressing the safety concerns raised by the public.
- 8.150 Provision for the storage of refuse for the residential and non-residential uses has been provided for. Amendments to the scheme have been made at the request of LBTH cleansing department to facilitate refuse collection on Anglo Road, including the introduction of dropped curbs and the introduction of managed refuse collection point for Blocks A and E. Objection has been raised by the public over any proposed loss of existing parking spaces on adjacent roads to meet servicing requirements. The applicant has advised that in order to meet the servicing requirements, the current spaces on Anglo Road need to be reshuffled, however their survey confirms that these spaces can continue to be accommodated within Anglo Road without any loss. The Council's parking services has raised no objection to this proposal subject to a Traffic Management Order. It is recommended that a condition be included to ensure the adequate management of the refuse and recycling facilities is provided.

Other

Biodiversity

- 8.151 Objection has been raised over the proposed removal of two existing trees along Anglo Street. The development site is not designated for its ecological importance and is considered to be poor in terms of plant diversity and abundance. The existing trees are not protected by a tree preservation order. Notwithstanding, the applicant is proposing to retain a number of the existing trees along the north-south public realm route. The scheme will be conditioned to include native species in the landscaping scheme, also, requiring the creation of brown/green roofs.

Flooding/ Water Resources

- 8.152 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.
- 8.153 The site is not located in a flood risk area. Notwithstanding, appropriate mitigation measures should be enforced via planning conditions if permission was granted to address drainage matters.

Archaeology

- 8.154 PPG16 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Whilst the site is located within an Archaeological Priority Zone as specified within the UDP and the IPG, English Heritage is happy to accept appropriate conditioning of the scheme where planning approval is granted.

Sustainability

- 8.155 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide 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.
- 8.156 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.
- 8.157 The applicant submitted an energy and sustainability strategy. In response to comments made by the Council, GLA and objections made by the public the proposal has been revised as follows.
1. The proposed passive design and energy efficiency measures will represent a 5% reduction in the Building Emission Rate, for both the residential and retail schemes
 2. A single energy centre is proposed with a designated plant area within the basement area of the main block. This is detailed on the architectural drawings within the planning submission. A woodchip delivery pit will also be provided within the retail loading bay above to allow for biomass deliveries.
 3. A gas fired CHP system is now proposed to act as the lead boiler which has been sized to meet the domestic hot water load, the system has been provisionally sized to 80 kWe in conjunction with substantial thermal storage to cater for the predicted steady-state residential domestic hot water base load and should be able to provide a minimum 10% CO2 reduction across the development, compared to a standard Part L compliant scheme.
 4. A woodchip biomass boiler is proposed to meet the renewable energy target and will

be sized to operate during the heating season to provide heat which should further reduce the scheme's carbon emissions by approximately 15%. The size of the biomass boiler will be in the region of 200-300kW, dependent on detailed design analysis. During heating peaks the natural gas condensing boilers will fire to meet the maximum demand

5. The original scheme proposed 35% of the residential elements of the scheme (affordable units) will achieve a Code Level 3 – Code for Sustainable Homes. To comply with the Sustainable Design and Construction policies set out in the London Plan and the LBTH Interim Planning Guidance an assessment against the Mayors sustainable Design and Construction SPG has been completed and the scheme will be extended to meet Code Level 3 – Code for Sustainable Homes for all of the residential units. The financial implication of this is yet to be assessed and shall be completed at the detailed design stage, if there are no financial implications affecting the viability of the scheme than the whole residential development shall meet Code Level 3.

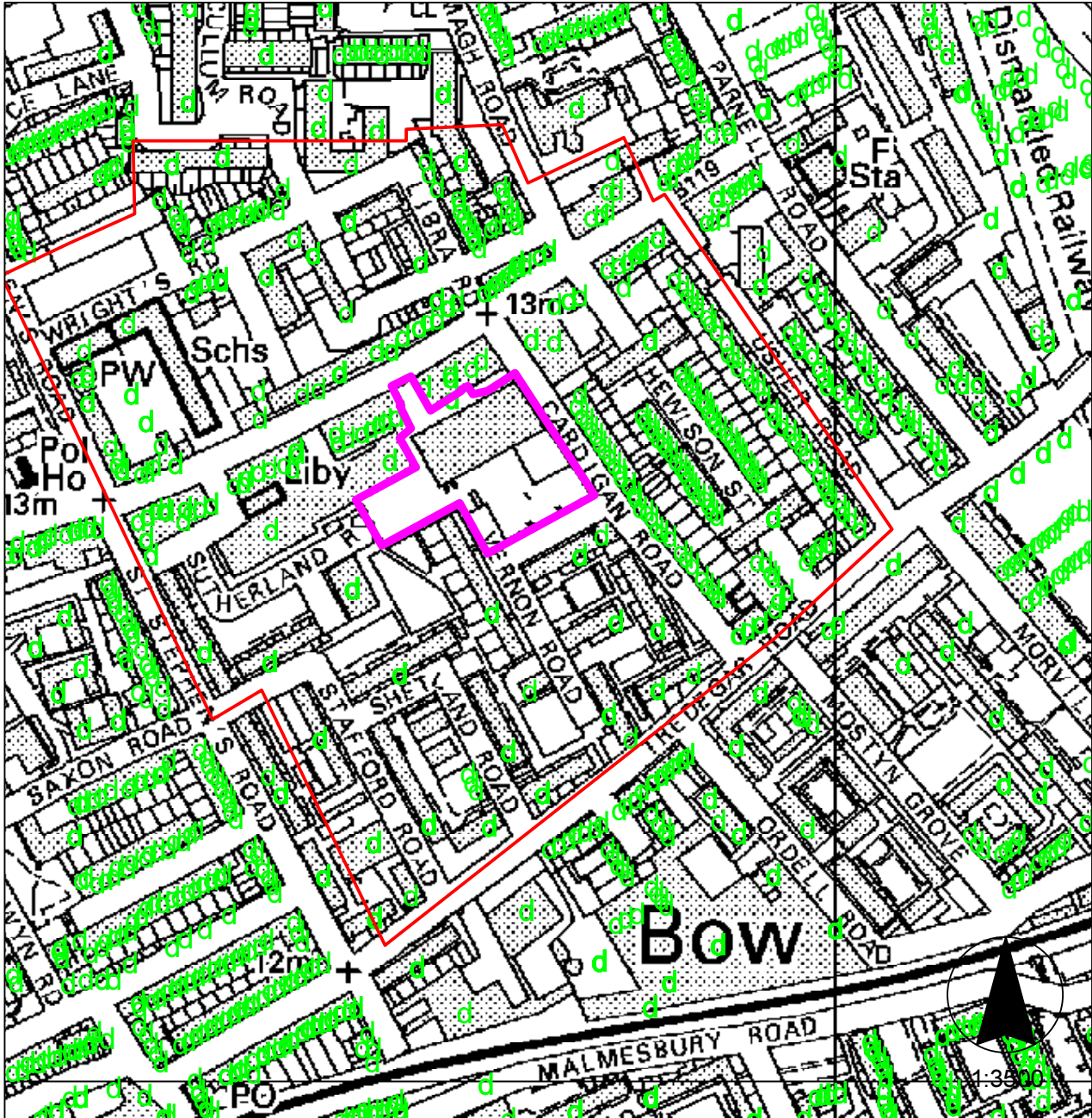
8.158 Since the energy strategy for this development has been revised, the Council's Energy Efficiency Unit confirms that it now complies with the energy efficiency, renewable energy and sustainable design and construction policies set out in the London Plan and LBTH IPG.

8.159 Whilst final comments have not yet been received from the GLA on the amended energy strategy, pursuant to the Energy Efficiency Unit's advice, the proposal is acceptable subject to conditions to provide the design details before the commencement of 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
- Land Parcel Address

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

STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 10 JULY 2008

DECISIONS ON PLANNING APPLICATIONS

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lutfa Begum. Councillor Rania Khan deputised in her place.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Type of Interest	Reason
Shafiqul Haque	All	Personal	Correspondence received on all applications.
Shafiqul Haque	7.1	Personal	Owns a property on Christian Street approximately 500 yards from site.
Shafiqul Haque	7.1; and 7.2	Personal	Involved in Cabinet decisions relating to sale of land and development plans.
M. Shahid Ali	6.1; 7.3; and 7.4	Personal	Resident of ward in which application site is situated.
M. Shahid Ali	7.2	Personal	Communication received from parties involved
Shahed Ali	6.2; and 7.2	Personal	Representations received
Shahed Ali	7.1	Personal	Resident of the estate involved in the application
Alibor Choudhury	6.2	Personal	Representations received
Stephanie Eaton	7.2	Personal	Representations received
Ahmed Omer	7.2	Personal	Application is within Councillor's ward
Josh Peck	7.1; and 7.2	Personal	Lead Member with responsibility for sale of Council land. Involved in Cabinet decisions relating to sale and development plans.

Marc Francis (in attendance)	7.2	Prejudicial	Old Ford Housing Association Board Member
Ann Jackson (in attendance)	7.2	Personal	Site within Councillor's ward. Lives in the vicinity of the site.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 29th May 2008 were agreed as a correct record, subject to the following amendment (in italics):

“Mr Warwick Croucher spoke in objection on the grounds of height, scale, bulk, density and the effect on daylight/sunlight. He felt that the proposals would be contrary to planning policies, local guidance notes and national standards.”

4. RECOMMENDATIONS

The Committee RESOLVED 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 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

The Committee noted the position in respect of Deferred Items.

6.1 Car Park at South East Junction of Prestons Road and Yabsley Street, Prestons Road, E14

The Committee unanimously RESOLVED that planning permission for the erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; 8 x 5 bed), 49 car parking spaces at basement level, communal open space including roof gardens and associated works at the car park at south east junction of Prestons Road and Yabsley Street, Prestons Road, London E14 be GRANTED 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 37% of the proposed habitable rooms with a 76/24 (social rented/intermediate) split between rented/shared ownership to be provided on site.

- 2) A contribution of £198,784 to mitigate the demand of the additional population on health care facilities.
 - 3) A contribution of £234,498 to mitigate the demand of the additional population on education facilities.
 - 4) A contribution of £75,000 for the civic works required and upgrading the lights and controller and £75,000 to TfL/DTO for a commuted sum of ten years to ensure the operation of the lights.
 - 5) £30,000 for the upgrade of pedestrian links to Blackwall Station.
 - 6) Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
 - 7) Preparation, implementation and review of a Green Travel Plan.
- C That the Corporate Director of Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D 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:
 - 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 hard and soft landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures)
 - f) The design of the lower floor elevations of commercial units including shopfronts
 - g) Escape doors
- 3) Details of the design and the proposed use of the commercial use on the ground floor to be submitted and approved
- 4) Details of site foundations
- 5) Details of the basement car park and access ramp
- 6) The storage and collection/disposal of rubbish
- 7) Parking – maximum of 49 cars (including 6 disabled spaces) and a minimum of 141 residential and 2 non-residential bicycle parking spaces
- 8) Investigation and remediation measures for land contamination (including water pollution potential)
- 9) Archaeological investigation
- 10) Secure by Design Statement
- 11) Construction Environmental Management Plan, including dust monitoring
- 12) Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures

- 13) Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design purposes
- 14) 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
- 15) Limit hours of power/hammer driven piling breaking out to between 10.00 hours to 16.00 hours Monday to Friday
- 16) Ground borne vibration limits
- 17) Noise level limits
- 18) Details of the disabled access and inclusive design
- 19) Details of the highway works surrounding the site
- 20) Any other conditions considered necessary by the Head of Development Decisions

Informatives

- 1) Section 106 agreement required
- 2) Section 278 (Highways) agreement required
- 3) Construction Environmental Management Plan Advice
- 4) Environment Agency Advice
- 5) Ecology Advice
- 6) Environmental Health Department Advice
- 7) Metropolitan Police Advice
- 8) Transport Department Advice
- 9) London Underground Advice
- 10) Landscape department advice
- 11) Contact the GLA regarding the energy proposals

E That if by 10th October 2008, the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

6.2 St Georges Estate, Cable Street, London

On a vote of 4 for and 1 against, the Committee RESOLVED that planning permission for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed) and the erection of four townhouses and a community centre of 510 sqm and landscaping at St Georges Estate, Cable Street, London be DEFERRED to enable further negotiation in respect of increasing the amount of affordable and altering the mix of social rented accommodation.

(Councillor Rania Khan could not vote on the application as she had not been present at the previous meeting when the application had been considered).

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site at Bishop Challoner School, Christian Street, E1 1SE

On a vote of 4 for and 3 abstentions, the Committee RESOLVED that planning permission for the demolition of existing buildings and the redevelopment to provide 214 residential units including affordable housing, in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre, public open space extending to 4,546 sqm incorporating a new public open square, sports pitch provision and an extension to Ropewalk Gardens, car parking, landscaping and associated infrastructure works at Bishop Challoner School House, Christian Street, E1 1SE be GRANTED subject to

- A Any direction by The Mayor
- B The prior completion of a legal agreement to secure the following planning obligations:
 - 1) A proportion of 35.2% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8 of the agenda report;
 - 2) Provide £122,000 towards transport improvements;
 - 3) Provide £370,260 towards education to mitigate the demand of the additional population on educational facilities
 - 4) Provide £300,417 towards medical facilities to mitigate the demand of the additional population on medical facilities;
 - 5) Provide £257,323 towards community facilities (in addition to delivery of the community centre building – being a minimum of 580 sq m);
 - 6) £20,000 for DAISY boards; and
 - 7) Car Free, travel plan, car club, TV reception monitoring/mitigation, local employment initiatives.
- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D 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) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - a) External appearance and materials board
 - b) Balcony details
 - c) Landscape plan for private gardens and ground floor public realm improvements including children's playspace and sports pitch.
- 3) Parking maximum cars comprising 2 x accessible spaces and 3 x car club spaces
- 4) Hours of construction limits (0800 – 1800m, Mon-Fri; and 0800 – 1300 Sat)
- 5) Piling hours of operation limits (1000 – 1600 Mon-Fri)

- 6) Wheel cleaning facility during construction
- 7) 10% renewables required
- 8) Full land contamination study required to be undertaken with remediation certificate
- 9) Method of piling as required by EA
- 10) No soakaways in contaminated land as required by EA
- 11) Oil bypass interceptors prior to discharge into any watercourse as required by EA
- 12) Program of archaeology as required by EH
- 13) Construction in accordance with the noise and vibration report
- 14) Full details of the recycling facilities
- 15) Details of green roofs
- 16) Lifetimes homes standards and 10% wheelchair accessible required
- 17) Sustainable homes standard required
- 18) Full CHP details
- 19) Condition requiring a S278 agreement
- 20) Any other conditions required by the Corporate Director Development & Renewal

Informatives

- 1) Subject to S106 agreement
- 2) Consult the Environment Agency in terms of conditions 9-11
- 3) Consult Metropolitan Police in terms of conditions 2
- 4) Consult Network Rail in respect of demolition, plant/scaffolding/cranes locations, excavations and footings, drainage, fencing, landscaping and Party Wall Act 1996 matters and secure any necessary permissions in writing prior to commencement of works on site
- 5) Consult English Heritage in respect of the retention of the granite sets in Golding Street
- 6) Site notice specifying the details of the contractor required
- 7) EA prior approval for dewatering
- 8) Obtaining consent under the pollution act prior to commencement
- 9) Submission of an archaeological project design and consult EH Archaeology
- 10) S278 highways agreement
- 11) Drainage provision
- 12) Water supply provision
- 13) Details submitted in respect of landscaping (condition 3) to have regard for the recommendations of the microclimate study.

E 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 2 Gladstone Place, London

The Committee RESOLVED that planning permission for the demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687 sqm

retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; and 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space at 2 Gladstone Place, London be DEFERRED to further consider the concerns of the Committee.

7.3 London Arena (Phase II), Limeharbour, London E14 9TH

The Committee unanimously RESOLVED that planning permission for the amendment to the proposed application, reference PA/06/2068, permitted on 3rd October 2008, involving revised designs, layout and land uses, removing Office (B1) uses and providing 6 additional hotel rooms (143 in total), 195 services apartments, 54 additional residential units (1111 in total), additional retail floorspace, a health club and additional open space at the London Arena (Phase II), Limeharbour, London E14 9TH 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:
 - a) A proportion of 35% on a gross floor space basis of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.15.
 - b) Provide **£8,579** towards the installation of Docklands Arrival Information System (DAISY) within the London Arena development.
 - c) Implement measures to offset signal interruption to mitigate the adverse effects on DLR radio communications.
 - d) Provide a minimum of **£22,763** towards the D5 bus service or new bus service (TFL proposal) and potential new bus stops on East Ferry Road.
 - e) Provide **£7,149** towards general improvements to pedestrian and cycle routes in the area including crossings and new paving surfaces.
 - f) Provide **£4,289** towards the signalisation of the junction of Marsh Wall/Limeharbour with a green man phase.
 - g) Provide **£6,225** towards open space improvements to cater for the demand that will arise from the new housing on existing open space and recreational facilities.
 - h) Set of measures for the public realm including provision of the public piazza and access to the Dockside Walkway.
 - i) Provide **£30,018** towards education to mitigate the demand of the additional population on education facilities.
 - j) Provide **£163,375** towards medical facilities to mitigate the demand of the

additional population on medical facilities.

- k) Provide **£7,114** towards the Local Labour in Construction (LliC) programme.
- l) Provide **£4,289** towards Skillsmatch to maximise the employment of local residents.
- m) Preparation of a Workplace Travel Plan (including welcome pack for residents).
- n) Preparation of a Service and Delivery Plan.
- o) Obligations in relation to construction works (noise levels, hours of work, transport arrangements, air quality, method statements) to be secured through a Code of Construction Practice.
- p) TV Reception monitoring and mitigation.
- q) Preparation and implementation of a public art strategy including involvement of local artists.
- r) Completion of a car free agreement to restrict occupants applying for residential parking permits.
- s) Preparation of an Environmental Management Plan – post construction.

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

Conditions

- 1) Time limit for full planning permission
- 2) Details of the following are required to be submitted:
 - Elevational treatment including samples of materials for external fascia of building
 - Interface of retail areas with public space
 - The design of the lower floor elevations of commercial units including shopfronts
 - External lighting and security measures
- 3) Landscape Plan to be submitted
- 4) Landscape Management Strategy to be submitted
- 5) Biodiversity Strategy to be submitted
- 6) Details of signage to be submitted
- 7) Land contamination study required to be undertaken
- 8) Hours of construction limits
- 9) Hours of operation limits – hammer driven piling
- 10) Details of insulation of ventilation systems and any associated plant to be submitted
- 11) Details of site drainage to be submitted
- 12) Full particulars of refuse/recycling/composting storage to be submitted

- 13) Construction Management Plan to be submitted
- 14) Details of finished floor levels
- 15) Details of surface water control measures
- 16) Detailed Energy Strategy to be submitted
- 17) Black Redstarts habitat provision required
- 18) Green roofs
- 19) Construction operations and impact on dock walls
- 20) Horizontal access strip from dock wall
- 21) Materials openings and maintenance regime for boundary with DLR
- 22) Use of barges
- 23) Lifetime homes
- 24) Highways works
- 25) Archaeological watching brief
- 26) Parking plan to be submitted
- 27) Wheel wash facilities
- 28) Vibration
- 29) Health Club Management Plan
- 30) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Thames Water Advice
- 2) British Waterways Advice
- 3) Site notice specifying the details of the contractor.
- 4) Any other informative(s) considered necessary by the Head of Development Decisions

D. That, if by 10th October 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.

7.4 25 Churchill Place, London E14

On a vote of 2 for and 5 abstentions, the Committee RESOLVED that planning permission for the erection of a 23 storey office building (Use Class B1) incorporating car parking, servicing and plant at basement level, together with associated infrastructure, landscaping, and other works incidental to the application at 25 Churchill Place, London E14 be GRANTED subject to

- A. Any **direction** by **The London Mayor**
- B. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Provide **£307,249** towards the provision/conversion of pitches to AstroTurf in accordance with the Council's Sports Pitch Strategy
- b) Provide **£546,014** towards open space and public realm improvements

APPENDIX 2

- c) Provide **£655,217** towards transport infrastructure, specifically:
 - i. Canary Wharf Underground station improvements
- d) Provide **£342,415** towards social & community and employment & training initiatives, these being:
 - i. *Sustainable transport initiatives*; improvements to facilitate walking, cycling and sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan
 - ii. *Heritage and culture*; improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area
 - iii. *Idea Store*; Contribution to mitigate the increased demand upon the existing Idea Store, particularly upon the IT infrastructure and the free wireless service
 - iv. *Access to Employment*; A contribution towards the Skillsmatch Service
 - v. *Isle of Dogs Community Foundation*; A contribution towards social and community facilities
- e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(Total s106 contribution of **£1,850,895**)

Non-Financial Contributions

- f) TV Reception - mitigation of any impacts on TV Reception
 - g) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access
 - h) Code of Construction Practice - To mitigate against environmental impacts of construction
 - i) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
 - j) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal
- C. That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D. That the Corporate Director Development & Renewal be delegated authority to impose conditions [and informatives] on the planning permission to secure the following matters:

Conditions

- 31) Time Limit (3 years)
- 32) Phasing programme details
- 33) Particular details of the development
 - External materials;
 - External plant equipment and any enclosures;
 - Hard and soft landscaping; and
 - External lighting and security measures
- 34) Full particulars of energy efficiency technologies required
- 35) Sustainable design and construction.
- 36) Hours of construction

- 37) Biodiversity Action Plan required
- 38) Demolition and Construction Management Plan required including feasibility study and details of moving freight by water during construction
- 39) Noise control limits
- 40) Land contamination assessment required
- 41) Groundwater quality assessment required
- 42) Long term groundwater quality monitoring and assessment plan required
- 43) No infiltration of surface water drainage into the ground
- 44) Express consent required for piling and other penetrative foundation designs
- 45) Details of additional cycle parking spaces
- 46) Green Travel Plan required
- 47) Programme of archaeological work required
- 48) Scheme of access to new flood defences required
- 49) Drainage strategy details required
- 50) Protection of public sewers
- 51) Impact study of the existing water supply infrastructure required
- 52) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 53) Bellmouth Passage to be kept open during construction of Crossrail
- 54) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 5) Section 106 agreement required
- 6) Contact Thames Water
- 7) Contact London City Airport regarding cranes and scaffolding
- 8) Contact LBTH Building Control
- 9) Contact British Waterways
- 10) Contact Environment Agency
- 11) Contact London Fire & Emergency Planning Authority
- 12) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

E. 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.

Martin Smith
CHIEF EXECUTIVE

(Please note that the wording in this document may not reflect the final wording used in the minutes.)

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LONDON BOROUGH OF TOWER HAMLETS APPENDIX 3

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 10 JULY 2008

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

Members Present:

Councillor Shafiqul Haque (Chair)

Councillor Shahed Ali
Councillor M. Shahid Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Ahmed Adam Omer (Vice-Chair)
Councillor Joshua Peck

Councillor Rania Khan

Other Councillors Present:

Councillor Ohid Ahmed
Councillor Anwara Ali
Councillor Marc Francis
Councillor Peter Golds
Councillor Ahmed Hussain
Councillor Ann Jackson
Councillor Dr. Emma Jones
Councillor Azizur Rahman Khan
Councillor Lutfur Rahman
Councillor Oliur Rahman
Councillor David Snowdon
Councillor Bill Turner

Officers Present:

Suki Binjal	– (Interim Legal Services Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Terry Natt	– Strategic Applications Manager
Tim Porter	– (Case Officer)
Jason Traves	– (Case Officer)
Alison Thomas	– (Manager, Social Housing Group)
Owen Whalley	– (Service Head, Major Project Development, Development & Renewal)
Louise Fleming	– Senior Committee Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lutfa Begum. Councillor Rania Khan deputised in her place.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Type of Interest	Reason
Shafiqul Haque	All	Personal	Correspondence received on all applications.
Shafiqul Haque	7.1	Personal	Owns a property on Christian Street approximately 500 yards from site.
Shafiqul Haque	7.1; and 7.2	Personal	Involved in Cabinet decisions relating to sale of land and development plans.
M. Shahid Ali	6.1; 7.3; and 7.4	Personal	Resident of ward in which application site is situated.
M. Shahid Ali	7.2	Personal	Communication received from parties involved
Shahed Ali	6.2; and 7.2	Personal	Representations received
Shahed Ali	7.1	Personal	Resident of the estate involved in the application
Alibor Choudhury	6.2	Personal	Representations received
Stephanie Eaton	7.2	Personal	Representations received
Ahmed Omer	7.2	Personal	Application is within Councillor's ward
Josh Peck	7.1; and 7.2	Personal	Lead Member with responsibility for sale of Council land. Involved in Cabinet decisions relating to sale and development plans.
Marc Francis (in attendance)	7.2	Prejudicial	Old Ford Housing Association Board Member
Ann Jackson (in attendance)	7.2	Personal	Site within Councillor's ward. Lives in the vicinity of the site.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 29th May 2008 were agreed as a correct record, subject to the following amendment (in italics):

“Mr Warwick Croucher spoke in objection on the grounds of height, scale, bulk, density and the effect on daylight/sunlight. He felt that the proposals would be contrary to planning policies, local guidance notes and national standards.”

4. RECOMMENDATIONS

The Committee RESOLVED 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 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

The Committee noted the position in respect of Deferred Items.

6.1 Car Park at South East Junction of Prestons Road and Yabsley Street, Prestons Road, E14

Mr Michael Kiely, Head of Development Decisions, presented a detailed update report on the application, which had been considered at the last meeting. Members had sought clarification on the PTAL rating on which the density calculations had been based; and also asked that the views of the Corporate Director Communities, Localities and Culture be sought.

Mr Kiely advised the Committee that the PTAL map used in the original calculation had shown the site to be level 5. However, the site was in fact level 3, rising to 4 upon the completion of Crossrail. It was not felt that the change in level was sufficient to affect the officers' original recommendation. It was noted that the S106 contribution towards local transport had been calculated using TfL's analysis of the site as a level 3-4, and was therefore correct. The Committee was also advised that the Corporate Director Communities, Localities and Culture had no objection to the scheme and therefore the Committee was asked to confirm its original decision.

The Committee unanimously RESOLVED that planning permission for the erection of buildings between 7 and 17 storeys comprising 43 sqm of commercial use at ground floor and 141 flats (comprising 76 x 1 bed; 29 x 2 bed; 22 x 3 bed; 6 x 4 bed; 8 x 5 bed), 49 car parking spaces at basement

level, communal open space including roof gardens and associated works at the car park at south east junction of Prestons Road and Yabsley Street, Prestons Road, London E14 be GRANTED 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 37% of the proposed habitable rooms with a 76/24 (social rented/intermediate) split between rented/shared ownership to be provided on site.
 - 2) A contribution of £198,784 to mitigate the demand of the additional population on health care facilities.
 - 3) A contribution of £234,498 to mitigate the demand of the additional population on education facilities.
 - 4) A contribution of £75,000 for the civic works required and upgrading the lights and controller and £75,000 to TfL/DTO for a commuted sum of ten years to ensure the operation of the lights.
 - 5) £30,000 for the upgrade of pedestrian links to Blackwall Station.
 - 6) Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
 - 7) Preparation, implementation and review of a Green Travel Plan.
- C That the Corporate Director of Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D 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:
 - 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 hard and soft landscaping (including roof level amenity space and details of brown and/or green roof systems) including lighting and security measures)
 - f) The design of the lower floor elevations of commercial units including shopfronts
 - g) Escape doors
- 3) Details of the design and the proposed use of the commercial use on the ground floor to be submitted and approved
- 4) Details of site foundations
- 5) Details of the basement car park and access ramp
- 6) The storage and collection/disposal of rubbish

- 7) Parking – maximum of 49 cars (including 6 disabled spaces) and a minimum of 141 residential and 2 non-residential bicycle parking spaces
- 8) Investigation and remediation measures for land contamination (including water pollution potential)
- 9) Archaeological investigation
- 10) Secure by Design Statement
- 11) Construction Environmental Management Plan, including dust monitoring
- 12) Submission of the sustainable design measures and construction materials, including details of energy efficiency and renewable measures
- 13) Further baseline noise measurements during construction and operational phase (plant noise) to be undertaken for design purposes
- 14) 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
- 15) Limit hours of power/hammer driven piling breaking out to between 10.00 hours to 16.00 hours Monday to Friday
- 16) Ground borne vibration limits
- 17) Noise level limits
- 18) Details of the disabled access and inclusive design
- 19) Details of the highway works surrounding the site
- 20) Any other conditions considered necessary by the Head of Development Decisions

Informatives

- 1) Section 106 agreement required
- 2) Section 278 (Highways) agreement required
- 3) Construction Environmental Management Plan Advice
- 4) Environment Agency Advice
- 5) Ecology Advice
- 6) Environmental Health Department Advice
- 7) Metropolitan Police Advice
- 8) Transport Department Advice
- 9) London Underground Advice
- 10) Landscape department advice
- 11) Contact the GLA regarding the energy proposals

E That if by 10th October 2008, the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

(Councillor Rania Khan could not vote on the application as she had not been present at the previous meeting when the application had been considered).

6.2 St Georges Estate, Cable Street, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed) and the erection of four townhouses and a community centre of 510 sqm and landscaping at St Georges Estate, Cable Street, London.

Mr Terry Natt, Strategic Applications Manager, presented a detailed update report which clarified the figures relating to affordable housing, distances between proposed and existing buildings and design solutions proposed to mitigate any overlooking on Site 1.

Members expressed concern that the level of affordable housing did not meet the Council's targets. Mr Kiely advised Members that the relevant policy to be applied to estate regeneration schemes, HSG5, recognised the need to invest in existing housing stock, therefore making allowance for a lower percentage of affordable housing. It was noted that in comparison to recent estate regenerations in the Borough, this was the highest percentage achieved to date. He stressed the need for investment in the estate and explained the viability assessments carried out on the scheme. He also reminded Members that 89% of the affordable housing proposed was family sized units, which were needed in the Borough.

Members asked questions relating to the privacy of George Leybourne House in relation to the design of the scheme, the traffic impact on Wellclose Square and the Conservation Area Policy in respect of the comments received from English Heritage. Mr Natt addressed the concerns and advised the Committee of the mitigation measures which had been proposed in respect of obscure glazing to overcome any loss of privacy and the traffic calming conditions which had been proposed by the Council's Highways department. It was the view of the Officers that the development would enhance the Conservation Area, as the estate in its current form was in need of regeneration and did not contribute visually to the area. Officers had to balance the advice received from English Heritage against the benefits of the scheme for the area. It was not felt that a refusal could be justified on such grounds.

After consideration of all the issues and representations made, it was proposed and seconded that the application be deferred to enable officers to negotiate further with the applicant with a view to increasing the amount of affordable housing on site and altering the mix of social rented accommodation on the site.

On a vote of 4 for and 1 against, the Committee RESOLVED that planning permission for the refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7 x 4 bed and 5 x 5 bed) and the erection of four townhouses and a community centre of 510 sqm and

landscaping at St Georges Estate, Cable Street, London be DEFERRED to enable further negotiation in respect of increasing the amount of affordable and altering the mix of social rented accommodation.

(Councillor Rania Khan could not vote on the application as she had not been present at the previous meeting when the application had been considered).

7. PLANNING APPLICATIONS FOR DECISION

7.1 Site at Bishop Challoner School, Christian Street, E1 1SE

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of existing buildings and the redevelopment to provide 214 residential units including affordable housing, in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre, public open space extending to 4,546 sqm incorporating a new public open square, sports pitch provision and an extension to Ropewalk Gardens, car parking , landscaping and associated infrastructure works at Bishop Challoner School House, Christian Street, E1 1SE.

Mr B Teal spoke in objection on the grounds that the development would result in a loss of park space on Christian Street. The proposed open space was fragmented and the development was overcrowded.

Mr Jamal Uddin spoke in objection on the grounds of the social deprivation on the Berner Estate. He felt that residents were currently overcrowded and that the new development would exacerbate the situation. He felt that the Council should try to improve the social environment. He was also concerned over the effect on the Community Centre.

Mr Jamalur Rahman spoke in support on the grounds that the development would improve the area for the local residents. He praised the public consultation which had taken place. However, he asked that the management of the Community Centre be given careful consideration.

Mr Kieran Wheeler spoke on behalf of the applicant. He reiterated the points made regarding the public consultation and outlined the benefits of the scheme, including the increase of 170 sqm in public open space. He reminded Members that the management of the Community Centre was not a material planning consideration.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application outlining the benefits of the scheme, including the S106 legal agreement and the mitigation measures proposed to overcome any overlooking. He advised Members of the objections received and addressed the concerns of the residents, explaining the movement of the amenity and open space around the site.

Members asked questions relating to lighting, open space and the Community Centre. Clarification was sought on the safety of the football pitch from traffic, the car club, the carbon reduction strategy and the engagement with the PCT in respect of healthcare contributions. Mr Kiely explained the “Hudu” Model, used to calculate healthcare contributions, which was a nationally applied model. The Committee was advised that there was no floodlighting proposed, due to the effect it would have on surrounding residents. The Community Centre would be managed by the same users who would be temporarily rehoused during construction, to ensure continuity of service to the local community. Conditions were proposed in respect of fencing to ensure the safety of the football pitch, however it was not possible to block off Golding Street due to the need for emergency vehicle access. Mr Irvine advised Members that the proposal met the relevant targets in relation to affordable housing.

It was proposed and seconded that permission be granted subject to officers being delegated authority to negotiate a minimum size of 580 sqm for the Community Centre.

On a vote of 4 for and 3 abstentions, the Committee RESOLVED that planning permission for the demolition of existing buildings and the redevelopment to provide 214 residential units including affordable housing, in two buildings ranging between 4 to 14 storeys in height, together with the provision of a replacement community centre, public open space extending to 4,546 sqm incorporating a new public open square, sports pitch provision and an extension to Ropewalk Gardens, car parking, landscaping and associated infrastructure works at Bishop Challoner School House, Christian Street, E1 1SE be GRANTED subject to

- A Any direction by The Mayor
- B The prior completion of a legal agreement to secure the following planning obligations:
 - 1) A proportion of 35.2% on habitable rooms of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8 of the agenda report;
 - 2) Provide £122,000 towards transport improvements;
 - 3) Provide £370,260 towards education to mitigate the demand of the additional population on educational facilities
 - 4) Provide £300,417 towards medical facilities to mitigate the demand of the additional population on medical facilities;
 - 5) Provide £257,323 towards community facilities (in addition to delivery of the community centre building – being a minimum of 580 sq m);
 - 6) £20,000 for DAISY boards; and
 - 7) Car Free, travel plan, car club, TV reception monitoring/mitigation, local employment initiatives.

- C That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D 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) Time limit for Full Planning Permission
- 2) Details of the following are required:
 - a) External appearance and materials board
 - b) Balcony details
 - c) Landscape plan for private gardens and ground floor public realm improvements including children's playspace and sports pitch.
- 3) Parking maximum cars comprising 2 x accessible spaces and 3 x car club spaces
- 4) Hours of construction limits (0800 – 1800m, Mon-Fri; and 0800 – 1300 Sat)
- 5) Piling hours of operation limits (1000 – 1600 Mon-Fri)
- 6) Wheel cleaning facility during construction
- 7) 10% renewables required
- 8) Full land contamination study required to be undertaken with remediation certificate
- 9) Method of piling as required by EA
- 10) No soakaways in contaminated land as required by EA
- 11) Oil bypass interceptors prior to discharge into any watercourse as required by EA
- 12) Program of archaeology as required by EH
- 13) Construction in accordance with the noise and vibration report
- 14) Full details of the recycling facilities
- 15) Details of green roofs
- 16) Lifetimes homes standards and 10% wheelchair accessible required
- 17) Sustainable homes standard required
- 18) Full CHP details
- 19) Condition requiring a S278 agreement
- 20) Any other conditions required by the Corporate Director Development & Renewal

Informatives

- 1) Subject to S106 agreement
- 2) Consult the Environment Agency in terms of conditions 9-11
- 3) Consult Metropolitan Police in terms of conditions 2
- 4) Consult Network Rail in respect of demolition, plant/scaffolding/cranes locations, excavations and footings, drainage, fencing, landscaping and Party Wall Act 1996 matters and secure any necessary permissions in writing prior to commencement of works on site

- 5) Consult English Heritage in respect of the retention of the granite sets in Golding Street
- 6) Site notice specifying the details of the contractor required
- 7) EA prior approval for dewatering
- 8) Obtaining consent under the pollution act prior to commencement
- 9) Submission of an archaeological project design and consult EH Archaeology
- 10) S278 highways agreement
- 11) Drainage provision
- 12) Water supply provision
- 13) Details submitted in respect of landscaping (condition 3) to have regard for the recommendations of the microclimate study.

E 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.

The Committee adjourned for a short break at 9.35 pm and resumed at 9.52 pm.

7.2 2 Gladstone Place, London

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687 sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x4 bed; and 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space at 2 Gladstone Place, London.

Mr Alan Tucker spoke in objection on the grounds that despite the community wanting a new supermarket, residents did not want the proposed height of the building which was felt to be overdevelopment of the site. He commented on the density and the low PTAL rating for the area. He also objected on the grounds of parking problems and access for deliveries.

Mr John Woolstencroft spoke on behalf of the applicant and Ms Madeline Forster spoke on behalf of Old Ford Housing Association, both in support of the scheme. Mr Woolstencroft detailed the extensive consultation which had taken place and that the scheme had the support of the GLA. He also outlined the benefits of the scheme which included affordable family sized housing. Ms Forster reiterated the need for affordable family sized housing in the area.

Councillor Ann Jackson spoke on behalf of the residents in support. She felt that the carpark of the disused supermarket attracted anti-social behaviour. The Roman Road area had become run-down and was in need of regeneration. She felt that the community would benefit from the proposal.

Mr Stephen Irvine, Development Control Manager, presented a detailed report on the application. He outlined the benefits of the scheme and the reasons why the proposal was considered acceptable, in terms of the heights, scale, bulk, design and comments from the GLA. It was considered that the application was in line with relevant policy and was needed for the regeneration of the area.

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 asked questions relating to the height and design of the buildings; noise mitigation measures; gated communities and the lack of a taxi drop off/collection point.

Mr Irvine advised that the proposal had been assessed against relevant planning policy in terms of height and design. The buildings would be set back to mitigate impact on adjoining residents. The application would enhance the area visually and would increase the safety by removing the current dark alleyways. A reason for refusal could not be sustained on the grounds of loss of light or overdevelopment. He also advised that there would be no gated elements to the scheme. If a taxi point was provided, it would result in a loss of residential parking. Deliveries to the new supermarket would take place within a walled area, which would reduce the noise impact on surrounding residents. A Service Delivery Management Plan would be implemented to mitigate any impact.

Members expressed concern over the design, density, housing mix and car parking. Clarification was also sought in respect of the road names and the name of the development.

Following a vote of 3 for, 3 against and 2 abstentions, the Committee adjourned at 10.55 pm to enable the Chair to receive legal advice on the use a casting vote in the decision of a Committee. The Committee resumed at 11.05 pm. The Chair advised Members that, after consideration of all the issues and representations, he would not be exercising his casting vote and therefore it was proposed to defer the item to enable officers to further consider the concerns which had been raised by the Committee.

The Committee RESOLVED that planning permission for the demolition of the existing buildings occupying the site and its redevelopment to provide five buildings of between four and ten storeys in height accommodating 2,687 sqm retail floorspace (Class A1) and 208 residential units (comprising 2 x studio, 81 x 1 bed; 76 x 2 bed; 39 x 3 bed; 4 x 4 bed; and 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space at 2 Gladstone Place, London be DEFERRED to further consider the concerns of the Committee.

(Councillor Marc Francis declared a prejudicial interest in the above item and left the room during the consideration by Members)

7.3 London Arena (Phase II), Limeharbour, London E14 9TH

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the amendment to the proposed application, reference PA/06/2068, permitted on 3rd October 2008, involving revised designs, layout and land uses, removing Office (B1) uses and providing 6 additional hotel rooms (143 in total), 195 services apartments, 54 additional residential units (1111 in total), additional retail floorspace, a health club and additional open space at the London Arena (Phase II), Limeharbour, London E14 9TH.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application, outlining the changes which had been made to the mix of uses on the site, compared with that previously approved. He answered Members questions relating to the loss of office space and the S106 contributions.

The Committee unanimously RESOLVED that planning permission for the amendment to the proposed application, reference PA/06/2068, permitted on 3rd October 2008, involving revised designs, layout and land uses, removing Office (B1) uses and providing 6 additional hotel rooms (143 in total), 195 services apartments, 54 additional residential units (1111 in total), additional retail floorspace, a health club and additional open space at the London Arena (Phase II), Limeharbour, London E14 9TH 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:

- a) A proportion of 35% on a gross floor space basis of the proposed units to be provided as affordable housing with the socially rented mix as specified in the table attached in Section 8.15.
- b) Provide **£8,579** towards the installation of Docklands Arrival Information System (DAISY) within the London Arena development.
- c) Implement measures to offset signal interruption to mitigate the adverse effects on DLR radio communications.
- d) Provide a minimum of **£22,763** towards the D5 bus service or new bus service (TFL proposal) and potential new bus stops on East Ferry Road.
- e) Provide **£7,149** towards general improvements to pedestrian and cycle routes in the area including crossings and new paving surfaces.
- f) Provide **£4,289** towards the signalisation of the junction of Marsh Wall/Limeharbour with a green man phase.
- g) Provide **£6,225** towards open space improvements to cater for the demand

that will arise from the new housing on existing open space and recreational facilities.

h) Set of measures for the public realm including provision of the public piazza and access to the Dockside Walkway.

i) Provide **£30,018** towards education to mitigate the demand of the additional population on education facilities.

j) Provide **£163,375** towards medical facilities to mitigate the demand of the additional population on medical facilities.

k) Provide **£7,114** towards the Local Labour in Construction (LliC) programme.

l) Provide **£4,289** towards Skillsmatch to maximise the employment of local residents.

m) Preparation of a Workplace Travel Plan (including welcome pack for residents).

n) Preparation of a Service and Delivery Plan.

o) Obligations in relation to construction works (noise levels, hours of work, transport arrangements, air quality, method statements) to be secured through a Code of Construction Practice.

p) TV Reception monitoring and mitigation.

q) Preparation and implementation of a public art strategy including involvement of local artists.

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

s) Preparation of an Environmental Management Plan – post construction.

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

Conditions

- 1) Time limit for full planning permission
- 2) Details of the following are required to be submitted:
 - Elevational treatment including samples of materials for external fascia of building
 - Interface of retail areas with public space
 - The design of the lower floor elevations of commercial units including shopfronts

- External lighting and security measures
- 3) Landscape Plan to be submitted
- 4) Landscape Management Strategy to be submitted
- 5) Biodiversity Strategy to be submitted
- 6) Details of signage to be submitted
- 7) Land contamination study required to be undertaken
- 8) Hours of construction limits
- 9) Hours of operation limits – hammer driven piling
- 10) Details of insulation of ventilation systems and any associated plant to be submitted
- 11) Details of site drainage to be submitted
- 12) Full particulars of refuse/recycling/composting storage to be submitted
- 13) Construction Management Plan to be submitted
- 14) Details of finished floor levels
- 15) Details of surface water control measures
- 16) Detailed Energy Strategy to be submitted
- 17) Black Redstarts habitat provision required
- 18) Green roofs
- 19) Construction operations and impact on dock walls
- 20) Horizontal access strip from dock wall
- 21) Materials openings and maintenance regime for boundary with DLR
- 22) Use of barges
- 23) Lifetime homes
- 24) Highways works
- 25) Archaeological watching brief
- 26) Parking plan to be submitted
- 27) Wheel wash facilities
- 28) Vibration
- 29) Health Club Management Plan
- 30) Any other condition(s) considered necessary by the Head of Development Decisions

Informatives

- 1) Thames Water Advice
- 2) British Waterways Advice
- 3) Site notice specifying the details of the contractor.
- 4) Any other informative(s) considered necessary by the Head of Development Decisions

D. That, if by 10th October 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.

7.4 25 Churchill Place, London E14

Mr Michael Kiely, Head of Development Decisions, introduced the site and proposal for the erection of a 23 storey office building (Use Class B1)

incorporating car parking, servicing and plant at basement level, together with associated infrastructure, landscaping, and other works incidental to the application at 25 Churchill Place, London E14.

Mr Terry Natt, Strategic Applications Manager, presented a detailed report on the application, explaining the increase in height of the building previously approved.

Members asked questions relating to the wind analysis, the increase in height and the S106 contributions. Mr Kiely advised the Committee that the original building had been approved by the London Docklands Development Corporation, which had unique permitted development rights. Therefore, the original permission could not be revisited and the Committee needed to consider the increase in building height only.

On a vote of 2 for and 5 abstentions, the Committee RESOLVED that planning permission for the erection of a 23 storey office building (Use Class B1) incorporating car parking, servicing and plant at basement level, together with associated infrastructure, landscaping, and other works incidental to the application at 25 Churchill Place, London E14 be GRANTED subject to

- A. Any **direction** by **The London Mayor**
- B. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Provide **£307,249** towards the provision/conversion of pitches to AstroTurf in accordance with the Council's Sports Pitch Strategy
- b) Provide **£546,014** towards open space and public realm improvements
- c) Provide **£655,217** towards transport infrastructure, specifically:
 - i. Canary Wharf Underground station improvements
- d) Provide **£342,415** towards social & community and employment & training initiatives, these being:
 - i. *Sustainable transport initiatives*; improvements to facilitate walking, cycling and sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan
 - ii. *Heritage and culture*; improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area
 - iii. *Idea Store*; Contribution to mitigate the increased demand upon the existing Idea Store, particularly upon the IT infrastructure and the free wireless service
 - iv. *Access to Employment*; A contribution towards the Skillsmatch Service
 - v. *Isle of Dogs Community Foundation*; A contribution towards social and community facilities
- e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(Total s106 contribution of **£1,850,895**)

Non-Financial Contributions

- f) TV Reception - mitigation of any impacts on TV Reception
 - g) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access
 - h) Code of Construction Practice - To mitigate against environmental impacts of construction
 - i) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
 - j) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal
- C. That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- D. That the Corporate Director Development & Renewal be delegated authority to impose conditions [and informatives] on the planning permission to secure the following matters:

Conditions

- 31) Time Limit (3 years)
- 32) Phasing programme details
- 33) Particular details of the development
 - External materials;
 - External plant equipment and any enclosures;
 - Hard and soft landscaping; and
 - External lighting and security measures
- 34) Full particulars of energy efficiency technologies required
- 35) Sustainable design and construction.
- 36) Hours of construction
- 37) Biodiversity Action Plan required
- 38) Demolition and Construction Management Plan required including feasibility study and details of moving freight by water during construction
- 39) Noise control limits
- 40) Land contamination assessment required
- 41) Groundwater quality assessment required
- 42) Long term groundwater quality monitoring and assessment plan required
- 43) No infiltration of surface water drainage into the ground
- 44) Express consent required for piling and other penetrative foundation designs
- 45) Details of additional cycle parking spaces
- 46) Green Travel Plan required
- 47) Programme of archaeological work required
- 48) Scheme of access to new flood defences required
- 49) Drainage strategy details required
- 50) Protection of public sewers
- 51) Impact study of the existing water supply infrastructure required

- 52) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 53) Bellmouth Passage to be kept open during construction of Crossrail
- 54) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 5) Section 106 agreement required
- 6) Contact Thames Water
- 7) Contact London City Airport regarding cranes and scaffolding
- 8) Contact LBTH Building Control
- 9) Contact British Waterways
- 10) Contact Environment Agency
- 11) Contact London Fire & Emergency Planning Authority
- 12) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

- E. 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.

The meeting ended at 11.30 a.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee

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Agenda Item 6.2

Committee: Strategic Development	Date:	Classification: Unrestricted	Agenda Item No: 6.2
Addendum report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/08/146	
		Ward(s): St Katherine's and Wapping	

1. APPLICATION DETAILS

- 1.1 Location: Saint Georges Estate, Cable Street, London E1
- 1.2 Existing Use: Residential
- 1.3 Proposal: Refurbishment of existing buildings and erection of nine buildings ranging from 6 to 9 storeys in height to provide 193 dwellings (13 x studios, 67 x 1 bed; 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5x5 bed). Erection of four townhouses and erection of a community centre of 510 sqm and landscaping.

- 1.4 Drawing Nos: AP.004.A; AP.003.C; AP.010.D; AP.011.E; ap.019.b; AP.020.B; AP.025.A; AP.030.A; AP.031.A; AP.032.A; AP.033.A; AP.034.A; AP.037.A; AP.039.A; AP.040.A; AP.045; AP.050.A; AP.051.A; AP.052.B; AP.053.B; AP.059.B; AP.060.A; AP.065; AP.070.A; AP.071.A; AP.074.A; AP.076.A; AP.077.A; AP.078.A; AP.079.A; AP.080.A; AP.085; AP.090.A; AP.091.A; AP.092.A; AP.096.A; AP.097.A; AP.099.A; AP.100.A; AP.105; AP.110.A; AP.111.A; AP.115.A; AP.119.A; AP.120.A; AP.123AP.130.C; AP.131.C; AP.133.C; AP.139.A; AP.145; AP.150.A; AP.151.A; AP.152.A; AP.153.A; AP.155; AP.157; AP.190.A; AP.191.A; AP.192.A; AP.196.A; AP.197.A; AP.199.A; AP.210; AP.211

- Design, Access and Community involvement Statement (Burrell. Foley, Fisher)
- Landscape Statement (Coe Design Landscape Architecture)
- Ground Conditions Report (Herts & Essex Site Investigation)
- Noise Assessment (Enviros)
- Air Quality Assessment (Enviros)
- Daylight and Sunlight Report (Calford Seaden)
- Archaeological Assessment (Sutton Archaeologicval Services)
- Arbocultural Impact Assessment (DF Clark Bionomique Ltd)
- Transport Assessment (Peter Brett Associates)
- Sustainability and Energy Efficiency Report (Whitecode Design Associates)
- Planning and Regeneration Statement- (August 2008) by Leaside Regeneration

Applicant: East End Homes
 Owner: East End Homes
 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:

- The proposal is in line with the national, regional and Council estate regeneration policy and guidance, which seek that all homes be brought up to Government's "Decent homes plus" standard, as part of estate renewal schemes. As such, the development complies with policy 3A.9, 3A.12 and 4B.3 of the London Plan and policies DEV1, DEV2, HSG1 and HSG5 of the Council's Interim Planning Guidance (October 2007), which seek to ensure this.
- The proposal maximises the development potential of the site without any of the problems typically associated with overdevelopment. As such, the development complies with policy 3A.9, 3A.12 and 4B.3 of the London Plan and policies DEV1, DEV2, HSG1 and HSG5 of the Council's Interim Planning Guidance (October 2007), which seeks to ensure this.
- In light of the estate renewal objectives and the fact that there is no net loss of housing, the proposal provides an acceptable amount of affordable housing and mix of units overall. As such, it is in line with policies 3A.4, 3A.7, 3A.8 and 3A.9 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2, HSG3 and HSG5 of the Council's Interim Planning Guidance (October 2007), which seek to ensure that new developments offer a range of housing choices.
- The replacement and overall increase of multi-functional community (Class D1) use is acceptable and would provide essential community services. As such, it is in line with policies S7, and SCF11 of the Council's Unitary Development Plan 1998 and policy SCF1 of the Council's Interim Planning Guidance (October 2007), which seek to ensure services are provided that meet the needs of the local community.
- The amount of amenity space is acceptable and in line with policies HSG16 of the Council's Unitary Development Plan 1998 and policies HSG7 of the Council's Interim Planning Guidance (October 2007), which seek to improve amenity and liveability for residents.
- The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and 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.
- It is considered that the proposed development would not have an adverse impact on

the residential amenity of the surrounding properties, subject to appropriate conditions, to mitigate against the impact of the development. A number of conditions are recommended to secure the submission of details of materials, landscaping, external lighting, plant, and to control noise and hours of construction.

- Planning contributions have been secured towards the provision of additional affordable housing, a new community centre, highway improvements and environmental improvements across the entire site in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:

- Should the scheme receive housing grant from the Housing Corporation, 35% affordable housing by habitable rooms will be provided (Option 1); should this scheme not receive housing grant from the Housing Corporation, 25% affordable housing by habitable rooms will be provided (Option 2)
- A contribution of **£262, 941** to mitigate the demand of the additional population on health care facilities
- A contribution of **£296, 208** to mitigate the demand of the additional population on education facilities
- A contribution of **£806, 677** for the provision of a new community centre
- Allocating **£10.155** million to secure the upgrade of existing units to decent home standards
- Preparation of a Green Travel Plan
- A car free agreement to restrict the occupiers of the new build units from applying for residents parking permits in the area
- Car club scheme
- Commitment towards utilising employment initiatives in order to maximise the employment of local residents
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.3 That the Corporate Director Development & Renewal has delegated power to negotiate the legal agreement indicated above.

3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 3.5
- 1) Permission valid for 3 years
 - 2) Details of the following are required: material including samples of proprietary directional glazing, CCTV, external landscaping including semi mature trees
 - 3) Details of visibility splays on Wellclose Square are required
 - 4) Full refuse details
 - 5) Demolition and Construction Management Plan
 - 6) Amending condition bicycle parking details (1 cycle space per unit)
 - 7) Energy efficiency strategy implementation

- 8) Disabled car parking details
- 9) Bicycle parking details
- Wind Assessment
- 10) Telecommunications study
- 11) Soil contamination
- 12) Highways works
- Limit hours of power/hammer driven piling/breaking bout to between 10.00 hours to 16.00 hours Monday to Friday
- 13) Archaeological evidence details
- 14) Limit hours of construction to between 8.00 Hours to 18.00 Hours, Monday to Friday and 9.00 Hours to 17.00 Hours on Saturdays.
- 15) Community centre to be restricted to D1 use
- 16) Servicing management Plan
- 17) Details on foul & surface drainage systems
- 18) Storage facilities for oil, fuels or chemicals
- 19) Surface water source control measures
- 20) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.6 Informatives

- 1) Subject to S106 agreement;
 - 2) Contact Building Control
 - 3) Contact Environmental Health
 - 4) Contact Highway Services with regard to S278 highway works
 - 5) Contact Thames Water
 - 6) Contact Cross London Rail Links Limited
 - 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.7 That, if by 28th November 2008 of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4.0 BACKGROUND

- 4.1 This application was originally presented to the members of the Strategic Development Committee on the 29th May 2008. The original report recommended approval of this proposal subject to the conditions and completion of a Section 106 agreement. The previous committee and addendum report are attached in appendix 1. At the meeting, it was agreed to defer the item to clarify some of the figures detailed in the report.
- 4.2 The application was again presented to the members of the Strategic Development Committee on the 10th July 2008. However, it was deferred to enable further negotiation in respect of increasing:
- the amount of affordable housing and;
 - the mix of social rented accommodation.

5. CONSIDERATION

- 5.1 Following on from this previous committee meeting, the applicant subsequently attended a meeting with Officers to discuss what options were available to increase the provision and mix of affordable housing on site.

Option 1 (35% affordable housing with grant funding)

- 5.2 The first option considered was to provide 35% affordable housing. However, a financial appraisal of the scheme revealed that this could only be achieved should the Housing Corporation provide grant for this scheme.
- 5.3 Whilst this option would achieve the amount of affordable housing normally expected in new residential developments (35%), it is not certain that such funding is obtainable. This is because previously the Housing Corporation have only provided grant for new, rather than replacement housing on the basis that other regeneration revenue funding would provide grant for such development. Ordinarily, estate renewal grants have not been given a high priority by the Housing Corporation. Moreover, the Council's old policy of seeking 'grant free' affordable housing has meant that neither Registered Social Landlords or the Housing Department have sought grant for this type of development previously.
- 5.4 However, the Council's new estate renewal housing policy (HSG 5) and the Council's more liberal approach to accepting grant funding, plus the increased grant resources available to the Housing Corporation has meant that such an approach for new grant funding is now more likely to be acceptable. Early indications from the Housing Corporation to the applicant and Council Housing Officers are that a grant application seeking to fund the new supply affordable housing units in this development may be successful.
- 5.5 Should grant be received, the proposal would make provision for 35% affordable housing by habitable rooms. The scheme will provide for 54 new affordable units. 29 units in the social rented and 25 units in the intermediate tenure.
- 5.6 Policy HSG2 of the Council's IPG seeks an adequate choice of housing size and states a need for 45% of all affordable units to be provided as larger family housing (3 bed +). Market and intermediate housing should provide 25% of units as family sized accommodation. The proposal achieves the following mix:

Dwelling mix in Option 1

5.7

Unit size	Total units	Social Rented			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	13	0	0	0	0	0	25	13	9.4	25
1 bed	67	1	3.2	20	11	47.8	25	55	39.6	25
2 bed	79	14	45.2	35	12	52.2	25	53	38.1	25
3 bed	22	4	12.9	30	0	0	25	18	12.9	25
4 bed	7	7	22.5	10	0			0		
5 bed	5	5	16.2	5	0			0		
Total	193	31	100	100	23	100	100	139	100	100

- 5.8 The proposal makes provision for 13% family units within the market tenure which falls short of the 25% target. However, the scheme makes provision for 55% affordable housing in the social rented tenure which well exceeds policy requirement of 45%. Overall, the Council considers this to be acceptable.
- 5.9 As noted above, this proposal can only be achieved with the provision of grant funding. Given the current economic climate and the slowing down of the construction of new homes, the Housing Corporation is now likely to consider grant funding for estate regeneration schemes. As such, there is a reasonable expectation that this option is deliverable.

Option 2 (25% affordable housing, excluding grant funding)

- 5.10 The second option discussed with the applicant was to look at the possibility of increasing the provision of affordable housing without grant funding. Officers and the applicant looked at increasing the provision of affordable housing by more than current 25% on site. However, the detailed financial assessment of the scheme provided by the applicant showed that the cross subsidy necessary for the refurbishment of the whole estate made the provision of any more affordable housing or a change in the mix of the housing provided problematic. If either the percentage of affordable housing was raised or the mix changed, then the cost of this would directly affect the refurbishment works proposed to the existing Estate and its residents.
- 5.11 Moreover, Policy HSG5 makes special provisions whereby it will relax the requirement for additional affordable housing in estate regeneration schemes, where it can be demonstrated additional market housing is absolutely necessary in order to cross subsidise the works being undertaken to bring the existing dwellings on site up to 'decent homes plus' standard. The applicant has demonstrated to the Council that the provision of market housing on the estate regeneration site is necessary in order to cross-subsidise the works being undertaken to bring existing dwellings on site up to decent homes plus standard.
- 5.12 The refurbishment works and associated costs of the Estate renewal are in summary:

New Kitchens and bathrooms	£ 3,845,976.27
New central heating	£ 3,271,589.22
Roof repair renew	£ 879,193.98
Thermal insulation/façade improvement	£ 4,721,670.93
New double glazed windows	£ 1,576,110.53
Estate garden improvement - including play areas	£ 3,501,045.63
Improved security- concierge/entry doors	£ 1,089,671.00
New block entrances	£ 657,800.00
New Lifts	£ 1,484,900.00
Improved staircases and landings	£ 619,230.15
Improved safety works- asbestos and fire	£ 1,290,932.50
Improved lighting	£ 578,105.00
Balcony upgrading	£ 75,631.19
New mains electrical supply	£ 1,546,462.50
Water mains renewal	£ 619,230.15
New refuse disposal system	£ 127,765.00
New Community facilities	£ 768,000.00
Total	£ 26,653,314.04

The Council has been informed that the above works figures are without fees on Costs and VAT.

Dwelling mix in option 2

5.13

Unit size	Total units	Affordable Housing						Market Housing		
		Social Rented			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	13	0	0	0	0	0	25	13	8	25
1 bed	67	0	0	20	1	7	25	66	41	25
2 bed	79	2	11	35	13	93	25	64	40	25
3 bed	22	4	22	30	0	0	25	18	11	25
4 bed	7	7	39	10	0					
5 bed	5	5	28	5	0					
Total	193	18	100	100	14	100	100	161	100	100

5.14 Option 2 makes provision for 32 new affordable units. The proposal makes provision for 11% family units within the market tenure which falls short of the 25% target. However, the scheme makes provision for 56% affordable housing in the social rented tenure which well exceeds policy requirement of 45%. Overall, the Council considers this to be acceptable.

5.15 Planning permission for similar estate regeneration projects were approved with significantly less affordable housing than the amount of affordable housing proposed in Option 1 & Option 2. For example:

- The estate regeneration project at Leopold Estate made provision for 12% affordable housing by habitable rooms and was approved in August 2008.
- The regeneration of the British Street Estate made provision for 10% affordable housing by habitable rooms. This was approved in June 2007.

5.16 In many estate regeneration proposals, developers may be unable to secure grant funding to provide 35% affordable units because the Housing Corporation has hitherto been unwilling to fund these schemes. The purpose of HSG5 of the IPG 2007 is to allow a degree of flexibility on the amount of affordable housing provided, where it can be sufficiently demonstrated that the provision of market housing on an estate is necessary to cross subsidise the works being undertaken to bring existing dwellings up to a 'decent homes plus' standard. The applicant has demonstrated this in detail to the Council. As such, Officers consider that a reason for refusal on lack of affordable housing grounds would be difficult to sustain.

Additional information

5.17 Since the publication of the previous Committee reports (dated 29th May 2008 & 10 July 2008), the Council has received two additional responses from St. Paul's C. and E. Primary School & Shapla Primary School. They raised the following concerns:

- The proposed underground car park on the estate fronting Wellclose Square would affect the safety of children crossing the road on Wellclose Square
- The majority of cars would use the proposed Wellclose Square exit rather than the existing exit. This would mean that cars are brought out further down Cable Street, thereby increasing the danger to the pupils.
- St Paul's school was not consulted on the proposed development.

5.18 *Officers comment:*

The overall car parking provision in the estate will be reduced from 207 spaces to 195 spaces. Some of the existing on street parking will be moved to an extended parking area beneath the new podium between Shearsmith House and Hatton House. The purpose of

providing an additional exit is to reduce congestion on the existing access points on Cable Street. There is no evidence to suggest that they will have an adverse impact on the safety of pupils. Notwithstanding, the applicant will be required to provide visibility splays of 2.4m by 4m close to the Wellclose Square. This will be secured by way of condition.

St. Paul's C of E Primary School were consulted on the proposal on 12th February 2008.

5.19 **Shapla Primary School**

- The proposal affects the safety of the pupils at Shapla Primary School
- Shapla School has at no stage been consulted on these proposals.

5.20 *Officers comment:*

The school is not located within the immediate vicinity of the site. There is no evidence to suggest that having an access point off Wellclose Square could endanger the safety of pupils. The footpaths around the site are in good condition and this in itself promotes pedestrian safety.

Shapla Primary School were consulted on 12th Feb 2008.

6.0 **Conclusions**

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.

Agenda Item 7.1

Committee: Strategic Development	Date: 28 August 2008	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Tim Porter		Ref No: PA/08/598	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location: Newfoundland, Canary Wharf, (Land bounded by Park Place, Westferry Road & Heron Quays Road)

Existing Use: Erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility; provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level, a 1,580sqm restaurant (Class A3) at first floor level and 2,310sqm of education and training use (Class D1) at second and part third floor level; construction of basement for retail units (Class A1 to A4) and plant; construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application.

Drawing Nos: 368-10-001 Rev PL1, 368-10-002 Rev PL1, 368-10-098 Rev PL1, 368-10-100 Rev PL2, 368-10-101 Rev PL1, 368-10-102 Rev PL1, 368-10-103 Rev PL1, 368-10-104 Rev PL1, 368-10-105 Rev PL1, 368-10-106 Rev PL1, 368-10-107 Rev PL1, 368-10-121 Rev PL1, 368-10-122 Rev PL1, 368-10-123 Rev PL1, 368-10-135 Rev PL1, 368-10-137 Rev PL1, 368-10-200 Rev PL1, 368-10-203 Rev PL1, 368-10-300 Rev PL1, 368-10-301 Rev PL1, 368-10-302 Rev PL1, 368-10-303 Rev PL1

- Design and Access Statement (March 2008)
- Planning Statement (March 2008)
- Energy Strategy (April 2008) and Energy Strategy Addendum (July 2008)
- Transport Assessment (March 2008)
- Waste Management Strategy (March 2008)
- Sustainability Statement (March 2008)
- Wind Effects Study (March 2008)
- Visual Impacts Study (March 2008)
- Daylight and Sunlight Report (March 2008)
- Archaeological Desk-based Assessment (March 2008)
- Interim Travel Plan (March 2008)
- Habitat Survey Report (March 2008)
- Flood Risk Assessment (March 2008)
- Hotel and Serviced Apartment Statement (March 2008)
- Statement of Community Involvement (March 2008)
- Environmental Statement (April 2008)
- Environmental Statement Addendum - Volume 6 (May 2008)
- Regulation 19 Response – Volume 7 (June 2008)

Applicant: • Regulation 19 Response – Volume 8 (July 2008)
South Quay Properties Ltd
Owner: Various
Historic Building: Grade I listed dock wall borders the eastern boundary of the site
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 Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2
- The principle of redevelopment of this currently under-utilised Opportunity Area site for a hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity by serving business tourism, and in this respect will support London's world city status. The serviced apartments will provide short-term accommodation for the international business sector. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), ART1 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policy IOD15 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's role as a leading centre of business activity within London.
- 2.3
- The retail (Class A1), financial and professional services (Class A2), restaurant and café (Class A3) and drinking establishment (Class A4) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1 and RT4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control 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.
- 2.4
- The training and education centre (Class D1) is considered to accord with policy 3B.11 of the London Plan (Consolidated with Alterations since 2004), saved policy EMP6 of the UDP (1998) and policies CP7 and CP29 and of the Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve employment opportunities available for local people by enhancing the training and skills infrastructure.
- 2.5
- The new public realm will enhance pedestrian access and animate the dock edge in accordance with policies 4B.11, 4C.13 and 4C.23 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV48 of the Council's Unitary Development Plan 1998 and policies CP30, DEV2, DEV 3, DEV4 and OSN3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.

- 2.6 • The building height, scale, bulk and design is acceptable. The development is therefore considered to be in line Planning Policy Guidance 15, policies 4B.1, 2, 3, 5, 8, 9, and 10 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2, DEV3, DEV4, DEV 27, CON 1 and CON5 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure tall buildings are of a high quality design and suitably located whilst also seeking to protect and enhance regional and locally important views.
- 2.7 • The proposed development will not have a detrimental impact upon the Grade I listed dock wall and would enhance the historic character and importance, subject to conditions regarding construction methods. As such, the scheme is in line with and policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004) and policy CON1 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to protect listed buildings and structures within the Borough and London respectively.
- 2.8 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development and to promote sustainable transport options.
- 2.10 • Contributions have been secured towards the provision of social and community infrastructure; tourism facilities, public transport improvements; open space and public realm; Thames path and cycle route improvements, 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.

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 Chief Legal Officer, to secure the following planning obligations:

Financial Contributions

- a) A financial contribution of **£144,449** towards open space improvements. This will fund improvements to the visitor/tourist facilities at Island Gardens for:
 - i. A high quality design cafe/visitor centre/ranger base; and
 - ii. Associated managed public toilets;
- b) Provide a contribution of **£50,000** for public realm improvements within the surrounding area;
- c) Provide a contribution of **£100,000** towards social and community facilities. In line with similar developments elsewhere within the Canary Wharf estate, the

projects/improvements are defined under specific headings within the S106 agreement, these being:

- i. Isle of Dogs Community Foundation (£50,000); and
- ii. Tourism projects (£50,000);
- d) Provide a contribution of **£20,000** towards on-site Docklands Light Railway (DLR) daisy boards;
- e) A financial contribution of **£50,000** towards cycle route improvements within the surrounding area;
- f) A financial contribution of **£50,000** towards access improvements to the Thames Path;
- g) Provide **£144,000** towards TfL Buses improvements; and
- h) Provide **£356,835** towards Employment and Training.

(Total s106 contribution of **£915,284**)

Non-Financial Contributions

- i) TV Reception - mitigation of any impacts on TV Reception;
- j) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access;
- k) Code of Construction Practice - To mitigate against environmental impacts of construction;
- l) Access to employment - To promote employment of local people during and post construction; and
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

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

Conditions

- 1) Time Limit (3 years);
- 2) Particular details of the development:
 - All external materials, including 1:10 scale details for cladding with sample mock-up of the top and ground floor level of the building, glazing, stone cladding, PV's and coloured glass louvered panels;
 - All hard and soft landscaping, including details of brown/green roofs, the installation of bird boxes and bat boxes, and terrestrial habitat creation/enhancements at ground level (including the use of native nectar rich shrubs and trees), planting, finishes, levels, walls, fences, gates and railings, screens/ canopies, entrances, seating and litter bins;
 - External lighting and security measures, including CCTV; and
 - Details of cycle parking location and design.
- 3) Landscape Management Plan;
- 4) Hours of construction
- 5) Hours of operation of A1 - A4 units;
- 6) Details of location and design of extraction fume vents from the A3 uses;
- 7) Noise control limits;
- 8) Vibration limits;
- 9) Environmental Construction Management Plan, including but not limited to, feasibility study and details for use of the river to transport construction material to and waste

material from the site during construction, a monitoring protocol for bats and black redstarts, impact on dock wall and mitigation, surface water run-off, construction traffic, air quality, noise etc;

- 10) Land contamination assessment (including water pollution potential);
- 11) Green Travel Plan;
- 12) Serviced Apartments Management Plan, ensuring the apartments are managed as short term accommodation for a period no longer than 90 days;
- 13) Service Management Plan;
- 14) A minimum of 10% of the hotel rooms and serviced apartments shall be designed to be wheelchair accessible.
- 15) Risk Assessment, Method Statement and details of mitigation measures, including structural reports and foundation details, to ensure that the Grade 1 listed dock wall (including the structure concealed in the ground behind the face of wall) is unaffected (in consultation with English Heritage);
- 16) Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water (in consultation with British Waterways);
- 17) Details of storage facilities for oils, fuels and chemicals required to prevent pollution of the water environment;
- 18) No solid matter shall be stored within 10 metres of the banks of the docks;
- 19) Programme of archaeological work required (in consultation with English Heritage);
- 20) Full particulars of the following:
 - Surface/ foul water drainage plans/ works; and
 - Surface water control measures.
- 21) Full particulars of the energy efficiency measures and technologies are required to ensure that the final carbon reductions identified in the Energy Strategy Addendum (July 2008) is achieved (in consultation with the GLA);
- 22) Full particulars of the sustainable design and construction strategy to be submitted;
- 23) Full particulars of the dock side foot path to ensure the levels connect with the adjoining footpath to the north.
- 24) Details of the highway works surrounding the site; and
- 25) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Section 106 agreement required;
- 2) Section 278 agreement required;
- 3) Contact Thames Water;
- 4) Contact London City Airport regarding cranes and aircraft obstacle lighting;
- 5) Contact LBTH Building Control;
- 6) Contact British Waterways;
- 7) English Heritage advice;
- 8) Environmental Health advice;
- 9) London Underground advice;
- 10) Environment Agency Advice;
- 11) Compliance with Code of Construction Practice;
- 12) Contact London Fire & Emergency Planning Authority; and
- 13) 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 decision the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated authority to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The planning application proposes the erection of a 37 storey tower and a part 4/5 storey podium comprising the following:
- 150 bedroom Hotel (Class C1) and 78 serviced apartments (Sui Generis), together with ancillary restaurant facilities and servicing and parking areas including a drop off facility;
 - Provision of 1,300sqm of retail units (Class A1 to A4) at ground and basement level;
 - A 1,580sqm restaurant (Class A3) at first floor level; and
 - 2,310sqm of education and training use (Class D1) at second and part third floor level;
 - Construction of basement for retail units (Class A1 to A4), servicing areas and plant;
 - Construction of subterranean pedestrian link to the Jubilee Place retail mall and the Jubilee Line Station; and
 - Provision of a new publicly accessible open space, dockside walkway and landscaping together with other works incidental to the application.
- 4.2 The building will rise to an overall height of 145.6 meters AOD, with a screen extending to 149.9 meters AOD. The podium would be 26.9 meters AOD at the roof of Level 4, extending to 31.3 meters AOD at roof of Level 5. The building comprises a total of 33,151 sqm (GEA) floorspace.
- 4.3 The hotel has been designed for a high quality 'boutique' style operator.
- 4.4 The serviced apartments are self contained (including kitchens and living areas) and provide a form of short term (for a maximum period of 90 days) accommodation, normally servicing business tourism.
- 4.5 The proposal will provide for the creation of new areas of public realm around the building. The form of the lower podium has been cut back to create a new public realm space overlooking the dock to the south of the building, which will be landscaped. In addition, to the east of the building a new dock side pedestrian walkway will be created adjacent to Middle Dock. These spaces will be configured to integrate into the existing network of spaces and public realm in the vicinity.
- 4.6 The development will provide 45 bicycle parking spaces. A taxi drop off zone will be located at ground level and accessed from Park Place. This area will also provide two disabled car parking spaces.

Site and Surroundings

- 4.7 The site is located in the northern part of the Isle of Dogs, on land to the north-east of Heron Quays roundabout. Marsh Wall/Westferry Road and the Heron Quay round-a-bout form the western boundary, with Middle Dock water body to the east. The docks have mooring facilities where there is a residential barge currently moored adjacent to the development. Park Place borders the site to the north and Heron Quays Road to the south.
- 4.8 The application site is approximately 0.26 hectares in area, and is currently used as a private car park and is covered with black asphalt tarmac. The site is planted with 19 semi-mature trees. The site provides parking for approximately 75 cars. The underground Jubilee Line tunnels run east west under the site.
- 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. 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. To the south lies the Heron Quays West

site, which currently comprises office and educational uses in a development of 3-4 storeys (currently known as the red sheds). In March 2008, the Council resolved to grant a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 office, Class A1, A3, A4 and D1 uses. To the north is 1 Park Place, which currently comprises a brick office building between 4-6 storeys. The site was granted permission in 2002 for a 10 storey building comprising 25,000sqm of office floorspace and dockside pedestrian access.

- 4.10 The site is in an accessible location with a public transport accessibility level (PTAL) of 5, where 1 represents the lowest accessibility level and 6 the highest. Canary Wharf underground station on the Jubilee Line is located approximately 460 metres from the site. Heron Quays Road provides access east to Heron Quays DLR station (345 metres). The nearest bus stops are situated on Marsh Wall, Westferry Road, West India Avenue and Westferry Circus Upper Level roundabout. All are within 190 metres to 250 metres, and are served by four bus routes which provide approximately 27 buses per hour in peak periods. The site is also accessible via the Thames Clipper service from the Canary Wharf pier at Westferry Circus, which operates five westbound and four eastbound services during the AM and PM peak periods. The nearest Transport for London Road Network is the A1203 Limehouse Link, approximately 500 metres north west of the site.
- 4.11 In terms of built heritage, the site does not fall within a conservation area, with the closest being the Narrow Street and West India Dock Conservation Areas some 350m to northwest and north respectively, and the Coldharbour Conservation Area approximately 1km to the east. The Dock Wall forming the eastern boundary of the site comprises the dock wall of the former West India Export Dock and is Grade I 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

- 4.12 There does not appear to be any recent planning applications or decisions for the application site.

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals:

- Flood Protection Area
- Central Area Zone
- Water Protection Area (borders)
- Site of Nature Conservation Importance (borders)

Policies:

- DEV1 Design Requirements
- DEV2 Environmental Requirements
- DEV3 Mixed Use development
- DEV4 Planning Obligations
- DEV12 Provision of Landscaping in Development
- DEV48 Water Frontage
- DEV50 Noise
- DEV51 Contaminated Land
- DEV55 Development and Waste Disposal
- DEV69 Water Resources
- EMP1 Encouraging New Employment Uses
- EMP6 Employing Local People

CAZ1	Location of Central London Core Activities
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T21	Existing Pedestrians Routes
S7	Restaurants
ART7	Hotel Developments
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:		Major Centre Flood Risk Area Blue Ribbon Network (borders) Site of Importance for Nature Conservation (borders)
Core Strategies:	IMP1	Planning Obligations
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP13	Hotels and Serviced Apartments
	CP15	Provision of a Range of Shops
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP33	Site of Nature Conservation Importance
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	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	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality
	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
	DEV21	Flood Risk Management
	DEV22	Contaminated Land

DEV27	Tall Buildings
SCF1	Social and Community Facilities
OSN3	Blue Ribbon Network
CON1	Listed Buildings
CON5	Protection and Management of Important Views
IOD2	Transport and movement
IOD4	Education Provision
IOD6	Water Space
IOD7	Flooding
IOD10	Infrastructure and services
IOD13	Employment Uses in the Northern sub-area
IOD15	Retail and Leisure Uses
IOD16	Design and Built Form in the Northern sub-area

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

2A.1	Sustainability Criteria
3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London's economy
3B.9	Tourism Industry
3B.11	Improving Employment Opportunities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.23	Parking strategy
3D.1	Supporting town centres
3D.3	Improving retail facilities
3D.7	Visitor Accommodation and Facilities
3D.14	Biodiversity and nature conservation
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
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
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.11	Access alongside the Blue Ribbon Network
4C.13	Mooring Facilities on the Blue Ribbon Network
4C.23	Docks

5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
6A.4	Planning Obligation Priorities

5.5 **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS9	Biodiversity & Conservation
PPG13	Transport
PPG15	Planning & The Historic Environment
PPS22	Renewable Energy
PPS25	Development and Flood Risk

5.6 **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 The waste management strategy provided is acceptable.

LBTH Ecology

6.4 Requests continued monitoring for black redstarts and bats during construction (should planning consent be agreed) be undertaken and recorded, where black redstarts and bats are known to nest in this area and adjacent surroundings.

6.5 (OFFICER COMMENT: The applicant's ecology survey identified that there was no evidence of nesting bats and Black Redstarts on site. However the applicant has recommended within the ES for a monitoring protocol to be set up throughout the period February to September during construction. This should be conditioned with the scope of the Environmental Construction Management Plan).

6.6 The inclusion of living roofs will provide a beneficial habitat and encourage further migration of other species. When designing the landscaping proposals, the use of nectar rich shrubs and trees for planting will provide a valuable food source for birds and insects. The installation of bird boxes and bat boxes will be a significant improvement than is the case at present.

6.7 (OFFICER COMMENT: The applicant has identified such measures within the ES and will be conditioned accordingly).

6.8 Given the above factors and based on the Environmental Statement, providing the above is adopted, the biodiversity of this area should be enhancement.

LBTH Education

6.9 No comments to be made on this application.

LBTH Employment

- 6.10 A contribution is required towards access to employment initiatives. As this is prime development land in a borough with the lowest Employment rate in the country, the Access to Employment Manager sees no reason why the Council should not use the full Gross External Area in calculating the contribution, valued at £1 per square foot. Accordingly, a contribution of **£356,835** is considered reasonable.

LBTH Energy Efficiency Unit

- 6.11 The outline energy and sustainability strategy is in compliance with policy requirements; however, further details are required. The energy officer however is satisfied that the strategies can be condition accordingly to provide the details before commencement of any building works.

LBTH Environmental Health

Contaminated Land

- 6.12 No objection subject to appropriate conditioning.

Noise

- 6.13 No objection subject to appropriate conditioning.

- 6.14 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

Sunlight/Daylight

- 6.15 No comment.

- 6.16 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

Air quality

- 6.17 No comment.

- 6.18 (Officer Comment: This matter has been addressed in detail under the amenity section of this report).

LBTH Highways

- 6.19 The proposed development would neither cause significant impact to the highway network nor to public transport facilities.

- 6.20 It appears from the elevation plan (i.e North Elevation) that the headroom of the service road is inadequate.

- 6.21 (OFFICER COMMENT: The height is approximately 5 metres, which the Cleansing and Highways Departments have both since identified as acceptable).

- 6.22 Recommendation should be made to the developer to provide motorcycle parking spaces on site

- 6.23 (OFFICER COMMENT: According to the IPG, motorcycle parking is not a requirement but an alternative to car parking. In this case, where the scheme is not providing motorcycle

parking, the scheme complies with policy).

- 6.24 The proposed service bay will require vehicles to either reverse in or out to load/unload. Due to the lack of visibility caused by the ground floor layout, this has potential safety implications on pedestrian walking on the streets.
- 6.25 (OFFICER COMMENT: The Highways Department has advised that, whilst a redesign would be the best outcome, given the constraints of the site a Service Management Plan would appropriately address this matter. The scheme has therefore been conditioned appropriately. Further, the applicant has provided schematics that show that a service vehicle can enter and exit the site in a forward gear).
- 6.26 The developer should provide coach parking bay within the site in line with LBTH LDF.
- 6.27 (OFFICER COMMENT: The Highways Department have since confirmed that the service bay could adequately cater for coach parking if required).
- 6.28 The developer should provide cycle parking facilities in line with LBTH policy for hotel uses (Staff: 1/10; Residents 1/15). An additional 5 minimum cycle spaces is required, some of which are to be provided in a secured/covered location for hotel staff.
- 6.29 (OFFICER COMMENT: Given the interim nature of the IPG, where TFL have advised that they support the car free nature of the scheme and the proposed level of cycle parking, the scheme is considered acceptable as outlined later in this report).
- 6.30 The scheme should secure relevant highways works conditions and a s106 contribution towards public realm improvements on Westferry Road corridor, which is from the Southside of the site to West India Dock Road is required.
- 6.31 (OFFICER COMMENT: A section 106 agreement has been secured accordingly).

LBTH Landscape

- 6.32 No objection.

British Broadcasting Corporation (BBC)

- 6.33 No objection. However, it is unclear who is responsible for the implementation of television reception mitigation measures if required following construction of the development.
- 6.34 (OFFICER COMMENT: It is standard process for this matter to be addressed through the s106 agreement).

British Waterways (Statutory Consultee)

- 6.35 British Waterways welcomes the redevelopment of the site and raise no objections. However, they request the imposition of suitably worded conditions to any consent as further animation to the dockside through elevation treatment and positioning of uses, to help add interest from the waterside, is sought.

City of London Corporation

- 6.36 No objection.

Commission for Architecture and the Built Environment (CABE)

- 6.37 No comment.

English Heritage (Statutory Consultee)

- 6.38 The proposed structure would form an important focal point at the western end of the dock. The design appears to have been carefully considered in relation to this key visual role. It is evident from the information submitted as part of the application and from a useful and informative pre application meeting that much thought has gone in to achieving a successful visual relationship with adjacent consented schemes, including Riverside South and Heron Quays West.
- 6.39 It is essential that suitable conditions are placed on any permission requiring structural reports and foundation details to ensure that the structure of the Grade I listed dock wall (including the structure concealed in the ground behind the face of the wall) is unaffected by the proposal and that adequate measures are in place to ensure its protection throughout the duration of the works.
- 6.40 Detailed design in relation to the tower and podium would obviously be absolutely critical. In order to ensure that the level of visual richness indicated in the application drawings is achieved, suitable conditions should be attached to any permission. Any simplification of the details could substantially detract from the success of the scheme.
- 6.41 Design of the key public spaces around the proposed structure is also vitally important, particularly with regard to the relationship of the new hard landscape with the listed dock wall. Again it is important that suitable conditions are attached to any permission.

English Heritage – Archaeology & Built Heritage (Statutory Consultee)

- 6.42 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.

English Partnerships

- 6.43 In order for any s106 agreement related to the scheme to bind English Partnership's interest in part of the application site, they are seeking that arrangements be made to obtain their agreement, which they advise have not been made to date.

Environment Agency (Statutory Consultee)

- 6.44 EA Objected to the proposed development for the following reasons:
- 6.45
- No evidence has been provided that the flood risk Sequential Test has been adequately demonstrated in accordance with PPS25
- 6.46 (OFFICER COMMENT: In response to the submission of further evidence, the EA has since removed their objection regarding this matter)
- 6.47
- A detailed plan is required to show how plant and equipment can be brought from the road to the dock side to enable maintenance and renewal of the flood defences.
- 6.48 (OFFICER COMMENT: In response to the submission of further information, the EA has since removed their objection regarding this matter)
- 6.49 The EA have confirmed that they are satisfied with the information submitted and have no objection to the scheme subject to appropriate planning conditions.

Government Office for London (Statutory Consultee)

6.50 No objection.

Greater London Authority (Statutory Consultee)

6.51 The Deputy Mayor has indicated that the proposed redevelopment of this site to provide a hotel led mixed-use development in Canary Wharf is acceptable in strategic planning policy terms. The design of the proposal is of a high quality and responds well to the surrounding context, which is dominated by existing and planned tall buildings. The impact of the development on strategic views has been subject to qualitative visual assessment and raises no concerns.

6.52 The Deputy Mayor has requested that the applicant further examines the potential to maximise opportunities to integrate this development with West India Dock. The applicant was also requested to provide further detail on the renewable energy contribution and sustainable drainage system. In addition, TFL raised issues in respect of the trip generation assessment that will need to be addressed and section 106 contributions to buses and walking routes are sought.

6.53 (OFFICER COMMENT: These issues have been addressed in the body of the report below. In summary, the applicant has worked extensively with the GLA to address their concerns and it is understood that these issues have been adequately addressed).

Greenwich Society

6.54 Where the proposed development would be dwarfed by the much higher developments of such surrounding proposed new buildings of the Heron Quays and the Riverside South developments, the Greenwich Society raise no objection.

London Borough of Greenwich

6.55 No objection.

London Borough of Southwark

6.56 No comment.

London City Airport (Statutory Consultee)

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

London Fire and Emergency Planning Authority (Statutory Consultee)

6.58 No objection.

London Underground Ltd (Statutory Consultee)

6.59 No objection subject to appropriate condition.

Metropolitan Police

6.60 No comment.

Natural England (Statutory Consultee)

6.61 Overall they are satisfied that any ecological issues associated with the site are being

handled effectively. With respect to the ecological enhancements put forward as part of the development including brown roofs, bird and bat boxes and terrestrial and aquatic habitat creation/enhancement, these elements should be secured by means of planning conditions and obligations as appropriate.

National Air Traffic Services (Statutory Consultee)

6.62 No safeguarding objection.

Port of London Authority (Statutory Consultee)

6.63 No objections. PLA recommend that details of use of the waterways for the transportation of construction materials to and waste materials from the site be conditioned appropriately.

Thames Water Utilities

6.64 No objection was raised regarding sewerage and water supply infrastructure capacity to service the development. Recommended a number of conditions and informatives to ensure that foul and/ or surface water discharge from the site and water pressure is appropriately addressed.

The Inland Waterways Association

6.65 No objection.

Transport for London (TfL) (Statutory Consultee)

6.66 TfL comments are addressed within the body of the Deputy Mayors Stage 1 response as raised above. As such, TfL comments have been addressed in detail within the Highways section of this report.

7. LOCAL REPRESENTATION

7.1 A total of 361 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

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

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

Hotel and Serviced Apartments

8.2 On a strategic level, the Isle of Dogs, in which the application site is located, is identified

within the London Plan as an Opportunity Area within the North-East London sub region. Policy 5C.1 seeks to promote the sub-regions contribution to Londons world city role, especially in relation to the Isle of Dogs.

- 8.3 According to the London Plan, tourism is seen as a key growth industry for London. To accommodate this growth, policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity Areas as priority locations for new hotel accommodation and seeks to maximise densities. Policy 3D.7 also supports a wide range of tourist accommodation, such as serviced apartments.
- 8.4 According to policy ART7 and CAZ1 of the Unitary Development Plan (UDP), the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that large scale hotel developments and serviced apartments will be supported in areas of high public transport accessibility and close proximity to commercial development, such as the Canary Wharf major retail centre, business and conference facilities and public transport.
- 8.5 According to the supporting information to policy EE4 of the IPG, serviced apartments are able to provide short term accommodation for the international business sector which operates in the north and central parts of the Isle of Dogs and CAZ, specifically servicing business tourism. According to supporting information to policy CP13 of the IPG, serviced apartment are serviced and therefore are not a form of permanent housing. Also policy makes it clear that serviced apartments should have similar impacts to hotels, which are more suited to employment areas.
- 8.6 Policy IOD15 of the Isle of Dogs Area Action Plan (IDAAP) states tourism uses, in particular the development of business tourism, will be promoted in and around Canary Wharf and the northern sub-area to take full advantage of opportunities arising out of the 2012 Olympic and Paralympics games.
- 8.7 This part of the Isle of Dogs is not well served by hotels in general and the development will provide immediate access to the heart of the Canary Wharf financial district. The Canary Wharf Group estimates that there is an annual demand for over-night accommodation of the type proposed of the order of at least 50,000 places. At 150 rooms and 78 serviced apartments, the proposed accommodation will meet a significant component of this economic need.
- 8.8 The Newfoundland proposal will create a significant number of jobs that will help to sustain the local economy. It is expected that approximately 300 people will be employed once the development is completed, with a proportion of these jobs accommodated in the retail and class D1 uses. The development will therefore make a contribution towards meeting the employment potential of the Isle of Dogs. As such the proposal accords with the Council's employment policies and the Mayors aspirations for job growth within the isle of Dogs Opportunity Area. The provision of hotel rooms and serviced apartments in this location is supported by the London Plan and local policy objectives for tourism and for continuing London's role as a World City. The uses proposed will all contribute towards the attractiveness of Canary Wharf as a business hub by developing it as a lively and animated place through out the day and evening not only on weekdays but during the weekend.
- 8.9 The Mayors Stage 1 report states:

"The principle of redevelopment of this currently under-utilised Opportunity Area site for a hotel-led scheme accords with strategic planning policy and will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity by serving business tourism, and in this

respect will support London's world city status. The serviced apartments will provide short-term accommodation for the international business sector. In order to ensure that the intended planning function of the serviced apartments is maintained in perpetuity, the Council should impose a condition or a clause in the section 106 agreement which limits the length of stay by individual occupiers to no more than 90 consecutive days".

- 8.10 In conclusion, the provision of hotel accommodation and serviced apartments (with ancillary facilities') in this location is supported.

Retail and Education and Training uses

- 8.11 London Plan policies 3D.1 and 3D.3 seek to encourage retail and related uses in town centre and to maintain and improve retail facilities. Map 5C.1 identifies the network of strategically designated town centres in the north east London sub-region, in which Canary Wharf is designated as a major centre. The allocation includes the application site.

- 8.12 The site lies outside the core retail area of the Major Centre therefore the retail allocation will respond more to the daily needs of the work force and the amenity of the Middle Dock as an attractive location for restaurants and cafes. The quantum and configuration of the retail space in the basement of the building is an appropriate extension of the subterranean retail malls of the Canary Wharf Estate. Also, the retail space at ground level will help to animate the dock edge.

- 8.13 The Mayors Stage 1 report states:

"In addition to the proposed hotel and education and training floorspace, the scheme includes 2,880sq.m. of new retail and restaurant floorspace. In line with Canary Wharf's designation as a major centre, the expansion of retail provision in this highly accessible location is generally supported in strategic planning terms".

- 8.14 The A1 to A4 uses are acceptable in principle as they will support and improve provision in the range of shopping in the Major Centre, provide for the needs of the development and also present employment opportunities in a suitable location. As such, it is in line with London Plan and Council policies.

- 8.15 The provision of an education and training centre is also considered acceptable particularly where the London Development Authority has advised that they welcome the provision of education and training space within the development, which will enhance the training and skills infrastructure available locally. This is inline with the Council's Community Plan's objective of ensuring a better place for learning, achievement and leisure.

Design

Height, Mass and Scale

- 8.16 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.

- 8.17 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.

- 8.18 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.
- 8.19 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.
- 8.20 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
- 8.21 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.
- 8.22 The site located between West India Middle Dock and Westferry road is a key dockside location. It sits on east – west axis of Canary Wharf complex which is defined by the Jubilee Gardens, station exits and Middle Dock. The continuous open space and element of sky space is reflected in each building on its edge. Westferry Road itself is a busy though route and recent consent of Riverside South, Heron Quays West and 22 Marsh Wall, has resulted in interesting cluster of tall buildings around the site.
- 8.23 The proposal was discussed at pre-application stage. The applicants have responded to all of the Council's Design Officer's comments and the result is a refined and well considered design which responds to surrounding consented building and context. There is emphasis on quality public realm, accessible and visually delightful dockside edge which form first four storeys or base of the building. The hotel tower has been set towards the north to allow views of Riverside South in an effort to maintain the 'sky space' currently experienced west from Jubilee Park and west plaza.
- 8.24 Architecturally it is a visually distinctive building with its use of coloured glass, grey stone cladding and triple height void space framing the entrance. It includes a slender tower with elegant proportions and a distinct southern elevation which will be visible more prominently in the local context. The townscape impact analysis demonstrates that the proposal would not have any negative impacts on the townscape and would compliment the Canary Wharf cluster. The height is not significant enough to raise any concerns for London wider strategic views and would be masked by silhouettes of Riverside South and Heron Quays. The GLA has confirmed that the proposal does not raise any concerns in relation to strategic views.
- 8.25 The GLA stage 1 report states:

"The proposed development reflects a considered thought process and responds well to the surrounding context, constraints and opportunities. In terms of massing and scale, the proposed structure is well proportioned and the disposition of mass on the site represents a successful approach that relates to the surrounding built environment whilst maximising views into and out of the site"

The approach to the facades and external appearance incorporate high quality

materials and detailing that ensure a rich visual composition and complement to the surrounding developments; the framing device for the podium element echoes the approach to the pavilion building at the Heron Quays West scheme opposite, and provides an effective structural device to allow the building to meet the ground in an appropriate manner”.

- 8.26 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 scheme is of a high quality design;
 - the development creates an acceptable landmark building to the edge of the Canary Wharf Estate, invigorating the Middle 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 scheme enhances the movement of people, including disabled users, through the public realm area 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;
 - conforms with Civil Aviation requirements; and
 - will not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.
- 8.27 It must be noted that a separate planning application is currently being assessed by the Council for a development on the site to the north at the site at 1 Park Place for the erection of a 45 storey (202.67m high) building containing 119,693 square metres of office floorspace and ground floor retail (418 sq.m) and restaurant uses (634 sq.m). The application also proposes to activate the site edge facing onto West India dock through the introduction of a new public space. Further to this, approval was recently granted on 1 Park Place for the erection of a new building providing basement, lower ground, ground and 10 storeys of offices comprising 25,643sq metres of floor space with associated landscaping, car parking, servicing and plant.
- 8.28 The separation distance between the proposed development and the above developments is relatively the same at approximately 8 metres. Whilst it is acknowledged that this separation distance is relatively close, the applicant has provided a visual assessment examining the cumulative impact of these schemes upon the townscape and views, which was found to be acceptable.
- 8.29 Within the glass dominated environs of Canary Wharf, the building will be a positive addition as a legible marker with hotel use. Elevations are ordered carefully and materials reflect clarity of thinking for its proportions and aspect. In light of supporting comments received from the GLA and 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).

Heritage Issues

- 8.30 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.
- 8.31 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.
- 8.32 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.
- 8.33 As detailed above, the application site is not located within a conservation area. The nearest Conservation Areas are located approximately 300 to 350 metres away to the north of the site. It is not considered that the Conservation Areas would be adversely affected by the proposal.
- 8.34 Whilst the application site borders a Grade 1 listed dock wall, the applicant has advised that no physical works are proposed to the structure. The proposed development is expected to enhance the setting of the listed dock wall by the high quality finishes used and the enhanced waterside setting.
- 8.35 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 structure. 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).

Blue Ribbon Network

- 8.36 The middle dock, which borders the eastern boundary of the site, forms part of the Blue Ribbon Network. Policies 4C.11 and 4C.23 of the London Plan, DEV48 of the UDP and OSN3 of the IPG seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.
- 8.37 The orientation, layout and design of the building will ensure that the building will become a landmark within the middle dock. It is considered that this application significantly improves the Blue Ribbon Network by providing a new pedestrian footway adjacent to Middle Dock. The ground floor retail use adjacent to the dock will further animate this part of Middle Dock, as well as enabling greater enjoyment of the dock as part of the Blue Ribbon Network.
- 8.38 The GLA has advised that whilst these measures are welcomed in line with the objectives of Blue Ribbon Network policies, they are disappointed that the applicant has not sought to provide opportunities for recreational use of the water itself. It is to be noted however that the applicant does not have any control of the water space in Middle Dock. The water space is owned by British Waterways. In respect of Blue Ribbon Network policies, a

contribution towards "access improvements to the Thames Path" has been secured. The policies are considered to have been adequately addressed by the applicant and as such, the GLA's concern on this matter is not considered to be a sustainable reason for refusal.

- 8.39 In accordance with policy 4C.13, existing mooring facilities on the Blue Ribbon Network are to be protected and improved. There is currently a residential barge, named MV Josephine, which is moored on the dock adjacent to the eastern boundary of the site. The applicant has advised that this boat is currently on a 1 year contract from the 1st January 2008, which they consider to be a temporary mooring. However, in the interests of policy 4C.13 of the London Plan and the residential nature of the mooring, any impact upon the mooring must be considered.
- 8.40 Where the application site is currently undeveloped, it is acknowledged that the proposed development may result in increased amenity impacts upon the mooring such as a loss of sunlight/daylight, overshadowing, microclimate, loss of privacy and noise. However, the current setting of the dock and associate impacts are consistent with tall buildings, particularly given the latest approval of Heron Quays West to the south of the site. Further, London Plan policies seek to animate the dock edges. As such, it would be difficult to refuse the scheme based on this impact. Also, it must be noted that both British Waterways and the GLA have not objected to the scheme on this matter. British Waterways has requested specific conditions to be imposed to protect the setting of the canal and to protect the interests of future residents. These have been conditioned appropriately to this report.
- 8.41 Overall, it is considered that the development responds well to the Blue Ribbon Network policies. A planning condition is recommended, reserving details of the design and layout of proposed dock side pedestrian walkway to ensure that its design and provision would not detract from the use and enjoyment of the adjoining water environment.

Accessibility and Inclusive Design

- 8.42 Policy 3D.7 of the London Plan identifies that the Council should support an increase and the quality of fully wheelchair accessible accommodation. Further, paragraph 4.38 of policy CP13 of the IPG highlights that is a shortage of accessible hotel accommodation in London. It identifies the English Tourist Council's National Accessible Standard as best practice to make hotel accommodation more accessible. All new hotel developments are required to meet the National Accessible Standard.
- 8.43 In line with Building Regulations Part M requirements, a minimum of 5% of the hotel rooms and serviced apartments are required to be wheelchair accessible. There is no direct planning policy on the minimum provision of wheelchair accessible units for hotel and serviced apartments. The applicant was originally seeking to comply with the minimum building regulations, however the GLA raised concern regarding the shortage of wheelchair accessible hotel rooms in London. As such the applicant has now agreed to provide a total of 10% wheelchair accessible units.
- 8.44 With respect to the design and access statement, the GLA Stage 1 report states:

"The design and access statement demonstrates that careful attention has been paid to ensuring that the development will be fully accessible to all users. Measures include designing out the need for ramps, ensuring step-free access to all levels and providing two on-site blue badge holder parking spaces. These are welcome in line with London Plan policy 4B.5".

Safety and Security

- 8.45 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. British Waterways has requested the provision of CCTV along the canal via planning condition. Where the Metropolitan Police has raised no objection to the scheme, and where the ground floor area controlled and overlooked by hotel reception and commercial uses, the safety and security of the scheme is considered acceptable.

Amenity

- 8.46 According to paragraph 4.37 of policy CP13 of the IPG, hotel and serviced apartments must fit into their surroundings and should not harm the environment by reason of noise, disturbance, traffic generation or exacerbation of parking problems, or detract from the character of the area. Notwithstanding this, the IPG states that such facilities are more preferable in town centres and locations with good access to public transport, away from established residential areas to ensure any impacts are minimal.
- 8.47 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.
- 8.48 In terms of amenity, the applicant provided an Environmental Statement which addressed a wide range of issues, such as daylight/sunlight, air quality, wind, noise and vibration.

Sunlight/Daylight

- 8.49 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing.
- 8.50 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.
- 8.51 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.
- 8.52 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.
- 8.53 The method for assessment of daylight, sunlight and overshadowing matters is set out in the Building Research Establishment (BRE) Handbook. As stated in the BRE guidance "*guidelines may be used for houses and any non-domestic buildings where daylight is required*". However, in accordance with the guidance, and with best practice, where there is no guidance on the acceptable level for non-domestic buildings, commercial buildings are usually assumed not to require sunlight, and as such, is not included within the assessment (this consideration also extends to the proposed office development at 1 Park Place).

a. Surrounding Daylight/Sunlight

- 8.54 The majority of properties included in the assessment would meet the BRE guidelines for

daylight with the Newfoundland development in place. However there would be very small reductions to some levels within 1 – 9 Chandlers Mews and 11 – 85 Anchorage Point. These currently receive relatively low levels of daylight and are located approximately 300 meters to the south. Given the urban context, the effect is considered negligible.

- 8.55 Regarding sunlight, the majority of properties included in the assessment would meet the BRE guidelines with the Newfoundland development in place. However, at Berkeley Tower and Hanover House six out of 55 windows would marginally exceed the BRE guidelines. All of these comply with the total amount of Annual Probable Sunlight House (APSH) and would suffer imperceptible losses of winter sun and the effects are considered to be negligible.
- 8.56 On balance, it is acknowledged that there will be a loss of daylight/sunlight to a small number of existing neighbouring residential buildings as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.57 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the habitable rooms surrounding the site comply with the BRE daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

b. Internal Daylight Assessment

- 8.58 In order to assess the Daylight within the serviced apartments of the proposed development a vertical sky component (VSC) façade analysis was conducted. This gives a good indication as to the levels of daylight that falls on the façades of the proposed scheme when placed within the context of its surroundings.
- 8.59 According to paragraph 4.39 of IPG policy CP13, serviced apartments are not a form of permanent housing and therefore are considered to be non-domestic buildings. As mentioned above, there are no standards given in the BRE to determine acceptable levels for non-domestic buildings. None-the-less, the applicant's analysis has shown that three out of the four facades would receive an excellent level (VSC above 27%) and the western façade received a good level of daylight (VSC of 24.3%) when taking into consideration if planning permission is granted for the proposed 1 Park Place scheme. The northern façade however will experience poor levels of daylight as a result of the proposed 1 Park Place development. To mitigate against this, the applicant has advised that measures such as increased window sizes and careful planning of room layouts could overcome this impact.
- 8.60 Due to the height and location of the serviced apartments within the development, there are very few obstructions. Given the urban context, and the lack of guidance for non-domestic buildings, the internal daylight is considered acceptable.

c. Overshadow

- 8.61 The BRE report advises that for an 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 21st of March.
- 8.62 The applicant's assessment confirms that the amenity areas surrounding the site will

experience minimal permanent overshadow that is well below the permitted limits indicated within the BRE guideline.

- 8.63 Further, whilst there will be transient shadow caused by the development, the impact upon surrounding development (including the proposed 1 Park Place development) is considered to be minimal given the impact caused by surrounding existing and approved developments.

Air Quality

- 8.64 In order to mitigate any potential impacts during the construction phase, a Construction Environmental Management Plan (CEMP) will be conditioned setting out measures to be applied throughout the construction phase, including dust mitigation measures.
- 8.65 During the operational phase, the scheme is generally car free, Non-the-less, the scheme will be conditioned to provide a Green Travel plan which will encourage the use of sustainable transport modes. This will further reduce the impact of the development in terms of both greenhouse gases and pollutants.

Wind

- 8.66 Although there is no national or regional planning policy 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 micro-climates in terms of wind.
- 8.67 Similarly, there is no specific UDP policy relating to wind, but this is addressed in respect of micro-climate in the IPG policies DEV1, DEV5 and DEV27.
- 8.68 Within the submitted Environmental Statement, the applicant undertook a wind assessment, in order to assess the impact of the proposal upon the local microclimate, using wind tunnel tests. The report concludes that the pedestrian comfort and safety levels are appropriate for intended use with no mitigation measures necessary.
- 8.69 Further, the applicant has considered the cumulative impact that would arise if planning permission was granted for the proposed development at 1 Park Place, particularly given the close separation distance. The applicants assessment confirms that changes to comfort levels resulting from the proposed 1 Park Place development at most locations are negligible except 3 locations along the northern and eastern boundaries of the site. Notwithstanding, all locations would remain within acceptable comfort and safety levels and therefore no mitigation measures necessary are considered necessary.

Noise and Vibration

- 8.70 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.
- 8.71 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments.
- 8.72 Within the submitted Environmental Statement, the applicant undertook a noise assessment. The Council's Environmental Health officer had no objection to the scheme

subject to appropriate noise and vibration conditions. The scheme is therefore considered acceptable.

Privacy/ Overlooking

- 8.73 Issues of privacy/overlooking are to be considered in line with Policy DEV2 of the UDP, where 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 depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.74 As mentioned above, the proposed Hotel/ Serviced Apartments are not a form of permanent housing and therefore are considered to be non-domestic buildings. Where there are no habitable rooms adjacent to the site, there are no privacy concerns raised by the proposed development. Whilst it is acknowledged that the setback distance from the proposed 1 Park Place development to the north is relatively small, the scheme has been designed to maximise views to the west, south and east.

Transport & Highways

Access

- 8.75 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.
- 8.76 The application site takes advantage of being in a highly accessible location well served by public transport. As mentioned above, Canary Wharf underground station on the Jubilee Line is located approximately 460 metres from the site. Heron Quays Road provides access east to Heron Quays DLR station (345 metres). The nearest bus stops are situated on Marsh Wall, Westferry Road, West India Avenue and Westferry Circus Upper Level roundabout. All are within 190 metres to 250 metres, and are served by four bus routes which provide approximately 27 buses per hour in peak periods. The site is also accessible via the Thames Clipper service from the Canary Wharf pier at Westferry Circus, which operates five westbound and four eastbound services during the AM and PM peak periods. The nearest Transport for London Road Network is the A1203 Limehouse Link, approximately 500 metres north west of the site.
- 8.77 The development will also bring forward significant improvements to the pedestrian environment around the site, and at basement level, in accordance with the London Plan and Council policy to improve pedestrian access.
- 8.78 With respect to public transport, the applicants Transport Assessment indicates that the number of trips on the Docklands Light Railway and underground would be low and that there will not therefore be a significant impact. For buses, the number of trips will also be relatively low but in combination with other planned developments in the area will have an impact on capacity. In accordance with TfL's requests, a contribution has been secured to mitigate the impact on the bus network.
- 8.79 TfL welcomes that the assessment is accompanied by a travel plan. This will be secured by planning condition in order to manage travel demand. The applicant has also agreed to the installation of DAISY boards in order to provide real time travel information.

8.80 Vehicular access to the site for taxis and visitor drop-off and pick-up would be provided at ground level off Park Place.

Car and Cycle Parking

8.81 In line with London Plan policy 3C.1 the developer seeks to reduce the need to travel by car. Measures to achieve this include: a car free development (only two disabled spaces are provided); 45 cycle parking spaces; improved pedestrian facilities; and appropriate travel planning. The development is not expected to generate significant numbers of motorcycle trips and no on-site parking provision is proposed. Canary Wharf provides on-street motorcycle bays at various locations across the estate.

8.82 In view of the site's high public transport accessibility level, TfL welcomes the car free nature of the scheme. Also, cycle parking has been provided in accordance with TfL standards.

Servicing and Refuse Provisions

8.83 The applicant has provided a waste management strategy which details that waste produced in the buildings will be consolidated at ground level, 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.

8.84 Further, the Transport Assessment sets out the strategy for deliveries and servicing at the proposed development, which provides off-street servicing at ground level. The proposed service bay to the north of the site has been designed to ensure that all vehicle reversing movements are contained to within the site boundary. The design allows for service vehicles to enter and exit the site in a forward gear.

8.85 The Highways Department have raised concern that due to the lack of visibility caused by the ground floor layout, the turning area has potential safety implications to pedestrian walking on the streets. The Highways Department has advised that given the constraints of the site a Service Management Plan should be conditioned to appropriately address this matter.

Other Planning Issues

Energy and Renewable Technology

8.86 The consolidated London Plan (2008) energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and technologies, and renewable energy technologies where feasible. Policy 4A.7 adopts a presumption that developments will achieve a reduction in carbon dioxide 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.

8.87 According to policy DEV6 of the IPG, 10% of new development's energy is to come from renewable energy generated on site with a reduction of 20% of emissions.

8.88 The carbon emissions associated with the development's energy demand break down as follows:

1	Electricity (for cooling)	52%
2	Electricity (other than cooling)	32%
3	Gas (for CHP and boilers to provide hot water and space	16%

Energy efficient design

- 8.89 A series of passive design and energy efficient design measures has been described and figures drawn from building regulations modelling work indicate a 15% reduction over baseline requirements.

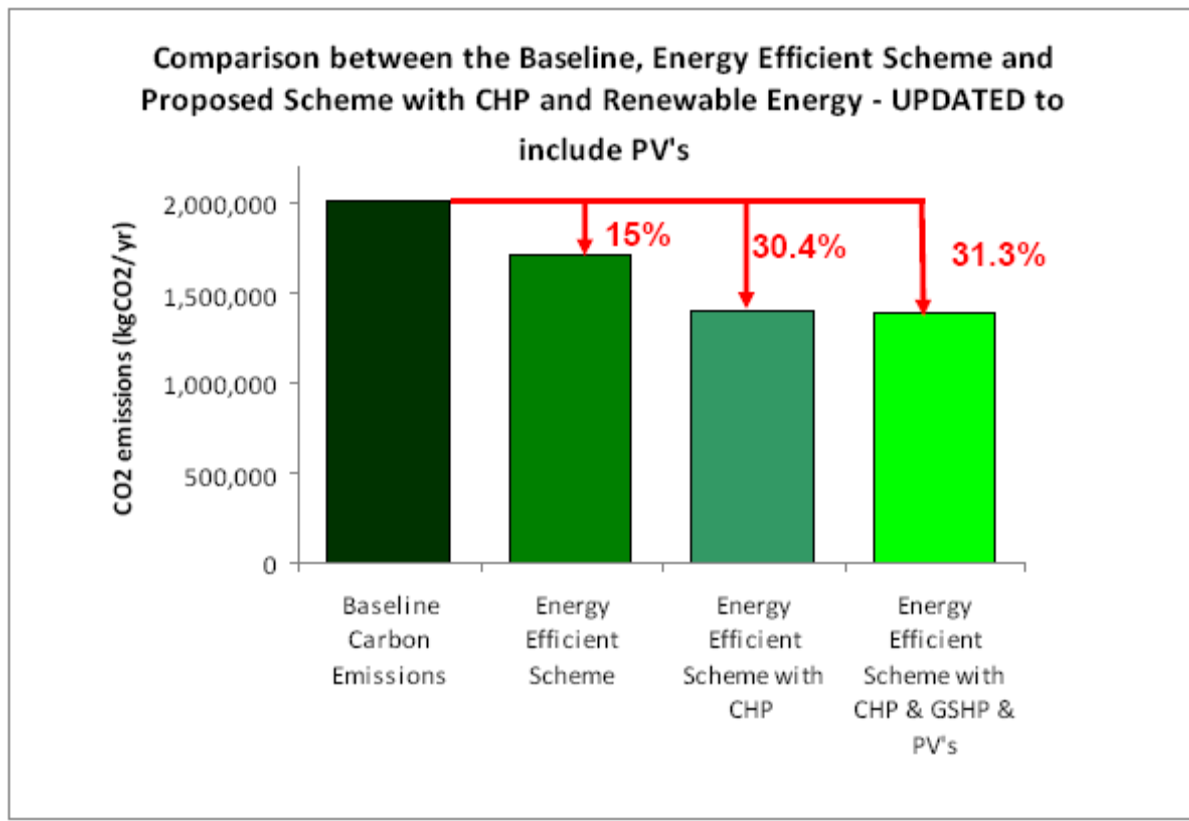
Heating and cooling

- 8.90 In accordance with London Plan policy 4A.5, heating and cooling to all uses within the building will be supplied from a single energy centre. A 135kWe combined heat and power (CHP) unit is proposed to provide the base hot water load and will reduce the development's carbon dioxide emissions by an estimated 15.4%.

Renewable energy

- 8.91 The energy strategy recognises that the CHP severely hinders the inclusion of any heat generating renewable technologies such as biomass heating where all technologies are competing for the same base-load heating requirements, especially where the CHP has been maximised.
- 8.92 As such, in respect of renewable energy technologies, a small ground source heat pump is proposed. This will reduce carbon dioxide emissions by an additional 0.6%. Following feedback from the GLA on the submitted energy strategy for the Newfoundland Development the strategy has been revised to include 250sqm of photo voltaic (PV's) panels as an additional renewable technology to that originally being proposed. The PV's are to be integrated within the building's southern façade (vertically mounted). The final arrangement of the PV's will be detailed by the design team during the next stage of design.
- 8.93 The overall carbon savings relative to the baseline carbon emissions have increased by 0.3% and now provide an overall reduction of 31.3% against the Part L 2006 baseline scheme. In accordance with the London Plan, the total carbon savings are shown below.

8.94



8.95 Whilst the contribution from renewable energy technologies is nominal, the applicant has provided justification for the non-compliance in line with London Plan policy 4A.7. Where the proposed development will reduce carbon emissions by an estimated 31.3% beyond minimum building regulations requirements the scheme is considered acceptable. A condition is to be attached to the planning permission requiring full design details of the energy efficiency measures and preferred energy technologies to be submitted and agreed by the local planning authority prior to commencement of development.

Sustainable design and construction

8.96 Policy 4A.3 of the London Plan requires all development proposals to include a statement on the potential implications of the development on sustainable design and construction principles. This is also reflected within the relevant policies of the IPG.

8.97 In accordance with London Plan policy, the application includes a sustainability statement which specifically addresses the Mayor's essential and preferred standards for sustainable design and construction. A range of sustainability measures are proposed to be incorporated into the scheme, including the use of water efficient appliances, rainwater recycling, and a commitment that at least 10% of the total value of materials used in construction will be derived from recycled and reused content. In accordance with London Plan policy 4A.11, living roofs will be provided on levels four and five of the podium which will be conditioned appropriately.

8.98 Whilst the scheme includes measures to ensure at least 50% attenuation of the undeveloped site's surface water run-off at peak times, the GLA have raised concern where the applicant has dismissed the potential for incorporating a sustainable urban drainage system (SUDS) in accordance with policy 4A.14.

8.99 The applicant has advised that, given the location of the development adjacent to the Dock and listed dock wall and the existing road network to the north and west of the site, the constrained footprint of the development renders any SUDS solution impractical where there is no external ground floor surface area to be utilised. Where the scheme seeks to

address the surface water run-off from the building, and subject to appropriate ground level surface water run-off conditions, a reason for refusal based on policy 4A.14 is not considered to be sustainable.

Flooding

- 8.100 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.
- 8.101 The site is located within a Flood Risk area. The Environment Agency was originally objecting to the scheme where no evidence has been provided that the flood risk Sequential Test has been adequately demonstrated in accordance with PPS25. In response to the submission of further evidence, the EA has since removed their objection regarding this matter and the scheme is considered acceptable.

Biodiversity

- 8.102 The subject site borders the Middle Dock, which is designated as a Water Protection Area and a site of nature conservation importance. Furthermore, the site contains a small number of semi-mature trees.
- 8.103 The applicant's ecology survey identified that there was no evidence of nesting bats and Black Redstarts on site. However the applicant has recommended within the ES for a monitoring protocol to be set up throughout the period February to September during construction. This is to be implemented within the scope of the Environmental Construction Management Plan condition imposed.
- 8.104 The applicant is also proposing the inclusion of living roofs which will provide a beneficial habitat and encourage further migration of other species. When designing the landscaping proposals, habitat creation should be encouraged at both roof and ground level through the use of nectar rich shrubs and trees for planting which will provide a valuable food source for birds and insects. The installation of bird boxes and bat boxes will be a significant improvement than is the case at present and has been conditioned appropriately.
- 8.105 Natural England, Environment Agency and the Council's ecology officer have not objected to the schemes impact upon biodiversity both on-site and in the dock.

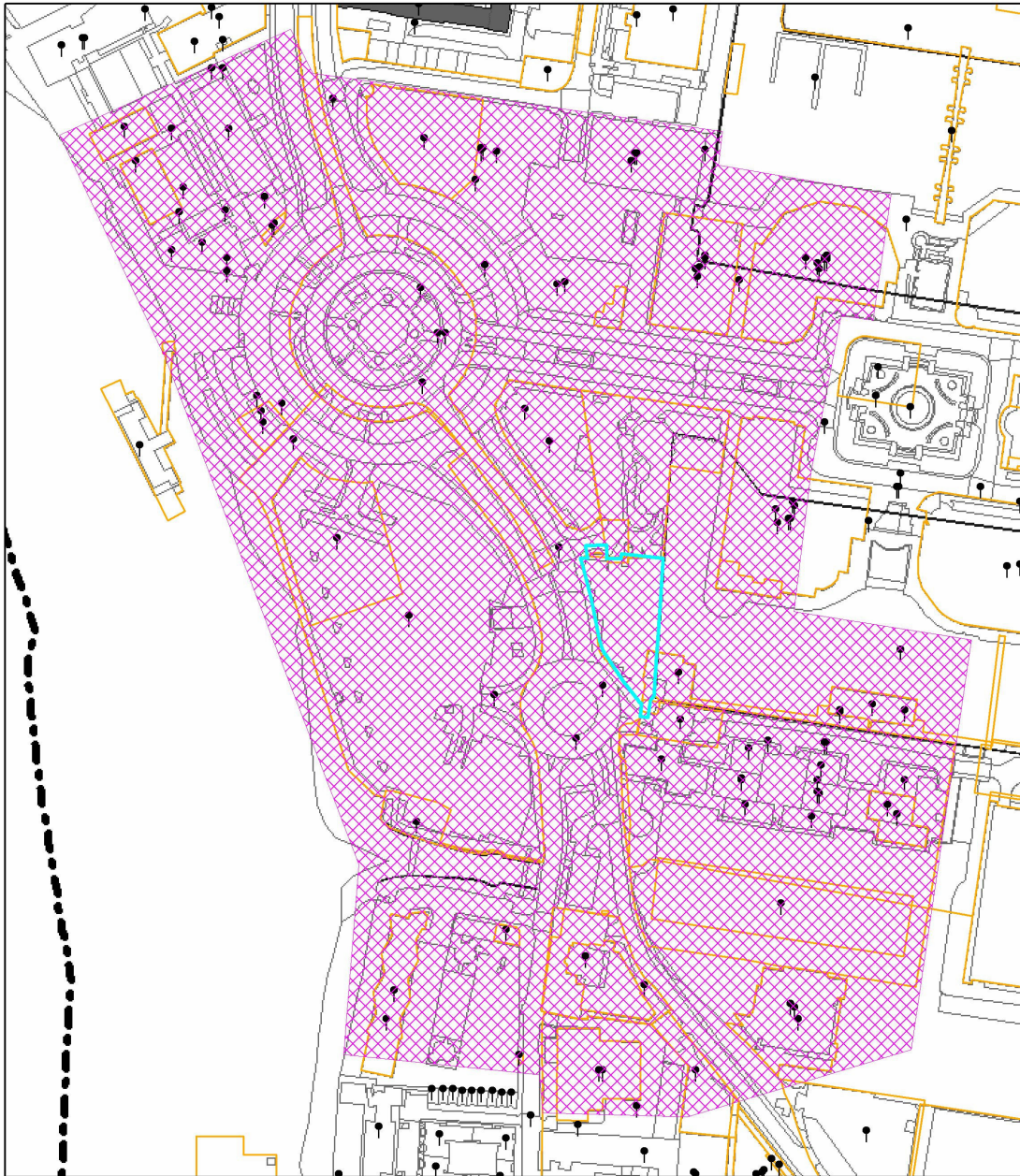
Environmental Statement

- 8.106 The Environmental Statement (ES) and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Bureau Veritas. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.
- 8.107 Upon Council's request, the applicant submitted a further addendum that considered the cumulative impacts that may arise if both the proposed Newfoundland development and the proposed commercial development at 1 Park Place were approved. Where relevant, the assessment also considers particular impacts that each development may have upon each other. This assessment was considered to be satisfactory by Bureau Veritas.

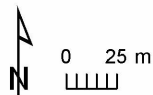
9.0 Conclusions

- 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.

Planning Application
Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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

Newfoundland, Canary Wharf, London

Agenda Item 7.2

Committee: Strategic Development	Date: 28 August 2008	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/08/00881	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location:	Second Floor, 18-22 Damien Street, London E1 2HX
Existing Use:	Music studio complex (Use Class B1)
Proposal:	Change of use of second floor from music studios (Use Class B1) to educational facilities (Use Class D1) together with internal alterations
Drawing Nos:	<ul style="list-style-type: none">• Drawing no. 1461-20 together with a location plan prepared to a scale of 1:1250• Three site photographs• Planning Statement dated 2nd May 2008• Design & Access Statement• Employment Statement• Annual Report (2006/2007) of the charity Esha 'Atul Islam• London Islamic School accounts report, dated 31 March 2007• Ofsted report on the London Islamic School dated 26-27 February 2008
Applicant:	Esha'atul Islam
Owner:	Esha'atul Islam
Historic Building:	N/A
Conservation Area:	Ford Square

2. RECOMMENDATION

2.1 That the Committee resolve to **REFUSE** planning permission for the change of use of the second floor from a music studio complex (Use Class B1) to educational facilities (Use Class D1) as the proposal is contrary to the aims and objectives of the London Borough of Tower Hamlets Unitary Development Plan (1998), the Interim Planning Guidance (October 2007) and the London Plan (consolidated with alterations since 2004) for the reasons outlined below:

1. The proposal would result in the loss of recording studios for which a local need exists and the building is still capable of being put to such use. Furthermore, no suitable replacement of these facilities has been identified. As such, the proposal is contrary to saved policy ART2 of the Unitary Development Plan (1998), which seeks to resist the loss of arts and entertainment facilities.
2. The proposed change of use would result in the loss of a locally and historically significant music studio facility within the Borough, which provides essential facilities for numerous individuals and businesses both within the borough and in the London region. The loss of the studios would have a demonstrable effect on a creative industry cluster, contrary to policy CP12 of the Interim Planning Guidance (2007) and policy 3B.8 of the London Plan, which seeks to protect, identify and support creative industries and related industries and environments.
3. The proposed change of use would negatively impact upon a creative industry cluster and would result in the loss of numerous specialist employment opportunities within the

Borough. This is contrary to saved policy ST15 of the Unitary Development Plan (1998) which seeks to facilitate the expansion and diversification of the local economy by encouraging a range of economic activities, and policy CP11(c) of the Interim Planning Guidance (2007) which seeks to retain employment sites where there is a current or future demand for them as an employment use, particularly where they form a cluster of similar, supporting uses.

3. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 3.1 Further to the three points detailed in the above recommendation, the following issues have been considered with regard to the proposal:
1. Employment: It is evident that the employment benefits generated by the existing music studio complex, both directly and indirectly within the creative cluster of which it is a key part, exceed that of the application proposal;
 2. Amenity & Safety: Subject to conditions, it is not considered that the proposed use of the second floor would have any undue impacts upon amenity of nearby residents or other users of the building; and
 3. Highways: Subject to a legal agreement, it is not considered that the proposed usage would exacerbate existing traffic and parking problems in the area, as detailed by local residents within representations.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the change of use of the second floor of the three-storey building at 18-22 Damien Street from music studios (Use Class B1) to an educational institute (Use Class D1) which would be operated in association with the mosque, madrassa and cultural centre which is located at basement, ground and first floor level within 18-22 Damien Street.
- 4.2 The submitted plans show that the second floor is proposed to contain two classrooms, a computer room, science lab, staff room and dining area together with WC facilities and ablution areas.
- 4.3 The submitted design & access statement details that the school currently has a maximum capacity of 145 pupils (boys between the ages of 11-16), with 118 pupils presently in attendance. The proposed change of use of the second floor would increase the capacity of the school from 145 pupils to 175.

Applicant's Supporting Statement

- 4.4 Within a supporting statement submitted by Esha'atul Islam (dated 11th August 2008), the applicant states that the Esha'atul Islam Mosque, Madrassa and Cultural Centre which currently occupy the application building, is a popular facility located in the centre of the local community it serves. In addition to its function as the London Islamic School, it provides social and cultural facilities to all ages. It is a registered charity which reports to the Charities Commission and is reliant upon voluntary contributions and donations. The vast majority of the current activities of Esha'atul Islam are contained within the basement, ground and first floors of 18-22 Damien Street. The basement and the ground floor provide an open area used as a Mosque for prayer, whilst the first floor contains school classrooms.
- 4.5 The applicant details that prayers occur five times daily on the ground floor and basement level, attracting some 500 people into the centre, rising to 1200 people on Fridays. Outside of these times, the same spaces are used as an open area for students, as accommodation to host temporary health and education classes, and, in the basement area, a younger children's (5-7 years) after school club and a part-time special education facility for over 16 year olds. The applicant details that these clubs are attended by over 120 pupils. An

organised programme of religious talks and readings takes place on the ground floor once a month which attracts between 500 and 700 attendees.

- 4.6 With specific regard to the proposed change of use of the second floor, the applicant states that the centre has expanded rapidly but has reached capacity in terms of accommodation. The use of the existing space has been maximised by a timetable that allows it to be shared by many different activities throughout the day and evening. However, this sharing of space is starting to compromise the quality and restrict the type of activities and, overall, reduce the effectiveness of the centre's work. The applicant specifies that the school currently has a waiting list and turns away 50 prospective pupils a year, local community members have been denied marriage guidance due to lack of suitable private space and the fact that there are no female toilet facilities restricts the use of the centre by women.
- 4.7 The proposed change of use of the second floor would provide approximately 400 sq.m. of additional space and allow the introduction of the facilities mentioned in paragraph 4.2, above. The proposal would add teaching facilities as mentioned above, and also allow the school's capacity to increase and employ an additional 13 full-time staff. The additional space will minimise the need for students to share the remainder of the building, and as a result, release space on the ground floor and basement for the expansion of other functions. This separation will also improve the security of the school. Classes for women will now be possible four times a week, as will marriage counselling, an expansion of the evening classes for children and teenagers, and facilities will also be provided for community elders.
- 4.8 The appellant's supporting statement concludes that there are few alternatives for Esha'atul Islam as the Centre needs to be located within the local community it serves. The possibility of securing space for community use is generally very difficult and the cost of land and premises has pushed beyond what a charitable organisation can realistically afford.

Site and Surroundings

- 4.9 The application site at 18-22 Damien Street consists of a three-storey purpose built factory building with basement level. The building is directly opposite is John's Place which consists of a block of Council owned residential flats, and adjacent to the south is Damien Court – a private block containing 30 residential units. The application site is partly within the Ford Square Conservation Area.
- 4.10 To the rear of the site (west) lies 54 Cavell Street, a four storey former industrial building containing live/work units, and an empty site which lies above the East London underground line.
- 4.11 The second floor of 18-22 Damien Street is currently occupied by Jamestown Studios, a music studio complex which consists of 23 individual recording studios, together with office, lounge, dining and refreshment areas. Of the 23 studios, 4 are located within the adjacent building at 19 Ford Square. However, access to these studios is obtained through 18-22 Damien Street.

Relevant Planning History

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

ST/88/00093 Planning permission was granted in March 1989 for the change of use of 16 Ford Square to residential use and the construction of a mosque, madrassa and cultural centre upon the vacant site at 46-52 Cavell Street. The latter element of this application was not implemented due to the physical constraints of the site being located above the East London Underground line.

ST/95/00149	Planning permission was granted in February 1996 for the erection of a conservatory at second floor level as a rest area for the adjoining recording studios.
ST/95/00061	Planning permission was granted on a temporary basis in March 1996 for the change of use and retention of part of the first floor as a mosque and madrassa.
PA/98/01288	Full planning permission was granted in August 1999 for the change of use and retention of the basement, ground and first floor from showroom/warehouse/storage and light industrial to a mosque, madrassa and cultural centre.
PA/02/00652	Planning permission was granted in November 2002 for alteration to building elevations and the insertion of a main entrance at ground floor level.
PA/06/01403	This application sought consent for the change of use of the second floor from music studios (Use Class B1) to educational institute (Use Class D1) including internal alterations. Following deferral from the Development Committee meeting of 2 nd May 2007, the application was heard at the Development Committee meeting of 3 rd July 2007 and carried an officer recommendation of refusal. Members resolved to approve the application. The owner of Jamestown Studios subsequently sought a Judicial Review of the decision. The decision was quashed by the High Court by virtue that the reasons for grant were not sufficiently robust. Costs of £10,000 were also awarded. Upon the decision being quashed, the applicant withdrew the application on 8 th May 2008.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Policies:	ST45	Education and training
	ST46	Encourage education and training provision at accessible locations
	ART2	Protection of arts and entertainment facilities
	EMP6	Employing local people
	T17	Parking standards

Interim Planning Guidance for the purposes of Development Control

Policies:	CP11	Protection of sites in employment use
	CP12	Creative and cultural industries and tourism
	CP27	High quality social and community facilities to support growth
	CP29	Improving education and skills
	SCF1	Social and community facilities

Supplementary Planning Guidance/Documents

Planning for Equality and Diversity in London (London Plan)

Spatial Development Strategy for Greater London (London Plan – consolidated with amendments since 2004)

	3A.24	Education facilities
	3B.8	Creative industries
	3C.22	Improving conditions for cycling
	3C.23	Parking strategy
	3A.17	Addressing the needs of London’s diverse population
	3A.18	Protection and enhancement of social infrastructure and community facilities

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

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 Environmental Health

6.3 No objections raised with regard to the proposal. The Environmental Health officer did, however, detail that complaints have been received since July 2007 with regard to noise nuisance from the Mosque.

LBTH Education

6.4 No comment.

LBTH Arts and Events

6.5 Concerns are raised with regard to the proposal's impact upon the local cultural industries. [Music] Studio provision is generally in short supply in the Borough. The London Plan recognises that the creative industries are a core part of London's economy and LBTH echo that on a local scale. Given the relatively high unemployment amongst our youth in the Borough, LBTH Arts and Events would, wherever possible, support the retention of such music facilities as Jamestown Studios as part of the local infrastructure necessary to support young people into the music industry. It would be very difficult to relocate such facilities locally.

LBTH Highways

6.6 The applicant has not indicated the provision of any cycle facilities. Cycle storage at 1 stand per 10 pupils or staff members should be provided, this would equate to a total of 20 stands and the applicant should ensure that each bike has been allocated the minimum required area of 2m x 0.5m plus 0.5m manoeuvring space and has the minimum required stand of 1.20m x 0.7. Sheffield Style stands are recommended.

LBTH Building Control

6.7 No objections raised.

7. LOCAL REPRESENTATION

7.1 A total of 969 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: **375** Objecting: **87** (161 letters of Supporting: **287**
 objection to previous app.
 PA/06/1403 have also been
 submitted)

No of petitions received: 1 in support containing 667 signatories

7.2 The following local groups/societies made representations:

In objection:

- Sidney Estate South Tenants Association
- London Metropolitan University

In support:

- Shahporan Masjid & Islamic Centre Trust
- Bangladesh Welfare Association

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

In objection:

- The loss of a high quality, purpose built music studio complex which has attracted and supported countless national and international musicians
- The closure of a purpose-built studio complex would be disastrous for the numerous musicians, composers and producers who depend on the facilities at Jamestown to earn their living. A number of musicians have made representations on the grounds that the studios provide essential facilities that they could not or afford or access otherwise, and provide a community hub for musicians, producers and DJ's to interact
- London Metropolitan University have objected on the grounds that they collaborate with Jamestown Studios and sixth form schools in the Borough to provide introductory training to creative media production
- The business and the livelihood of many clients and subcontractors rely on the unique and affordable facilities
- The facilities support musicians who provide music tuition in several local comprehensive schools including Mulberry School and Bow Boys School
- The studio facilities support and encourage local artists, particularly due to its affordability
- The presence of the music studio provides diversity to the neighbourhood
- Numerous local businesses depend on the music studios and would not survive without it
- The music studios are a vital economic and creative presence in Tower Hamlets
- The students of the existing school create noise nuisance and anti social behaviour which would be exacerbated by the expansion of the school
- The users of the music studios provide custom to a number of local shops, bars and restaurants
- The complex is not just used by musicians, but also other industries such as multimedia, internet, software/games, podcasting and radio
- The expansion of the school would exacerbate the existing parking problems in the area

In support:

- The additional space will allow extended educational and community facilities to be provided, particularly to local women, children and the elderly
- The proposal would benefit the local community in a far greater manner
- Local women would benefit greatly from the counselling and community services provided by the enlarged centre
- The centre would increase cohesion with the local youth population and provide rehabilitation facilities for young offenders
- The increased capacity of the school is greatly needed, as is the enhancement and expansion of the educational facilities, particularly a science lab and dining area
- The expansion of the school would create employment
- Education should be given priority over a private music company
- Currently, many local children have to travel long distances to school
- The music studios create noise to the disturbance of daily prayers at the adjacent Cultural Centre and lessons at the London Islamic School
- The music studio facility is a barrier to community cohesion because of the noise disturbance

- The studio use conflicts with the school use; the music studios are used at antisocial hours, free movement within the building is restricted and users of the studios smoke and litter outside the premises. Drug use is also evident
- The expansion of the London Islamic School will provide custom for local businesses

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

- The proposed fire escape is not sufficient for the proposed use (OFFICER COMMENT: Details relating to means of escape are controlled through Building Control legislation)
- A number of landlord and tenant issues were raised within representations, particularly with regard to land ownership matters and the music studios being located within the premises three years prior to the school and Cultural Centre. Landlord and tenant issues are not material planning considerations, and should not form the basis of any planning decision

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Employment
3. Amenity & Safety
4. Highways

Land Use

8.2 The application proposes the change of use of the second floor of 18-22 Damien Street from a music studio complex (Use Class B1) to educational facilities (Use Class D1). Development Plan policies support the promotion of both creative industries and education and community facilities. The relevant policies are analysed below.

Supporting policy framework for proposal

- 8.3 With regard to the proposed expansion of the London Islamic School and the associated Cultural Centre, saved policy ST45 of the UDP (1998) seeks to ensure that sufficient buildings are available to meet all existing and future educational needs arising in the Borough. Saved policy ST46 of the UDP encourages educational and training provision at locations which are accessible to the Borough's residents. In light of the proposed expansion of the school and the additional community benefits that the proposal would reap, it is considered that the proposal is in line with saved policies ST45 and ST46.
- 8.4 Policy CP29 of the Interim Planning Guidance (2007) seeks to improve education and skills within the Borough through educational and training initiatives and adequate education facilities. Again, the proposed increase in the school's capacity would assist in educational improvement within Tower Hamlets and therefore be supported by this policy. It should also be noted that the existing music studio complex works in partnership with local educational institutes to provide music tuition and experience in music industry careers.
- 8.5 The proposal conforms with policy SCF1 of the Interim Planning Guidance (2007), as it is considered that the proposal continues to ensure that community facilities have a high level of accessibility.
- 8.6 The application is also supported by London Plan (Consolidated with Alterations since 2004) policy 3A.24, which states that boroughs should develop policies which reflect the demands for pre-school, school and community learning facilities, and should ensure adequate provision in partnership with the local education authority, local strategic partnerships and

users. The policy also requires boroughs to take into account, inter alia, the potential for expansion of the existing provision and the proximity to homes and workplaces, whilst also achieving full use of schools in the evenings and at weekends.

- 8.7 Policy 3A.17 of the London Plan seeks to ensure that the needs of diverse groups are identified. The policy states that the spatial needs of these groups are met wherever possible, both through general policies for development and specific policies relating to the provision of social infrastructure including healthcare and social care, safety and security, policing facilities, the public realm, playspace and open space, inclusive design and local distinctiveness, community engagement, access to employment/skills development opportunities, and the provision of suitable space for Small and Medium-sized Enterprises. Existing facilities that meet the needs of particular groups should be protected, and where shortfalls have been identified, policies should seek measures to address them proactively. This policy should have particular relevance to the additional guidance set out in the 'Planning for equality and diversity in London' SPG which accompanies the London Plan. This guidance has particular reference to the existing disparities experienced by London's older people, children, women and black, Asian and minority ethnic groups. The document aims to ensure an inclusive London that builds upon its diversity. In the case of this application, it is considered that this policy is relevant in the case of the London Islamic School/Cultural Centre.
- 8.8 Policy CP27 of the Interim Planning Guidance (2007) builds upon policy 3A.17 of the London Plan, and supports the provision of high quality social and community facilities. The policy specifically supports the multiple use of social and community facilities, particularly the use of schools after hours, for a mix of sporting, social, cultural and recreation uses, provided there are no adverse impacts on the amenity of residents. Again, the proposed change of use is supported by this policy.

Supporting policy framework for the retention of the music studio complex

- 8.9 With regard to the retention of the music studio facilities, saved policy ART2 of the UDP (1998) seeks to resist the loss of arts and entertainment facilities within the Borough. It states that planning permission will not normally be given for development which involves the loss of arts and entertainment facilities, without suitable replacement, where a local need still exists and the building is still capable of being put to such use. The preamble to the policy also states that "arts facilities should not be seen as only those designed for public consumption, provision also needs to be made for production (e.g. artists studios, theatre company workshops or recording studios), for both professionals and amateurs.
- 8.10 Policy CP12 of the Interim Planning Guidance (2007) recognises that the creative and cultural industries are a key sector of London's economy and particularly in Tower Hamlets. The policy states that the Council will support new, and seek to retain and protect existing, creative and cultural industries, entertainment and tourism related uses, facilities and services for arts and culture and facilities that support these industries in inappropriate, accessible locations. The policy also states that the loss of creative and cultural facilities, in the Central Activities Zone, town centres, areas of regeneration or clusters of creative and cultural industries in the City Fringe, will be resisted.
- 8.11 The retention of the music studios is also supported by saved policy ST15 of the UDP (1998), which seeks to facilitate the expansion and diversification of the local economy by encouraging a wide range of economic activities at suitable locations and the availability of a skilled local labour force.
- 8.12 Policy CP11 of the Interim Planning Guidance (2007) seeks to protect sites allocated for employment uses. Of particular relevance is criteria c), which states that the Council will seek to retain other employment sites where there is current or future demand for them as an employment use, particularly where they form a cluster of similar, supporting uses.

8.13 Policy 3B.8 of the London Plan (Consolidated with Alterations since 2004) recognises that the creative industries are a core part of London's economy. The preamble states that the key creative industries in London include design, publishing, music, fashion, new media, film and broadcasting. It is also recognised that creative enterprises often group together in networks that provide modes of communication, knowledge exchange, business support and learning, but often lack organisational and administrative structures for sustainable growth. They also provide opportunities for reducing overheads through shared resources, and small and medium enterprises (SMEs) and sole traders are heavily represented. The preamble adds that the factors that influence clusters include the availability of low cost workspace. The policy itself states that DPD policies should identify and support the development of clusters of creative industries and related activities and environments, and existing clusters should be protected.

Land Use Analysis

- 8.14 From the applicant's supporting statement detailed above at paragraphs 4.4 to 4.8, it is evident that the expansion of the London Islamic School and the associated Cultural Centre, together with the community services that will be intensified by virtue of the expansion is in line with a number of policies within the Unitary Development Plan, Interim Planning Guidance and the London Plan.
- 8.15 The owner of the music studio complex (Jamestown Studios), has submitted a number of documents in support of their retention. In summary, the owner, Mr K Brainard, states the following:
- Jamestown Studios is internationally renowned and has attracted and nurtured a number of globally successful artists
 - The existing building was originally purpose built for industrial usage, therefore ideally suited for recording studio usage
 - There are no comparable music studio facilities within the Borough. The Richmix Centre, which was previously suggested by Members as an alternative destination for users of Jamestown, has only 1 recording studio, which is not available for commercial hire. Jamestown has 23 studios (OFFICER COMMENT: This has been verified by Council investigations within the previous application ref/ PA/06/01403)
 - Jamestown Studios is currently engaged with London Metropolitan University and Tower Hamlets 6th Form Schools to establish partnerships
 - Mr Brainard has submitted a report detailing the usage of Jamestown Studios within the month of May 2008. The list is comprised of musicians, composers, producers, recording engineers and DJs. The studios were directly hired by 48 people, who in turn worked with another 189 people within the studios, which equates a total of 237 people using the studios within May 2008. As such, the closure of Jamestown Studios would prevent over 200 people a month from finding affordable premises, which would almost certainly not be within the Borough
 - Of the 48 musicians who directly hired the Music Studios in the month of May 2008, 15 were residents of Tower Hamlets
 - Jamestown Studios allows musicians of different cultures and ethnic backgrounds to interact and collaborate. A list of the ethnic groups and nationalities of the users of the studios in May 2008 has also been supplied. This includes North American, Asian, African, Afro-Caribbean and European
 - Mr Brainard has also submitted a report produced by the Department for Culture, Media and Sport (DCMS), entitled 'Creative Economy Programme' and dated February 2008, which highlights that Britain's creative industries are increasingly vital, with two million being employed within the sector which contribute £60 billion a year, or 7.3% of the British economy. The DCMS also highlight that the creative sector has grown at twice the rate of the economy of the economy as a whole in the last decade
- In addition, an independent feasibility study undertaken by Tarn & Tarn has been submitted by Mr Brainard, which details that relocation of the music studio complex is likely to take

approximately 8 months, at a cost of £600,000. This is assuming a rent-free period during the fit-out.

- 8.16 From the information submitted by Mr Brainard and from the content of the representations received by the Council, it is evident that substantial demand exists for the music studio complex, which is the only facility of its type in the Borough. The loss of Jamestown Studios would have a demonstrable impact upon the creative industry cluster which it is evidently a key part of.
- 8.17 The London Islamic School and associated Cultural Centre provide numerous educational and community benefits, and it is acknowledged that the expansion of this facility would increase these. However, this would be to the detriment of an established creative industry cluster which relies upon the presence of the music studio complex, and would result in the loss of the numerous specialist employment opportunities for individuals and businesses within the Borough and beyond.

Land Use Conclusions

- 8.18 It is recognised that there is policy support for the retention of the music studio facilities and also the proposed expansion of the school and associated Cultural Centre. As such, it is necessary to weigh the benefits of each case. Such an approach accords with the general approach to making a planning decision in which competing factors must be weighed against each other. An approach which treats these policies as providing guidelines as opposed to rigid criteria sits more comfortably within the wider policy matrix in which the decision has to be taken.
- 8.19 The proposed change of use would result in the extinction of such recording studio usage in the Borough. However, the school and cultural centre would still exist if this permission were not granted, albeit in a smaller form. Overall, the permanent loss of this established creative industry cluster would reduce the mixed-use character of Tower Hamlets and its economic diversity by eradicating a use that is not found elsewhere in the Borough. This is contrary to central government's sustainable community policies. Alternatively, the refusal of this proposal would not result in the loss of the school and cultural centre, only a limit of its size. The retention of the music studios would therefore allow these two important uses to continue to exist and benefit their respective users. Furthermore, it is considered that the two uses are capable of co-existing in the same building.
- 8.20 In light of the above, it is evident that there is a strong local need for the music studio complex and the building at 18-22 Damien Street remains capable of remaining in such use. Furthermore, no suitable replacement of these facilities, or an alternative site, has been identified. As such the proposal would result in the loss of a valuable and significant music studio facility and is therefore contrary to saved policy ART2 of the Unitary Development Plan (1998) which seeks to resist the loss of arts and entertainment facilities.
- 8.21 From the above representations and land use analysis, it has been demonstrated that the music studio complex forms part of a creative industry cluster consisting of numerous individuals and businesses both within the Borough and the London region, upon which the loss of the studios would have a demonstrable effect. The loss of the music studios would therefore be contrary to policy CP12 of the Interim Planning Guidance (2007) and policy 3B.8 of the London Plan (Consolidated with Alterations since 2004), which seek to protect, identify and support creative industries and related industries and environments.
- 8.22 Further to the above, the negative impact upon the creative industry cluster would result in the loss of numerous specialist employment opportunities within the Borough, such as musicians, composers, producers, technicians, music teachers/tutors, web programmers and sound engineers, who all rely on the presence of the music studios to support their career in this creative industry. As such, the proposal is contrary to saved policy ST15 of the Unitary

Development Plan (1998) which seeks to facilitate the expansion and diversification of the local economy by encouraging a range of economic activities, and policy CP11(c) of the Interim Planning Guidance (2007) which seeks to retain employment sites where there is a current or future demand for them as an employment use, particularly where they form a cluster of similar supporting uses.

Employment

- 8.23 Both the applicant and the owner of the music studio complex have submitted information with regard to the employment generated by the proposed change of use of the music studios to educational facilities. Within the submitted Employment Statement, the applicant's agent details that the school presently employs 13 full time staff including one self employed member, and 14 part time staff. The additional space created by the proposal is envisaged to create 13 additional full time posts, consisting of a mixture of skilled and qualified teachers and technicians, as well as management and staffing posts. Jamestown Music Studios employs 4 full-time and 6 part-time members of staff.
- 8.24 The Council have assessed the submitted employment information alongside the submitted London Islamic School accounts report (dated 31 March 2007), and have found a number of discrepancies, namely:
- The submitted accounts are for the seven months ended 31 March 2007 and are un-audited
 - The Charity Commission website details that the accounts for Esha'atul Islam for 2006 and 2007 are overdue
 - The owner of Jamestown studios has provided the Council with a copy of a letter from the Charity Commission dated 13 June 2007, which states that the income of the London Islamic School has not been declared within the Esha'atul Islam accounts
 - The National Insurance contributions detailed within the accounts are seemingly low; an employers contribution is 12.8% of wages in excess of £100 a week, which on a minimum wage would accrue to approximately £700 per employee per annum. For 27 employees on minimum wage, this would equate to £18,900 per annum. However, the submitted accounts detail that only £3,860 was paid for the year ending 2006
- 8.25 Within a letter from the applicant's agent dated 23rd June 2008, it is detailed that: "13 staff work full time defined as over 20 hours a week including one self-employed person with gross wages and re-numeration paid totalling £135,983 based upon their monthly rates paid at present (times twelve). This gives an average full time gross salary of £10,460.30". The applicant's agent also details that the average wage of the part-time members of staff totals £5,447.00 per annum, and that the current academic year fees 2008-09 are £1,900 per pupil, and with 118 pupils presently in attendance, pupil donations of £229,000 are expected. However, without any audited accounts, these figures cannot be verified.
- 8.26 In light of the above, it is considered that the submitted existing and proposed employment figures cannot be given weight in determining this application. It is unclear whether the figures are incorrect, whether staff are being paid below the minimum wage, or the declared number of staff is exaggerated. Notwithstanding this, it is evident that the employment benefits generated by the music studio complex, both directly and indirectly, exceed that of the application proposal, and there will be demonstrable harm caused to numerous specialist employment opportunities within the Borough. As such, it is not considered that employment benefits claimed by the applicant could support a reason for approving this application.

Amenity & Safety

- 8.27 The Council's Environmental Health department, upon consultation, stated that they have received complaints with regard to noise disturbance from the Mosque at 18-22 Damien Street since July 2007. Nevertheless, with the attachment of appropriate noise attenuation conditions, it is not considered that the proposed use of the second floor would exacerbate

amenity problems significantly. As such, it is not considered that an objection on the grounds of existing or potential loss of amenity to users or adjacent/nearby residential occupiers could be substantiated in this instance.

Highways

- 8.28 A number of letters of objection have been received with regard to the existing parking and traffic related problems created by the school and Cultural Centre, and how the proposal would exacerbate these. Such issues are controlled by the existing measures exercised by the Council's Parking Services department. It is also considered that the Council's ability to attach a condition requiring the applicant to enter into a s106 car-free agreement preventing any employees of the facility from applying for an on-street parking permit would address the concerns expressed by surrounding residents. As such, it is considered that a refusal of permission on these grounds would be difficult to substantiate.

Conclusions

- 8.29 All other relevant policies and considerations have been taken into account. Planning permission should be refused 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.

Agenda Item 7.3

Committee: Strategic Development	Date: 28 August, 2008	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application and Listed Building Consent
Case Officer: Rachel McConnell	Ref No: PA/08/00601
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location: 1, Park Place, London, E14 4HJ
Existing Use: Office (Class B1 Use)
Proposal: Demolition of the existing building and structures on the site and erection of a new building (196.67m high) providing 122,615 sq.m of floorspace (office & retail), underground parking, services and plant and provision of a new publicly accessible walkway to dockside.

Drawing Nos/Documents: This application includes the submission of an Environmental Statement.
Drawing Nos: 0001 P1, 9002 P1, S0110 P1, S0111 P1, SO112 P1, S0200 P1, S0201 P1, S0202 P1, S0203 P1, S0204 P1, S0205 P1, S0206 P1, 1100 P1, 1108 P2, 1109 P1, 1110 P1, 1111 P1, 1112 P1, 1119 P1, 1120 P1, 1129 P1, 1130 P1, 1131 P1, 1132 P1, 1134 P1, 1142 P1, 1143 P1, 1153 P1, 1154 P1, 1155 P1, 1140 P1, 1141 P1, 1142 P1, 143 P1, 1144 P1, 1145 P1, 1146 P1, 1147 P1, 1060 P1, 1160 P1, 1161 P1, 1162 P1, 1163 P1, 1164 P1, 1180 P1, 1181 P1, 1182 P1, 1183 P1, 0002 P1, 0003 P1, 0004 P1, 0005 P1, 0006 P1, 0007 P1, 0008 P1, 0009 P1, 0010 P1

- Design and Access Statement (March 2008)
- Planning Statement (March 2008)
- Environmental Statement (March 2008)
- Energy Statement (March 2008)
- Transport Assessment (March 2008)
- Sustainability Statement (March 2008)
- Statement of Community Involvement (March 2008)
- Environmental Statement Addendum (July 2008)
- Regulation 19 Response (June 2008)

Applicant: Park Place Sarl
Ownership: Various
Historic Building: Grade I Listed dock wall
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. 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 development and protect sites in employment use.
- Contributions have been secured towards off-site affordable housing provision in accordance with requirements to provide a mix of uses. This meets the requirements of London Plan policy 3B.3 which requires that a mix of uses, including housing and Policy 5G.3 which identifies Canary Wharf as an area where an off-site provision of housing should be accepted as a mix of uses on-site would compromise the broader objectives of sustaining important clusters of business activities.
- 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 options.
- Contributions have been secured towards the provision of transport infrastructure improvements; open space and public realm improvements; 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.

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:

Financial Contributions

- a) Provide a contribution of **£440,342** towards education, training and employment initiatives for residents and improvements to the Mile End Park and other local leisure and recreational facilities.
- b) Provide a contribution of **£239,081** towards highway improvements
- c) Provide **£358,621** towards securing Local Labour in Construction initiatives.
- d) Provide a contribution of **£7,014,149** towards off-site provision of affordable housing
- e) Provide **£3,700,000** towards transport infrastructure, specifically:
 - i. Docklands Light Railway three carriage capacity enhancement works;
 - ii. Canary Wharf Underground station improvements;
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(Total S.106 contribution = **£11,752,243**)

Non-financial Contributions

- g) Travel Plan – to promote the use of sustainable travel;
- h) Publicly Accessible Walkways - Maintenance and with unrestricted public access to dockside walkway;
- j) Provision of Public Art;
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

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

Conditions

- 1) Time Limit (3 years)
- 2) Particular details of the development
 - External materials;
 - 1:1 scale sample for typical cladding system;
 - External plant equipment and any enclosures;
 - Hard and soft landscaping; and
 - External lighting and security measures
- 3) Full particulars of energy efficiency technologies required
- 4) Submission of BREEAM assessment required.
- 5) Hours of construction
- 6) Biodiversity Action Plan required
- 7) Demolition and Environmental Construction Management Plan required

including feasibility study and details of moving waste and materials by water during construction

- 8) Service Management Plan
- 9) Employment and Training Strategy required
- 10) Noise control limits
- 11) Land contamination assessment required
- 12) Programme of archaeological work required
- 13) Programme of recording and historical analysis of archaeological evidence
- 14) Details of proposed foundation details to be agreed by LUL
- 15) Designated motorcycle spaces to be used solely for the parking of motorcycles
- 16) Scheme for design and implementation of flood warning system
- 17) Landscape Management Plan
- 18) Light spill to dock controlled
- 19) Details of construction of storage facilities for oils, fuels and chemicals
- 20) No solid matter stored within 10m of the banks of the dock
- 21) Protection of public sewers
- 22) Impact study of the existing water supply infrastructure required
- 23) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 24) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Contact Thames Water
- 2) Contact London City Airport regarding cranes and scaffolding
- 3) Contact LBTH Building Control
- 4) Contact British Waterways
- 5) Contact Environment Agency
- 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 is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is a complete redevelopment of the site at 1 Park Place comprising of the erection of a 45 storey (202.67m high) building containing 119,693 square metres of office floorspace and ground floor retail (418 sq.m) and restaurant uses (634 sq.m). The application also proposes to activate the site edge facing onto West India dock through the introduction of a new public space.
- 4.2 The proposal include 42 car parking spaces and 480 secure cycle spaces located in the basement and 20 public spaces located at ground level and 120 motor cycle spaces.

Site and Surroundings

- 4.3 The application site is 0.39 hectares in size and located on the western side of the Canary Wharf estate, between Cabot Square and Westferry Circus. The site is currently occupied by a brick office building of between 4 and 6 storeys know as the Little John Fraser Building.

The site is bounded by West India Avenue to the north, Park Place to the west and south, and by West India dock to the east. The existing building is directly accessed from Park Place and has a rear aspect to the dock. The building is sited approximately 6m below West India Avenue to the north. There is currently no direct access to the site from West India Avenue.

- 4.4 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 including Riverside South, North Quay and Herons Quay West.
- 4.5 Immediately to the south of the site is a separate current planning application proposing a 37 storey building comprised of a 150 bed hotel, 78 serviced 'apart-hotel' rooms with retails, restaurant and education facilities known as Newfoundland.

Planning History

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

ID/97/84	Outline planning permission in respect of redevelopment by the erection of building(s) comprising 26165 sq m offices or 23665 sq m offices with 2500 sq m retail was granted in December 1997.
PA/00/1355	Planning permission for the erection of new building providing basement, lower ground, ground plus 10 storeys of offices comprising 25,000sq. metres of floorspace, associated pedestrian and vehicular access improvements. Introduction of pedestrian walkway and landscaping to dockside. Double storey height arcade along West India Avenue was granted in October 2002.
PA/06/1465	Erection of new building providing basement, lower ground, ground plus 10 storeys of offices comprising 25,000sq. metres of floor space, associated pedestrian and vehicular access improvements. Introduction of pedestrian walkway and landscaping to dockside. Double storey height arcade along West India Avenue (Renewal of earlier scheme PA/00/01355) – application withdrawn on 29 March 2007
PA/07/1322	This for the erection of a new building providing basement, lower ground, ground and 10 storeys of offices comprising 25,643sq metres of floor space with associated landscaping, car parking, servicing and plant – planning permission granted on 20 June 2008.
PA/08/602	Alterations to dock wall – Listed building consent granted on 22 May 2008.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Proposals:	Flood Protection Area Central Area Zone Water Protection Area Site of Nature Conservation Importance Within 200m East – West Crossrail
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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
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV69	Water Resources
	CAZ1	Location of Central London Core Activities
	CAZ4	Special Policy Areas
	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 ID57 – Identifies preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4, A5) Major Centre Flood Risk Area Site of Importance for Nature Conservation Public Open Space (Isle of Dogs wharves) Blue Ribbon Network Inland Water
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Core Strategies:	IMP1	Planning Obligations
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity
	CP36	The Water Environment and Waterside Walkways
	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
	CP43	Better Public Transport
	CP48	Tall Buildings
	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

DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
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
SCF1	Social and Community Facilities
OSN3	Blue Ribbon Network and the Thames Policy Area
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 (London Plan)

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
4A.2	Mitigating climate change
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
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.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

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS22	Renewable Energy
PPS25	Development and Flood Risk
PPG4	Industrial, Commercial Development and Small Firms

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 Cultural Services

6.3 Contributions should be sought to contribute to the Play Pitch Strategy to address the demand on pitches by the daytime workforce and the increase in demand on public open space.

Officer Comment

Contributions have been sought towards education, training and employment initiatives for residents and improvements to the Mile End Park and other local leisure and recreational facilities.

LBTH Energy Efficiency

6.4 The bio-diesel tri-generation plant is a relatively new technology and there are no current examples in operation in the UK. The energy strategy is acceptable however should be reviewed at the detailed design stage. The following conditions are recommended:

- Further details of the preferred energy technologies and the details of the proposed tri-generation plant which must also comply with Air Quality Standards.
- Confirmation prior to occupation that the proposal meets BREEAM requirements.

Officer Comment

Recommended conditions are to be imposed as detailed in paragraph 8.42-3.

LBTH Environmental Health

6.5 - Request further study to be carried out into possible contamination.
- Monitoring of air quality to be carried out during construction management phase.
- Renewable energy provision must meet LBTH Air Quality Standards.

Officer Comment

All the above points can be addressed by appropriate conditions.

LBTH Highways

6.6 - The provision of 42 car parking spaces is in line with current standards;
- The provision of 180 motor cycle spaces has not been justified and concerns raised that the

motor cycle parking may be used for the parking of motor vehicles.
- S.106 contribution required for public realm improvements.

Officer Comment

Amended plans have been received to reduced the motor cycle provision to 120 spaces. A condition is recommended to ensure that the spaces are only used for the parking of motor cycles.

LBTH Waste Management

6.7 No objections.

British Waterways (Statutory Consultee)

6.8 No objections however would like more animation of the dockside through the elevational treatment and positioning of uses to help add interest to the waterside. Suggested informatives.

Officer Comment

Active uses are proposed at ground floor level including Class A3 uses. The suggested informatives are to be imposed.

CABE

6.9 Insufficient resources available to comment on the scheme.

City of London (Statutory Consultee)

6.10 No objection – the proposed development does not directly impact on existing protected views of Tower Bridge.

English Heritage (Statutory Consultee)

6.11 Proposal will have some impact on the view from the General Wolfe Statue in Greenwich Park. Adequate conditions necessary to obtain the correct level of detail concerning the intricate design of the façade.

Officer Comment

Condition to be imposed requesting further detail of the façade and material to be used.

English Heritage- Archaeological Division (Statutory Consultee)

6.12 Redevelopment of the site has the potential to damage or remove significant buried remains. Require archaeological mitigation to be secured by attaching appropriate conditions.

Officer Comment

Requested condition to be imposed.

Nabarro on behalf of English Partnerships (Statutory Consultee)

6.13 Mixed use should be provided in accordance with Policy 3B.3 of the London Plan including residential. Proposal does not provide residential and affordable housing would be required – the proposal does not accord with this policy.

Officer Comment

A contribution of £7,014,149 towards off-site affordable housing has been secured to comply with the mixed use policies set out in the London Plan.

Environment Agency (Statutory Consultee)

6.14 No objection.

- Normally object to encroachment into the dock because this reduces flood storage area

and valuable dock habitat is lost however planning permission has previously been granted for development of the site and it proposes dock encroachment. Request conditions requiring mitigation and compensation measures.

- Sequential Test has adequately been demonstrated.

Officer Comment

Suggested conditions relating to remaining dock area cannot be imposed as this is outside of the application site.

Greater London Authority (Statutory Consultee)

6.15 The Council have received the GLA's Stage I comments upon the application. The GLA largely support the application, stating:

"The application proposes a high quality design that accords with the context of the surrounding area and best maximises the potential of the site. There are however, a number of issues that will need to be addressed before this application is returned to the Mayor including; the financial contribution for transport and affordable housing, the inclusion of an accessible lift to allow access to the dockside, the energy proposals, further details on the proposed brown roof and flood risk assessment, the overall level of car parking and other technical transport considerations."

Officer Comment

- Contributions towards transport and affordable housing have been sought. Full details are contained within Section 3.1 of this report.

- The agent confirms that a public lift service will be available at all times via the main building foyer to provide a secure lift connection to the dockside from West India Avenue.

- The GLA have subsequently confirmed that following clarification on a number of points, they are satisfied with the energy strategy submitted subject to confirmation from LBTH Air Quality team.

- There has been a reduction in motor cycle spaces from 180 to 120 spaces. A condition is to be imposed to ensure that these spaces are not used for the parking of motor vehicles.

- The Environment Agency considers the flood risk statement to be satisfactory and raises no objection to the proposal.

London Borough of Greenwich (Statutory Consultee)

6.16 No objection.

London Borough of Southwark

6.17 No comments received.

London City Airport (Statutory Consultee)

6.18 No safeguarding objection subject to imposition of conditions relating to craneage and scaffolding height, and requirement for aviation obstacle lighting.

Officer Comment

Informative imposed advising that London City Airport are contacted.

London Development Agency (Statutory Consultee)

6.19 - Employment and training strategy should be secured through an appropriate planning condition.

- Contribute towards on-site training or towards cost of construction training and ensure equality of opportunity.

- Ensure local people and businesses are encourage to apply for employment

Officer Comment

- An Employment and Training Strategy will be secured by condition.
- Contributions have been sought towards Local Labour in Construction initiative.

London Fire and Civil Defence Authority (Statutory Consultee)

- 6.20 Issues relating to Access and Water Supplies should be dealt with by the appointed Approved Inspector or Building Control.

Officer Comment

Informative imposed advising that LFCDA are contacted.

London Underground Ltd (Statutory Consultee)

- 6.21 The site is situated close to underground tunnels and infrastructure. Require condition that London Underground is contacted with details of the proposed foundation arrangements to ensure there is no detrimental impact in the short and long term.

Officer Comment

Appropriate condition to be imposed.

National Air Traffic Services (Statutory Consultee)

- 6.22 No safeguarding requirements

Natural England (Statutory Consultee)

- 6.23 No comments.

Port of London Authority (Statutory Consultee)

- 6.24 No objection. Suggest consideration should be given to the use of the river for transporting construction and waste materials and consideration to using the river to deliver the fuel that will power the plant.

Officer Comment

Condition to be imposed requiring consideration to be given to the use of the water for transportation.

Thames Water (Statutory Consultee)

- 6.25 Thames Water have 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, and a drainage strategy is to be submitted and approved prior to the commencement of any development. A number of informatives are also recommended.

Transport for London (Statutory Consultee)

- 6.26 - Support a reduction in car parking to reduce congestion at the junction of Westferry Road and the Limehouse Link.
- Service management plan required and construction management plan.
 - Request a contribution of £1.2 million to mitigate the impact on the bus network which equates to two busses for three years.
 - Request a contribution of £2.5 million toward increase in demand on DLR.
 - Cycle parking provided in accordance with TfL standards – requests that cycle route extended to the site.
 - Travel Plan should be secured through S.106.
 - Crossrail scheme will provide additional capacity across the network and will be financed from a range of funding streams. A contribution is requested towards the costs of constructing Crossrail.

Officer Comment

The above points are addressed in the Transportation and Highways section in the main assessment.

7. LOCAL REPRESENTATION

7.1 A total of 711 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: 4 Objecting: 4 Supporting: 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:

Design, Mass and Scale

- No arcade provided along West India Avenue;
- Inadequate circulation around the building at ground level;
- Not in compliance with the principals of the Skidmore Owings and Merrill Masterplan;
- 'Reeded façade' does not reflect the character of the area;
- Does not create or enhance the character of the area;
- Buildings between One Canada Square and the Riverside South development should be of intermediate height;
- Fails to respond to the lower buildings to the east;
- Not subservient to the Canary Wharf tower – damages iconic views of tower;
- Design, height, mass and bulk inappropriate to site and setting;
- Not highest quality design;
- Contrary to CABI and English Heritage Guidance on tall buildings;
- Contrary to Interim Core Strategy and Isle of Dogs Area Action Plan;
- Quality of architecture and poor design solution;

Amenity

- Impact on neighbouring properties amenities including sewage, water, waste and key public space;
- Location of service bays will create noise and traffic problems;
- Loss of sunlight and daylight;
- Overshadowing;
- Impact on road users and pedestrian both during and after development;
- Impact during construction detrimental to the area;
- Overbearing

Other Issues

- Increase in flood risk;
- Infilling of docks in contrary to the London Plan policy;
- Green and public space small in comparison to the size of the building;
- Inadequate assessment on future capacity of public transport network;
- Inadequate service and access arrangements;

Comments on Environmental Statement(ES) and ES Addendum

- Insufficient information on the impact on the road network;
- Consented developments have not all been included in the cumulative Transport

Assessment;

- Bats and Black Redstarts are protected species – surveys for these have not been undertaken;
- Microclimate – not clear whether mitigation measures have been tested for consented schemes. The ES Addendum utilises information from the Newfoundland application however an independent assessment should be carried out.
- Insufficient information has been provided on dock encroachment;
- Impact on Grade I listed dock wall has not been fully explored;
- Further assessment required into the impact on daylight/sunlight on the proposed hotel and adjoining office accommodation.
- Aviation assessment should be required;
- Further information should be provided for construction works relating to construction management, noise & vibration, air quality;
- Insufficient information on provision of utilities and services;
- Waste management plan not in the ES.

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

- Red line boundary encroaches onto land owned by Canary Wharf Group and inability to implement planning permission (OFFICER COMMENT: Issues relating to land ownership are not a material planning consideration)

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. Transport and Highways
4. Amenity
5. Energy and Renewable Technology
6. Section 106 Planning Contributions
7. Other Issues

Land Use

8.2 London Plan policies 3B.1 and 3B.2 recognise and support London's role as a world city and continued economic development by seeking the provision of a variety of type, size and cost of business premises to meet the needs of all business sectors. The redevelopment of existing outdated office buildings on an underutilised site in Canary Wharf is in line with the objectives of these policies.

8.3 The adopted UDP (1998) designates the application site within the Central Area Zone which promotes commercial development. The existing building on the site is currently used as offices and the proposal does not seek to change this. 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. The application site is also identified as a development site (ID57) with preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4, A5) to which the proposal accords.

8.4 Notwithstanding this, London Plan policy 3B.3 requires that where an increase in office

floorspace is proposed within the northern section of the Isle of Dogs, a mix of uses should be provided, including housing, unless such a mix would conflict with other London Plan policies. Policy 5G.3 identifies Canary Wharf as an exception to this rule, where a mixed use development would compromise the importance of sustaining clusters of business activities. 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”* There is however no policy in the IPG which seeks the provision of off-site affordable housing for office developments.

- 8.5 Conformation has been provided that the applicant is willing to make a contribution towards off-site affordable housing to address the requirement for mixed use development as set out in Policy 3B.3 in the London Plan. Whilst it is acknowledged that a contribution towards off-site affordable housing provision would not be in accordance with Policy IOD1 (1.c) in the Isle of Dogs Area Action Plan (Submission Document) which seeks to accrue off-site employment space, such a contribution meets the overall objective of this policy which is to ensure that the development is of benefit to the wider community.

Design

Height, 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 tall 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, massing and scale, the proposed development responds well to the context of the existing office buildings within the Canary Wharf estate. At 202.67m in height, the proposed building is significantly taller than the neighbouring 15 Westferry Circus to the west at 54.26m and 25 Cabot Square to the east at 90.80m. The proposed building however is c.46m lower than One Canada Square which is 243.20m to the apex of the pyramid roof and c.44m lower than the approved building at Riverside South to the west which is 241.10m at the highest point.
- 8.14 It is considered that the proposal sits comfortably within the massing of the Canary Wharf tall building cluster and does not disrupt the existing progressive reduction in height away from One Canada Square. When viewed from northern and southern viewpoints, the buildings will step down in height from Riverside South and Park Place to the lower rise buildings at Cabot Square, and then rise to the central building at One Canada Square. The development at Wood Wharf to the east provides balance to this development at the western side of the estate, with One Canada Square being the central focal point.
- 8.15 Canary Wharf has evolved beyond the scale of development identified in the original Masterplan. It is considered that the proposed building makes a positive contribution to the composition of buildings within the Canary Wharf cluster. The application has been supported by an assessment of near and distant views to the proposed building including from key locations.
- 8.16 Policy 4B.16 in the London Plan seeks provides a view management framework. In terms of strategically important views as designated in the London Plan, whilst visible in the view from the City Hall to Tower of London, the proposed building is not considered to appear as a dominant feature and does not obscure the pyramid roof of One Canada Square. In the view from Statue of John Wolfe, at Greenwich Observatory, the building fits appropriately between western edge as defined by Riverside South and One Canada Square to the east. The pyramid roof of One Canada Square would also be clearly visible from both views from Waterloo Bridge.
- 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:
- in terms of architectural design, the facade of the building draws inspiration from the waterside location with a 'reed like' texture. The development creates a landmark building to the edge of the Canary Wharf Estate, invigorating the West India Dock and complementing the existing tall buildings;
 - the proposed building 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 along the dockside which is currently inaccessible;
 - the scheme enhances the movement of people, including disabled users, through the public open space and dockside walkway 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;

- the scheme 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;
- whilst the development is not mixed use, the immediate area houses a wide variety of commercial uses and as such, the proposal is considered appropriate and will contribute positively to the social and economic vitality of the surrounding area and includes an appropriate s.106 contribution towards off-site affordable housing;
- the site is located in an area with good public transport accessibility;
- the proposal 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 building conform with Civil Aviation requirements; and
- the proposal does not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.18 In view of the above, it is considered that the proposed building will contribute positively to the Canary Wharf and help to animate West India 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).

Blue Ribbon Network

8.19 The West India Dock which borders the eastern boundary of the site, forms part of the Blue Ribbon Network. Policies 4C.11 and 4C.23 of the London Plan, DEV48 of the UDP and OSN3 of the IPG seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.

8.20 The proposal provides a new pedestrian access from West India Avenue to the dockside retail and restaurant uses at the ground level of the building. The lower levels of the building are splayed at the stepped walkway to provide views to the dockside from West India Avenue. The ground floor retail use adjacent to the dock will further animate this part of West India dock, as well as enabling greater enjoyment of the dock as part of the Blue Ribbon Network. It is considered that the proposal enhances the local pedestrian network and the dockside environment.

Listed Building Issues

8.21 The application site is not located within a conservation area. Listed Building Consent has been granted for works to the dock wall, copings and associated structure which are Grade I listed to enable the construction of the piling and the pile cap. 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).

Newfoundland Site

8.22 Due to the proximity of the Newfoundland scheme in relation to this development, there is the potential for cumulative impacts to occur. At 37 storeys, the proposed scheme at Newfoundland would obscure much of the bulk and massing of 1 Park Place when viewed from the south. There is a separation of c.8m between the proposed buildings. This is not considered out of character in Canary Wharf, particularly given that it is the

narrowest elevation of the proposed building which adjoins the Newfoundland site.

Transport and Highways

- 8.23 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 minimises 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.
- 8.24 Vehicular access to the development will be gained from Park Place. The servicing for the development will be undertaken at the lower ground floor level. No alterations are proposed for the existing access into and out of the servicing area. LBTH Highways department and TfL have not raised objection to the proposed servicing arrangements.
- 8.25 Basement car parking is provided with the access and egress proposed from Park Place by lifts located on the western frontage of the development. A total of 42 car parking spaces are proposed within the development. TfL have requested that the number of car parking spaces is reduced given the accessibility of the site. The existing site currently has 40 car parking spaces. The standards set out in the IPG give a maximum parking standard of 1 space per 1,250 sq.m GFA of office floor space. This equates to a maximum provision of approximately 90 parking spaces. 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.
- 8.26 The development proposed 180 motorcycles bays within the basement. Following concerns raised by LBTH Highways that this is an overprovision, amended plans have been received which reduce the number of bays to 120 which is considered acceptable.
- 8.27 The guidance set out in the IPG for cycle parking sets out a standard of one cycle parking space per 250 sq.m for office space and 125 sq.m for retail uses. Approximately 470 cycle parking spaces are required to be provided. The proposed scheme complies with guidance for the inclusion of 480 secure cycle parking which is situated within the basement along with 20 public cycle parking facilities located at ground floor level.
- 8.28 The site is located within an area of very good public transport accessibility (PTAL 5). There are bus services available nearby and within a short walk, as is Canary Wharf Underground Station to the south-east of the site providing access to the Jubilee Line. DLR services are also available nearby at Heron Quays, Canary Wharf and West India Quay. River taxis are also available from the west of the site at Canary Wharf Pier.

Section 106 Contributions

- 8.29 Given the large amount of additional employment the development would bring to the area, the Council and TfL have determined that a contribution to the value of £3.7m for transport infrastructure is required via the s106 agreement for the DLR and Busses in order to ensure that the development can be accommodated within the existing transport network.
- 8.30 TfL have also sought contributions towards Crossrail however no figure has been specified. It is not considered that a contribution towards Crossrail could be justified given that significant contributions have already been secured.
- 8.31 It has been 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. A contribution of £239,081 is to be

provided towards highway improvements. This is discussed further in paragraph 8.41.

Amenity

Sunlight, Daylight and Overshadowing

- 8.32 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing.
- 8.33 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.
- 8.34 The method for assessment of daylight, sunlight and overshadowing matters is set out in the Building Research Establishment (BRE) Handbook. As stated in the BRE guidance "*guidelines may be used for houses and any non-domestic buildings where daylight is required*". However, in accordance with the guidance, and with best practice, where there is no guidance on the acceptable level for non-domestic buildings commercial building are usually assumed not to require sunlight. Given the location of the proposed development, there will be no impact on residential properties with regard to loss daylight or sunlight. A residential houseboat is moored to the south of the site in West India Dock. Given the orientation it is not considered that there will be any significant loss of day lighting.

Air Quality

- 8.35 In order to mitigate any potential impacts during the construction phase, a Construction Environmental Management Plan (CEMP) will be conditioned setting out measures to be applied throughout the construction phase, including dust mitigation measures.
- 8.36 During the operational phase, the scheme is generally car free, Non-the-less, the scheme will be conditioned to provide a Green Travel plan which will encourage the use of sustainable transport modes. This will further reduce the impact of the development in terms of both greenhouse gases and pollutants.

Wind

- 8.37 Although there is no national or regional planning policy 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 micro-climates in terms of wind.
- 8.38 Similarly, there is no specific UDP policy relating to wind, but this is addressed in respect of micro-climate in the IPG policies DEV1, DEV5 and DEV27.
- 8.39 Within the submitted Environmental Statement, the applicant undertook a wind assessment, in order to assess the impact of the proposal upon the local microclimate. The report concludes that the pedestrian comfort and safety levels are appropriate for intended use with no mitigation measures necessary.
- 8.40 Overall 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. This has been assessed by Council's independent consultants Bureau Veritas and the submitted information is considered acceptable.

Newfoundland Site

- 8.41 The Newfoundland scheme has hotel usage as well as serviced apartments, which have windows facing towards the proposed development at 1 Park Place. These windows do not

have the expectation of natural light in accordance with BRE Guidance. Issues relating to the impact on micro-climates in terms of sunlight, daylight and overshadowing have been considered in the ES Addendum and it is concluded that there will be negligible cumulative impact.

Energy and Renewable Technology

- 8.42 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.
- 8.43 As detailed earlier in this report, the Council's Energy Efficiency department is satisfied with the information submitted on the proposed use of bio-diesel tri-generation plant subject to the imposition of appropriate conditions.

Other Planning Issues

Environmental Statement

- 8.44 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Bureau Veritas.
- 8.45 Upon Council's request, the applicant also considered the impact of their development upon the proposed scheme to the south at Newfoundland in the ES which was assessed as satisfactory by Bureau Veritas.

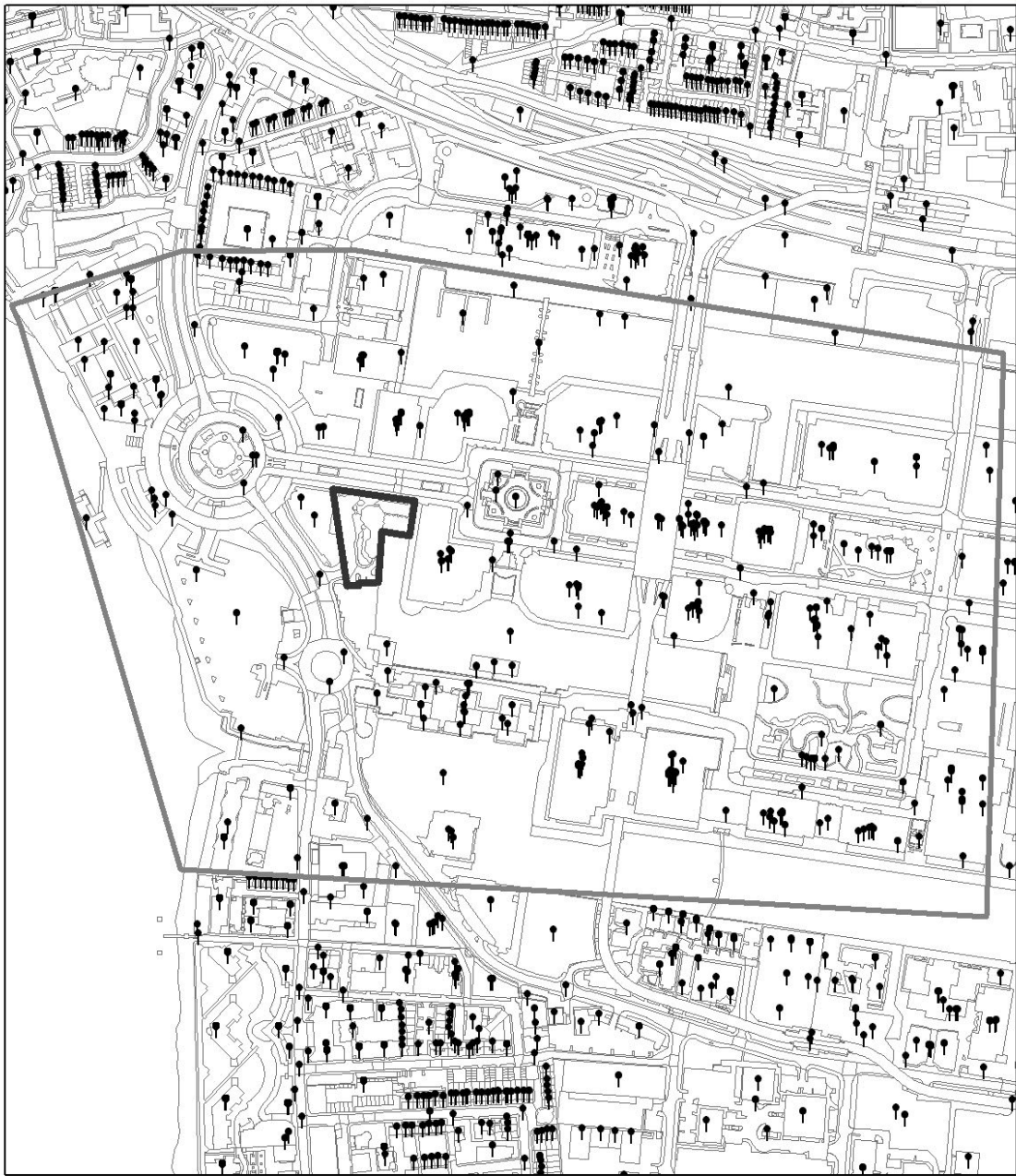
Biodiversity

- 8.46 The site is located adjacent to a site of nature conservation importance. As part of the ES, this was considered and there have been no objections from Natural England, Environment Agency and the Council's ecology officer regarding the potential for impact upon biodiversity both on-site and in the dock. The applicant's ecology survey identified that there was no evidence of nesting bats and Black Redstarts on site. However, it is recommended that a monitoring protocol to be set up throughout the period February to September during construction. This is to be implemented within the scope of the Environmental Construction Management Plan condition imposed.

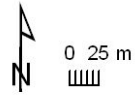
Conclusions

- 8.47 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.

Planning Application Site Map



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



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