

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

---

Wednesday, 13 May 2009 at 7.00 p.m.

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## A G E N D A

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### VENUE

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

Members:	Deputies (if any):
<b>Chair: Councillor Shafiqul Haque</b> <b>Vice-Chair: Councillor Ahmed Adam Omer</b>	
<b>Councillor Shahed Ali</b>	Councillor Rupert Eckhardt, (Designated Deputy representing Councillor Tim Archer)
<b>Councillor M. Shahid Ali</b>	Councillor Marc Francis, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck)
<b>Councillor Tim Archer</b>	Councillor Peter Golds, (Designated Deputy representing Councillor Tim Archer)
<b>Councillor Alibor Choudhury</b>	Councillor Fazlul Haque, (Designated Deputy representing Councillor Shafiqul Haque, Md. Shahid Ali, Alibor Choudhury, Ahmed Omer and Joshua Peck)
<b>Councillor Stephanie Eaton</b>	Councillor Azizur Rahman Khan, (Designated Deputy representing Councillor Stephanie Eaton)
<b>Councillor Joshua Peck</b>	Councillor Abdul Matin, (Designated
<b>Councillor Dulal Uddin</b>	

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)

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

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

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

**Wednesday, 13 May 2009**

**7.00 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 15<sup>th</sup> April 2009.

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Note: The minutes of the 19th February meeting of the Committee, as submitted for approval to the 15th April meeting, contained a typographical error resulting in the omission of certain elements of the Committee's decisions on items 7.1 and 7.2 including delegations to officers in respect of legal agreements and conditions. For the avoidance of doubt the corrected minutes are now re-submitted for formal confirmation.

## 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. **19 - 20**

## 6. DEFERRED ITEMS **21 - 22**

6 .1 **St Katharine Docks, St Katharine's Way, E1** **23 - 76**

**St  
Katharine's  
& Wapping**

## 7. PLANNING APPLICATIONS FOR DECISION **77 - 78**

7 .1 **Eric and Treby Estates, Treby Street, Mile End, London** **79 - 124**

**Mile End  
East**

7 .2 **Holland Estate, Commercial Street, London** **125 - 168**

**Spitalfields  
&**

7 .3 **Site bounded by Leman Street, Whitechapel High Street, Commercial Road and Buckle Street** **169 - 200**

**Banglatown  
Whitechapel**

# 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 7.00 P.M. ON WEDNESDAY, 15 APRIL 2009**

**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 Tim Archer  
Councillor Ahmed Adam Omer (Vice-Chair)  
Councillor Joshua Peck  
Councillor Dulal Uddin

Councillor Marc Francis  
Councillor Tim O'Flaherty

**Other Councillors Present:**

Councillor Philip Briscoe  
Councillor Rupert Eckhardt  
Councillor Peter Golds  
Councillor Shirley Houghton  
Councillor Ahmed Hussain  
Councillor Denise Jones  
Councillor Dr. Emma Jones  
Councillor David Snowdon

**Officers Present:**

Nadir Ahmed	– (Trainee Committee Officer)
Jerry Bell	– (Interim Strategic Applications Manager)
Rachel McConnell	– (Interim Applications Manager)
Michael Bell	– (Team Leader, Development Schemes)
Shay Bugler	– (Case Officer)
Bridgit Burt	– (Planning Lawyer)
Megan Crowe	– (Legal Services Team Leader, Planning)
Isabella Freeman	– (Assistant Chief Executive (Legal Services))
Richard Humphreys	– (Case Officer)
Stephen Irvine	– (Development Control Manager)
Jen Pepper	– (Affordable Housing Programme Manager)
Alison Thomas	– (Private Sector and Affordable Housing Manager)
Jason Traves	– (Planning Officer)
Paul Ward	– (Democratic Services)
Owen Whalley	– (Service Head, Major Project Development)

Louise Fleming

– Senior Committee Officer

## 1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Alibor Choudhury and Councillor Stephanie Eaton. Councillors Marc Francis and Tim O’Flaherty deputised respectively.

## 2. DECLARATIONS OF INTEREST

Councillor	Item	Type of Interest	Reason
Shafiqul Haque	7.7	Personal	Application site within Councillor’s ward. Correspondence received from concerned parties.
Shahed Ali	All	Personal	Correspondence received from concerned parties.
Ahmed Omer	7.2	Personal	Application site within Councillor’s ward. Correspondence received from concerned parties.
Tim Archer	All	Personal	Correspondence received from concerned parties.
Md. Shahid Ali	All	Personal	Correspondence received from concerned parties.
Josh Peck	7.2	Personal	Application site adjacent to Councillor’s ward. Spoken to residents, but not given a view.
	7.2	Personal	Cabinet Member with responsibility for Property, involved in discussions regarding the lease on the site.
Marc Francis	All	Personal	Correspondence received from concerned parties.
	7.2	Personal	Application site within Councillor’s ward
	7.2	Prejudicial	Board member for Old Ford Housing Association
Shirley Houghton	6.1 & 7.1	Personal	Application site within Councillor’s ward
Phil Briscoe	7.4	Personal	Application site within Councillor’s ward
David Snowden	6.1 & 7.1	Personal	Application site within



			Councillor's ward
Denise Jones	7.3	Personal	Application site within Councillor's ward
Peter Golds	7.4	Personal	Application site within Councillor's ward
Dr Emma Jones	7.3	Personal	Application site within Councillor's ward

### 3. UNRESTRICTED MINUTES

The minutes of the meeting held on 19<sup>th</sup> February 2009 were agreed and approved as a correct record.

### 4. RECOMMENDATIONS

The Committee RESOLVED 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

The Committee noted the procedure.

### 6. DEFERRED ITEMS

#### 6.1 443-451 Westferry Road, London

After consideration of the officer's report and the addendum update report, and on a vote of 4 for, 2 against and 1 abstention, the Committee RESOLVED that planning permission for the erection of six buildings from 2 to 8 storeys in height to provide 189 residential units, with provision of basement and surface car parking, associated servicing and landscaping, together with incidental works be GRANTED at 443-451 Westferry Road, E14 subject to the legal agreement and conditions set out in the committee report.

On a vote of 4 for, 1 against and 1 abstention, the Committee RESOLVED that the additional housing grant be omitted from the legal agreement.

(Councillors Josh Peck and Tim O'Flaherty could not vote on the application due to not being present when the item was considered on 19<sup>th</sup> February 2009)

(Councillor Dulal Uddin could not vote on the application due to not being present for the whole duration of the item)

The Chair adjourned the meeting at 7.50 p.m. and the Committee reconvened at 8.10 p.m.

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

### **7.1 City Pride, 15 Westferry Road, London**

Ms Gill Crawford, a neighbouring resident, spoke in objection to the application.

Mr Rhys Johnson, a neighbouring resident, spoke in objection to the application.

Mr Jim Pool, for the applicant, spoke in support of the application.

Councillor Phil Briscoe spoke in objection to the application.

Councillor Rupert Eckhardt a Ward Member, spoke in objection to the application.

Councillor Shirley Houghton, a Ward Member, spoke in objection to the application.

Councillor Peter Golds spoke in objection to the application.

After consideration of the officer's report and the addendum update report, Members voted 4 for and 4 against; the Chair adjourned the meeting at 9.40 p.m. in order to seek legal advice. The Committee reconvened at 9.50 p.m, the Chair used his casting vote and the Committee RESOLVED that planning permission for the erection of a 62 storey tower including basements, comprising 430 residential apartments (Class C3), amenity spaces and car parking; a nine storey podium building comprising a 203 bedroom hotel (Class C1), together with ancillary restaurants, conference facilities, health club and servicing and parking areas including drop-off facility; provision of a Class A3 and/or A4 use and/or amenity space at levels 60/61; provision of a unit to use either for Class A1 (shop), A2 (Financial and professional services), A3 (Food and drink) and/or A4 (Drinking establishment) at ground floor; associated landscaping; together with incidental works be GRANTED at the City Pride Public House, 15 Westferry Road, E14 subject to the legal agreement and conditions set out in the Committee report.

On a vote of 5 for and 4 abstentions, the Committee RESOLVED that the additional housing grant be included in the legal agreement.

## **7.2 2 Gladstone Place, London**

Mr Alan Tucker, a neighbouring resident, spoke in objection to the application.

Ms Claire Palmer, a neighbouring resident, spoke in objection to the application.

Mr John Woolstencroft, for the applicant, spoke in support of the application.

Councillor Phil Briscoe spoke in objection to the application.

After consideration of the officer's report and the addendum update report, it was proposed and seconded that the application be deferred to allow officers to consider legal points raised in a letter received on 15<sup>th</sup> April. The Committee was advised that the letter had been considered by the Council's Legal advisers and it was the view of officers that it would not prevent a decision being made. On a vote of 2 for and 6 against, the motion was lost.

On a vote of 6 for and 2 against, 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; 6 x 5 bed), 104 parking spaces and landscaped public, communal and private amenity space be GRANTED at 2 Gladstone Place, London subject to the legal agreement and conditions set out in the Committee report.

(In accordance with Rule 17.5 of the Constitution, Councillor Tim Archer requested that his vote against the recommendation be recorded.)

(Councillor Marc Francis withdrew from the proceedings at the commencement of consideration of this item of business)

## **7.3 St. Katharine's Docks, St Katharine's Way, E1**

Ms Jane Boden, a neighbouring resident, spoke in objection to the application.

Mr Colin Mitchell, a neighbouring resident, spoke in objection to the application.

Mr Alexander Miles, a local businessman, spoke in support of the application.

Mr Jeremy Randall, on behalf of the applicant, spoke in support of the application.

Councillor Dr Emma Jones, a Ward Member, spoke in objection to the application.

At 10.20 p.m. the Committee RESOLVED that the meeting be extended for a further hour to enable the completion of business on the agenda.

After consideration of the officer's report and the addendum update report, the Committee indicated that it was minded to go against officers' advice and REFUSE planning permission for the redevelopment of Commodity Quay, the erection of a 150 sqm extension to International House and change of use of the ground floor, alterations and extension to 'Tradewinds', creation of new north gateway entrance, creation of new south pedestrian gateway, erection of new pedestrian boardwalks and landscaping of public space around Dickens Inn; listed building consent for the construction of new boardwalks adjoining the West Dock walls and alterations to the wall on East Smithfield; and conservation area consent for the demolition of Commodity Quay at St Katharine's Docks, St Katharine's Way, E1 on the grounds of design, form, mass, scale, materials and impact of boardwalks. In accordance with Rule 10.2 of the Constitution, the applications were DEFERRED to a future meeting of the Committee to enable officers to present a supplemental report setting out the reasons for refusal and the implications of the decision.

#### **7.4 2 Trafalgar Way, London**

Application not considered due to time constraints. To be considered at the next meeting.

#### **7.5 The Innovation Centre, 225 Marsh Wall, London E14 9FW**

Application withdrawn at the request of the applicant.

#### **7.6 Eric and Treby Estates, Treby Street, Mile End, London**

RESOLVED

That the item be withdrawn from the agenda due to time constraints and considered at the next meeting.

#### **7.7 Holland Estate, Commercial Street, London**

RESOLVED

That the item be withdrawn from the agenda due to time constraints and considered at the next meeting.

The meeting ended at 11.20 p.m.

Chair, Councillor Shafiqul Haque  
Strategic Development Committee

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON THURSDAY, 19 FEBRUARY 2009**

**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 Tim Archer  
Councillor Stephanie Eaton  
Councillor Ahmed Adam Omer (Vice-Chair)  
Councillor Dulal Uddin

Councillor Marc Francis  
Councillor Fazlul Haque

**Other Councillors Present:**

Councillor Phil Briscoe  
Councillor Rupert Eckhardt  
Councillor Peter Golds  
Councillor Shirley Houghton  
Councillor Ahmed Hussain  
Councillor David Snowden

**Officers Present:**

Jerry Bell	– (Applications Manager)
Megan Crowe	– (Legal Services Team Leader- Planning, Chief Executive's)
Stephen Irvine	– (Development Control Manager, Planning)
Michael Kiely	– (Service Head, Development Decisions)
Alison Thomas	– (Private Sector and Affordable Housing Manager, Housing Development, Development & Renewal)
David Williams	– (Development Manager, Development & Renewal)
Alan Ingram	– (Democratic Services)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Alibor Choudhury and Joshua Peck, for whom Councillors Marc Francis and Fazlul Haque deputised.

**2. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item</b>	<b>Type of Interest</b>	<b>Reason</b>
Md Shahid Ali	Items 7.1 -7.4 inclusive	Personal	He had been lobbied in respect of all the items of business.
Fazlul Haque	Item 7.1 – The Bede Estate, Bow common Lane Item 8.1 – Update Report – The Bishop’s Square S106 Planning Obligations Programme	Personal	He was a leaseholder in the relevant area.
Ahmed Adam Omer	Items 7.1 – 7.4 inclusive  Item 7.3 – 443-451 Westferry Road, E14	Personal  Personal	He had been lobbied in respect of all the items of business.  He was a member of the Management Committee of PATH.
Shahid Ali	Items 7.1 – 7.4 inclusive	Personal	He had been lobbied in respect of all the items of business.
Shirley Eaton	Items 7.1 – 7.4 inclusive  Item 8.1 – Update Report: The Bishop’s Square S106 Planning Obligations Programme	Personal  Personal	She had received representations in connection with all items  Her husband was a member of the Toynbee Hall Finance Committee and had involvement with the Mallon Gardens project.



Tim Archer	Item 7.2 – Site South of Westferry Circus and West of Westferry Road, London	Personal	He had received hospitality in excess of £25 from the Canary Wharf Group.
	Items 7.1 – 7.4 inclusive	Personal	He had received representations in connection with all items.
Fazlul Haque	Items 7.1 – 7.4 inclusive	Personal	He had been lobbied in respect of all the items of business.
Marc Francis	Items 7.1 – 7.4 inclusive	Personal	He had been lobbied in respect of all the items of business.
Shirley Houghton	Item 7.2 – Site South of Westferry Circus and West of Westferry Road	Personal	She had received representations in connection with the application.
	Item 7.3 – 443-451 Westferry Road	Personal	She was a Trustee of Alpha Grove Community Centre
	Item 7.4 – The City Pride Public House, 15 Westferry Road, E14	Personal	She was a Trustee of Alpha Grove Community Centre
Ahmed Hussain	Item 7.1 – The Bede Estate, Bow Common Lane	Personal	He was a Member for the Ward within which the application lay.
Peter Golds	Item 7.3 – 443-451 Westferry Road, E14	Personal	He was a resident in the vicinity of the area within which the application lay.
Rupert Eckhardt	Item 7.4 – The City Pride	Personal	He was a Member for the Ward within which the

	Public House, 15 Westferry Road, E14		application lay.
David Snowden	Item 7.3 – 443- 451 Westferry Road, E14	Personal	He was a Member for the Ward within which the application lay.
	Item 7.4 – The City Pride Public House, 15 Westferry Road, E14	Personal	He was a Member for the Ward within which the application lay.

### 3. UNRESTRICTED MINUTES

The minutes of the meeting were agreed and approved as a correct record.

### 4. RECOMMENDATIONS

The Committee RESOLVED 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

Debate ensued on the principle of time-limiting Members' input with regard to agenda items 7.3 and 7.4 in the interests of expediting business. Councillor Snowden requested that his protest at any curtailment of individual speaking rights to less than three minutes be recorded. In the event, all Members who had registered to speak were afforded a period of three minutes each to do so.

### 6. DEFERRED ITEMS

It was noted that there were no deferred items for consideration at the meeting.

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

### **7.1 The Bede Estate, Bow Common Lane**

Mr Stewart Rayment, a neighbouring resident, spoke in objection to the application.

Ms Lynette Smith, a neighbouring resident, spoke in objection to the application.

Mr Steve Inkpen spoke on behalf of the applicant.

Councillor Ahmed Hussain, a Ward Member, spoke in objection to the application.

The Chair adjourned the meeting at 8.51 p.m. and the Committee reconvened at 9.07 p.m.

After consideration of the Officer's report and the addendum update report, the Committee RESOLVED on a vote of 4 for and 4 against, with 1 abstention, on the Chair's casting vote, that planning permission be GRANTED for the refurbishment of the existing dwellings on the Bede Estate; demolition of ten bed-sit units in Pickard House; demolition of office accommodation on Wager Street; the erection of 24 buildings providing 236 residential units to a maximum height of 8 storeys, a new community centre of 273 sq.m and 219 sq.m of new retail and storage floorspace and introduction of an estate-wide landscaping scheme, subject to the legal agreement and the conditions contained in the report.

### **7.2 Site south of Westferry Circus and west of Westferry Road, London**

After consideration of the Officer's report and the addendum update report, the Committee RESOLVED on a unanimous vote that planning permission be GRANTED for:

- 1) the erection of Class B1 office buildings (341.924sq.m) comprising two towers (max 241.1m and 191.34m high) with a lower central link building (80.05m high) together with an ancillary parking service and access roads, public open space and riverside walkway, landscaping including public art and other ancillary works.
- 2) Erection of a pedestrian bridge over Westferry Road together with access stair and lift.
- 3) Alterations to the highway, new signalling and pedestrian crossings and landscaping works at Westferry Road and Heron Quays roundabout.

subject to the legal agreement and the conditions contained in the report.

### **7.3 443-451 Westferry Road, E14**

Ms Gill Crawford, a neighbouring resident, spoke in objection to the application.

Mr Eddy Marshall, a neighbouring resident, spoke in objection to the application.

Mr Aziz Choudhury and Mr Jim Pool, for the applicant, spoke in support of the application.

Councillor Phil Briscoe, a Ward Member, spoke in objection to the application.

Councillor Shirley Houghton, a Ward Member, spoke in objection to the application.

Councillor David Snowden, a Ward Member, spoke in objection to the application.

Councillor Peter Golds, a Ward Member, spoke in objection to the application.

Councillor Rupert Eckhardt, a Ward Member, spoke in objection to the application.

At 10.32 p.m. the Committee RESOLVED, on a unanimous vote, that the meeting be extended for a further 30 minutes to enable the completion of business on the agenda.

After consideration of the Officer's report and the addendum update report, the Committee RESOLVED on a vote of 8 for and 1 abstention that the matter be deferred for consideration at the next meeting so that further information may be provided on the application of the financial viability toolkit.

### **7.4 The City Pride Public House, 15 Westferry Road, E14**

Mr Michael Kiely, Service Head, Development Control and Building Control, indicated that the item would be withdrawn owing to the deferment of agenda item 7.3, as the two were linked in terms of affordable housing provision.

The Chair adjourned the meeting at 10.35 p.m. and the Committee reconvened at 10.41 p.m.

## **8. OTHER PLANNING MATTERS**

### **8.1 Update Report: The Bishop's Square S106 Planning Obligations Programme**

After consideration of the Officer's report, the Committee RESOLVED on a vote of 7 for, with 2 abstentions, that:

- 1) the amended project list attached as Appendix 1 to the report be approved; and
- 2) the Corporate Director of Development and Renewal be authorised to further amend project allocations over the course of delivery if expedient to the overall scheme outputs and, if necessary, identify new projects in discussion with the Chair of the Committee and the Leader of the Council, in the event that the revised programme cannot be delivered but subject always to the terms of the S106 agreement.

## **8.2 S106 Agreement - St Georges Estate**

After consideration of the Officer's report, the Committee RESOLVED on a vote of 8 for, with 1 abstention, that the minutes of the meeting of the Committee held on 28 August 2008 be corrected to record that planning permission be GRANTED subject to the prior completion of a legal agreement to secure the following planning obligations:

- 35% affordable housing by habitable rooms.
- A contribution of £262,942 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 a new community centre.
- 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.

The meeting ended at 10.56 p.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

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> May 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Stephen Irvine		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
14 <sup>th</sup> April 2009	PA/06/2131, PA/06/3132, PA/06/2133	St Katharine's Docks, St Katharine's Way, E1	Redevelopment of Commodity Quay, the erection of a 150 sqm extension to International House and change of use of the ground floor, alterations and extension to 'Tradewinds', creation of new north gateway entrance, creation of new south pedestrian gateway, erection of new pedestrian boardwalks and landscaping of public space around Dickens Inn; listed building consent for the construction of new boardwalks adjoining the West Dock walls and alterations to the wall on East Smithfield; and conservation area consent for the demolition of Commodity Quay	Committee indicated that it was minded to go against officer's recommendation and that decision could be contrary to the development plan. A supplementary report is therefore necessary.

## 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/06/2131, PA/06/3132, PA/06/2133 St Katharine's Docks, St Katharine's Way, E1

**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:  
Application, plans, saved UDP, Interim Planning Guidance and London Plan

Tick if copy supplied for register:

✓

Name and telephone no. of holder:

Eileen McGrath (020) 7364 5321

- 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 consider 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 The Committee to note the position relating to deferred items and to take any decisions recommended in the attached reports.

# Agenda Item 6.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> May 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Applications for planning permission, listed building consent and conservation area consent.	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/06/2131, PA/06/2132 and PA/06/2133	
		<b>Ward:</b> St. Katharine's and Wapping	

## 1. APPLICATION DETAILS

**Location:** St. Katharine Docks, St Katharine's Way, E1.

**Existing use:** Docks / marina, offices, restaurant, wine bar, yacht club / restaurant and public amenity space.

**Proposals:** A. Application for planning permission comprising:

1. Redevelopment of Commodity Quay to provide 23,373 sq. m of Class B1 (Business) and 2,951 sq m of Class A1 (Shop) at quay and basement levels together with underground servicing and other works incidental to the development;
2. The erection of a 150 sq. m extension to International House for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink), or A4 (Drinking establishments) and change of use of 1,550 sq. m of the ground floor of International House from Class B1 (Business) ) to either Class A1, A2, A3 or A4 with the creation of a new quayside double height main entrance, installation of shop fronts, reconfiguration of existing servicing arrangements and erection of canopies;
3. Alterations and extension to 'Tradewinds', including ground and first floor extension for Class A3 (Food and drink) use, the provision of a glazed western elevation and re-cladding;
4. Creation of new north gateway entrance including the provision of stairs, lift and viewing gallery;
5. Creation of new south pedestrian gateway entrance, including the provision of new stairs and ramps;
6. Erection of new pedestrian boardwalks around the West Dock;
7. Landscaping of the public space outside the Dickens Inn.

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

**Brief Description of background paper:**  
Application case file, plans, adopted UDP, London Plan, emerging LDF and City Fringe AAP

**Tick if copy supplied for register**

**Name and telephone no. of holder**  
Development Control 020 7364 5338

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

**B.** Application for listed building consent for the construction of new boardwalks adjoining the West Dock walls and alterations to the wall on East Smithfield.

**C.** Application for conservation area consent for the demolition of Commodity Quay.

**Drawing Nos.  
Application for  
planning  
permission:**

Unnumbered site location plan, SI.AP(0)10B, SI.AP(2)10F, IN.AP(0)09, IN.AP(0)10A, IN.AP(0)11A, IN.AE(0)02, IN.AS(0)01, IN.AP(2)10C, IN.AP(2)11C, IN.AE(2)02C, IN.AS(2)01A, PZ.AP(0)10, PZ.AP(0)11, PZ.AE(0)02, PZ.AP(2)10C, PZ.AP(2)11C, PZ.AP(2)12C, PZ.AE(2)02C, SG.AP(0)10, SG.AE(0)02, SG.AP(2)10B, SG.AE(2)02B, TW.AP(0)01A, TW.AP(0)11, TW.AP(0)12, TW.AE(0)01, TW.AE(0)02, TW.AP(2)10D, TW.AP(2)11D, TW.AP(2)12D, TW.AE(2)01C, TW.AE(2)02B, TW.AE(2)03B, TW.AE(2)04B, CQ.AP(0)0 08, CQ.AP(0)0 09, CQ.AP(0)0 10, CQ.AP(0)0 11, CQ.AP(0)0 12, CQ.AP(0)0 13, CQ.AP(0)0 14, CQ.AP(0)0 15, CQ.AP(0)0 16, CQ.AP(0)0 17, CQ.AP(0)0 18, CQ.AP(0)0 19, CQ.AS(0)0 01, CQ.AS(0)0 02, CQ.AE(0)0 01, CQ.AE(0)0 02, CQ.AE(0)0 03, CQ.AE(0)0 04, CQ.AE(0)0 05, CQ.AE(0)0 06, CQ.AED (2) 04, CQ.AP(2)0 09A, CQ.AP(2)0 10A, CQ.AP(2)0 11A, CQ.AP(2)0 12A, CQ.AP(2)0 13A, CQ.AP(2)0 14A, CQ.AP(2)0 15A, CQ.AP(2)0 16A, CQ.AP(2)0 17A, CQ.AP(2)0 18A, CQ.AP(2)0 19B, CQ.AP(2)0 20B, CQ.AS(2)0 01A, CQ.AS(2)0 02B, CQ.AE(2)0 01B, CQ.AE(2)0 02B, CQ.AE(2)0 03B, CQ.AE(2)0 04B, CQ.AE(2)0 05B, CQ.AE(2)0 06B, CQ.AD(2)0 01A, CQ.AD(2)0 02A, CQ.AD(2)0 03A, CQ.AD(2)0 04, CQ.SK01, BW.SI(0)01A, BW.SI(2)01A, BW.CQ(0)01, BW.CQ(2)01A, BW.IN(0)01, BW.IN(2)01A, BW.TWC(0)01, BW.TWC(2)01A, DI.AP(0)10 and DI.AP(2)10A.

Environmental Statement including Additional Regulation 19 Information.

Design and Access Statement.

Retail Statement.

Conservation Plan December 2008 (Revision A).

Transport Assessment.

Energy Statement.

Statement of Community Involvement.

Tradewinds Traffic Management Proposal.

**Drawing Nos.  
Application for  
listed building  
consent:**

Unnumbered site location plan, SI.AP(0)10B, SI.AP(2)10E, CQ.AD (2) 0.01A, CQ.AD (2) 0.02A, CQ.AD (2) 0.3B, BW.SI(0)01A, BW.SI(2)01A, BW.CQ(0)01, BW.CQ(2)01A, BW.IN(0)01, BW.IN(2)01A, BW.TWC(0)01, and BW.TWC(2)01A.

**Drawing Nos. Application for conservation area consent:** Unnumbered site location plan, SI.AP(0)10B, CQ AE(0) 01, CQ AE(0) 0, CQ AE(0) 04 and CQ AE(0) 06.

**Applicant:** St Katharine's Investments LP.

**Owners:** St Katharine's Investments LP, Skil One Ltd, Skil Two Limited, The RT Hon David Mellor, Lightship Restaurant Ltd, Corporation of London, Ms K Fishlock, Fuerst Day Lawson Holdings Ltd, NTT Europe Ltd, Mala Restaurant Ltd, Ince & Co, Reynolds Technological Enquiries Ltd, Rod Mitchell Ltd, Taylor Woodrow Plc, Spotform Plc, DPR Consulting Ltd, Bentley's, Victoria Steamship and Sword Insurance Technology Solutions Plc.

**Historic buildings:** Dock walls, dock side bollards and perimeter wall on East Smithfield Grade 2 listed. The site adjoins Tower Bridge and the Tower of London both listed Grade 1 and lies within the UNESCO World Heritage Site. Grade 2 listed Ivory House and Dockmaster's House, Grade 2\* Johnson Smirke Building in Royal Mint Court, Grade 2 entrances to Royal Mint Court and Grade 2 sundial on the riverside walk also adjoin.

**Conservation area:** The Tower.

## 2. BACKGROUND

- 2.1. On 15<sup>th</sup> April 2009, the Strategic Development Committee considered a report and an addendum update report on the three applications for planning permission, listed building consent and conservation area consent for development at St Katharine Docks itemised above. The report and update report are attached at **Appendix 1 and Appendix 2** to this item.
- 2.2. After consideration of the report and the addendum update report, the Committee resolved that it was minded not to support the officer's recommendations and to **REFUSE** planning permission, listed building consent and conservation area consent on the grounds of design, form, mass, scale, materials and the impact of the boardwalks.
- 2.3. In accordance with Rule 10.2 of the Constitution, the applications were **DEFERRED** to a future meeting of the Committee to enable officers to present a supplemental report setting out the reasons for refusal and the implications of the decision.

## 3. RECOMMENDATION

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

### Reasons for Refusal

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF and City Fringe AAP		Development Control 020 7364 5338

### **Application for planning permission PA/06/2131**

- 3.2. 1. By reason of design, form, mass, scale and use of materials, the development would be insensitive to the context of the surrounding area, fail to preserve or enhance the character and appearance of the Tower Conservation Area, adversely affect the setting of listed buildings and unacceptably impact on the openness of the water area of the West Dock contrary to:
- (a) Policies DEV1, DEV37, DEV46 and DEV49 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk, scale and the use of materials and the development capabilities of the site; and resists development that would have an adverse impact on the water environment and dock areas.
  - (b) Policies 4B.1, 4B.3, 4B.8, 4B.10, 4B.11 and 4B.12 of the London Plan 2008 that require development to respect local context, history, built heritage and character, result in a high quality design for all waterside development and ensure the protection and enhancement of historic assets.
  - (c) National advice in Planning Policy Guidance Note 15 – Planning and the Historic Environment.
  - (d). Policies CP49, DEV1, DEV2, CON1, CON2 and CON3 of the Council's interim planning guidance 2007 which seek to ensure development is of a high quality design, preserves or enhances the character and appearance of conservation areas and preserves listed buildings and their settings.

### **Application for listed building consent PA/06/2132**

- 3.3. The installation of cantilevered boardwalks to the listed dock walls would unacceptably detract from the historic relationship of dock edge structures and the enclosed water space contrary to policies DEV37 and DEV46 of the Tower Hamlets Unitary Development Plan 1998 and policy CON1 of the Council's interim planning guidance 2007.

### **Application for conservation area consent PA/06/2133**

- 3.4. In the absence of acceptable and detailed plans for redevelopment, the demolition of Commodity Quay would be contrary to policy DEV28 of the Tower Hamlets Unitary Development Plan 1998, policy CON2 of the Council's interim planning guidance 2007 and conflict with paragraph 4.27 of the National advice provided by Planning Policy Guidance Note 15 – Planning and the Historic Environment.

### **Implications of the decision**

- 3.5. If the above recommendations are adopted, the applicant has a right of appeal to the Planning Inspectorate.

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

<b>Brief Description of background paper:</b>	<b>Tick if copy supplied for register</b>	<b>Name and telephone no. of holder</b>
Application case file, plans, adopted UDP, London Plan, emerging LDF and City Fringe AAP		Development Control 020 7364 5338

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

<b>Brief Description of background paper:</b>	<b>Tick if copy supplied for register</b>	<b>Name and telephone no. of holder</b>
Application case file, plans, adopted UDP, London Plan, emerging LDF and City Fringe AAP		Development Control 020 7364 5338

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**APPENDIX 1**

**APPENDIX 2**

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Applications for planning permission, listed building consent and conservation area consent.	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/06/2131, PA/06/2132 and PA/06/2133	
		<b>Ward:</b> St. Katharine's and Wapping	

**1. APPLICATION DETAILS**

- Location:** St. Katharine Docks, St Katharine's Way, E1.
- Existing use:** Docks / marina, offices, restaurant, wine bar, yacht club / restaurant and public amenity space.
- Proposals:** **A.** Application for planning permission comprising:
1. Redevelopment of Commodity Quay to provide 23,373 sq. m of Class B1 (Business) and 2,951 sq m of Class A1 (Shop) at quay and basement levels together with underground servicing and other works incidental to the development;
  2. The erection of a 150 sq. m extension to International House for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink), or A4 (Drinking establishments) and change of use of 1,550 sq. m of the ground floor of International House from Class B1 (Business) ) to either Class A1, A2, A3 or A4 with the creation of a new quayside double height main entrance, installation of shop fronts, reconfiguration of existing servicing arrangements and erection of canopies;
  3. Alterations and extension to 'Tradewinds', including ground and first floor extension for Class A3 (Food and drink) use, the provision of a glazed western elevation and re-cladding;
  4. Creation of new north gateway entrance including the provision of stairs, lift and viewing gallery;
  5. Creation of new south pedestrian gateway entrance, including the provision of new stairs and ramps;
  6. Erection of new pedestrian boardwalks around the West Dock;

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF and City Fringe AAP		Development Control 020 7364 5338

7. Landscaping of the public space outside the Dickens Inn.

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF and City Fringe AAP		Development Control 020 7364 5338

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

**B.** Application for listed building consent for the construction of new boardwalks adjoining the West Dock walls and alterations to the wall on East Smithfield.

**C.** Application for conservation area consent for the demolition of Commodity Quay.

**Drawing Nos.  
Application for  
planning  
permission:**

Unnumbered site location plan, SI.AP(0)10B, SI.AP(2)10F, IN.AP(0)09, IN.AP(0)10A, IN.AP(0)11A, IN.AE(0)02, IN.AS(0)01, IN.AP(2)10C, IN.AP(2)11C, IN.AE(2)02C, IN.AS(2)01A, PZ.AP(0)10, PZ.AP(0)11, PZ.AE(0)02, PZ.AP(2)10C, PZ.AP(2)11C, PZ.AP(2)12C, PZ.AE(2)02C, SG.AP(0)10, SG.AE(0)02, SG.AP(2)10B, SG.AE(2)02B, TW.AP(0)01A, TW.AP(0)11, TW.AP(0)12, TW.AE(0)01, TW.AE(0)02, TW.AP(2)10D, TW.AP(2)11D, TW.AP(2)12D, TW.AE(2)01C, TW.AE(2)02B, TW.AE(2)03B, TW.AE(2)04B, CQ.AP(0)0 08, CQ.AP(0)0 09, CQ.AP(0)0 10, CQ.AP(0)0 11, CQ.AP(0)0 12, CQ.AP(0)0 13, CQ.AP(0)0 14, CQ.AP(0)0 15, CQ.AP(0)0 16, CQ.AP(0)0 17, CQ.AP(0)0 18, CQ.AP(0)0 19, CQ.AS(0)0 01, CQ.AS(0)0 02, CQ.AE(0)0 01, CQ.AE(0)0 02, CQ.AE(0)0 03, CQ.AE(0)0 04, CQ.AE(0)0 05, CQ.AE(0)0 06, CQ.AED (2) 04, CQ.AP(2)0 09A, CQ.AP(2)0 10A, CQ.AP(2)0 11A, CQ.AP(2)0 12A, CQ.AP(2)0 13A, CQ.AP(2)0 14A, CQ.AP(2)0 15A, CQ.AP(2)0 16A, CQ.AP(2)0 17A, CQ.AP(2)0 18A, CQ.AP(2)0 19B, CQ.AP(2)0 20B, CQ.AS(2)0 01A, CQ.AS(2)0 02B, CQ.AE(2)0 01B, CQ.AE(2)0 02B, CQ.AE(2)0 03B, CQ.AE(2)0 04B, CQ.AE(2)0 05B, CQ.AE(2)0 06B, CQ.AD(2)0 01A, CQ.AD(2)0 02A, CQ.AD(2)0 03A, CQ.AD(2)0 04, CQ.SK01, BW.SI(0)01A, BW.SI(2)01A, BW.CQ(0)01, BW.CQ(2)01A, BW.IN(0)01, BW.IN(2)01A, BW.TWC(0)01, BW.TWC(2)01A, DI.AP(0)10 and DI.AP(2)10A.

Environmental Statement including Additional Regulation 19 Information.

Design and Access Statement.

Retail Statement.

Conservation Plan December 2008 (Revision A).

Transport Assessment.

Energy Statement.

Statement of Community Involvement.

Tradewinds Traffic Management Proposal.

**Drawing Nos.  
Application for**

Unnumbered site location plan, SI.AP(0)10B, SI.AP(2)10E, CQ.AD (2) 0.01A, CQ.AD (2) 0.02A, CQ.AD (2) 0.3B,

- listed building consent:** BW.S1(0)01A, BW.SI(2)01A, BW.CQ(0)01, BW.CQ(2)01A, BW.IN(0)01, BW.IN(2)01A, BW.TWC(0)01, and BW.TWC(2)01A.
- Drawing Nos. Application for conservation area consent:** Unnumbered site location plan, SI.AP(0)10B, CQ AE(0) 01, CQ AE(0) 0, CQ AE(0) 04 and CQ AE(0) 06.
- Applicant:** St Katharine's Investments LP.
- Owners:** St Katharine's Investments LP, Skil One Ltd, Skil Two Limited, The RT Hon David Mellor, Lightship Restaurant Ltd, Corporation of London, Ms K Fishlock, Fuerst Day Lawson Holdings Ltd, NTT Europe Ltd, Mala Restaurant Ltd, Ince & Co, Reynolds Technological Enquiries Ltd, Rod Mitchell Ltd, Taylor Woodrow Plc, Spotform Plc, DPR Consulting Ltd, Bentley's, Victoria Steamship and Sword Insurance Technology Solutions Plc.
- Historic buildings:** Dock walls, dock side bollards and perimeter wall on East Smithfield Grade 2 listed. The site adjoins Tower Bridge and the Tower of London both listed Grade 1 and lies within the UNESCO World Heritage Site. Grade 2 listed Ivory House and Dockmaster's House, Grade 2\* Johnson Smirke Building in Royal Mint Court, Grade 2 entrances to Royal Mint Court and Grade 2 sundial on the riverside walk also adjoin.

**Conservation area:** The Tower.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1. The local planning authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the Council's interim planning guidance 2007, associated supplementary planning guidance, The London Plan 2008 and Government Planning Policy Guidance and has found that:
- Commodity Quay makes little positive contribution to the character and appearance of the Tower Conservation Area and its demolition is justified in accordance with policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 of the Council's interim planning guidance 2007 and national advice in PPG15.
  - The proposed Use Class B1 (Business) floorspace accords with employment policy 3B.2 of The London Plan 2008, policies EMP1, DEV3, CAZ1, and CAZ4 of the Council's Unitary Development Plan 1998, policies CP8 and EE2 of the Council's interim planning guidance 2007 and policy CRF1 of the City Fringe Action Area Plan interim planning guidance 2007 which seek to promote employment growth in

St. Katharine West Dock.

- The provision of Class A1 (Shop), A2 (Financial and professional services), A3 (Restaurant /café) and A4 (Drinking establishments) uses are acceptable in principle as they provide useful community services and visual interest in line with policies DEV3 and S7 of the Council's Unitary Development Plan 1998 and policies RT4 and RT5 of the Council's interim planning guidance 2007, which seek to ensure services are provided that meet the needs of the local community and the evening and night-time economy without undue detriment to residential amenity.
- The new buildings and other alterations in terms of height, scale, design and appearance are acceptable in line with national advice in PPG15, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP49, DEV1, DEV2, CON2 and CON3 of the Council's interim planning guidance 2007 which seek to ensure development is of a high quality design, preserves or enhances the character and appearance of conservation areas and World Heritage sites and preserves the setting of listed buildings.
- The alterations to the listed East Smithfield perimeter wall and the walls of the West Dock, including the installation of the boardwalks are satisfactory and comply with national advice in PPG15, policies DEV37 and DEV46 of the Council's Unitary Development Plan 1998 and policy CON1 of the Council's interim planning guidance 2007.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable in line with policy T16 of the Council's Unitary Development Plan 1998 and policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, which seek to ensure developments can be supported within the existing transport infrastructure.
- The development complies with the Blue Ribbon Network Principles set out in The London Plan 2008 and is in line with policies 4C.3, 4C.11, 4C.14, and 4C.23.
- Proposals for landscaping would be satisfactory in line with policy DEV12 of the Council's Unitary Development Plan 1998.
- Subject to final details, sustainability and renewable energy matters are appropriately addressed in line with national advice in PPS22, policies 4A.7 – 4A.9 of The London Plan and policies DEV5 – 9 and DEV 11 of the Council's interim planning guidance 2007, which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.

- Contributions have been secured towards the provision of highway and public transport improvements, pedestrian links and either off-site affordable housing or estate improvements in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the interim planning guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- The submitted Environmental Impact Assessment supplemented by Additional Information is satisfactory, including the cumulative impact of the development, with mitigation and safeguarding measures to be implemented through conditions and a recommended legal agreement.

### 3. RECOMMENDATIONS

3.1. 1. That the Committee resolves to **GRANT planning permission** subject to:

A. Any direction by The Mayor of London.

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

- a) A contribution of £150,000 to fund an additional signalised pedestrian crossing on East Smithfield west of St. Thomas More Street.
- b) To improve access to bus services by the upgrading of four bus stops on East Smithfield and Tower Bridge Approach to TfL accessibility standards at circa £10,000 per bus stop.
- c) To deliver a signage strategy within St. Katharine Docks with directions given to the transport nodes in the area and other important public destinations.
- d) To relocate any redundant public art.
- e) A contribution of £71,820 towards either the provision of off-site affordable housing or for local authority estate renewal in the area.
- f) The use of the Council's Access to Employment and / or Skillsmatch projects.
- g) To adhere to the Council's Code of Construction Practice with any variations to accord with the mitigation measures set out in the submitted Environmental Statement and Regulation 19 Additional Information.
- h) To undertake the development in accordance with the approved Programme of Works.
- i) Any other planning obligation 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 Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

3.5. **Conditions**

1. 3 year time limit.
2. Before the development hereby permitted is begun, details shall be submitted to and approved in writing showing:
  - Details of all elevations to show typical details of components of external cladding and fenestration to include ant measures to eliminate solar glare.
  - Particulars and samples of the materials to be used on all external faces of the buildings.
3. Details of a Programme of Works (Phasing Plan) shall be submitted to and approved in writing by the local planning authority. The development shall only be undertaken in accordance with the approved Programme unless any alternative is agreed in writing by the local planning authority.
4. Details of a landscaping scheme to include hard and soft finishes, any gates, walls fences and external lighting to be submitted and approved.
5. Details of green roofs for the new Commodity Quay and Tradewinds to include a habitat for Black Redstarts (at Commodity Quay) to be submitted and approved.
6. Approved landscaping and green roof schemes to be implemented.
7. The submission and approval and implementation of a Travel Plan to include a Delivery and Servicing Plan.
8. Approved cycle parking within Commodity Quay to be provided and maintained.
9. Details of a scheme of bicycle parking in the vicinity of the South Western Gateway and the entrance off East Smithfield to be submitted, approved and implemented.
10. Commodity Quay shall be fitted with a directional motion sensitive lighting system.
11. Prior to the commencement of works at Commodity Quay, International House and Tradewinds, full details of energy efficiency measures and energy technologies shall be submitted to the local planning authority and approved in writing. The measures should include full details of the renewable energy provisions outlined in the submitted energy strategy. Should the approved energy technologies prove unfeasible, details of any alternative technologies should be approved in writing by the local planning authority prior to the commencement of works at Commodity Quay, International House and Tradewinds. The approved renewable energy technologies shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
12. Archaeological investigation of areas to be redeveloped.
13. Decontamination of areas to be redeveloped.

14. The "Disabled Parking" area shown at the eastern end of Commodity Quay on drawing No. CQ.AP(2)0 11 Rev A shall be used for parking purposes only and shall not be used for the servicing of the building including loading and unloading.
15. Hours of construction time limits - 08.00 to 18.00 Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
16. Piling hours of operation time limits - 10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
17. Details of foul and surface drainage system to be submitted, and approved and implemented.
18. Details of surface water drainage and control measures to be submitted, approved and implemented.
19. No Class A3 (Café / restaurant) or Class A4 (Drinking establishment) use shall commence in International House until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Such measures to be implemented and maintained for the duration of the use.
20. Tradewinds (River Lounge) as altered and extended shall not be used for Class A3 (Café / restaurant purposes until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Such measures to be implemented and maintained for the duration of the use.
21. The open landscaped area adjacent to the Dickens Inn and Marble Quay shall not be used for the consumption of food or drink served from those establishments.
22. The development authorised by this permission shall not commence until the Council (as local planning authority and the highway authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations to the adopted length of St. Katharine's Way.
23. A footway a minimum of 2 metres wide, clear of any obstruction, dedicated solely for pedestrian use and delineated by metal bollards from the vehicular carriageway which shall be a minimum of 3.7 metres wide, shall be provided and thereafter maintained on St. Katharine's Way adjoining Tradewinds (The River Lounge).
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### 3.6. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Express consent required for the display of advertisements.
4. Wheel cleaning facilities during construction.
5. Change of use only as permitted by Part 3 of the Town and Country Planning (General Permitted Development) Order 1995.
6. The landscaping scheme required by condition 4 should reclaim and utilise the existing Yorkstone flags and granite setts at the site. The scheme should investigate the feasibility of reintroducing planters around the dock edges. All planting within 8 metres of the dock should be of locally native species, existing trees at the North West Gateway



- should be replaced, the pedestrian access at the South Western Gateway should not include any variation in paving treatment and external lighting should be designed to prevent light spill into the docks.
7. The scheme for cycle parking required by condition 8 should be in line with Transport for London standards and should aim to provide 52 parking spaces additional to those proposed in Commodity Quay.
  8. With regard to condition 11 (energy efficiency measures and energy technologies), you are advised that Commodity Quay should include a ground source heating system (estimated at circa 400 kilowatts in size) and a ground source cooling system (estimated at circa 600 kilowatts in size) as the primary means of heating and cooling (subject to technical and economic feasibility), along with 100 sq. metres of solar collectors. International House should include 20 sq. m of photovoltaic panels. Tradewinds should include 100 sq. metres of photovoltaic panels.
  9. Consultation with the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 22 that will necessitate an agreement under section 278 of the Highways Act.
  10. You are requested to discuss with the Environment Agency, 30-34 Albert Embankment, London SE1 7TL (Ref. TL/2008/101631/02-L01) how the flood defence levels at St. Katharine Docks can be raised in the future by 600 mm above the current statutory defence level of 5.28 metres AOD.
  11. Under the terms of The Water Resources Act 1991 and The Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works (including new outfalls) or structures either effecting or within 16 metres of the dock walls and the River Thames.
  12. There is a Thames Water main crossing the development site and you should consult Thames Water in this respect Tel. 0845 850 2777.
  13. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 3.7. 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.
- 3.8. 2. That the Committee resolves to **GRANT listed building consent**.
- 3.9. That the Head of Development Decisions is delegated power to impose conditions on the listed building consent to secure the following:

#### **Conditions**

1. 3 year time limit.
2. Detailed drawings at a scale of 1:10 showing the means of the fixing of the proposed boardwalks to the dock walls shall be submitted to and approved in writing by the local planning authority.
3. Works to making good of the West Dock walls and the perimeter wall on East Smithfield shall be finished to the match the adjacent work with regard to methods used and to material, colour texture and profile.
4. Any other condition(s) considered necessary by the Corporate Director

## Development & Renewal.

- 3.10. **3. That the Committee resolves to GRANT conservation area consent.**
- 3.11. That the Head of Development Decisions is delegated power to impose conditions on the conservation area consent to secure the following:

### Conditions

1. Demolition works must be begun before the expiration of three years.
2. The demolition works shall not be carried out otherwise than simultaneously as part of the completion of development for which planning permission has been granted.
3. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

## 4. PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1. Application is made for full planning permission for the redevelopment and change of use of parts of St. Katharine West Dock. The scheme principally involves the redevelopment of the existing office block called Commodity Quay for offices/shopping purposes, the extension and partial change of use of the ground floor of International House and alterations to the 'Tradewinds' restaurant now called The River Lounge. Specifically, the development proposes:

1. Redevelopment of Commodity Quay to provide 23,373 sq. m of Class B1 (Business) and 2,951 sq. m of Class A1 (Shops) at quay and basement levels together with underground servicing and other works incidental to the development;
2. The erection of a 150 sq. m extension to International House for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink), or A4 (Drinking establishments) and change of use of 1,550 sq. m of the ground floor of International House from Class B1 (Business) ) to either Class A1, A2, A3 or A4 with the creation of a new quayside double height main entrance, the installation of shop fronts, the reconfiguration of existing servicing arrangements and the erection of canopies;
3. Alterations and extension to Tradewinds including ground and first floor extension for use within Class A3 (Food and drink) (increasing the size of the building from 362 sq m to 481 sq m), the provision of a glazed western elevation and re-cladding;
4. Creation of new north gateway entrance including the provision of stairs, lift and viewing gallery;
5. Creation of a new south pedestrian gateway entrance including the provision of new stairs and ramps;
6. Erection of new pedestrian boardwalks around the West Dock;
7. Landscaping of the public open space outside the Dickens Inn.

- 4.2. As originally submitted, the applications involved the redevelopment of Devon House (an office block fronting the Thames) by three new buildings to provide 100 residential units and 847 sq. m of community use or shops together with the creation of a public open space overlooking the river. The Devon House proposal has however been deleted from the application due to concerns about the design of the new buildings.
- 4.3. Due to concerns expressed following public consultation, the proposed siting of Tradewinds has been modified to maintain a dedicated public footway adjacent to the restaurant delineated by bollards. A proposed North-West Gateway tower structure has largely been omitted and amendments to the plant enclosure at 9<sup>th</sup> floor level of the proposed new Commodity Quay have also been made.
- 4.4. Application is also made for listed building consent for the installation of new boardwalks to the listed West Dock walls and alterations to the listed perimeter wall on East Smithfield.
- 4.5. Conservation area consent is requested for the demolition of the existing Commodity Quay building.

#### **Site and surroundings**

- 4.6. St. Katharine Docks (comprising a West Dock, an Eastern Dock and a Central Basin) is bounded by the River Thames to the south, Tower Bridge Approach and St. Katharine's Way to the west, East Smithfield to the north and Thomas More Street to the east. The docks are used as a marina and the application site covers an area of some 4.12 hectares in and around the West Dock and the Central Basin. The docks lie east of the Tower of London, a designated UNESCO World Heritage Site, and fall within the Council's designated Tower Conservation Area.
- 4.7. St. Katharine Docks were mostly redeveloped from the 1970's onwards and the existing buildings around the West Dock and the Central Basin vary in age, scale and design. The eastern part of the conservation area around St. Katharine's Dock has undergone significant changes since the closure of the docks and the character of buildings and spaces are more varied than a the Tower of London to the west.
- 4.8. Within the application site, International House is a 6-storey 1980's office block fronting Tower Bridge Approach, opposite the Tower of London. Commodity Quay on East Smithfield is a 19,069 sq. metre, a 6-storey 1980's office block incorporating two trading floors with double height floors. Tradewinds (recently renamed The River Lounge) is a 2-storey building located adjacent to the lock entrance to the docks housing a restaurant, WCs and lock keeping equipment.
- 4.9. Immediately adjoining, but outside the application site, are the 15-storey Guoman Tower Hotel circa 1973, Tower Bridge House a glass fronted, 7-storey office block erected in 2005 on the corner of East Smithfield and Tower Bridge Approach, the centrally located mid-19<sup>th</sup> century Grade 2 listed Ivory House now used for shops and residential, the Dockmaster's House comprising a Grade 2

listed dwellinghouse circa 1828 located on the bank of the River Thames south of Tradewinds, and the adjoining 1980's office block Devon House. To the east, between the Central Basin and the East Dock, are the Dickens Inn and the Mala restaurant at Marble Quay. Around the northern and eastern sides of the East Dock lies City Quay that comprises two rows of 6-9 storey residential apartment blocks completed in 1997.

- 4.10. The late C20th development around the docks display a variety of architectural styles but still maintain or re-create the original sense of enclosure of the docks. To the east of Tower Bridge, the buildings are generally large and substantial in character, but are not designed to be prominent on the skyline. The warehouses and residential buildings in St Katharine's Docks are generally 5-8 storeys high, although there are several individual buildings which are much smaller. The Tower Guoman Hotel is an anomaly in the area, ranging from 8 to 15 storeys in height.
- 4.11. In addition to the Ivory House and the Dockmaster's House, the original dock perimeter wall on East Smithfield, the walls to the docks and basin, bollards around the docks, a sundial on the riverside walk and Nos. 52 and 78 St. Katharine's Way are included in the Statutory List of Buildings of Architectural or Historic Interest Grade 2. Tower Bridge and the Tower of London are listed Grade 1. The Johnson Smirke Building in Royal Mint Court on the northern side of East Smithfield is listed Grade 2\* and the entrances to Royal Mint Court are listed Grade 2.
- 4.11. A riverside walk runs alongside the Guoman Tower Hotel but not in front of the Dockmaster's House or Devon House. There is vehicular and pedestrian access to the West Docks from both the west and the east via St. Katharine's Way and from the north off East Smithfield. There is also a stepped pedestrian access in the north west corner of the West Dock adjacent to Tower Bridge House. There are walkways and boardwalks around the docks except on the east side of International House where there is no pedestrian public access at present.
- 4.12. The Protected Vista - Greenwich Park to St. Paul's, designated in the Greater London Authority's London View Management Framework 2007, runs across the southern part of the West Dock and the Central Basin.
- 4.13. The site is well served by public transport being a short walk to Tower Gateway DLR station and Tower Hill District Line Underground Station. A number of bus routes serve East Smithfield and Tower Bridge Approach.

#### **Material planning history**

- 4.14. St. Katharine Docks was the first of the London's docks to be redeveloped. They have been the subject of a complex series of planning applications since their closure in the late 1960's with planning permissions granted for the major new buildings itemised above.
- 4.15. St. Katharine Investments LP (the applicant) purchased St. Katharine Docks in 2004 and has undertaken an evaluation of the West and Central Docks. The

company believes there is an opportunity to improve the estate, the accommodation it provides, the mix of uses and the public realm.

4.16. In December 2005, applications were made for planning permission, listed building consent and conservation area consent for:

1. Redevelopment of Commodity Quay to provide offices and shops together with underground parking;
2. Redevelopment of Devon House to residential, community use and a public square;
3. Change of use of part of ground and mezzanine floors of International House from offices to four shops, the erection of a new piazza and southern gateway shop units, quay side main entrance, canopies together with alterations to servicing arrangements;
4. Change of use of part ground, first, second and attic floors of Marble Quay from offices to residential;
5. Erection of a 17-storey residential tower between the West Dock and the Central Basin;
6. Alteration and extension to Tradewinds;
7. Creation of a north and south gateway entrances;
8. Erection of new 2.5 metre pedestrian boardwalks around the West Docks, a single storey tourist information building and the provision of a new performance space.

4.17. The December 2005 applications resulted in significant concern, particularly the proposed introduction of the proposed 17-storey residential tower and the design of the replacements for both Devon House and Commodity Quay. The applications were subsequently withdrawn.

4.18. In October 2007, the Council published a Character Appraisal and Management Guidelines for the Tower Conservation Area. One of the purposes of the guide is to propose management guidelines on how the character of the conservation area should be preserved and enhanced in the context of appropriate ongoing change.

## 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. **Spatial Development Strategy for Greater London (The London Plan 2008)**

Policies	3B.1	Developing London’s economy
	3B.2	Office demand and supply
	3B.3	Mixed use development
	3B.11	Improving employment opportunities for Londoners
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.23	Parking strategy
	3D.3	Maintaining and improving retail facilities

3D.12	Biodiversity and nature conservation
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable design and construction
4A.4	Energy assessment
4A.6	Decentralised energy
4A.7	Renewable Energy
4A.9	Adapting to climate change
4A.11	Living roofs and walls
4A.12	Flooding
4A.13	Flood risk management
4.A14	Sustainable drainage
4A.17	Water quality
4A.19	Improving air quality
4A.20	Reducing noise
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety, security and fire prevention
4B.8	Respect local context and communities
4B.10	Large scale buildings, design and impact
4B.11	London's built heritage
4B.12	Heritage conservation
4B.14	World Heritage sites
4B.15	Archaeology
4B.16	London View Protection Framework
4C.1	Strategic importance of the Blue Ribbon Network (BRN)
4C.3	The natural value of the BRN
4C.6	Sustainable growth priorities for the BRN
4C.11	Increasing access alongside and to the BRN
4C.14	Structures over and into the BRN
4.C.15	Safety on or near the BRN
4C.23	Docks
5C.1	The strategic priorities for North East London
5G.1	Indicative CAZ boundary
5G.2	Strategic Priorities for the CAZ
5G.3	Central Activities: Offices
6.A.4	Planning Obligation Priorities

### 5.3. **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Proposals:

1. Central Area Zone
2. Water Protection Area
3. Site of archaeological importance or potential
4. Strategic Riverside Walkway
5. Flood Protection Area
6. Site of Nature Conservation Importance
7. Strategic View Consultation Area: Greenwich Park to St Paul's Cathedral

(now termed a Strategic Vista).

Policies:

DEV1 & DEV2 – Design criteria for new development  
DEV3 – Mixed use developments  
DEV4 – Planning obligations  
DEV7 – Protection of strategic views  
DEV8 - Protection of significant local views  
DEV12 – Landscaping and trees  
DEV28 – Demolition of buildings in conservation areas  
DEV46 – Protection of waterways and water bodies  
DEV48 – Walkways in development with a water frontage  
DEV50 - Noise  
DEV51 – Contaminated land  
DEV57 – Nature conservation and ecology  
CAZ1 – Developing London’s Regional, National and International role  
CAZ4 – Retaining the character and functions of the CAZ  
EMP1 – Promoting employment growth  
T16 – Traffic impact of development proposals

**5.4. Interim planning guidance: Tower Hamlets Core Strategy and Development Control Plan September 2007**

Proposals:

1. Flood Risk Area
2. Central Activities Zone
3. Conservation Area
4. Archaeological Priority Area
- 5 Site of Importance for Nature Conservation
6. Blue Ribbon Network
7. Public Open Space
8. Strategic Views Consultation Area

Core Strategies IMP1

CP1	Planning Obligations
CP3	Creating Sustainable Communities
CP4	Sustainable Environment
CP5	Good Design
CP7	Supporting Infrastructure
CP8	Job creation and growth
CP12	Tower Hamlets’ Global Financial Business Centre and the Central Activities Zone
CP17	Creative and Cultural Industries and Tourism
CP30	Evening and Nigh Time Economy
CP31	Improving Quality and Quantity of Open Space
CP33	Biodiversity
CP37	Sites of Importance for Nature Conservation
CP38	Flood Alleviation
CP39	Energy Efficiency & Renewable Energy
CP40	Sustainable Waste Management
CP41	A Sustainable Transport Network
	Integrating Development with Transport

	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP49	Historic Environment
	CP50	Important Views
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 and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	EE2	Redevelopment/Change of Use of Employment Sites
	RT4	Retail Development and the Sequential Approach
	RT5	Evening and Night –time Economy
	OSN3	Blue Ribbon Network and the Thames Policy Area
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON3	Protection of World Heritage Sites
	CON5	Protection and Management of Important Views

**5.5. Interim planning guidance: Tower Hamlets City Fringe Action Area Plan September 2007**

Policies	CRF1	City Fringe Spatial Strategy
	CRF2	Transport and Movement
	CRF5	Open Space and Flooding
	CRF7	Infrastructure Capacity
	CRF15	Employment uses in St Katherine’s Sub Area
	CRF17	Retail, evening and night-time economy in St Katherine’s sub-area
	CRF18	Design and built form in St Katherine’s sub area
	CRF19	Local connectivity in St Katherine’s Sub Area

**5.6. Supplementary Planning Guidance/Documents**

Designing Out Crime  
Landscape Requirements  
Archaeology and development



5.7. **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPG 25	Development and Flood Risk

5.8. **Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6. **CONSULTATION RESPONSE**

6.1. The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application initially. Those bodies affected by the amendments to the scheme have all been re-consulted on the revisions. The accompanying Environmental Impact Assessment has been amended three times to provide additional information and all the additional information has been subject to statutory publicity and public notification including press and site notices.

**Greater London Authority (Statutory consultee)**

6.2. At Stage 1, the Deputy Mayor advised that the lack of housing in the development does not comply with The London Plan policies 3B.3 and 5G.3 applying to the Central Area Zone but acknowledged that the scheme would make a significant contribution to an existing cluster of office activities. He added that the Mayor's draft City Fringe Opportunity Planning Framework identifies St. Katharine Docks as an area where a potential exception to London Plan mixed-use policy may be acceptable, subject to Tower Hamlets seeking a contribution, payable to the Council's Housing Department, towards off-site affordable housing or to fund estate renewal in the area. Conditions and / or obligations regarding the energy strategy, living roofs, additional cycle parking, a travel plan and training and employment initiatives were requested together with the following planning obligations recommended by Transport for London (TfL):

- A contribution of £150,000 to fund an additional signalised pedestrian crossing on East Smithfield immediately west of St. Thomas More Street.
- To improve access to bus services by the upgrading of 4 bus stops on East Smithfield and Tower Bridge Approach to TfL accessibility

standards at a cost of £10,000 per stop.

- The implementation of signage strategy focussed to and from the transport nodes in the area.

6.3. The overall design quality is high and will not adversely impact on the setting of St Katharine Docks and its listed buildings, Tower Bridge or the Tower of London. The proposed design and layout is compliant with London Plan design policies.

6.4. (Officer comments. The developer has agreed a financial contribution of £95 per sq. metre of additional office floorspace within the development. This is comparable with other recent major development permitted in the borough. Such a contribution would wholly fund the transport and pedestrian improvements requested by TfL and allow £71,820 towards either the provision of off-site affordable housing or for estate renewal in the area. The developer has also agreed to be party to the Council's Access to Employment scheme (previously Local Labour in Construction). The GLA has subsequently advised that such arrangements are satisfactory and make the development compliant with The London Plan policy for office development in the Central Area Zone). Conditions and / or obligations regarding the energy strategy, living roofs, additional cycle parking and a travel plan are recommended.

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

6.5. No representations received.

**Secretary of State for National Heritage (Statutory consultee)**

6.6. No representations received.

**Natural England (Statutory consultee)**

6.7. No comments.

**Environment Agency (Statutory consultee)**

6.8. No objection subject to conditions requiring the approval of details of landscaping, green roofs, surface and foul water drainage together with informatives regarding the future raising of statutory flood defence levels at St. Katharine Docks and applicable legislation administered by the Agency.

6.9. (Officer comments: Such conditions and informatives are recommended).

**Adjoining London boroughs (statutory consultees)**

6.10. The application originally proposed a replacement for Devon House (now deleted from the proposals) that projected into the Protected Vista of St Paul's Cathedral viewed from Greenwich Park. Following consultation with those boroughs lying along the vista, and with Southwark Council as an adjoining local planning authority, representations received are as follows:

**London Borough of Greenwich (Statutory consultee)**

6.11. No objection.

**City of Westminster (Statutory consultee)**

6.12. Does not wish to comment.

**London Borough of Southwark (Statutory consultee)**

6.13. No representations received.

**London Borough of Camden (Statutory consultee)**

6.14. No objection.

**London Borough of Lewisham (Statutory consultee)**

6.15. No representations received.

**Corporation of London (Statutory consultee)**

6.16. The proposals will not impact on the City. No objections.

**English Heritage (Statutory consultee)**

6.17. Advises that whilst the existing Commodity Quay respects the materials commonly found on warehouse buildings, it is otherwise an unremarkable building and no objection is seen to its demolition. The proposed new building has a similar bulk reflecting the scale of development traditionally found around the dock edge. The oak cladding proposed for both Commodity Quay and Tradewinds is inappropriate to the context of the urban dock environment. The night time view of the proposed Commodity Quay highlights the difference between architecture of solid walls and windows with a much more lightweight architectural vocabulary more often associated with the City rather than locations such as this. Considers the resulting architectural language is inappropriate in this particular context and the use of timber should be reconsidered. The language of the proposed altered Tradewinds does little to engender any greater sense of permanence or appropriateness than the existing building and does little to enhance the surrounding historic environment including views of the Dockmaster's house. Welcomes the elements aimed at increasing pedestrian access but expresses concern about the construction of the boardwalks around the West Dock as St. Katharine's was one of the first where the dock buildings were built directly on the edge of the dock walls and this is an important element of its architectural and historical significance. Where walkways are to be cantilevered over the dock itself, the design should be carefully considered. If planning permission and listed building consent are granted, conditions are recommended to:

- Require the approval of detailed drawings to establish that the means of the fixing of the proposed boardwalks ensures that the historic

significance of the warehouses being directly on the dock can still be recognised, and;

- Secure an archaeological investigation.

6.18. (Officer comments: Wood is currently used on a number of buildings in the Docks e.g. the Dickens Inn and Tradewinds as existing. Its use on Commodity Quay would be limited in extent. Suitably chosen and handled with appropriate detailing, it is considered suitable for both buildings in this location. The design of the new Commodity Quay and the alterations to Tradewinds is assessed in 'Material Planning Considerations' below. The boardwalks would result in significant improvements in pedestrian access, particularly the introduction of a walkway adjacent to International House. It is considered that the walkways are acceptable and would enhance the contemporary character and appearance of the West Dock. It is recommended that the requested conditions are adopted).

#### **Historical Royal Palaces (Statutory consultee)**

6.19. Pleased that the previously proposed residential tower has been omitted. Supports the proposal saying it will revitalise St. Katharine Docks, make them more attractive to visitors and improve the public realm around the eastward link from Tower Wharf.

#### **Docklands Light Railway**

6.20. No representations received.

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

6.21. Supports the aims of the proposal and considers it has the potential to regenerate the area into a vibrant place for workers, residents and visitors. The improvements to the pedestrian access in the north west and south west corners are convincing, the remodelling of the ground floor plans of International House and the provision of new features is handled sensitively. Supports the provision of boardwalks around the dock but considers they could be wider and thought of as a space rather than a route with a clearer public realm strategy. Supports the use and form of the proposed Commodity Quay replacement. The nocturnal views and the assessment of the boardwalks on the extent and appearance of the West Dock do not change CABE's views on the scheme. Advises that success will depend on materials and detailing.

6.22. (Officer comments. The boardwalks would be approximately 2.5 metres wide on the south side of the West Dock and alongside International House. Adjacent to Commodity Quay the boardwalk would be approximately 3.3 metres wide to align with the existing walkway at Tower Bridge House. These arrangements would significantly improve pedestrian access around the West Dock and are considered satisfactory).

#### **Thames Water Plc**

6.23. No objection regarding water infrastructure.

### **Metropolitan Police**

- 6.24. No objection in principle. The new buildings should obtain 'Secured by Design' standards and bicycle stands should be designed to deter seating.

### **BBC Reception Advice**

- 6.25. No representations received.

### **London Fire and Emergency Planning Authority (LFEPA)**

- 6.26. Advises the development would not impinge on water hydrants. Satisfied that the revised siting of Tradewinds would allow access to the docks by fire appliances.

### **Pool of London Partnership (now defunct)**

- 6.27. Considered the scheme overcomes previous concerns and would contribute to the on-going regeneration of the area. Requested that all existing public art and signage remain or be relocated. Suggested a package of section 106 obligations to support projects outlined in the Pool of London Public Realm Framework Strategy.
- 6.28. (Officer comment. It is recommended that the former Partnership's requests for planning obligations are adopted where they accord with the Government's advice in Circular 5/2005 – see paragraphs 8.48 to 8.54 below).

### **Port of London Authority**

- 6.29. No objection in principle. Recommends a condition requiring an assessment of the practicality of using the Thames to transport construction material.
- 6.30. (Officer comments: A head of agreement is recommended to require the developer to adhere to the Council's Code of Construction Practice. This will ensure that construction and demolition and materials are transported to and from the site as efficiently as possible and accord with the mitigation set out in the Environmental Statement).

### **British Waterways**

- 6.31. Advises the site is outside British Waterways jurisdiction.

### **Environmental Health and Protection**

- 6.32. Advises that noise and vibration, micro climate (wind) and sunlight / daylight would all be satisfactory. Recommends that any planning permission is conditioned to secure decontamination of the area to be redeveloped, the approval of a Construction Phase Management Plan and details of the means of fume extraction from Class A3 and A4 uses in International House and Tradewinds.

- 6.33. (Officer comment: Appropriate conditions are recommended. A recommended head of agreement requires the developer to adhere to the Council's Code of Construction Practice).

#### **Traffic and Transportation**

- 6.34. Advises that there are no implications for traffic conditions on the public highway. The site is within walking distance of various key transport interchanges and there are no objections in principle. The level of parking provision would be acceptable and the disabled parking spaces meet the required minimum standard. The servicing of Commodity Quay from the existing loading bay at the western end of the building would be satisfactory. The revised servicing arrangements for International House would require a section 278 agreement with the Council to fund the alterations to the public highway. As originally proposed, the siting of Tradewinds would have resulted in pedestrians being unacceptably forced off the dedicated footway onto St Katharine's Way. A footway of 2 metres minimum width should be provided and the carriageway should be a minimum of 3.7 m to facilitate access by fire appliances.
- 6.35. (Officer comments: The scheme has been amended by repositioning the northern façade of the Tradewinds building to ensure the provision of a dedicated 2 metres wide pedestrian footway on St. Katharine's Way and a vehicular carriageway a minimum of 3.7 metres wide. Conditions are recommended to ensure that this arrangement is provided and maintained and to secure the funding of the necessary alterations to the public highway required for the proposed servicing arrangements for International House).

#### **Cleansing**

- 6.36. No representations received.

#### **Corporate Access Officer**

- 6.37. Satisfied with the access arrangements proposed by the amended scheme.

#### **Landscape Development Manager**

- 6.38. No comments received.

#### **Energy Officer**

- 6.39. No objection in principle subject to final details of energy efficiency measures being approved.

#### **Design and Conservation Area Advisory Group**

- 6.40. Considers the design of Commodity Quay is neither sufficiently strong nor distinctive enough and should relate more to the historic character of the area with a more industrial 'Docklands' feel. The building should be in brick, provided with a squared off top rather than a recessed top floor to give a stronger feel in

keeping with historic antecedents, with the plant floor integrated rather than perched on top.

- 6.41. (Officer comments. Whilst a brick building could be suitable, this does not preclude the use of other materials. The architecture proposed for the new Commodity Quay is considered well proportioned and the rhythmic facade would be a significant improvement on the blank elevations and large expanses of blackened glass of the existing building. Amendments have been made to the plant enclosure at ninth floor level. Whilst it would still sit on top, the enclosure is marginally stepped / set back on its east and west elevations. A squared off top floor would increase the bulk of the building which is considered undesirable. It is also now proposed that the enclosure is articulated in a similar architectural style to the rest of the building which would remove the dominance of the louvres on the external elevations and better integrate the plant enclosure with the building).

## 7. LOCAL REPRESENTATION

- 7.1. A total of 1,277 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications have also been publicised in East End Life and on site. All the neighbouring properties initially notified, together with the groups that made representations, have been re-consulted on the revised scheme. The revisions have also been re-advertised on site and in East End Life. The three sets of additional information amending the Environmental Statement have also been subject to statutory publicity and consultation with neighbours and local groups. The number of representations received from neighbours and local groups in response to the 1<sup>st</sup> and subsequent rounds of publicity is as follows:

	<b>No of individual responses:</b>	<b>Objecting:</b>	<b>Supporting:</b>
1 <sup>st</sup> publicity round:	64	63	1
2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> publicity rounds including consultation on additional ES information:	59	59	0
No. of petitions received:	0		

- 7.2. Material representations from neighbours may be summarised as:

- The existing Commodity Quay is appropriate to the dock, complements the Ivory House and should be retained, redesigned and refurbished. Demolition unnecessary and a waste of resources.
- The design for the replacement Commodity Quay does not reflect the historic dockside character and the provenance of the former warehouse arrangement. It is incongruous, bland, clumsy, over-dominant and out of proportion with excessive height and bulk. It would destroy not preserve or enhance the character and appearance of the conservation area nor attract visitors to the docks. The scheme fails to pay regard to

fundamental architectural principles of scale, height, massing, alignment advocated by PPG15. Whilst the elevations could be attractive, they should be broken up with more rhythm. The proposed materials of glass and steel are inappropriate and timber cladding is unsuitable for buildings facing the Thames and a historic site close to the Tower of London. Brick should be the predominant facing material.

- The new Commodity Quay would diminish the dominance, setting and appearance of the listed Ivory House, the central feature of the docks. Due to bulk, it would adversely affect the setting of the perimeter wall and the elephant gates on East Smithfield; match the inappropriate design of the glass Tower Bridge House adjoining and fail to harmonise with City Quay.
- Whilst the proposal would look lighter on East Smithfield, the extra mass and closeness would add to the existing canyon effect.
- Light pollution from the new Commodity Quay would result in the building having an overpowering presence at night. No adequate Night Time Assessment has been made.
- The scheme amounts to architectural vandalism that would diminish St. Katharine's sense of place with no anchorage in the heritage and character of neighbours.
- The information contained in the Environmental Statement regarding mitigation for pedestrian access during the construction phase is confusing, inconsistent and inadequate.
- Underground parking at Commodity Quay would exacerbate traffic difficulties on East Smithfield. (Officer comment: No basement car parking is proposed).
- Traffic increase in a congested area will add to general malaise.
- Increased pollution.
- Further offices are unnecessary at St. Katharine Dock and will distort the balance between the working and resident population. Uncontrolled commercialism will ruin national heritage sites.
- Loss of existing office employment.
- More bars / restaurants in the ground floor of Commodity Quay would result in servicing difficulties, create noise and disturbance and be detrimental to the vitality of the west piazza. (Officer comment: No bars or restaurants are proposed in the ground floor of Commodity Quay).
- Loss of views of the NatWest Tower from the East Dock.
- The extension to International House and the lift for disabled, with dubious utility, would adversely affect views of the Tower of London from the docks, result in the loss of existing trees and reduce the size of the piazza.
- The proposed landscaping, with seating outside the Dickens Inn and Marble Quay, is unnecessary, could result in disturbance and should not be used for eating and drinking. Insufficient details of the proposed landscaping.
- Tradewinds does not need alteration and the revised siting would leave insufficient space for pedestrians and create a hazard. The design is too 'squared off,' the materials and increased height would not preserve or enhance the character of the docks. The facades of any new construction should incorporate the materials and style of the historic



dock in which glass forms no part, evidenced by the inconsistency and obtrusiveness of Tower Bridge House. The building would be too bulky with an inappropriately shaped sloping roof more appropriate to a ski chalet. It would adversely affect the setting of the Dockmaster's House, impede views of Tower Bridge from the Central Dock and the Ivory House from the South Bank and would no longer provide a meaningful relationship with the dock entrance.

- There are already sufficient shops in the area.
- The new boardwalks would detract from the character of the dock, reduce the visible water area and leave it ripe for redevelopment. They would be noisy, difficult to use in frosty weather and unsuitable for wheelchairs or wheeled bags. The walkways should be set off the listed dock walls.
- Loss of the colonnaded walkway at Commodity Quay. Officer comment: A new colonnaded walkway is proposed.
- The development would not benefit the residents of St. Katharine's Way. It would introduce noise and more late night venues in a unique, tranquil, primarily residential haven that already has adequate facilities.
- The applicants are trying to use the development as a 'benchmark' for future applications in the dock and using Tower Bridge House as a precedent to justify the current scheme. If planning permission is granted, it will lead to equally insensitive schemes for Devon House, International House and St. Katharine's Point (the deleted residential tower). The redevelopment of the Tower Hotel would then be able to feed into the further destruction of this unique popular haven on the edge of the City and vital part of the Tower Conservation Area. Only high quality and sympathetic development should be accepted in the dock to preserve its unique value.
- There should be a master plan for the docks otherwise creeping piecemeal redevelopment will destroy the character and appearance of the dock and its conservation area status.
- The docks will be a major tourist destination during the London Olympics and the development would have a negative impact on the trade and look of the area.
- Information on light pollution, the impact of the widening the boardwalks on the West Dock and pedestrian arrangements during construction remain inadequate.
- Given English Heritage take fundamental design issues with all three applications, any approvals could be liable to judicial review. Officer comment: All representations including English Heritage's advice are included in this report. Any judicial review could only be on faults in the processing of the applications. The merits of the proposals could not be subject to challenge unless the Committee's decision was so unreasonable that no reasonable Committee could have come to that decision.

7.3. The provision of the new boardwalks, the proposed additional shops, the creation of the north and south gateways and the alterations to Tradewinds were supported by most respondents following the initial round of public consultation. The letter in support of the applications opines that the scheme

would greatly enhance St. Katharine Docks, significantly improve the public realm and help create a sustainable community.

7.4. Non-material objections from neighbours may be summarised as:

- The developers are seeking piecemeal reconstruction to maximise the value of the docks prior to resale.
- If permitted, the proposal would set a disastrous precedent for other conservation areas.
- Noise and disturbance during construction work
- There should be no topless bars.

7.5. The following local groups/societies made representations:

**Hermitage Environment Group**

7.6. Considers the redevelopment of Commodity Quay not well thought out. Disruption and hardship during rebuilding.

7.7. (Officer comments. Disturbance and hardship during construction are not valid reasons to refuse planning permission. Conditions to control construction hours and a requirement for the developer to adhere to the Council's Code of Construction Practice are recommended. The Council's Environmental Protection Department also have power to control statutory nuisance).

**Sandwich Local History Group**

7.8. The remaining traditional dockside buildings, particularly Commodity Quay, are an outstanding feature. It is essential that these be retained and cherished. The proposed steel framed building is out of character and would diminish the architectural value of this dockland treasure.

7.9. (Officer comment. Commodity Quay was completed in 1985 and is not one of the original traditional dockside buildings. The proposed replacement is considered an appropriate design for the dockside).

**President's Quay Limited**

7.10. Welcomes the removal of the residential tower previously proposed and the improved pedestrian facilities, particularly the accessibility of International House. Objects to the elevational treatment of the replacement for Commodity Quay. Considers new buildings must reflect the robust, historic character of this dockside area. The proposed design appears a fashionable solution that could be anywhere.

7.11. (Officer comments: The replacement for Commodity Quay is considered an appropriate design for the dockside and a significant improvement compared to the design of the existing building).

**Friends of St Katharine Docks**

7.12. Considers the proposals would fail to preserve or enhance the character or appearance of the conservation area as follows:

- Commodity Quay. The existing building makes a positive contribution to the character and appearance of the conservation area and should be retained and converted. Demolition would be a waste of resources. The design and materials for the replacement building, including its height bulk with extensive use of glass, do not accord with the brick built warehouse style buildings that define the character and appearance of the dock both of which would be destroyed. Fundamental architectural principles are ignored. The building would not be in harmony with City Quay, dwarf the Ivory House and obliterate views of the NatWest Tower from the East Dock. The setting of the listed Ivory House and perimeter wall on East Smithfield would be adversely affected. At night, the building would have an overpowering presence. Light diffusion through the glass curtain wall would reduce the surroundings to insignificance and diminish the status of the Tower of London World Heritage site. There has been no Night Time Assessment. Design standards should be much higher with a more imaginative response to the challenge of building in such a place than the present elephantine and prosaic design manifests.
- Tradewinds. The design and materials (employing much glass) with increased height and bulk would detract from the character of the area, the setting of the Dockmaster's House, be destructive of the docks special atmosphere and obstruct views of Tower Bridge from the Central Dock. The sloping "green roof" would destroy the view of the Dockmaster's House and overwhelm it as an architectural attraction. The re-siting of the building with the loss of the pedestrian footway would be a hazard.
- Boardwalks. Concerned about further encroachment into the water area.
- Landscaping outside Dickens Inn. Inadequate details provided. The provision of seats could encourage contravention of the licences granted by the Licensing Magistrate for the Dickens Inn and the adjacent Marble Quay restaurant.
- Piecemeal redevelopment without a master plan.
- The applicant has not responded to the architectural appraisal commissioned by City Quay Management Company Ltd (see paragraph 7.26 below).

7.13 The Friends alleged inaccuracies in the initial Environmental Statement Non-Technical Summary, consider local consultation inadequate and concerned about disturbance during construction, including disruption to pedestrian arrangements, adverse impact on existing shops and television reception.

7.14. (Officer comments: English Heritage advises that Commodity Quay is an unremarkable building that makes little contribution to the character and appearance of the conservation area. That opinion is shared. The design and scale of the proposed new building is considered appropriate to the dock edge.

The proposal is supported by Historic Royal Palaces and is not considered to diminish the status of the Tower of London World Heritage Site.

- 7.15. The alterations to 'Tradewinds' are also not considered to harm the character or appearance of the conservation area or cause a detrimental impact on the setting of the Dockmaster's House. It is a clean lined design making no historic references and is considered appropriate given the mix of old and new architecture at this location. The building would have little impact on Tower Bridge and the World Heritage Site with views not adversely affected. The provision of a "green" or "living roof" has been requested by both the Greater London Authority and the Environment Agency and it is not considered that this feature would adversely affect the setting of the Dockmaster's House. The scheme has been amended to provide a 2-metre wide dedicated pedestrian footway on St Katharine's Way adjacent to Tradewinds.
- 7.16. It is recommended that any planning permission is conditioned to require the approval of final details of landscaping and to prevent the open area adjacent to the Dickens Inn and Marble Quay being used for the consumption of food or drink served from those establishments.
- 7.17. The Environmental Statement has been revised three times with additional information provided following independent reviews and comments from local residents and groups. The "local consultation" referred to appears to be the exercise undertaken by the applicant. The Council's publicity has been extensive and far exceeded statutory requirements. The proposed replacement of Commodity Quay is of similar height to the surroundings and the Environmental Statement concludes that the development would have negligible impact on television and radio transmissions with both within acceptable reception limits for both analogue and digital signals. No comments have been received from BBC Reception Advice. Disturbance during construction are not valid reasons to refuse planning permission. Conditions to control construction hours and a requirement for the developer to adhere to the Council's Code of Construction Practice are recommended. In addition, the Council's Environmental Protection Department have power to control statutory nuisance. The additional information supplementing the Environmental Statement has clarified proposed arrangements for pedestrians during the construction period).

#### **Tower Bridge Wharf Management Company Limited**

- 7.18. The proposals would not add any intrinsic value to a major tourist attraction and working community in the heart of London. The scheme is an attempted desecration. No reason for demolition. Additional shops unnecessary.
- 7.19. (Officer comments. The additional shops and restaurants would serve tourists, the local residential and working population together with the evening and night time economy. Such uses are supported by the Council's planning policies for St. Katharine Docks. The demolition of Commodity Quay is considered justified as the exiting building makes little contribution to the character and appearance of the Tower Conservation Area).

#### **City Quay Management Company Limited**

- 7.20. The scheme will cause serious harm to the settings of the listed Ivory House and the Dockmaster's House. A grant of planning permission would be contrary to the Council's statutory obligation to have special regard to the desirability of preserving or enhancing the listed buildings and their settings
- 7.21. The development will also cause serious harm to the Tower Conservation Area and a grant of planning permission would be inconsistent with the Council's statutory obligation to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area.
- 7.22. The existing Commodity Quay makes a positive contribution to the conservation area. The design of the new buildings is very poor and the proposed height, massing, scale, detailing and materials are all inappropriate. The building will overshadow City Quay. The proposed buildings will be incongruous and jarring elements within the setting of the important listed buildings in and around the docks and will compound the harm which Tower Bridge House has done in terms of visual and heritage impacts. The proposed buildings do not conform to the architectural grammar that is vital to the site's dockside location. Commodity Quay would be over-dominant and incongruous in juxtaposition to the listed Ivory House. The proposed facing materials bear no relationship to the buildings alongside with brutal rectilinear geometry. Timber cladding is alien to the context and will degrade. If the building proceeds, the entire north side of the West Dock would be predominantly glass. The listed wall on East Smithfield will become an anomalous irrelevance as Commodity Quay would be over-dominant and incongruous. East Smithfield would be turned even more into a canyon-like thoroughfare.
- 7.23. The Environmental Statement is flawed and fails to satisfy the requirements of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1999. In relation to the Conservation, Townscape and Visual Assessment (Volume 2 of the ES), as well as in the Design and Access Statement, there is a lack of professional independence and objectivity in the purported scheme description and assessment, to the extent that those documents are unreliable as a basis for determining the applications.
- 7.24. The new Commodity Quay at night will be a glaring intrusion into the tranquillity of the eastern basin; it will extend the harm that is presently caused by the K2 building (Tower Bridge House) primarily in the Western Basin and to a slightly lesser extent in the Central Basin. The Eastern Basin is largely isolated from the K2 building's glare by the present Commodity Quay. This will seriously harm the conservation area. The proposed building will extend into the Eastern Basin the light pollution presently caused by the K2 building in the Western and (to a lesser extent) the Central Basin and it will also reduce the tranquillity of the Eastern Basin. Such tranquillity makes a highly positive contribution to the character of the modern docks (and therefore the conservation area) this is a serious matter to which special attention must be given under section 72 of the Listed Buildings Act 1990 and the guidance in PPG15. Nowhere in the assessment documents which support this application is this impact on tranquillity addressed or assessed. Due to light glare, granting planning permission will cause serious harm to this conservation area and the setting of

listed buildings, including:

- The Ivory House
- The Dockmaster's House
- The listed dock structures
- The perimeter walls on east Smithfield.

Committee Members are requested to undertake a night time site visit.

7.25. City Quay Management Company Ltd adds that the walkways will make the water area (an essential aspect of the docks) much smaller. The Environmental Statement says:

*"The water resource and the views between the docks offer a considerable important resource for the estate generally. Any reduction in the extent of water would have a severe impact upon this resource and upon the historic nature of the estate."*

It is perverse of the applicants to characterise the visual and heritage impacts of the encroachment of the new and extended boardwalks onto the water as "moderate beneficial" and/or "entirely beneficial". The floor plate of Commodity Quay is far too deep for the use proposed and it would be possible to provide the pedestrian concourse along the northern edge of the western dock without a boardwalk.

7.26. City Quay Management Company Ltd has commissioned an 'independent' architectural opinion of the development. In summary, the design deficiencies in the proposed buildings are said to be an overall absence of respect for the historic and cultural context revealed by:

- the inappropriate choice of materials and fenestration,
- excessive bulk,
- a mean colonnade.

City Quay Management Company Ltd adds that the independent architectural report reinforces concerns as to how poorly the development would function in terms of pedestrian flows to the north of the western dock. It is recommended that a master plan for the docks be developed as a precursor to specific proposals. The increased vitality that additional retail space might bring is welcomed but, due to marginal viability, fear is expressed that this will result in business failures with depressing empty shop fronts.

7.27. An additional representation has been received on behalf of City Quay Management Company Limited regarding the recommended conditions. It is said these should be consistent with the EIA documentation and/or the committee report.

7.28. (Officer comments. The Listed Building and Conservation Areas Act does not place a duty on local planning authorities to have special regard to the desirability of "enhancing" listed buildings or their settings. The Council's duties

require special regard to be given to the desirability of “preserving” listed buildings (the Ivory House, the Dockmaster’s House, the dock walls, bollards etc) including their settings, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Provided those duties are fulfilled, any approvals arising from these applications would be lawful in those respects.

7.29. The opinion on the architectural merits of the existing Commodity Quay is not shared by officers or English Heritage. As explained in ‘Material Planning Considerations’ below, it is considered that the building make little positive contribution to the character or appearance of the conservation area. It is also considered that the replacement for Commodity Quay and the extended Tradewinds, would be architecturally superior to the existing buildings, appropriate to the dockside, not adversely affect the setting of listed structures and would preserve and enhance the character and appearance of the conservation area. The materials proposed are also in principle considered suitable for the docks. City Quay would not be overshadowed. In its initial representation on the applications, City Quay Management Company Ltd noted that there “are some positive aspects to the proposals (such as the new and improved pedestrian routes around the Western Dock)”. The proposed colonnade walkway at Commodity Quay would be approximately 2 metres wide compared to 1.7 metres as existing. In addition, a 3.3 metre wide boardwalk would provide for pedestrian flow along the north of the West Dock, aligning and connecting with the existing walkway at Tower Bridge House. Facilities for pedestrian flows to the north of the Western Dock would undoubtedly be enhanced. There is no statutory requirement for a master plan for the docks to be prepared for the Council’s approval.

7.30. The Environmental Statement has twice been independently reviewed and the developer has provided additional information following three statutory requests. This includes information requested by City Quay Management Company Ltd and now includes a Night Time Assessment and an Assessment of the Impact of the boardwalks on the extent and appearance of the West Dock. Officer comments on these matters are made in “Material Planning Considerations” below. Overall, it is considered that the information provided within the Environmental Statement, supplemented by the additional information, is sufficient to enable statutory bodies, the public and the Council to assess the environmental effects of the development and constitutes an Environmental Statement with the requirements of Schedule 4 of the Regulations met).

7.31. It is considered that the draft conditions summarised above are consistent with the EIA documentation and this report. Nevertheless, officers would be happy to work with the applicant and City Quay Management Company Ltd to ensure that the final wording is acceptable to all parties as far as reasonably practical.

7.32. **The London Society**

The proposals are an improvement over the earlier application. No objections, except to the rebuilding of Commodity Quay. The existing Commodity Quay is “not a great building” but contributes to the general enclosure of the dock in an

inoffensive way. It follows the vocabulary of most of the C20th rebuilding of St. Katharine's and the principle C19th warehouse which survives, it being a masonry structure with window openings. This vocabulary suits the dock and it is not believed that a replacement with much more glass is appropriate. The judgement in the Environmental Assessment that the replacement building will be environmentally beneficial is not accepted.

7.33. (Officer comment. It is agreed the existing Commodity Quay satisfactorily encloses the dock. The proposed new building would maintain that relationship. The important issue raised by the Society is whether the new building would preserve or enhance the character and appearance of the Tower Conservation Area. Detailed comments on this issue are made at paragraphs 8.14-8.28 and 8.23 below. Within the context of the conservation area, as explained, officers consider that the proposed replacement building would be architecturally superior to the existing Commodity Quay, would both preserve and enhance the character and appearance of the designated area and preserve the setting of adjoining listed buildings particularly the Ivory House).

7.34. **The Guoman Tower Hotel**

Strong support. The proposals can only be a good thing for the area, compliment the hotel, create jobs and enhance the visitor profile. The improvements to the South West Gateway with the relocation of the existing service area and increased public access to quay level are particularly welcomed. Fully supports the proposed boardwalks and the improvements to the North West Piazza which will provide a more attractive and welcoming approach to the docks.

7.35. Following consultation, no representations have been received from South Quay Residents Association, South Quay Management Organisation, Tower Bridge Wharf Residents Association, Hermitage Waterside Residents Association and Stephen and Matilda Tenants Association.

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

**8. MATERIAL PLANNING CONSIDERATIONS**

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

- Proposed land use.
- The demolition of Commodity Quay.
- Urban design, alterations to and the preservation of the setting of listed buildings and whether the character and appearance of the Tower Conservation Area would be preserved or enhanced.
- Access and servicing arrangements.
- Landscaping.
- Sustainable development/ renewable energy.
- Planning obligations.



## Land use

- 8.2. The Proposals Maps of both the Tower Hamlets Unitary Development Plan 1998 and the Council's Core Strategy and Development Control interim planning guidance 2007, designate St. Katharine Docks as lying within the Central Area Zone (CAZ). On the Spatial Strategy Diagram of the Council's City Fringe Action Area Plan 2007, which has also been adopted as interim planning guidance, the Western Dock and Central Basin are shown as a "Preferred Office Location, a Tourist Focus Area and an area for Evening and Night Time Focus."
- 8.3. UDP policy CAZ1 encourages 'Central London Core Activities' including headquarter offices within the CAZ. UDP policy CAZ4 seeks to ensure that development maintains and enhances the varied and special character of the CAZ and contributes positively to social vitality, particularly at ground floor level as proposed. Particular emphasis is to be given to maintaining a balance of uses. The introduction of shopping at quay level within the new Commodity Quay would assist in achieving that objective.
- 8.4. UDP policy DEV3 encourages mixed-use developments subject to the character and function of the surrounding area and policy EMP1 encourages employment growth by the upgrading and redevelopment of sites already in employment use such as Commodity Quay. Again the development complies.
- 8.5. Core policy CP7 of the Core Strategy and Development Control interim planning guidance 2007 seeks to bring investment into the borough to safeguard and enhance job numbers with a sustainable mix of employment uses. Core policy CP8 directs major office development to the City Fringe, safeguards the western part of St. Katharine Docks as a preferred office location and promotes office development and retail uses within the CAZ. Core policy CP12 says that the Council will particularly encourage new entertainment and tourist facilities in the identified tourist focus area of St. Katharine Docks as proposed.
- 8.6. Policy EE2 'Redevelopment/Change of Use of Employment Sites' of the Core Strategy and Development Control interim planning guidance 2007 supports redevelopment of employment sites where, as proposed, there is evidence of intensification of alternative employment uses on the site and where the retention or creation of new employment opportunities which meets the needs of local residents are maximised.
- 8.7. Referring to "special uses" such as restaurants, public houses and wine bars, UDP policy S7 says that consideration will be given to the amenity of neighbours, on-street parking, traffic flow and ventilation. Policy RT4 of the Core Strategy and Development Control interim planning guidance 2007 supports proposals for retail and related town centre uses in the borough's neighbourhood centres such as St. Katharine Docks. Policy RT5, referring to the evening and night time economy, requires consideration to be given to the proximity of residential accommodation, cumulative impact and mitigation measures. In those respects, St. Katharine West Dock is primarily commercial in character. Both International House and Tradewinds are relatively remote

from residential accommodation (save the Dockmaster's House) and no planning reason is seen to preclude an element of Class A3 (Food and drink) and / or A4 (Drinking establishments) within those buildings. Indeed Tradewinds is already used for such a purpose. Such uses would have little or no impact on traffic flow, no parking difficulties are envisaged and conditions are recommended to ensure adequate ventilation. The proposed ground floor Class A1 (Shops) in both Commodity Quay and International House also accord with both statutory and emerging shopping policy.

- 8.8. Policy CRF1 'City Fringe spatial strategy' of the City Fringe Action Area Plan interim planning guidance 2007 again promotes major office development, leisure, tourism and retail development in the City Fringe and the CAZ as proposed.
- 8.9. Whilst offices are not a priority use for land alongside the Blue Ribbon Network or the docks (The London Plan 2008 policies 4C.6 and 4C.23), policy 3B.1 of The London Plan seeks to develop London's economy and policy 3B.2 seeks the renewal of existing office stock in line with policies to increase and enhance quality and flexibility, and maximise the intensity of development. The proposal meets those policies, the existing Commodity Quay providing 19,069 sq. m of offices that would be redeveloped by 23,373 sq. m of offices and 2,951 sq m of shops. Providing a mix of uses, the scheme also complies with The London Plan policies 3B.3 and 5G.3 which support increases in office floorspace in the CAZ, except that no residential accommodation is proposed as advised by the Deputy Mayor at Stage 1 referral.
- 8.10. Overall, it is considered that the redevelopment of Commodity Quay for offices and shopping, the introduction of shopping and food and drink uses at quay level of International House and the minor expansion of the 'Tradewinds' (River Lounge) restaurant meet the land use policies of The London Plan 2008, the Council's UDP 1998, the Core Strategy and Development Control interim planning guidance 2007 and the City Fringe Action Area Plan 2007. The developer has agreed a contribution towards either the provision of off-site affordable housing or for estate renewal in the area to meet The London Plan's mixed use policy and the GLA is now satisfied in that respect.

### **Demolition of Commodity Quay**

- 8.11. In determining the application for conservation area consent for demolition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Tower Conservation Area.
- 8.12. UDP policy DEV28 says that proposals for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area;
  2. The condition of the building;
  3. The likely costs of repair or maintenance of the building;
  4. The adequacy of efforts to maintain the building in use; and

5. The suitability of any proposed replacement building.
- 8.13. Policy CON2 3 of the Council's Core Strategy and Development Control interim planning guidance 2007 says that applications for the demolition of buildings that make a positive contribution to the character and appearance of a conservation area will be resisted. Exceptionally, applications will be assessed on:
- a) The importance of the building, architecturally, historically and contextually;
  - b) The condition of the building and estimated costs of repair in relation to its importance, and to the value derived from its continued use;
  - c) The adequacy of efforts made to retain the building in use; and
  - d) The merits of any alternative proposals for the site.
- 8.14. National advice in PPG15: Planning and the historic environment, requires local planning authorities when exercising conservation area controls to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. This is said to be the prime consideration in determining a consent application for demolition. Account should be taken of the part played in the architectural interest of the area by the building for which demolition is proposed, and in particular of the wider effects on the building's surroundings and on the conservation area as a whole.
- 8.15. The Government also advises that the general presumption should be in favour of retaining buildings that make a "**positive contribution**" to the character or appearance of a conservation area. Such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In less clear-cut cases – for instance, where a building makes "**little or no such contribution**" – the local planning authority must have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.
- 8.16. The Tower Conservation Area was designated in March 1977. It is one of the largest and most significant conservation areas in Tower Hamlets and encloses buildings and sites of national and international importance. It has two distinct character areas – the Tower of London itself to the west, and the area around St. Katharine Docks to the east. It is an area of exceptional architectural and historic interest, with a character and appearance worthy of protection and enhancement.
- 8.17. Commodity Quay was completed in 1985. It is constructed of red brick with Portland stone banding. Its northern face along East Smithfield is bleak. Its southern (dockside), eastern and western façades borrow from the semicircular arcading of the Ivory House but transformed into a clumsy 'fake-warehouse' style with overbearing, gigantic window detailing with blackened glass. Whilst the siting and mass of the building provides a suitable enclosure to the West Dock, the building itself is considered to provide little positive contribution to the character and appearance of the conservation area. Its main historical significance is that it formed part of Taylor Woodrow's 1970's master plan for St. Katharine Docks and thus forms an integral part of the first post-War

regeneration scheme of a redundant dockyard in the United Kingdom. However, it is considered that this does not outweigh the poor design of the existing Commodity Quay.

- 8.18. English Heritage advises that “the existing Commodity Quay is an unremarkable building and no objection is seen to its demolition”. That opinion is shared and, provided the Committee agrees that the proposed replacement building would preserve or enhance the character and appearance of the conservation area, no objection is raised to the demolition of the existing building.

### **Urban design, setting of listed buildings and effect on the character and appearance of the Tower Conservation Area**

- 8.19. As well as the duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; section 66 of the Act places a further duty on the Council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building. Section 16 of the Act also requires the Council, in its determination of the application for listed building consent, to pay special regard to the desirability of preserving listed buildings or their settings.

- 8.20. The applicant’s stated development strategy is to raise the profile of St. Katharine Docks and make them more visible and accessible. Significant changes are planned at both the South West and North West Gateways to improve pedestrian access. Commodity Quay would be the most significant new building affecting the setting of the Ivory House and the other listed features within the Docks. Other smaller alterations include:

- A piazza extension to International House at the North-West Gateway.
- Alterations to International House at quayside level comprising the installation of shop fronts, a new a new double height main entrance, the reconfiguration of servicing arrangements and erection of canopies.
- Alterations and extension to ‘Tradewinds’ that affect the setting of the listed Dockmaster’s House and the other listed features within the Docks.
- New boardwalks around the listed western, northern and southern edges of the West Dock.

- 8.21. The London Plan policy 4B.1 ‘Design principles for a compact city’ seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London’s built and natural heritage. Policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.10, 4B 12 and 4B.14 require large scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets including World Heritage Sites.

- 8.22. Tower Hamlets UDP policy DEV1 requires all development proposals to be sensitive to the character of the area in terms of design, bulk, scale and materials, the development capabilities of the site, to provide for disabled people and include proposal for landscaping.
- 8.23. Policy DEV1 of the Council's Core Strategy and Development Control interim planning guidance 2007 requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development, to preserve and enhance the historic environment and use appropriate materials.
- 8.24. At paragraph 43 of PPS1: Delivering Sustainable Development, the Government advises:
- “Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”*
- 8.25. At paragraph 2.14 of PPG15: Planning and the historic environment, national policy advises that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart but are woven into the fabric of the living and working community. The advice says that this can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials. It is emphasised that this does not mean that new buildings have to copy their older neighbours in detail but together should form a harmonious group.
- 8.26. It is considered that the massing and height of the new Commodity Quay (quayside with eight upper floors), whilst greater than the existing building, would provide a well modulated replacement that would not impact adversely on the character or appearance of the conservation area. The architecture, with its well proportioned and rhythmic façade, is considered an improvement on the blank elevations and large expanses of blackened glass of the existing building. Whilst the new building would have a greater mass, particularly when viewed from the East Basin and East Smithfield, this would be offset by the superior design with an added contribution to St. Katharine's sense of place. Equally, although local residents express a different opinion, it is considered that the views across, and the character of the West Dock, would be enhanced by a building that would provide improved continuity with Tower Bridge House to the west.
- 8.27. The new Commodity Quay would comprise a painted steel exoskeleton in filled with glass and horizontally boarded European Oak with projecting balconies and brise soleil on the dockside elevation. At quay level, the retail facade would be arcaded with pre-cast concrete columns. Comment has been made about the

use of wood on the elevations. This is a material currently used on a number of buildings in the docks e.g. The Dickens Inn and Tradewinds and, handled with appropriate detailing, is considered suitable in this location. As mentioned, the 9<sup>th</sup> floor plant enclosure has been amended to articulate in a similar architectural style to the rest of the building. This would remove the dominance of the louvres on the external elevations and better integrate the plant enclosure with the building. The Greater London Authority advises that the proposed building *"is designed to a high standard"* and CABE supports the form of the new Commodity Quay, albeit advising that success will depend on materials and detailing.

- 8.28. The listed Ivory House is the centre-piece of St. Katharine Docks. It is not considered that the replacement Commodity Quay would have a harmful effect on its setting; indeed the juxtaposition between the two buildings would be improved. The architectural objective is to promote a dockside aesthetic and to provide a strong sense of place whilst preserving the setting of the listed building. The existing listed dock wall to East Smithfield would be protected and given a better setting than the current bleak, dead frontage. The listed buildings around the Royal Mint on the opposite side of East Smithfield are some distance from Commodity Quay and their setting would be preserved. The setting of the listed dock walls and bollards within the docks would also be preserved.
- 8.29. The alterations to International House, involving the installation of shop fronts with a new pedestrian entrance and canopies at quay level where there is no public access at present, are considered beneficial and largely uncontroversial save for the proposed new boardwalk (see below). The single storey extension to International House, the canopy and new pedestrian steps at the North West Gateway would result in an active frontage at this location and are considered satisfactory. Set below the level of St Katharine's Way, the extension would not disrupt the view of the Tower of London from the West Dock. An originally proposed entrance feature at the North West Gateway has been mostly deleted from the application except for a small projecting lift housing to provide access for disabled people. The extension to International House would involve the removal of three semi-mature trees. Whilst this is regrettable, their replacement could be secured within a detailed landscaping scheme for the docks which is recommended by condition above.
- 8.30. No objection is raised to the alterations to Tradewinds (River Lounge) which currently is an ersatz structure in a whimsical idiom. Whilst English Heritage considers the altered Tradewinds would do little to engender any greater sense of permanence or appropriateness than the existing building, and would do little to enhance the surrounding historic environment including views of the Dockmaster's house; there is no suggestion from English Heritage that harm would be caused to the setting of the Dockmaster's House or the character and appearance of the conservation area. To the contrary, officers consider the revised building would preserve and enhance the character or appearance of the conservation area. It would also not be of such a nature to cause a detrimental impact on the setting of the listed Dockmaster's House, the listed dock walls, bollards or the sundial on the riverside walk all of which would have their settings preserved. It is a clean lined design making no historic references

and is considered appropriate given the mix of old and new architecture at this location. The GLA welcomes the redevelopment of Tradewinds advising *“its design is open and inviting and therefore suitable for this high quality location.”*

- 8.31. Comment has been made on the likelihood of light pollution, particularly from the new Commodity Quay. St. Katharine Docks at night is said to be a very special place with historical associations and ambiance with a subtle lighting environment achieved by the buildings being brick, stone or render. The exception is Tower Bridge House which is said to create a glaring intrusion due to its glass curtain wall construction. The concern is that the new Commodity Quay would be constructed in a similar manner and result in a similar intrusion at night, adversely affecting the setting of listed buildings and the character of the conservation area. The absence of a night time assessment in original Environmental Statement was criticised.
- 8.32. In response, the applicant has revised the Environmental Statement to include assessments of eight night time views. The applicant assess the impact of the development as follows:
- View 2. North West Gateway – Major benefit.
  - View 5. Commodity Quay across West Dock – Moderate benefit.
  - View 6. East Smithfield – Minor benefit.
  - View 8. Commodity Quay across East Dock – Minor benefit.
  - View 11. South West Gateway – Moderate benefit.
  - View 12. Tradewinds from St. Katharine’s Way – Negligible
  - View 13. Tradewinds from the Riverside Walk - Moderate benefit.
  - View 14. International House across West Dock – Minor benefit.
- 8.33. Officers broadly concur with the applicant’s assessments. The most controversial element is considered to be the new Commodity Quay. The proposed building contains more external glass than existing but would be more solid than Tower Bridge House. It is considered that the proposals would not have a significant effect on the West and East Dock compared to the existing situation. The architect advises that a directional motion sensitive lighting system will be installed which will ensure that any light spill from the building is minimised. It is agreed that there would be benefit to in the current bleak, gloomy views on East Smithfield.
- 8.34. With the deletion of the proposal to redevelop Devon House, the development does not impinge on any of the views identified in the GLA’s London View Management Framework.
- 8.35. The Council’s Character Appraisal and Management Guidelines for the Tower Conservation Area refer to ‘Opportunities and Potential for Enhancement’ and advise that *“many of the large office buildings suffer from blank frontages at street level. Options for creating a livelier frontage with a mix of uses should be explored.”* It is considered that many aspects of the development, particularly the proposals for International House and Commodity Quay, would accord with that advice. It is also considered that the character and appearance of the Tower Conservation Area would be preserved and enhanced with the setting of the listed Ivory House, the Dockmaster’s House, the dock walls and dockside

fittings, the sundial and the wall on East Smithfield all preserved. There would be little impact on the World Heritage Site. Some views in and out of the docks would be impacted, though not adversely. It is considered that the development plan policies outlined above would be met. This opinion is shared by the GLA. Whilst English Heritage considers the proposed oak cladding of Commodity Quay and Tradewinds inappropriate, it is felt that the material could be suitable within the dockside vernacular, provided it is carefully chosen with regard to appearance and weathering characteristics.

### **Servicing, parking and pedestrian access arrangements**

- 8.36. Commodity Quay currently provides 119 car parking spaces in two basement levels. Contrary to objections from local residents, these would not be replaced. This is welcomed as the site has good public transport accessibility (PTAL) indices of 4 and 5 and is readily accessible to a number of public transport interchanges including the DLR and the Underground railway. The proposed arrangements accord with Table A4.1 of The London Plan and the standards in the Council's interim planning guidance 2007 which, adopting national policy, require no minimum level of parking provision. There would be a small car park at the eastern end of the building providing four parking spaces for disabled people which accords with Table PS6: 'Accessible Parking Spaces' of the interim guidance. There would be 100 cycle parking spaces and changing rooms in the basement of the new building which is close to the provision stipulated in the interim guidance. The GLA has recommended additional cycle parking and a condition is recommended to secure this at the entrance off East Smithfield and the South Western Gateway.
- 8.37. Commodity Quay would be serviced from an existing loading bay at the western end of the building. Arrangements are considered satisfactory. Residents of City Quay have expressed concern that the small car park for disabled people at the eastern end of the building could be used for servicing. A condition is recommended to preclude this.
- 8.38. International House is currently serviced from a loading bay adjacent to the important south western pedestrian access to the West Dock adjacent to Tower Bridge. The existing arrangements are far from satisfactory and the proposed improvements to this access point include the relocation of the servicing facilities to mid-way along St. Katharine's Way adjacent to Tower Bridge Approach where a new service bay within the curtilage of the building would be cut into the pavement line. This arrangement is considered a significant improvement compared to the existing poorly located facility.
- 8.39. At the North Western Gateway, a new flight of stairs to the roof of the extension to International House would provide improved pedestrian access to St. Katharine's Way with a balustrade removed. As mentioned, there would be a lift for disabled people providing access to the piazza below from St. Katharine's Way.
- 8.40. Significant improvements to arrangements for pedestrian access around the West Dock itself are proposed by the new boardwalks. The northern boardwalk would extend the recently completed boardwalk in front of Tower Bridge House.



The western boardwalk would provide access to the dock edge alongside International House where there is no pedestrian walkway at present. The southern boardwalk would improve pedestrian facilities at the rear of the Guoman Tower Hotel which is currently the most inhospitable part of the docks.

- 8.41. St. Katharine Docks are designated a 'Water Protection Area' on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998 and policy DEV46 protects docks and water bodies. Policy 4C.14 of The London Plan also requires the borough to protect the openness of the Blue Ribbon Network. Concern has been expressed about the erosion of the visible water area leading to possible future infilling and the impact of the boardwalks on the listed dock walls.
- 8.42. Positioned at quay level, the boardwalks themselves would not result in the loss of water area. Their installation would necessitate the repositioning of existing floating pontoons (which provide access to moored vessels) some 2.5 metres further out from the dock walls but corresponding areas of water space would be freed up behind. The boardwalks would provide considerable benefit to pedestrian circulation around the West Dock and are considered functionally and visually appropriate. They are supported by the majority of respondents following consultation. Concerns about the erosion of the dock leading to prospects of further development are not shared. It is considered that the new boardwalks and the relocation of the pontoons would comply with UDP policy DEV46 which, whilst protecting water bodies and resisting the loss of defined water protection areas such as St. Katharine Docks, promotes public access in the borough's waterway corridors.
- 8.43. The new boardwalks would be finished in hardwood decking with stainless steel balustrading to match that recently installed at Tower Bridge House. It is considered that the proposals for improved pedestrian access do not adversely affect any historic references. They are in a clean-lined contemporary style and these interventions are not judged to be harmful to the conservation area, the dock walls or to the setting of listed buildings. They would provide an enhancement to the docks, particularly around public access and enjoyment of the waterside environment that has not existed before. It is considered that they would also enhance the contemporary character and appearance of the West Dock with the increased permeability of the ground floor quay side area, active and accessible uses, and relationship to the dock and street frontage all enhanced. Overall, it is considered that the access arrangements would comply with The London Plan policy 4C.11 that calls for increased access alongside and to the Blue Ribbon Network. It is recommended that details showing the means of the fixing the boardwalks to the dock walls are reserved as recommended by English Heritage to protect the historic heritage from harm.
- 8.44. As mentioned, following concerns over the increase in the footprint of 'Tradewinds' and objection from the London Fire and Emergency Planning Authority, the scheme has been amended by repositioning the northern façade of the Tradewinds building to provide a minimum 2 metre wide dedicated footpath (at the pinch point), delineated by bollards, and a clear 3.7 metres wide (minimum) highway for shared use. The proposed carriageway width would comply with the Building Regulations (B5 2000) Section 17 "Access and

Facilities for the Fire Service" which advises that there should be a minimum of 3.7 metres between kerb lines to facilitate emergency vehicle access. The London Fire and Emergency Planning Authority confirm these arrangements are now satisfactory.

### **Landscaping**

8.45. The proposed changes to the landscaping of the site comprise.

- At the South Western Gateway the part of St. Katharine's Way within the application site would be finished with setts to form a shared surface and the pedestrian access would be repaved and provided with new soft landscaping.
- The area between International House (eastern side) and the new boardwalk would be re-planned.
- Three semi-mature trees would be removed from the northern side of International House with fresh planting undertaken.
- Outside the Dickens Inn, a mature tree would be added into the centre of the existing open space, with granite seating and lighting set around it. Seating presently arranged round the water's edge would be replaced by five new granite benches.

8.46. It is considered that the proposals would comply with UDP policy DEV12 – Landscaping and trees. It is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme and; following public concern, to prevent the open area adjacent to the Dickens Inn and Marble Quay being used for the consumption of food or drink served from those establishments.

### **Sustainable development / renewable energy**

8.47. Both the Council's Energy Officer and the Greater London Authority are now largely content with the proposed energy strategy, subject to any planning permission being conditioned to require the approval of further details of energy efficiencies or passive design measures. This would ensure compliance with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 and DEV6 of the Council's interim planning guidance together with national advice in PPS22: Renewable Energy.

### **Planning obligations**

8.48. Planning obligations can be used in the following three ways: -

- (i) To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
- (ii) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
- (iii) To mitigate the impact of a development. For example, through increased public transport provision.

- 8.49. Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:
- (i) relevant to planning;
  - (ii) necessary to make the proposed development acceptable in planning terms;
  - (iii) directly related to the proposed development;
  - (iv) fairly and reasonably related in scale and kind to the proposed development; and
  - (v) reasonable in all other respects.
- 8.50. The following section 106 obligations or conditions have been requested by the Greater London Authority:
1. A contribution of £150,000 to fund an additional signalised pedestrian crossing on East Smithfield immediately west of St. Thomas More Street.
  2. To improve access to bus services by the upgrading of 4 bus stops on East Smithfield and Tower Bridge Approach to TfL accessibility standards at a estimated cost of up to £10,000 per bus stop.
  3. To deliver a signage strategy within the development site with directions given the transport nodes in the area.
  4. A contribution of £71,820 payable to the Council's Housing Department to fund either the provision of off-site affordable housing or for estate renewal in the area.
- 8.51. Prior to the deletion of Devon House from the proposed development, the former Pool of London Partnership itemised the following matters that were suggested could comprise a section 106 package of obligations to support projects outlined in the Pool of London Public Realm Framework Strategy.

<b>Project</b>	<b>Estimated cost</b>
East Smithfield pedestrian crossing	£90,000
The upgrading of 4 bus stops on East Smithfield and Tower Bridge Approach Up lighting to Old Dock and Royal Mint Walls	£50,000
Improvements to the river frontage and interface with the Guoman Hotel.	£300,000
Refurbish historic streetscape in St Katherine's Way	£200,000
Create lightweight pedestrian footbridge between Tower Bridge Wharf and Hermitage Wharf open space.	£150,000
Resurface Thomas More Street and improve lighting.	£300,000
Relocation of Pool of London	£5,000

Partnership redundant public art.	
Funding of the Maritime Volunteer Services	£100,000 or £10,000 annually.
Tower Gateway highway realignment, streetscape and public realm improvements. To be delivered in partnership with statutory agencies. Details in Tower Gateway Development Framework and Investment Strategy.	Total scheme costed at £5 million in 2004. Various elements could be funded in whole or in part.

8.52. In terms of increased floorspace, the development is relatively modest resulting in an additional 2,746 sq. m of offices and 2,951 sq. m of new shops at Commodity Quay together with some change of use and a small extension to International House.

8.53. With regard to the former Pool of London Partnership's requests, a pedestrian crossing at East Smithfield is also requested by TfL. This is considered reasonable, as is the relocation of any Pool of London Partnership redundant public art. The proposed development includes the refurbishment of the streetscape in St. Katharine's Way within the application site boundary. The Tower Gateway highway realignment and other streetscape / public realm improvements are not requested by the GLA and it is not considered that these works, or the other items requested, are reasonably related to the development as required by the statutory tests.

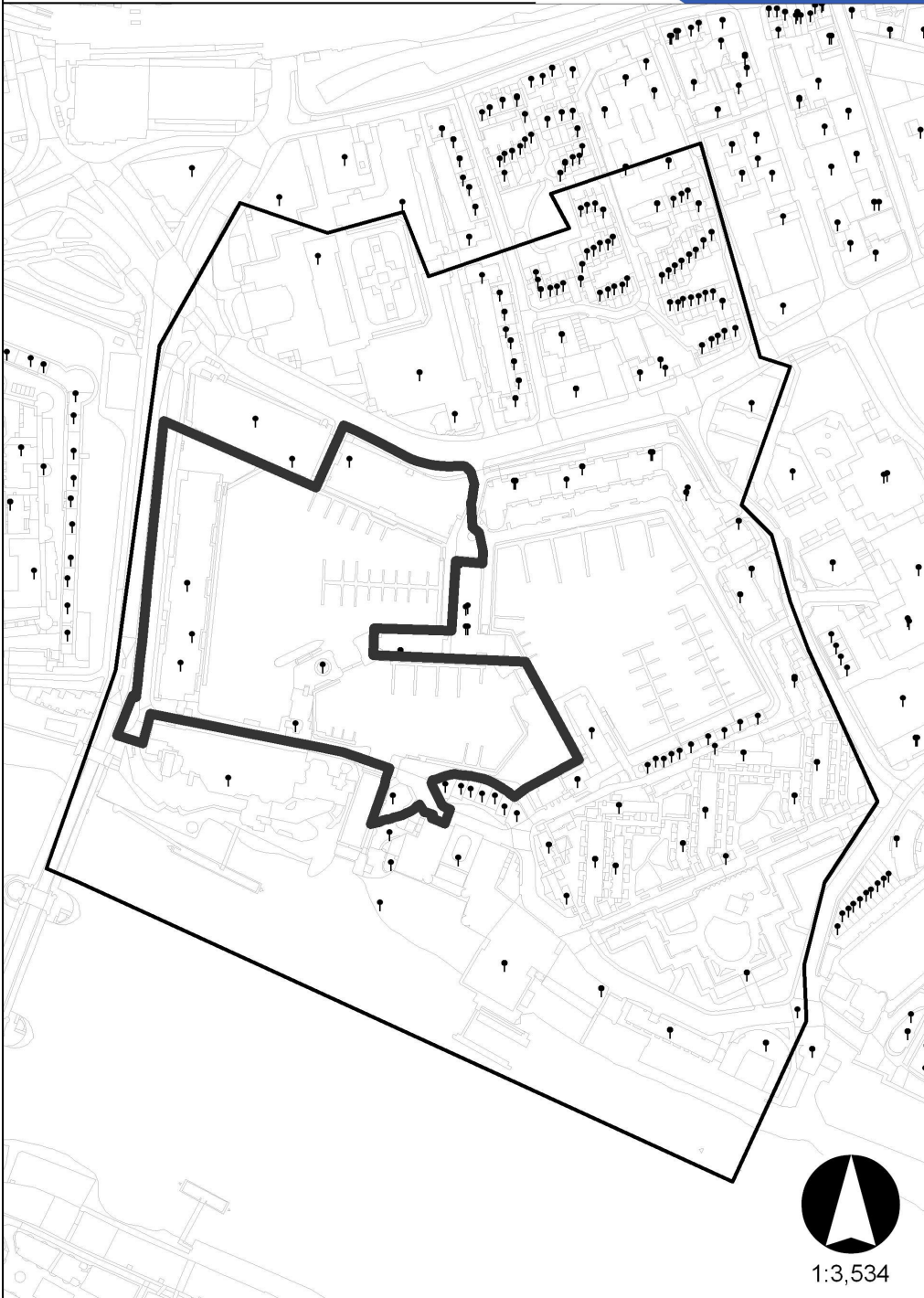
8.54. The following package of planning obligations, which is considered to meet the tests of Circular 05/2005, is consequently recommended:

<b>Project</b>	<b>Amount</b>
East Smithfield pedestrian crossing.	£150,000
Upgrading of 4 bus stops on East Smithfield and Tower Bridge Approach.	£40,000
Contribution to off-site affordable housing or estate improvements.	£71,820
Implementation of a signage strategy.	-----
Access to Employment.	-----
The relocation of any redundant public art.	-----
<b>Total recommended financial contribution.</b>	<b>£261,820</b>

## 9. CONCLUSION

- 9.1. All 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 decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application  
Site Map



1:3,534

0 30 m



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 (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

<b>Agenda Item number:</b>	7.3.
<b>Reference number:</b>	PA/06/2131 PA/06/2132 PA/06/2133
<b>Location:</b>	St. Katharine Docks, St Katharine's Way, E1.
<b>Proposal:</b>	<p>Applications for planning permission, listed building consent and conservation area consent comprising:</p> <ol style="list-style-type: none"> <li>1. Redevelopment of Commodity Quay to provide 23,373 sq. m of Class B1 (Business) and 2,951 sq m of Class A1 (Shop) at quay and basement levels together with underground servicing and other works incidental to the development;</li> <li>2. The erection of a 150 sq. m extension to International House for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink), or A4 (Drinking establishments) and change of use of 1,550 sq. m of the ground floor of International House from Class B1 (Business) ) to either Class A1, A2, A3 or A4 with the creation of a new quayside double height main entrance, installation of shop fronts, reconfiguration of existing servicing arrangements and erection of canopies;</li> <li>3. Alterations and extension to 'Tradewinds', including ground and first floor extension for Class A3 (Food and drink) use, the provision of a glazed western elevation and re-cladding;</li> <li>4. Creation of new north gateway entrance including the provision of stairs, lift and viewing gallery;</li> <li>5. Creation of new south pedestrian gateway entrance, including the provision of new stairs and ramps;</li> <li>6. Erection of new pedestrian boardwalks around the West Dock;</li> <li>7. Landscaping of the public space outside the Dickens Inn.</li> </ol>

## 1. ADDITIONAL REPRESENTATIONS

1.1. Six additional representations in support of the applications have been received from Café Rouge, Spencer Coleman Fine Arts, The Medieval Banquet, Katypel Limited, Prohibition Bar and Grill and Zizzi Ristorante which are all existing businesses located at St. Katharine Docks. The additional material representations may be summarised as follows:

- Modern architecture can highlight the significance of London's great historic buildings. The development is an opportunity to showcase some of the best that London has to offer in a setting that also highlights the best of London's past achievements.
- Whilst the area is serene oasis, its sustainability depends on a certain amount of growth and the provision of quality commercial space. If this was stifled, the area would ultimately get left behind.
- Visibility, access and amenities would all be improved whilst preserving the historic nature of the area.
- Half the dock is currently closed off by the private access at International House and the big gap in interest at Commodity Quay. The proposals will remedy the incomplete feel of the dock.

- The existing entrances at the north, and particularly the south, aren't good enough for such a great attraction adjacent to Tower Bridge and the Tower of London. The plans will resolve this and help the docks meet their full potential while maintaining their identity.
  - The proposal to accommodate new walkways and retail space is excellent and long overdue.
- 1.2 A resident of the Ivory House has requested that any planning permission granted should be conditional upon the following conditions to maintain pedestrian access during the construction phase.
- *During all demolition and construction work the boardwalk alongside Commodity Quay is to remain open at all times or a temporary boardwalk structure is put in place for the duration so that a walkway route is retained.*
  - *That the demolition and rebuild is consecutive (no breaks between demolition and the rebuild) and possibly a time period for the entire project completion is written into the planning approval.*
- 1.3. (Officer Comments: The representation about modern architecture in a historic environment is accepted. In this case, the most significant new building is the replacement for the 1980's Commodity Quay with a building which is considered architecturally superior to the existing. The council's planning policies identify St Katharine Docks as a preferred office location, a tourist focus area and an area for evening and night time focus. The proposed increase of 4,303 sq m of offices and 2,951 sq m of shops at Commodity Quay, the change of use of 1,550 sq m of offices to Class A Uses at International House together with a 150 sq m extension, the remodelling of the River Lounge and improvements to pedestrian arrangements would all comply with those policies. The docks would remain an enclosed oasis with the character and appearance of this part of the Tower Conservation Area preserved and enhanced.
- 1.4. With regard to pedestrian arrangements during construction, recommended Condition 3 requires the submission and approval of a Programme of Works (Phasing Plan). This would include details of arrangements to ensure pedestrian access around the dock during the construction phase.)

### **3. RECOMMENDATION**

- 3.1. The recommendation to GRANT planning permission, listed building consent and conservation area is unchanged.



# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> May 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

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

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the adopted London Plan 2004 (as amended by Early Alterations December 2006)
- 3.2 Other material policy documents include the Council's Community Plan, Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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

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

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

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

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

#### **5. RECOMMENDATION**

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

# Agenda Item 7.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> May 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 7.1
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Richard Murrell	<b>Title:</b> Town Planning Application  <b>Ref No:</b> PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent)  <b>Ward:</b> Mile End East
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## 1. APPLICATION DETAILS

**Location:** The Eric and Treby Estates, Treby Street, Mile End, London.

**Existing Use:** Housing estate

**Proposal:** Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sqm commercial space.

**Drawing Nos/Documents:** Drawing Numbers:  
Site Plans - P0/01 REV F, P0/02, P0/03 REVB, P0/04 REVB, P0/05 REVF, P0/06 REVC, P0/07 REVA, P0/08 REVA, P0/09 REVC, P0/10 REVB, P0/11 REVB, P0/12 REVC, P0/14 REVB, P0/15 REVD, P0/16 REVD, P0/17 REVC, P0/18 REVC, P0/19 REVC, P0/20, P0/21, P0/22 REVB, P0/26 REVB, P0/27 REVB, P0/28 REVB, P0/29 REVB, P030 REVC, P0/31 REVC, P0/32 REVB, P0/33 REVC, P0/34 REVC Site 1 - P1/01 REVC, P1/02 REVC, P1/03 REVD, P1/04 REVB, P1/05 REVC, P1/06 REVB, P1/07, P1/08, P1/09, P1/10 Site 2A and 2B - P2/01 REV E, P2/02 REVE, P2/03 REVD, P2/04 REVD, P2/05 REV D, P2/06 REV D, P2/07 REV D, P2/08 REV C, P2/09 REVC, P2/10 REV C, P2/11 REVC, P2/12 REV B, P2/13 REV B, P2/14 REVB, P2/15 REV A, P2/16 REV A, P2/17 REV A, P2/18 REVA, P2/19 REV A, P2/20 Site 4 - P4/01 REVC, P4/02 REVC, P4/03 Site 7 - P7/01 REVE, P7/02 REVD, P7/03 REVD, P7/04 REVB Site 8 - P8/01 REVD, P8/02 REVD, P8/03 REVA Site 9 - P9/01 REV C, P9/02 REV C, P9/03 Site 10 - P10/01 REVD, P10/02 REVC, P10/03 REVC, P10/04 REVA, P10/05 REVB, P10/06 REVB, P10/07 Site 11 - P11/01 REVC, P11/02 REVD, P11/03 REVC, P11/04 REVC, P11/05 REVD, P11/06 REVD, P11/07 REVA, P11/08 REVA, P11/09 REVA, P11/10 REVA, P11/11 REVA Site 12 - P12/01 REVB, P12/02 REVC, P12/03 REVC, P12/04, P12/05, P12/06 Site 13 - P13/01 REVC, P13/02 REVB, P13/03, Site 14 - P14/01 REVC, P14/02 REVC, P14/03 REVA, P14/04 REVA Site 15 - P15/01

REVD, P15/02 REVD, P15/03 REVD, P15/04 REVD, P15/05 REVD, P15/06 REVC, P15/07 REVC, P15/08 REVC, P15/10 REVA, P15/11 REVA, P15/12 REVA, P15/13 REVA. Improvements and Repairs – R/01 REVC, R/02 REVB, R/03 REVC, R/04 REVC, R/05 REVC, R/06 REVC, R/07 REVC, R/08 REVB, R/09 REVB, R/10 REVA, R/11 REVB, R/12 REVB, R/13 REVB, R/14 REVB, R/15 REVB, R/16 REVB, R/17 REVA, R/18 REVA, R/19 REVB, R/20 REVB, R/21 REVB, R/22 REVB, R/23 REVB, R/24 REVA, R/25 REVA, R/26 REVA, R/27 REVB and R/28 REVA.

Supporting Documents:

- Planning and Regeneration Statement (Prepared by Leaside Regeneration dated October 2008)
- Conservation Statement (Prepared by Leaside Regeneration dated October 2008)
- Report on the availability of Natural Daylighting and Sunlighting (Prepared by calfordseaden dated October 2008)
- Report on Daylight and Sunlight (Addendum prepared by calfordseaden dated January 2009)
- Report on Daylight Availability (Further information prepared by calfordseaden dated March 2009)
- Environmental Report (Prepared by Herts and Essex Site Investigations dated 7<sup>th</sup> March 2008)
- Archaeological Assessment (Prepared by Sutton Archaeological Services dated October 2007)
- Transport Assessment (Prepared by Peter Brett Associates dated September 2008)
- Lighting Design Proposal (Prepared by David Wood Architects dated 19 September 2008)
- Energy Statement (Prepared by Whitecode Design Associates dated June 2008)
- Statement of Community Involvement (Prepared by Leaside Regeneration dated October 2008)
- Flood Risk Assessment (Prepared by Amec dated - September 2008).
- Aborigicultural Impact Assessment (Prepared by D F Bionominque Ltd dated 10<sup>th</sup> September 2008)
- Noise Assessment (Prepared by Enviro Consulting Limited Dated October 2008)
- Air Quality Assessment (Prepared by Enviro Consulting October 2008)
- Phase 1 Desk Top Study Report (Prepared by Herts and Essex Site Investigations dated September 2008)

**Applicant:**

**Ownership:**

**Historic Building:**

**Conservation Area:**

East End Homes Ltd.

Various

Tower Hamlets Cemetery Conservation Area. Ropery Street Conservation Area.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### 2.1 PA/08/02239 – Full Planning Permission

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 will facilitate estate wide improvements and bring existing homes up to Decent Homes Plus standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which support the principle of estate regeneration proposals.
- The proposal would result in an estate with a density of 410 habitable rooms per hectare, which is comfortably within limits set out in the London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004). The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004) which seeks to ensure the maximum intensity of use compatible with local context.
- The proposal provides an acceptable amount of affordable housing (35%) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 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.
- On balance the loss of open-space to new built development is acceptable given the priority placed on the estate regeneration objectives, the improvements to existing landscaping and the delivery of affordable housing. The development is therefore accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2, 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.
- 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 (Consolidated with Alterations since 2004), 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): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- The scale, design and detailed architectural design of buildings in, or near, Conservation Areas is considered sensitive to the character of these areas and as such accords with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 in the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.
- 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): Core Strategy and Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.

- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- It is considered that, on balance the benefits of the scheme which will facilitate the upgrade of the estate, outweigh the shortfall in additional renewable energy provision. The proposal will make energy savings across the Eric and Treby Estate as a whole which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to reduce carbon emissions.
- Planning contributions have been secured towards education and health care, 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): Core Strategy and Development Control, which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

## 2.2 PA/08/02240 Conservation Area Consent

- The demolition of the existing building on Brokesley Street is acceptable because it does not significantly contribute to the architectural and historic character of the area. As such its removal, and replacement with an acceptable building, would enhance the character of the Tower Hamlets Cemetery Conservation Area and accord with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, IPG policy CON2 advice in PPG15: Planning and the Historic Environment.

## 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 **£232, 125** towards the provision of future health and social care facilities.
- b) Provide a contribution of **£333, 234** towards the provision of primary school places.

### Non-financial Contributions

c) Affordable Housing (35%)

d) Clause requiring £8.2M (residual value after Stamp Duty Land Tax – SDLT) to be spent on the upgrade of the Eric and Treby Estate to bring existing units up to Decent

## Homes Plus Standard

e) Car Free Development for all new units

f) Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.

g) Travel Plan to encourage sustainable travel to and from the development by residents.

h) 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 power to impose conditions and informatives on the planning permission to secure the following matters:

### Conditions

1. Time Limit
2. Contaminated land survey
3. Samples / pallet board of all external facing materials
4. Full details of landscaping specifying the use of native species
5. Community Centre (Class D1) provided prior to occupation of 50% of units
6. Construction Management Plan
7. Service Plan Management Plan
8. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
9. Control of development works (restricted hours of use for hammer driven piling or impact breaking)
10. All residential accommodation to be completed to lifetimes homes standards
11. At least 10% of homes wheelchair accessible or easily adaptable
12. Design and method statement for foundations to accommodate London Underground Tunnels
13. Noise mitigation measures for proposed dwellings
14. Energy Implementation Strategy for existing units and new build
15. Sustainable Homes Assessment - minimum Code 3
16. Water source control measures implemented in accordance with submitted Flood Risk Assessment
17. Scheme to dispose of foul and surface water
18. Remove PD rights for new houses in Brokesley Street
19. Restriction on hours of operation of ball court until 9.00pm
20. Detail of enlarged windows
21. Completion of ecological assessment of site
22. Water Infrastructure survey
23. Obscure glazing to rear window of site 14
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### Informatives

1. Contact Thames Water
2. Contact Building Control

3. S278 Highways Agreement
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.5 That the Committee resolve to **GRANT** Conservation Area Consent subject to:

**Conditions**

1. Time Limit
2. No demolition until planning permission granted for replacement buildings. Demolition and rebuild as part of one development.

3.4 That, if within 1 month from the date of any direction by the Mayor 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 application seeks to facilitate the comprehensive regeneration of the Eric and Treby Estates. The proposal includes:-

- The demolition of 29 existing dwellings
- The erection of 13 buildings between 2 and 7 storeys in height
- The provision of 181 new residential units comprising 19 x studio flats, 61 x 1 bed flats, 52 x 2 bed flats, 40 x 3 bed flats and 9 x 5 bed house and 1 x 5 bed flat.
- 35% of the new units will be designated as affordable housing
- 100% of the new affordable units will be in the social rent tenure
- The provision of a new community centre including external ball court (310 square metres).
- The provision of a new management offices (365 square metres)
- Provision of commercial unit (85 square metres)
- Reduction in off-street car-parking from 126 spaces to 91 spaces
- Reduction in number of garages from 150 to 62

4.2 A full description of each new build site is given under the Design and Amenity Section of the report.

4.3 The application also proposes refurbishment and improvements works to the rest of the estate comprising:-

- Refurbishment of existing dwellings to Decent Homes Plus Standards
- New entrance canopies to Ennerdale House, Wentworth Mews, Derwent House, Beckley House and 31 – 39 Brookesley Street
- Installation of new stairways to Windermere House
- Installation of new windows, cavity wall insulation, replacement cladding
- Improvements to building entry points, rationalisation of entrances and provision of door entry systems
- New lighting and signage
- Improvements to refuse storage and disposal systems
- Introduction of play facilities
- Improvements to landscaping and walkways



- 4.4 Following comments received during the course of the application amended plans were submitted in February 2009. The amendments included:-
- Overall reduction from 209 new units to 189 units
  - Reduction in height of building 2A from 7 storey to 6 storey
  - Amendment building 7
  - Removal of proposed building 5
  - Introduction of commercial use at base of building 8
  - Reduction in height of building 11 from 9 storey to 7 storey
  - Reduction in height of building 15 from 7 to 6 storeys along Hamlets Way.
  - Decreased amount of car-parking
  - Increased amount of retained open-space
- 4.5 In response to further consultation responses final amendments were made and submitted to the Council in March 2009. These amendments comprised
- Removal of site 6 from scheme
  - Reduction in number of units from 189 to 181 units
  - Alterations of fenestration site 7.

### **Site and Surroundings**

- 4.6 The Eric and Treby Estate occupies an area of 5.8 hectares. The site is approximately rectangular in shape with the majority of the estate contained between Burdett Road and Southern Grove, with an extension to the East to include properties on Brokesley Street. The site is bisected by Hamlets Way.
- 4.7 The site itself is predominately residential with the exception of a small parade of shops along Hamlets Way. Around the site there are a variety of uses including residential, offices along Southern Grove, the East London Tabernacle on Burdett Road and shops and cafes along Mile End Road.
- 4.8 The existing buildings on-site comprise a mixture of more modern estate blocks built in the latter part of the 20<sup>th</sup> century, and older Victorian terraces along Ropery Street, Eric Street, Mossford street and Brokesley Street. The estate is currently dominated by the 19 storey Ennerdale House, which stands significantly higher than surrounding buildings at the junction of Southern Grove and Hamlets Way. Beckley House at 11 storey is the second tallest building on the estate and is also located along Hamlets Way. The other buildings around the estate range from 2 to 7 storeys.
- 4.9 Two parts of the site fall within designated Conservation Areas. Brokesley Street is located towards the western edge of the Tower Hamlets Cemetery Conservation Area. The boundary of this area runs north to south behind the Victorian dwellings on the west side of Brokesley Street then returns along Hamlets Way to Southern Grove.
- 4.10 The Ropery Street Conservation is located towards the south-west of the site. The boundary of this Conservation Area extends south down the centre of Eric Street from Hamlets Way, with buildings on the Western side within the designated area. Further to the South all buildings on Ropery Street are within the area.

### **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)**

5.2	Proposals:	None
5.3	Policies:	ST1 Deliver and Implementation of Policy
		ST12 Cultural and Leisure Facilities
		ST15 Encourage a Wide Range of Activities
		ST23 Quality of Housing Provision
		ST25 Provision of Social and Physical Infrastructure
		ST26 Improve Public Transport
		ST28 Restrain Private Car
		ST30 Safety and Movement of Road Users
		ST34 Provision of Quality Shopping
		ST37 Improve of Local Environment
		ST41 Provision of Adequate Space for Local Business
		ST43 Use of High Quality Art
		ST49 Provision of Social and Community Facilities
		ST51 Public Utilities
		DEV1 Design Requirements
		DEV2 Environmental Requirements
		DEV3 Mixed Use Development
		DEV4 Planning Obligations
		DEV9 Minor Works
		DEV12 Landscaping
		DEV15 Retention/Replacement of Mature Trees
		DEV27 Minor Alterations in Conservation Areas
		DEV28 Proposals for Demolition in Conservation Areas
		DEV30 Additional Roof Storeys
		DEV50 Noise
		DEV51 Contaminated Land
		DEV55 Development and Waste Disposal
		EMP1 Employment Uses
		EMP6 Employing Local People
		EMP8 Small Businesses
		HSG4 Loss of Housing
		HSG7 Dwelling Mix
		HSG13 Internal Standards for Residential Development
		HSG15 Preserving Residential Character
		HSG16 Amenity Space
		T8 New Road
		T10 Traffic Management
		T16 Impact on Traffic
		T18 Pedestrians
		T21 Pedestrians
		OS7 Loss of Open Space
		OS9 Children's Play Space
		OS13 Youth Provision
		SCF11 Meeting Places

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

5.4	Proposals:	
5.5	Core Strategies:	IMP1 Planning Obligations
		CP1 Creating Sustainable Communities
		CP3 Sustainable Environment
		CP4 Good Design

	CP5	Supporting Infrastructure	
	CP19	New Housing Provision	
	CP20	Sustainable Residential Density	
	CP21	Dwelling and Mix Type	
	CP22	Affordable Housing	
	CP23	Efficient Use and Retention of Existing Housing	
	CP24	Special Needs and Specialist Housing	
	CP25	Housing Amenity Space	
	CP27	High Quality Social and Community Facilities to Support Growth	
	CP29	Improving Education and Skills	
	CP30	Improving the Quality and Quantity of Open Spaces	
	CP31	Biodiversity	
	CP38	Energy Efficiency and Production of Renewable Energy	
	CP39	Waste Management Plan	
	CP40	Sustainable Transport Network	
	CP41	Integrating Transport with Development	
	CP42	Streets for People	
	CP43	Better Public Transport	
	CP46	Accessible and Inclusive Environments	
	CP47	Community Safety	
5.6	Policies:	DEV1	Amenity
		DEV2	Character and Design
		DEV3	Accessibility and Inclusive Design
		DEV4	Safety and Security
		DEV5	Sustainable Design
		DEV6	Energy Efficiency and Renewable Energy
		DEV7	Water Quality and Conservation
		DEV8	Sustainable Drainage
		DEV9	Sustainable Construction Materials
		DEV10	Disturbance from Noise Pollution
		DEV11	Air Quality and Air Pollution
		DEV12	Management of Demolition and Construction
		DEV13	Landscaping and Tree Preservation
		DEV15	Waste and Recyclable Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV19	Parking for Motor Vehicles
		DEV20	Capability of Utility Infrastructure
		DEV22	Contaminated Land
		DEV24	Accessible Amenities and Services
		DEV25	Social Impact Assessment
		CON2	Conservation Areas
		HSG1	Determining Residential Density
		HSG2	Housing Mix
		HSG3	Affordable Housing Provisions
		HSG4	Varying the Ratio of Social Rented to Intermediate Housing
		HSG5	Estate Regeneration Schemes
		HSG7	Housing Amenity Space
		HSG9	Accessible and Adaptable Homes
		HSG10	Calculating the Provision of Affordable Housing
		SCF1	Social and Community Facilities
		OSN2	Open Space
		PS1	Noise

PS2	Residential Water Refuse and Recycling Provision
PS3	Parking
PS4	Density Matrix
PS5	Lifetime Homes

## 5.7 Supplementary Planning Guidance/Documents

Residential Space  
 Designing Out Crime  
 Landscape Requirements

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

2A.1	Sustainability Criteria
2A.2	Spatial Strategy for Development
2A.6	Areas for Intensification
2A.7	Areas for Regeneration
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
3A.11	Affordable Housing Thresholds
3A.13	Special needs and Specialist Housing
3A.15	Loss of Housing and Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of London's Infrastructure
3A.19	The Voluntary and Community Sector
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.14	Enhanced Bus Priority
3C.16	Road Scheme Proposals
3C.20	Improving Conditions for Buses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.11	Open Space Provision
3D.12	Open Space Strategies
3D.13	Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy; Heating, Cooling and Power

4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.12	Flooding
4A.13	Flood Risk Management
4A.16	Water Supplies and Resources
4A.18	Water Sewerage and Infrastructure
4A.19	Improving Air Quality
4A.20	Reducing Noise
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.9	Tall Buildings
4B.10	Large Scale Buildings

## 5.9 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG17	Planning for Open Space, Sport and Recreation
PPG24	Planning and Noise

## 5.10 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 the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

### 6.3 LBTH Cultural Services

Support estate regeneration programme. Request following financial contributions to mitigate for increased pressure on local resources:-

6.4 Increased use of open space - £148, 392

Loss of open space - £17, 404

Leisure facilities - £131, 641

Library facilities - £33, 696

6.5 *(Officer comment: Request for financial contributions are considered under Main Issues section of report. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards open space improvements were required. It is noted the scheme already delivers considerable improvements to the quality and usability of the existing open-spaces around the estate.)*

#### 6.6 LBTH Crime Prevention Officer

- Has had detailed discussions with Applicants regarding scheme.
- Generally supportive though concerns raised over 1.5m height of fence around southern boundary of play space 8, which should be increased to 2.4m.

6.7 *(Officer comment: Security measures must be balanced against other factors. An increase in the height of the fence would have a negative impact on the outlook from the neighbouring flats.)*

#### 6.8 LBTH Education

Assessed scheme as requiring a contribution towards the provision of 27 additional primary school places @ £12,342 = £333,234.

*(Officer comment: This is secured through S106 agreement)*

#### 6.9 LBTH Energy Efficiency

- Basic energy assessment completed of existing and new dwellings.
- CO2 emissions reductions of 44.07% from the existing dwellings as a result of refurbishment,
- Total CO2 emissions reductions of 22.6% from the baseline in the new build dwellings
- Total CO2 emissions reductions of 24.78% in the estate from the refurbished and new build dwellings (i.e. no Net increase in CO2 emissions as a result of regeneration).
- Attempts to comply with current energy efficiency and renewable energy policies must be demonstrated.
- Feasibility of a CHP system must be investigated in more detail
- Feasibility of 20% on-site renewable energy technologies required
- Financial detail of improvements to existing stock to justify not complying with energy efficiency and renewable energy policies.
- No sustainability statement has been provided. Compliance with Code for sustainable homes Level 3 required.

6.10 *(Officer comment: Energy Efficiency is discussed in detail under main issues section of report.)*

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

##### 6.11 Historic Buildings and Areas Section

- Brokesley Street is situated within the Tower Hamlets Cemetery Conservation Area. The western side of the street is made up of Victorian terraced houses which stand in stark contrast to the post-war terraces of houses and flats on the eastern side of the street such as the existing nos. 1 to 14 Brokesley Street, the subject of this current Conservation Area Consent application.
- The Conservation Statement submitted with the application states that 'It is considered that the proposals will .... improve the vista when looking down the street, by providing a well designed elevation which echoes the principles of the Victorian terracing opposite ....'
- We disagree with this statement. Whilst the height of the proposed replacement might be more in keeping with the substantial Victorian terraces, it appears to us that the proportions and form of the proposed terrace are

radically different. The proposed terrace appears mean and sparsely detailed when compared with the handsome, richly detailed terrace opposite and the twin mid Victorian terraces which mark the entrance to Brokesley Street from Bow Road.

- You may wish to obtain large scale elevations of the proposed terrace, at this stage, so that a more informed assessment can be made.

6.12 *(Officer comment: Comments relate to new build site 10. This is discussed under Main Issues)*

6.13 Archaeology Section

- Reviewed submitted archaeology desk based assessment. Stated that no further consideration of archaeological matters required.

6.14 **LBTH Environmental Health**  
Contamination

- Submitted Environmental Report has been reviewed. Additional sampling is required and confirmation of remediation measures proposed.

6.15 *(Officer comment: This would be secured by condition)*

6.16 Daylight/Sunlight

- Satisfied with submitted Daylight / Sunlight study in terms of impact on neighbours. Recommend increase in size of bedroom window for specific units located behind balconies on sites 2a and 15 to ensure adequate internal day-lighting.

6.17 *(Officer comment: This would be secured by condition)*

6.18 Noise and Vibration

- Parts of site fall within Noise Exposure categories B and C. Noted detail of window glazing and ventilation systems required to ensure reasonable internal noise levels not compromised on facades facing roads.

6.19 *(Officer comment: This is discussed under main issues. Details of specifications would be required by condition.)*

6.20 **Environment Agency (Statutory Consultee)**

- No objection subject to condition requiring compliance with surface water control measures outlined in submitted Flood Risk Assessment.

6.21 *(Officer comment: A suitable condition would be imposed on any permission)*

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

Stage One response received. The following issues were considered:-

6.23 Housing

- Cross subsidy from intensification of the site and private sales to facilitate refurbishment acceptable.

- Scheme does not propose 50% affordable housing. Financial assessment required to justify proposed level of affordable housing.
- 6.24 *(Officer comment: A toolkit appraisal has been submitted which demonstrates that it is not viable to deliver more than 35% affordable housing. The toolkit shows a deficit and as such any increase in affordable housing would have a direct impact on the funding available to facilitate the upgrade of the estate.)*
- 6.25 - Scheme proposes 100% social rent affordable units. Further justification required for not providing Intermediate units in line with London Plan policy.
- 6.26 *(Officers are satisfied that the provision of social rent units corresponds with Borough Housing Need priorities. This issue is further discussed in Main Issues section of report)*
- 6.27 - Dwelling mix is considered acceptable  
 - Quality of residential accommodation is acceptable  
 - Density is on lower side of London Plan policy which is acceptable given need to provide amenity space  
 - Urban Design, No objections raised  
 - Amenity Space, No objection raised  
 - Playspace, Level of child-play space and provision of community centre acceptable.
- 6.28 Transport
- Discussions with London Underground required to assess impact on tunnels required
  - Future residents should not have access to car-parking spaces
  - Construction Plan, Service and Delivery Plan and Travel plan required by condition or S106 agreement.
- 6.29 *(Officer comment: Suitable conditions would be imposed on any planning permission)*
- 6.30 - Financial contribution to improve local streetscene on Mile End Road and Burdett Road required  
 - Recommend car-free agreement, welcome car-club spaces, require Delivery and Service Plan and Construction Logistics Plan
- 6.31 *(Officer comment: Conditions relating to London Underground, DSP, CLP and car-free agreement would be imposed on any permission. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards street work improvements were required. It is noted that the scheme already delivers improvements to public realm with the estate-wide landscaping works.)*
- 6.32 Energy
- Scheme does not comply with London Plan energy policy.
  - Potential for communal heating system needs to be considered
  - Potential for Combined Heat and Power needs to be considered
  - Potential for District Heating system needs to be considered
  - Further information on cooling requirements required
  - Further information on renewable energy required
  - Sustainable Urban Drainage, living roofs and walls should be considered.
- 6.33 *(Officer comment: Matters relating to Energy are discussed in the Main Issues section of the report).*



#### 6.34 Employment

- Details of measures to provide training and employment opportunities to local community during construction required.

*(Officer Comment: A commitment to use local labour in construction would be secured through S106 agreement.)*

#### 6.35 Noise

- Conditions to mitigate noise impacts for dwellings in noise sensitive locations, particularly along Burdett Road, required.

6.36 *(Officer comment: Suitable conditions would be imposed on any planning permission)*

#### 6.37 **LBTH Highways**

- Site in area with PTAL of 6b and 6a with good access to public transport.
- New units car-free acceptable, should be secured in S106
- Reduction in existing car-parking acceptable
- Refuse and site servicing acceptable subject to use of materials to delineate carriageway on shared surfaces.
- Required visibility splays are achieved.
- Level of cycle parking acceptable
- Impact of increased trips on highway network acceptable
- Impact on public transport acceptable
- Request Section 278 agreement
- Travel plan required by S106 agreement

6.38 *(Officer comment: Highways issues are discussed in the Highways section of this report.)*

#### 6.39 **Natural England (Statutory Consultee)**

- Recommend assessment of site ecology undertaken
- No detail of biodiversity enhancements / measures should be secured
- Opportunities to improve access / quality of adjoining Sites of Importance for Nature Conservation should be sought.

6.40 *(Officer comment: Officer's are satisfied that the proposed landscaping works will introduce new habitat, which is likely to lead to improved biodiversity. The submitted toolkit appraisal has shown that the scheme would not be viable if additional contributions for off-site biodiversity enhancements were required. A further ecological survey would be required by condition.)*

#### 6.41 **Olympic Delivery Authority (Statutory Consultee)**

No objection

#### 6.42 **LBTH Primary Care Trust**

- Requested a financial contribution to compensate for the additional burden on local health-care services. A £783,042 revenue contribution and a £232, 125 capital contribution has been requested.

6.43 *(Officer Comment: LBTH Planning only seek the capital portion of the contribution as Officers are of the opinion that without a more rigorous policy framework and detailed justification on the shortfall in local healthcare provision, it is not possible to seek revenue contributions at this time. The Capital contribution would be secured in the S106 agreement.)*

**6.64 Thames Water**

- Developers responsibility to ensure acceptable surface water drainage
- Public sewers cross application site
- Water supply infrastructure inadequate. Requested a condition requiring a Water Supply Infrastructure Assessment

6.65 *(Officer comment: Suitable conditions and informatives would be imposed on any permission)*

**6.66 Transport for London (Statutory Consutee)**

- Satisfied with trip generation assessment
- No impact on bus services
- Consider cycle parking acceptable
- Seek financial contribution for streetworks along Mile End Road/Burdett Road junction
- Request Delivery and Servicing Plan produced
- Request Construction Logistics Plan produced including consideration of use of water based freight
- Request detailed Travel Plan

6.67 *(Officer comment: Conditions relating to London Underground, DSP, CLP and car-free agreement would be imposed on any permission. The submitted toolkit assessment demonstrates that the scheme would not be viable if additional contributions towards street work improvements were required. It is noted that the scheme already delivers improvements to public realm with the estate-wide landscaping works.)*

**7. LOCAL REPRESENTATION**

7.1 A total of 1467 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications were also 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:

7.2 No of individual responses: 34            Objecting: 34            Supporting: 0  
No of petitions received: 2

7.3 The following local groups/societies made representations:

The East London Baptist Church

- Object to sites 6 and 7
- Proposal will block light to South and North elevations
- The crèche, rear hall and sports hall will lose light
- The crèche and rear hall have no other sources of light except flank windows
- Loss of views of south elevation has detrimental impact on streetscene.
- Increased residents will cause parking pressures

*(Officer comment: It should be noted that site 6 has now been removed from the scheme)*

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

7.5 Land use and housing

- Insufficient 4/5 bedroom houses
- Community centre not needed
- Too many social rent properties will detract from mix in area
- Loss of accommodation for elderly
- Funding for estate regeneration should not require new buildings

7.6 Design and Amenity

- Resulting estate density too high
- Loss of open-space / building should not take place on open-space
- Loss of children's play areas (particularly in relation to site 1)
- Buildings too high / too large (particularly site 10, 11 and 15)
- Loss of sunlight, daylight
- Buildings overbearing
- Loss of privacy
- Too many buildings, hemmed in feel
- Damages concept of original Architect's estate layout
- Increased noise and disturbance from children playing (particularly in relation to play area opposite Conniston House)
- New buildings likely to suffer from vandalism
- Disturbance from construction noise

7.7 Highways and parking

- General lack of parking provided / increased congestion
- Lack of parking for users of East London Tabernacle
- Cycle parking tokenistic
- Highway safety risk from increased congestion
- Risk for children making their way from proposed family dwellings on Brokesley Street to proposed play areas.
- Traffic obstruction from deliveries

7.8 Sustainability

- Buildings should be refurbished, not demolished.

7.9 Crime and safety

- New buildings likely to attract vandalism and additional crime

7.10 Infrastructure Impacts

- Lack of healthcare and education resources
- Cumulative impacts with other estate regeneration projects / St Clements Hospital needs to be considered.
- Existing sewerage inadequate / Low Water Pressure

7.11 *(Officer comment: A condition requested by Thames Water would require the prior completion of a Water Supply Infrastructure Assessment)*

7.12 Comments specifically in relation to Site 10

A large number of objections were received in relation to proposed building at site 10. The issues raised were

- Properties should be refurbished, not demolished
- One bed flats for elderly are required, family houses detracts from mixture of available housing types
- Lack of parking provided / increased congestion / pressure for spaces
- 1950s terrace part of streetscene and history of area
- Sightlines spoilt by increased height
- Planning permission has previously been refused for a roof extension along terrace
- Poor design, plain, does not follow Victorian character, materials not traditional
- Detracts from Conservation Area
- Additional height results in loss of light / overshadowing, street is narrow, unacceptable window to window distances
- Extra social tenants unbalances existing housing mix
- Family housing should be closer to play areas
- Too high density
- Should be made greenspace

7.13 Comments specifically in relation to site 11

7.14 A petition with 33 signatures from occupiers of Loweswater House was received in relation to proposals for site 11. The issues raised are:-

- Loss of privacy
- Loss of landscaped play areas
- Overcrowding
- More traffic
- Open-space overshadowed
- Poor appearance. oppressive impact

7.15 Residents Ennerdale House Petition

7.16 A petition was received containing 60 signatures from residents of Ennerdale House. The issue raised relate to:-

- Object to building on open-space
- Buildings too close together, loss of daylight and sunlight
- Too dense
- Additional public rented housing required, not luxury flats

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

- 7.18 - Laws prevent building on open space (*Officer comment: Planning issues associated with building on open-space are discussed under main issues. Compliance with other areas of legislation is not a planning matter.*)
- 7.19 - Eastend Homes held resident meetings at inconvenient times (*Officer comment: The Applicants held a long running series of meetings and workshops with residents prior to the submission of the applications. These are detailed in the submitted Statement of Community Involvement. These meetings are in addition to statutory consultation requirements, which have been carried out by*

*the Council.)*

- 7.20 - Likely increase in service charges for leaseholders (*Officer comment: This is a private matter between tenant and landlord.*)
- 7.21 The following procedural issues were raised in representations, and are addressed below:
- 7.22 - The submitted drawings are inaccurate and do not correctly show extensions to the rear of 644 – 648 Mile End Road. (*Officer comment: Amended drawings have been submitted. The submitted drawings are sufficient to allow a full assessment of this aspect of the proposal to be made.*)
- 7.23 - The submitted sunlight and daylight study is inaccurate (*Officer comment: The study has been reviewed by the Council's specialist Environment Health Officers who consider it acceptable.*)
- 7.24 - Inadequate consultation, Letters were not received. (*Officer comment: Records show that letters were dispatched. Site and Press Notices were also posted.*)
- 7.25 - Difficulty accessing internet drawings (*Officer comment: For the convenience of some residents plans are made available on the Tower Hamlets website. Hard copies of the documents are also available to view at the Council's offices.*)

7.26 Following the submission of amended plans in February 2009 a 2<sup>nd</sup> round of consultation took place. The following responses were received

7.27 No of individual responses: 5 Objecting: 5 Supporting: 0

7.28 No of petitions received: 0

7.29 The following additional issues were raised:-

- Continued concern over sunlight / daylight impacts in relation to site 15
- Storey height of site 15 should be limited to 4 storey
- The proposal has not changed, original comments still stand
- Loss of privacy to properties on Eric Street
- Proposed car-bays unattractive
- Plans inaccurate (*Officer comment: Amended accurate plans have now been submitted.*)
- Daylight / Sunlight study inaccurate (*Officer comment: Additional study work was later submitted*)
- Insufficient consultation / some documents submitted after consultation letters sent. (*Officer comment: Additional sunlight / daylight studies have been submitted after the second round of consultation. Site 6 was also removed from the scheme following discussions with Officers. The removal of the building was not subject to further consultation as it would not have any impact on neighbouring residents.*)

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principle of Estate Regeneration
2. Land Use
3. Density
4. Housing
5. Design and Neighbour amenity (including impact on Conservation Areas)
6. Amenity Space
5. Parking and Highways
6. Sustainability
7. Impacts on local infrastructure / S106

### Principle of Estate Regeneration

8.2 The Government is committed to creating the opportunity for decent homes for all. The regeneration and renewal of neighbourhoods is supported by the Mayor's Housing Supplementary Planning Guidance (November 2005). In Tower Hamlets, the Council is seeking that all homes are brought up to Decent Homes Plus standard to ensure that homes are in a good state of repair.

8.3 The Decent Homes Standard is defined by the Department of Communities and Local Government (DCLG) as a home which is 'warm, weatherproof and has reasonably modern facilities'. The Decent Homes Plus Standard goes beyond these requirements and includes works such as improved security, lift replacement and thermal comfort works.

8.4 As part of the Tower Hamlets Housing Choice Programme the Eric and Treby Estate was transferred to Eastend Homes in 2004. In order for Eastend Homes to facilitate the regeneration of the Eric and Treby Estate and bring the existing homes up to Decent Homes Plus standard, a comprehensive redevelopment is proposed. The application includes the provision of additional housing in new blocks across the application site, which increases the housing density of the estate. The increase in density is required in order to generate sufficient value from market development to support the refurbishment of the existing dwellings and the provision of new affordable housing. This accords with the requirements of IPG policy CP23, which seeks to improve all existing housing stock to a minimum of decent homes plus standard.

8.5 The application proposes the erection of 13 buildings providing 181 new residential units to facilitate the following estate regeneration improvements:-

Works	Cost (£)
New Kitchens and bathrooms	1,092,859
New Bathrooms	617,347
Central heating	1,140,975
Roof repairs	529,241
Thermal insulation improvement	1,697,086
Windows	448,169
Structural Repairs	465,320
Communal Area Improvements	258,949
Repair/Renew Entrance Doors	275,745
Balcony upgrading	414,960
Improvements to electrical and water services	1,947,596
Refuse Improvements	94,730

Environmental Works including Security/Lighting, Landscaping, Car Parking, Paving, Play equipment	2,209,296
New communal stairs and entrances including access control	270,000
Door Entry Systems Works	321,029
Repair/Renew Lifts	799,333
<b>Total</b>	<b>12,582,633</b>

8.7 The development would generate £8.2M towards these upgrade works.

8.8 In overall terms the principles and objectives set out in regional and local policies for estate regeneration schemes are achieved through this proposal. The proposal maximises the development potential of the site whilst upgrading the existing housing and communal areas. The planning issues are considered in detail below.

### **Land Use**

8.9 The existing land use of the site is predominantly residential. There are no specific land use designations in the adopted UDP or IPG. The application proposes additional housing, a community centre, housing offices and a small commercial unit.

#### Principle of additional housing

8.10 The application proposes 181 new units of accommodation. Taking into account the loss of 29 existing units this results in a net gain of 152 additional dwellings.

8.11 The provision of additional housing to facilitate the regeneration of the estate accords with the aims of London Plan Policy 3A.3 and IPG policies CP19 and CP20, which seek to maximise the supply of housing; and the aims of IPG policy CP23, which seeks to improve all existing housing stock to decent homes plus standard.

8.12 Housing issues are discussed in more detail in the Housing Section of this report.

#### Principle of community centre and offices

8.13 On the ground floor of site 1, the application proposes a new community centre (310 square metres) and office space (365 square metres). The centre would comprise a community hall, external ball court, meeting room and kitchen. The applicant has indicated that the office space would be used by Eastend Homes Housing Management Team.

8.14 London Plan Policy 3A.18 requires that in areas of major development and regeneration, adequate facilities should be provided for social infrastructure and community facilities. Saved policy SCF11 of the UDP encourages the provision of new meeting places, policy SCF1 in the IPG requires that consideration is given to the need for social and community facilities within redevelopment proposals.

8.15 There is currently no community centre on the estate. The proposed community centre, ball court and offices are well located around the base of a prominent estate building. The proposed facilities will be of considerable benefit to residents and are acceptable in land-use terms.

#### Principle of commercial space

8.16 The amendments to the application introduced a small shop / office unit (85 square metres, use classes A1, A2 or B1) on the ground floor of site 8. This use provides an active frontage to the Burdett Road / Wentworth Mews junction, contributes to the mix of uses in the area and is acceptable in terms of saved UDP policy DEV3 and policy CP1 of the IPG - which seek to provide a range of uses in the local environment.

### **Density**

- 8.17 London Plan policy 3A.3 links housing density to public transport availability which is expressed in a Public Transport Accessibility Level (PTAL). The site is located in an urban area and has a PTAL of 6a/6b. The London Plan states that the appropriate density for residential use should be within a range of 200-700 habitable rooms per hectare.
- 8.18 The existing estate has a density of 326 habitable rooms per hectares. The proposal would result in a scheme with a density of 410 habitable rooms per hectare.
- 8.19 The proposed density is within the range recommended in the London Plan. The density is considered appropriate in terms of local context, design principles, amenity impacts and infrastructure impacts. It is therefore considered acceptable in terms of London Plan policy 3A.3 and IPG policies CP20 and HSG1.

### **Housing**

- 8.20 The application proposes the erection of 13 new buildings at various sites around the estate providing 181 new residential units. Taking into account the demolition of 29 existing units there is a net gain of 152 housing units. Interim Planning Guidance policy sets out the Council's objective to ensure that all residents in Tower Hamlets have access to decent homes in decent neighbourhoods, as part of an overall commitment to tackle social exclusion.

#### Principle of demolition of housing units

- 8.21 The proposals involves the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road. It is noted that the demolition of buildings at 106 – 128 and Hamlets Way and 1 – 7 Burdett Road has already taken place.
- 8.22 The housing units lost are replaced with an additional number of better quality units and as such there is no conflict with the objectives of UDP policy HSG4 and IPG policy CP23, which seeks to prevent the loss of housing.
- 8.23 The redevelopment of the sites at a higher density, with modern buildings incorporating sustainable design technologies also accords with the aims of over-arching sustainability objectives and IPG policy CP1.

#### Affordable Housing

- 8.24 Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs' own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing provision from all sources across the Borough, and specify that individual developments should provide a minimum of 35% affordable housing.
- 8.25 IPG Policy HSG5 relates specifically to estate regeneration schemes. It states that the Council may consider varying its requirements towards additional affordable housing where it can be demonstrated that the provision of market housing on the estate is necessary in order to cross subsidise the works being undertaken.
- 8.26 The proposal would provide 19 entirely new additional affordable housing units, and would also replace the 29 affordable units lost through demolition. It total the scheme would provide 48 affordable units, which equates to 35% of all of the habitable rooms proposed. The application has been accompanied by a toolkit assessment which demonstrates that it would not be viable to provide any additional affordable housing. The scheme meets the



35% minimum affordable housing required by policy CP22 and is therefore acceptable.

- 8.27 It is noted that in this case the Applicant has not sought to make use of the provisions of HSG5 to allow a reduction in the level of affordable housing to facilitate estate regeneration cross subsidy.

### Tenure Mix

- 8.28 London Plan policy 3A.9 promotes mixed and balanced communities by seeking a 70:30 split between social rent and intermediate tenures within affordable housing. In Tower Hamlets there is an identified need for a larger percentage of social rented units which is reflected in the 80:20 split between these tenures specified in IPG policies CP22 and HSG4.
- 8.29 The application seeks to provide 100% social rented accommodation in the affordable housing, and in this respect does not comply with requirements of the above policies. However, it is noted that the Council's Housing Section have not objected to the absence of intermediate units in the scheme. Given the particular need for additional social rented units in the Borough, the mix of tenures is considered acceptable.

### Housing mix

- 8.30 London Plan policy 3A.5 promotes housing choice including the provision of a range of dwelling sizes. Unitary Development Plan policy HSG7 requires new housing schemes to provide a mix of unit sizes including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policies CP21 and HSG2 in the IPG specify that a mix of unit sizes should be provided to reflect local need and to contribute to the creation of balanced and sustainable communities. Policy HSG2 provides target percentages for dwelling sizes in affordable and market housing.
- 8.31 The application proposes the following mix of unit sizes for the new build. The target percentages given reflect those specified by IPG policy HSG2.

Unit Size	Total Units	Affordable: Social Rent			Market		
		Units	%	Target	Units	%	Target
Studio	19	0	0	0	19	14.3	25
1 bed	61	2	4	20	59	44.4	25
2 bed	52	13	27	35	39	29.3	25
3 bed	40	24	50	30	16	12	25
4 bed	0	0	0	10	0		
5 bed	9	9	19	5	0		
Totals	181	48	100	100	133	100	100

- 8.32 In the social rent tenure the application exceeds HSG2 targets for the provision of larger units with 69% of units having 3 or more bedrooms. In particular it is noted that the scheme includes the provision of eight 5 bedroom terraced dwelling houses, with generous gardens, which is a valued form of family accommodation that can be difficult to provide on other sites (one 5 bedroom flat is also provided).
- 8.33 In the market tenure only 12% of the units have 3 bedrooms, which is below the target of

policy HSG2. However, given the high level of family provision in the social rent sector the overall housing mix responds well to local needs and is acceptable in terms of policy.

- 8.34 The range of housing types provided is considered to make good re-provision of the type of units lost through the demolition.

#### Standard of accommodation

- 8.35 UDP policy HSG13 requires all new development to provide adequate internal space. Supplementary planning guidance note 1: residential space sets minimum internal flat and room sizes.

- 8.36 The proposed flats are well laid out with adequate room sizes. The flats benefit from acceptable outlook and would offer a reasonable standard of accommodation. The Council's Environmental Health Officer has raised concerns about the level of interior daylight for proposed new flats behind walkways on sites 2a and 15. To ensure these flats receive adequate light it is recommended that the size of the windows be increased to 1510mm x 1810mm. This would be secured by condition, and with this amendment the proposed flats would be acceptable.

- 8.37 The application has been accompanied by a Noise Survey which includes an assessment of whether the proposed flats would suffer from unreasonable levels of noise. This particularly relates to those flats located on Burdett Road and Southern Grove, as these roads generate greater levels of traffic noise. The study concludes that part of the development is located within Noise Exposure Contour C. In these locations planning permission should only be granted where alternative sites are not available, and where appropriate mitigation can be provided. Officers consider that there are no realistic alternative locations for additional housing and conditions can require the use of suitable glazing to ensure internal noise levels are acceptable. With the imposition of conditions requiring appropriate survey work and mitigation measures the development would be acceptable.

#### Wheelchair and accessible accommodation

- 8.38 London Plan policy 3A.5 and Interim Planning Guidance policy HSG9 require housing to be designed to 'Lifetime Homes' standards and for 10% of all new housing to be wheelchair accessible.

- 8.39 It total 13 wheelchair accessible units are proposed and a further 5 could easily be converted for wheelchair users. This equates to 10% of the total housing provision and is considered acceptable.

- 8.40 All of the units would be constructed to Lifetimes Homes standards and the details of this would be required by condition.

#### **Design & Neighbour amenity**

- 8.41 The main design issues for Members to consider relate to the scale and appearance of the proposed buildings, the relationship to the existing buildings, and the impact of the buildings on designated Conservation Areas.

- 8.42 In terms of amenity, the main issues Members must consider are the impact of the proposed buildings on the neighbouring occupiers in terms of potential loss of light, overshadowing or increased sense of enclosure.

#### General design principles

- 8.43 Good design is central to the objectives of national, regional and local planning policy. 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 policies are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; and IPG policies DEV1 and DEV2.
- 8.44 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site and that it should not result in overdevelopment or poor space standards.
- 8.45 Policy CP4 of the IPG seeks to ensure new 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.
- 8.46 Policy DEV4 in the IPG seeks to ensure safety and security in new development. This can be achieved by incorporating principles such as ensuring building entrances are visible, designing development to face the street with active frontages and by creating opportunities for natural surveillance of the public realm.
- 8.47 Some of the proposed buildings are significantly higher than neighbouring buildings. Therefore consideration has also been given to the requirements of IPG policy DEV27, which details specific criteria that are relevant to the assessment of tall buildings.

#### Impact on Conservation Areas

- 8.48 Parts of the Eric and Treby Estate fall within designated Conservation Areas. Brokesley Street is found towards the Western edge of the Tower Hamlets Cemetery Conservation Area. Proposed building 10 is located within this area. The Ropery Street Conservation is located towards the South West of the site. The boundary of this Conservation Area extends south down the centre of Eric Street from Hamlets Way.
- 8.49 The application proposes the erection of a new building at site 10 and improvement works to 31 – 39 Brokesley Street, both of which are within the Tower Hamlets Cemetery Conservation Areas.
- 8.50 Building site 14 is located within the Ropery Street Conservation Area. Site 15 is located on the edge of the Ropery Street Conservation Area.
- 8.51 In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Planning Policy Guidance Note 15: Planning and the Historic Environment provides advice on the approach to development in Conservation Areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group.
- 8.52 National guidance is carried through to the local level where IPG policy CON2, re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.
- 8.53 UDP policy DEV28 sets criteria that must be taken into account when assessing proposal to demolish buildings in Conservation Areas.

### Summary design issues

- 8.54 A detailed consideration of the design of each proposed building is given below. In overall terms the proposed buildings are considered to respond well to the constraints of each individual site, and provide a cohesive approach to the renewal of the estate. The landscaping works take the opportunity to improve the quality of the existing open-spaces and introduce dedicated areas of children's play-space.
- 8.55 In general the application has attempted to site buildings on redundant areas of surface parking and hard-standing. In some cases building does take place on existing open-space, and this issue is discussed in more detail under the amenity section of this report.
- 8.56 The larger buildings (sites 2, 15 and 11) would be sited along Hamlets Way. This is one of the wider roads which bisects the estate. Existing tall estate blocks including Ennerdale House and Beckely House are already located on this road and it is considered an appropriate location for larger scale buildings.
- 8.57 In more sensitive locations, such as those within Conservation Areas, the scale of buildings has been limited and a traditional design employed. The development of sites along Burdett Road would help to strengthen the street frontage and remove unsightly garages.
- 8.58 Outside of Conservation Areas the proposed buildings use common design themes and a consistent pallet of materials. This includes the use of brick, small areas of render, balcony systems and green-glazed bricks around entrance doors. The result helps to tie the estate buildings together helping to create a sense of place.
- 8.59 In overall terms the proposed buildings complement the existing buildings around the estate and, when combined with the landscaping works, will lead to a significant improvement in the quality of the local environment for residents.

### Daylight and Sunlight

- 8.60 In terms of amenity, Policy DEV2 in the UDP 1998 and Policy DEV1 of the IPG seeks to ensure that development where possible, protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.
- 8.61 In accordance with BRE Guidance, a Daylighting and Sunlighting report was submitted with the application. The report calculates the Vertical Sky Component (VSC), Average Daylight Factor (ADF) and Sunlighting for adjoining properties. Further addendums to this report were also submitted.
- 8.62 The VSC quantifies the amount of skylight falling on a vertical wall or window. For a room with non-continuous obstructions there is the potential for good daylighting provided that the VSC, at the window position 2m above ground, is not less than the value for a continuous obstruction of altitude 25 degrees. This is equal to a VSC of 27%.
- 8.63 The VSC calculation can be related to the ADF which, in addition to the amount of skylight falling on a vertical wall or window, considers the interior daylighting of the building. The calculation takes into account the thickness of the glazing, size of the window, reflectance and total area of room surfaces.
- 8.64 Sunlighting has been measured using sunlight availability indicators or sunpath indicators. The British Standard recommends that at least 25% of annual probable sunlight hours be available at the reference point, including at least 5% of annual probable sunlight hours in the winter months.

- 8.65 The calculations have been based on a sample of rooms in the blocks that are likely to be most affected by the proposal.

Summary sunlight and daylight issues

- 8.66 The report demonstrates that there are some instances where the VSC is below the levels set out in the BRE guidance. However, in nearly all situations the affected rooms would still have sufficient ADF. Given the urban context of the site, it is considered that the resultant levels of daylight can be accepted.
- 8.67 Levels of sunlight to some properties have also been reduced, however, on balance the impact is also considered to be acceptable given the urban context.
- 8.68 The Council's Environmental Health Section has reviewed the Daylight and Sunlighting Report and considers that the report satisfactorily demonstrates that there will be no significant impact with regard to daylight/sunlight on existing residents.

Site specific design and amenity considerations

- 8.69 In total 13 new buildings are proposed. The main issues in relation to each of these buildings are considered in turn:-

Site 1

- 8.70 Site one is located at the junction of Southern Grove and Hamlets Way. It currently comprises grass open-space and an area of hard-standing (which used to be a playground). The site wraps around the foot of Ennerdale House – a 19 storey Tower, to the North is Derwent House – a 6 storey block.
- 8.71 The proposed building can be separated into two components. Firstly, a single storey component which wraps around the base of Ennerdale House. This will provide 365 square metres of office space. The applicant has indicated that this will be used by their housing management team.
- 8.72 The second component would be a four storey block fronting Southern Grove. The block is sited in-between Ennerdale House and Derwent House. It is linked to the single storey part of the building which provides the office space. Part of the ground floor of this building would be used to provide a community centre. The centre would comprise a 190 square metre main hall, an outside ball court and associated facilities. The housing offices, community centre and ball court would all be accessed via a shared entrance from Southern Grove.
- 8.72 The remainder of the ground floor of the block, and the upper floors, would provide 9 affordable housing units including one wheelchair maisonette with parking space.
- 8.73 In design terms the proposed building helps to create a strong frontage to Hamlets Way and Southern Grove, and encloses the areas of open-space to the rear. At a maximum of 4 storey the block relates well to the 6 storey Derwent House. In overall terms the design is considered acceptable.
- 8.74 In terms of amenity the main impact would be on the occupiers of flats in the South-east corner of Derwent House and the lower floors of Ennerdale House. The reductions in daylight and sunlight pass ADF targets and are considered acceptable. Occupiers of neighbouring properties could suffer from noise and disturbance associated with the use of the external ball court. A condition would prevent the use of this facility after 9.00pm which would preserve residential amenity.

Site 2a –

- 8.75 Site 2 is located on the North side of Hamlets Way to the West of Ennerdale House. It currently comprises surface car-parking and hard-standing. Part of Derwent House runs North-South towards the application site. This part of Derwent House is 4 storey in height.
- 8.76 The application proposes a part 4, part 6 storey building. The building is arranged in an L-shape, with the longer 6 storey frontage to Hamlets Way and a shorter 4 storey return to the Derwent House spur. The building would provide 36 private flats. The building would enclose an area of public amenity space to the rear.
- 8.77 The building has simple rectangular form with one change in height which is comparable to existing buildings on the estate. The six storey height is considered acceptable along Hamlets Way and the reduction to 4 storey helps to tie the proposal into the existing development. matching the height of the Derwent House spur. In design terms the building is considered acceptable.
- 8.78 Site 2a is sufficiently far from Derwent House (opposite to North) and Beckley House (to south) for there to be no significant impact in terms of loss of daylight or sunlight.

Site 2B

- 8.79 Site 2B comprises a raised pedestrian walkway linking Hamlets Way to Maplin Street. There are garages underneath the raised walkway. To the West is the 5 storey block of Windemere House. The ground floor of this block also comprises garages. The garages are accessed from Maplin Street. Currently a change in land-levels means that this access terminates in a dead-end at its southern-end. To the East is an area of open space used by residents of Derwent House, and then the 4 storey Derwent House block itself.
- 8.80 The application proposes the erection of 11 residential units in a block approximately following the line of the existing raised walkway. The block would be part 2 and part 4 storey. The scheme includes removing the existing dead-end to create a new 'street' running from Hamlets Way to Maplin Street (this would be a shared pedestrian/vehicle surface. A barrier would prevent vehicles using the street as a through route).
- 8.81 The scale and bulk of the building is considered acceptable given the scale of the neighbouring buildings. The proposed residential units would be arranged so that they are accessed from the new street, with ground floor windows adding activity to an area that currently benefits from little natural surveillance. At first floor level the flats are arranged with habitable windows facing East, away Windemere House. This arrangement ensures that there is no loss of privacy to the occupiers of these properties.
- 8.82 In terms of loss of daylight and sunlight the proposed building would have some impact on the occupiers of Windemere House. However, there are no habitable rooms at ground floor level on this property, and the reductions to the first floor level are not excessive given the context of the application site.

- 8.83 Site 3 (There is no site 3)

Site 4

- 8.84 Site four comprises a ground floor undercroft area beneath Coniston House. The majority of the area has no specific use, though there are some pram stores. The application proposes to infill this area to create 4 affordable units. The flats would be accessed via an entrance deck on the North side of Coniston House.

- 8.85 The in-fill would make more beneficial use of the available space. There has been no objection to the loss of the pram stores. The proposed façade treatment complements that used on the existing building above, and in overall terms is acceptable. This proposed building has no impacts in terms of day lighting or sunlight.
- 8.86 Objectors have raised concerns about potential noise and disturbance from the proposed play area to the North of this site. This is an open-area and there would be no control on the hours of use. Officer's consider that in a residential area, a degree of noise associated with children playing is acceptable.
- 8.87 Site 5 – Omitted from amended submission
- Site 6
- 8.88 Following discussions with Officer's site 6 has been removed from scheme now recommended for approval.
- Site 7
- 8.89 Site 7 is rectangular in shape and fronts Burdett Road. It is located just to the North of the East London Tabernacle and to the South of flats 1 – 30 Wentworth Mews. The site was previously occupied by three single storey bungalows – which have now been demolished.
- 8.90 The application proposes a four storey block providing 8 affordable housing units. The flats are arranged two per floor accessed from a central stairwell. The ground floor units benefit from rear gardens and the upper floors have balconies.
- 8.91 The scale and form of the block is appropriate in relation to the adjoining buildings. The building infills the existing gap in the frontage along Burdett Road and is acceptable in design terms.
- 8.92 The main amenity impact would be on the occupiers of the flats in Wentworth Mews. Wentworth Mews has garages on the ground floor. At first floor level and above habitable room windows face the application site. The proposed building is located to the south of these windows and they will therefore suffer a loss of sunlight and daylight. However, a distance of 9.5m separates the proposed building from Wentworth Mews. This is considered sufficient to ensure that the occupiers of this property do not suffer from any unreasonable loss of light or outlook and is acceptable.
- 8.93 Windows serving offices are located in the North flank of the Tabernacle, facing the application site. These windows will experience some loss of light, however given the non-residential use and the location to the south of the proposed development there would not be any significant detrimental impact on the occupants.
- Site 8
- 8.94 Site 8 is rectangular in shape and is located at the junction of Burdett Road and Wentworth Mews. Flats 1-30 Wentworth Mews are located to the South of the site. Flat 1c Wentworth Mews is located on the opposite side of the Mews. The site currently comprises a surface parking court. There is a change in level of approximately 600mm between the site level and the Burdett Road pavement.
- 8.95 The application proposes a 4 storey block. The block would comprise a commercial unit on the ground floor (uses A1, A2 or B1) and 6 private residential units above. The residential unit and commercial units would be accessed from Burdett Road. The commercial unit would also have a service bay to the rear, which would be accessed from Wentworth Mews.

- 8.96 In design terms the incorporation of a commercial unit helps to add activity to the Burdett Road / Wentworth Mews junction and complements the commercial units found on the ground floor of 1c Wentworth Mews. The block itself follows the style of block 7 and is considered to relate well to the neighbouring buildings and is acceptable.
- 8.97 The main impact of the proposal would be on the occupiers of the flats 1-30 Wentworth Mews, just to the South of the site. The ground floor of this building comprises garages. Upper floors are residential with windows serving habitable rooms facing the application site. These windows appear to serve kitchens and bedrooms. A distance of approximately 4m separates the proposed building from these windows.
- 8.98 Due to the orientation of the existing building these windows already receive little daylight or sunlight. The proposed building will cause a further reduction in available light, however with the exception of the kitchen window of 2 Wentworth Street all pass ADF targets. On this basis the impact on amenity is acceptable. It is also noted that the occupiers of the flats will continue to enjoy light and outlook from living windows to the rear.

#### Site 9

- 8.99 Site 9 is located at the junction of Eric Street and Wentworth Mews. The site is adjacent to the Wentworth Arms public house, a three storey Victorian building. Coopers Court, an elderly peoples home, is located on the opposite side of Eric Street. The site is currently occupied by single storey garages that are accessed from Eric Street.
- 8.100 The application proposes a 4 storey building adjacent to the public house. The building would provide 4 affordable flats. The building would be flush with the building line of the public house along Eric Street, and would slightly higher in height. Large balconies would be provided on the SE corner of the upper floors introducing additional activity to a poorly overlooked corner of the estate. The building does appear large in relation to the modestly proportioned Wentworth Arms. However, there are relatively few viewing angles where this is noticeable and in overall terms the design makes good use of an area of dead space and is acceptable.
- 8.101 The proposed building is sufficiently far from neighbouring buildings for there to be no significant impacts in terms of loss of light or overshadowing. There are no windows in the flank walls of the Wentworth Arms Public House and any potential overlooking would be at an oblique angle and as such would not result in any significant loss of amenity.

#### Site 10

- 8.102 Site 10 comprises 1 – 14 Brookesley Street. This is a two storey block of flats that are currently vacant. The site is located within the Tower Hamlets Cemetery Conservation Area. The existing one-bed flats were constructed in the late 1950s in a style characteristic of this time. On the opposite side of Brookesley Street is an attractive terrace of Victorian dwellings. The Council's Conservation Appraisal notes that residential townscapes, including Brookesley Street, contribute to the character of the Conservation Area.
- 8.103 The application proposes replacing the existing flats with a terrace of 8 x 5 bedroom dwelling-houses with rear gardens. The dwellings would be in the social rent tenure.
- 8.104 Members will note from the Recommendation section of this report that they are asked to consider two separate matters in relation to the development on this site. Firstly, because the existing flats are located in a Conservation Area, Conservation Area Consent is required for their demolition. This consent is a stand-alone application (reference PA/08/2240), and its merits are considered below. Secondly, Members must consider whether the proposed terrace, which forms part of the larger estate regeneration planning



application, is acceptable in terms of planning policy.

*Conservation Area Consent*

- 8.105 The existing flats are not considered to have any historical significance and do not make any significant positive contribution to the quality of the Conservation Area. Objectors have noted that they reflect the evolution of the character of the area, however Officers do not consider that on its own this warrants their retention. It is considered that the demolition of the flats, and the erection of a suitable replacement, would accord with the requirements of saved UDP policy DEV28 and IPG policy CON2, as it would improve the character of the conservation area.
- 8.106 A condition would be placed on any permission to ensure that the demolition of the flats was tied to the construction of a replacement building – to prevent an undeveloped site blighting the Conservation Area.

*Planning Permission for replacement terrace dwellings*

- 8.107 The proposed terrace would be three storey in height and would have a flat roof hidden behind a corniced parapet. The terrace would be constructed from yellow London stock brick with painted timber windows and cast-iron rainwater goods.
- 8.108 A large number of objections have been received in relation to the design of the proposed terrace. English Heritage also raised concerns about the proportions of the building and the relative lack of detailing.
- 8.109 It is acknowledged that the proposed terrace does not slavishly replicate the form or rich architectural detailing seen on the Victorian dwellings opposite. However, it does not necessarily follow that the design is poor. The terrace would be a modern addition to the street and would be seen as such.
- 8.110 The parapet line of the proposed terrace is approximately 1m higher than the parapet (not the top of the ridge) of the Victorian dwellings opposite. From ground level this difference in height would not have any significant impact on streetscape views. The scheme would not harm the appearance of the terraces along the street and is acceptable in terms of saved UDP policy DEV30, which seeks to preserve rooflines of uniform character.
- 8.111 The use of traditional materials helps to tie the building into the historic character of the area and ensures that the terrace is a sensitive addition to the streetscene. In overall terms Officers are satisfied that the proposed terrace will enhance the character and appearance of the Conservation Area and that it is acceptable in terms of relevant design policy.
- 8.112 The main amenity impacts from the proposal relate to potential loss of light, overshadowing and increased sense of enclosure. The proposal would have an impact on properties to North. This includes first floor flats at 642 – 648 Mile End Road. There are also residential flats located in a converted office/storage located in the rear yard area of 642 – 648 Mile End Road. These properties have been shown on the amended plans submitted with the application.
- 8.113 These properties would suffer from a loss of daylight and available sunlight. However, on balance the impact does not significantly exceed the current situation and the impact is considered acceptable.
- 8.114 The properties on the opposite side the road comprise 77 Brokesley – a converted warehouse and the terrace of 71 – 75 Brokesley, a terrace of dwellings. The submitted study shows that there will be little loss of daylight to these properties. There will be some loss of morning sunlight, however the effect would be transitory and on this basis is

acceptable.

#### Site 11

- 8.115 Site 11 is located on the South side of the junction between Southern Grove and Hamlets Way. The site abuts Loweswater House, which is 7 storey in height. Ennerdale House is 19 storey in height and is located on the opposite side of Hamlets Way. To the West is the 11 storey Beckley House. The site currently comprises surface parking and open space. The boundary of the Tower Hamlets Cemetery Conservation Area runs along opposite side of Southern Grove to the East of the application site.
- 8.116 The application proposes the erection of 7 storey building. The building would have a rectangular footprint with the long edge providing a 28.6m frontage to Hamlets Way. The building would provide 27 private flats. The flats benefit from private balconies and access to a large communal roof terrace.
- 8.117 The main body of the building (excluding the lift core which projects above) is approximately 3.6m higher than the adjoining Loweswater House. The additional height is justified given the location on the building at the junction of two of the estate's larger roads. The longer frontage to Hamlets Way is well articulated with contrasting materials, windows and balconies helping to break up any appearance of bulk. The scale and design of the building sits well with the neighbouring Loweswater House, would preserve the setting of the Tower Hamlets Cemetery Area and is acceptable.
- 8.118 In terms of amenity impacts, it is noted that Loweswater House is located to the South of the development and as such would not suffer any loss of sunlight. West facing windows, at 90 degrees to the proposed building would lose some daylight. However, the losses do not result in ADF levels below BRE guidelines and the impact is therefore acceptable in an urban environment. The relatively oblique angle between proposed habitable room windows / balconies and Loweswater House ensures that there would be no significant loss of privacy for existing occupiers.
- 8.119 A distance of 20m separates Ennerdale House from the proposed building which is sufficient to ensure that there is no significant loss of light or loss of privacy implications.

#### Site 12

Site 12 is a rectangular plot of land fronting English Street. It is currently used to provide surface car-parking. The site is located adjacent to the south-east corner of Beckley House, and directly to the south is 2 – 36 English Street, a 4 storey block of flats. An electricity sub-station is located in the corner and this would be unaffected by the proposal.

- 8.120 The application proposes the erection of a 4 storey block providing 4 private flats. The dual aspect units would be arranged one per floor. The ground floor unit is a wheelchair unit and would have an associated car-port. The proposed building would be separated from the English Street block by the single storey substation.
- 8.121 In design terms the proposed building sits slightly forward of, and is slightly higher than, the existing English Street block. This adds a degree of visual variation along the length of street and helps the block to act as a terminating point to the streetscene. In overall terms the design is acceptable.
- 8.122 The main amenity impacts would be on the occupiers of the flats to the north-west of the development in Beckley House. Habitable room windows would suffer a loss of daylight however the resultant ADF values exceed BRE guide lines and are therefore considered acceptable. There would be some loss of sunlight to the private garden at the base of Beckley House and to balconies higher up. However, any impact would be limited to the

morning hours and as such the overall impact on the amenity of the occupiers is considered acceptable. The rear windows of the proposed building have been angled to prevent overlooking back towards windows in the south wall of Beckley House preventing any significant loss of privacy.

#### Site 13

- 8.123 Site 13 is located towards the northern end of English Street. It currently comprises single storey garages and hard-standing. To the North is the 4 storey block of 2 – 36 English Street, to the west the flank wall of 1 – 27 Treby Street and to the South the 3 storey 38 – 48 English Street. The application proposes a 4 storey block comprising 4 flats. The ground floor flat is a wheelchair unit with associated parking bay. The flats are arranged one per floor and have a single aspect over English Street.
- 8.124 In design terms the proposed block follows the building line and general scale of development along English Street which results in an acceptable appearance. When viewed in conjunction with site 12 the development will provide complementing ‘bookends’ to 2 – 36 English Street resulting in a consistent streetscene.
- 8.125 In terms of amenity the main impact will be on habitable room windows to the West. There would be a reduction in daylight however the resulting ADF values exceed BRE targets and are considered acceptable. There would be some loss of morning sunlight to the rear of 1 – 27 Treby Street, however, the impact is transitory and is therefore acceptable. The single aspect over English Street prevents any loss of privacy to these occupiers.

#### Site 14

- 8.126 Site 14 comprises a vacant plot located at the corner of Ropery Street and Eric Street. Ropery Street comprises 2 storey Victorian terraces. The dwellings abutting the site on Eric Street were constructed circa 1970s and are 3 storey in height.

The site is located within the designated Ropery Street Conservation Area. The Conservation Area largely comprises terraced dwellings. The Council’s Conservation Area Appraisal describes how the uniformity of these terraces contributes to the special character of the area.

- 8.127 The application proposes a part 2, part 3 storey block providing 4 social rent residential units. The design of the proposed corner building seeks to provide a link between the two styles of development that abut the site. Along Ropery Street the building would be 2 storey and would follow the style of the adjoining Victorian terrace. As the building nears the corner it rises to three storey to tie in with the established storey height along Eric Street.
- 8.128 The building follows the scale of the adjoining properties, incorporates traditional design features and utilises appropriate materials. As such it is considered a sensitive addition to the terraced street-scene that enhances the character of the Ropery Street Conservation Area and is acceptable.
- 8.129 The impact on neighbouring amenity in terms of potential loss light and overshadowing is considered acceptable as resultant ADF levels do not fall below BRE targets. A condition would ensure that the bathroom window in the East elevation is obscure glazed to prevent overlooking into the bedroom window of 1 Ropery Street and with this safeguard the potential impacts on privacy are acceptable.

#### Site 15

- 8.130 Site 15 is the area of land located at the junction of Eric Street and Hamlets Way. It was previously occupied by a two storey residential building with a large area of open-space in front. The building has recently been demolished. To the South of the site are two parallel 4 storey residential blocks, one of which fronts Eric Street and the other Treby Street. The area in-between these blocks are private gardens. Further to the North, on the opposite side of Hamlets Way, is another 4 storey residential block.
- 8.131 To the West, on the opposite side of Eric Street, is a two storey terrace of Victorian Dwellings. These dwelling are located in the Ropery Street Conservation Area, the boundary of which runs along the centre of Eric Street.
- 8.132 The application proposes a stepped building rising to a maximum of 6 storey along Hamlets Way. The building would provide 56 private residential units. The building would have an approximate U shape, with the higher and longer component fronting Hamlets Way and two arms returning to the South to meet the existing blocks on Eric and Treby Streets.
- 8.133 The building would be 4 storey in height adjacent to the existing 4 storey block fronting Eric Street. This portion of the development has a façade without any balconies and would be finished in a buff coloured brick. In terms of scale the proposal relates well to the existing development. The uncluttered design and materials ensure that the building is considered to preserve the setting of the Ropery Street Conservation Area.
- 8.134 The height of the building steps up to a maximum of 6 storey along Hamlets Way. This is considered acceptable along Hamlets Way as this wider road can accommodate buildings of a larger scale. The frontage along Hamlets Way is well articulated which helps to reduce any impression of excessive bulk. The materials used will tie in well with the other new buildings further to the East. The final part of the building is the 5 storey arm returning to link the building to the existing 4 storey development on Treby Street. The centre of the U-shape is used to provide a communal garden area. In overall terms the design of the building is considered acceptable.
- 8.135 The main impact of the development would be potential loss of sunlight and daylight to properties on the opposite side of Hamlets Way, and properties on the opposite side of Eric Street. The submitted daylight study notes that while the levels of loss may be noticeable the resultant levels do not exceed BRE ADF guidelines, and are therefore acceptable.
- 8.136 The distance and ‘across the road’ relationship ensures that neighbouring residents would not suffer from any unreasonable loss of privacy from windows on the building’s frontages. To the rear overlooking would only be possible from relatively oblique angles, which would ensure that there was no direct overlooking into the rear rooms of 36 – 66 Eric Street or 2 – 32 Treby Street.

#### Other improvement works

- 8.137 The other estate-wide improvement works including new entrances, landscaping, installation fo street furniture, street-lighting and cladding would all help to improve the appearance of the estate and are acceptable in design terms.
- 8.138 The introduction of new entrance to 31 – 39 Brokesley Street would help to announce the building on the street and would preserve the character of the Tower Hamlets Cemetery Conservation Area.

#### Design and amenity conclusion

- 8.139 Overall, the proposed buildings are considered acceptable in terms of design and amenity. 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 UDP and policies DEV1, DEV2 and DEV27 of the IPG which seek to ensure buildings are of a high quality design and suitably located. The proposed buildings sensitively designed and are considered to enhance the character and appearance of the Ropery Street and Tower Hamlets Cemetery Conservation Areas.

- 8.140 The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the compliance with relevant BRE Guidance and the urban context of the development. As such, the scheme accords with policy DEV2 of the UDP and policy DEV1 of Council's IPG. Given the acceptable design and amenity impacts, the application is not considered an overdevelopment.

### **Amenity space**

- 8.141 The application seeks to improve the quality and usability of the existing open-spaces across the estate. This includes the provision of a new ball court and the provision of 6 dedicated child-play areas. Existing grassed areas would be landscaped with the addition of planting and seating.

### **Estate-wide**

- 8.142 In terms of defining open space, the Mayor's Best Practice Guidance on Preparing Open Space Strategies provides a clear definition for both Public and Private forms of open space. Public Open Space is defined as

*"public parks, commons, heaths and woodlands and other open spaces with established and unrestricted public access and capable of being classified according to the open space hierarchy, which meets recreational and non-recreational needs".*

- 8.143 Private open space is defined as

*"open space to which public access is restricted or not formally established but which contributes to local amenity or wildlife habitat or meets or is capable of meeting recreational or non-recreational needs, including school and private playing fields".*

- 8.144 The guidance also states that private residential gardens or incidental areas such as road verges or streets (unless these form part of a link in the open space network) should not be included.

- 8.145 Saved UDP policy OS7 states that planning permission will not normally be given for any development that results in the loss of public or private open-space having significant amenity value.

- 8.146 Policy OSN2 in the IPG states that given the existing deficiency of open-space the Council will not permit any further loss of the Borough's open space resource. London Plan policy 3D.8 states that the Mayor will work with strategic partners to protect, promote and improve access to London's network of open-spaces. The policy also notes that poor quality is not in itself a reason to justify the loss of open-space.

- 8.147 Policy HSG16 in the UDP requires that all new housing developments include an adequate provision of amenity space. IPG policy CP25 states that all new housing developments should provide high quality private and communal amenity space for all residents and policy HSG7 provides specific minimum standards for new residential developments.

Public Open Space

8.148 Quality, quantity and access to open space are key components to the delivery of sustainable communities. The existing open-spaces on the estate comprise relatively large grassed areas.

8.149 The table below details existing and proposed levels of public open space:-

As existing	10, 744m <sup>2</sup>
Lost to new building footprint and ancillary spaces	- 1, 734m <sup>2</sup>
Gained from conversion of hard-standing / existing surface parking	+ 890m <sup>2</sup>
Net loss of open-space to built development	844m <sup>2</sup>

8.150 The application also proposes to re-allocate some areas of existing public space as private gardens for existing residents. These areas comprise:-

Number 10 and 11 (space lost to provide private gardens)	Loss of 182m <sup>2</sup>
Number 12 (space lost to provide communal garden)	Loss of 495 m <sup>2</sup>
Overall Gross loss public open-space	2, 411m <sup>2</sup>
Overall Net Loss public open-space	1, 521m <sup>2</sup>

8.151 The application proposes the reconfiguration and upgrade of the open space throughout the estate. The calculations show there will be an loss in the provision of open space across the estate of 844 sq m. Whilst it is acknowledged that the population density will increase as a result of the proposal, it is considered that the proposed open space provision is acceptable given that there will be a significant improvement in quality of the amenity areas. It should be noted that the figures do not take into account the increase in provision of private gardens, private communal gardens and roof terraces which contribute to improving the living environment for existing and new residents.

8.152 The private gardens would be provided around the edge of two areas of public open space to the West of Windermere House (existing open space numbers 10 and 11 on submitted plan F528/PO/07 Rev A ). Residents of Windemere House requested the provision of these gardens during the Developer’s community consultation events, and they would be seen as a considerable benefit of the scheme. The creation of the gardens would rationalise the existing boundary of the areas of public space, and is not considered to have any significant impact on the openness, overall quality or function of these spaces.

8.153 The scheme also proposes the re-allocation of existing public open space to the rear of site 7 as a private communal garden (marked as existing open space number 12 on submitted plan F528/PO/07 Rev A). This space would be linked with existing areas of hard-standing

to the rear of the Tabernacle to form one enlarged open-space. As this space is surrounded on all sides by rear gardens it is not considered appropriate to make this generally accessible to the public. Accordingly it would be allocated as a private communal garden for the benefit of all existing and proposed residents occupying the dwellings around the space. The area of hardstanding given over to this private communal garden amounts to 765 sq m.

- 8.154 The application seeks to gain some additional replacement public open-space by reclassifying an existing communal garden as public open-space. This area (numbered 8 on submitted plan F528/PO/07 Rev A) is located in-between Derwent House and the raised pedestrian footway. This area is currently fenced off for the exclusive use of residents of Derwent House, and as such is technically classified as private communal open space. The scheme proposes making this space available for the use of all estate residents, and accordingly 848 sq m would be re-classified as public open space. An additional 132 sq m is gained from an area of hardstanding, providing an area of public open space comprising 980 sq m.
- 8.155 The proposed public open space provision has been given very careful consideration. It is accepted that any loss of open space is contrary to the objectives of open-space policies. However, the objectives of these policies must also be balanced against the improvements made to the quality and usability of the existing open-spaces, the provision of affordable housing and the overall objectives of the estate regeneration.
- 8.156 The application also makes provision of 375 square meters of 'private' communal space in the form of roof terraces on buildings 2, 11 and 15. Site 15 also has a ground level communal courtyard of 320 square metres. In total this comprises 695 square metres of space which provides some compensation for the loss of the public open space.
- 8.157 In overall terms the regeneration of the estate, it is considered that the proposal will lead to a significant and tangible improvement in living conditions for residents, which on balance is considered to outweigh policy objectives to retain open-space.

#### Child Play Space

- 8.158 London Plan Policy 3D.13 requires residential development to make provision for play and informal recreation, based on the expected child population. The Mayor's SPG sets a benchmark of 10sq.m of useable child play space to be provided per child. The guidance also notes that under 5 child play space should be provided on site. The Council's Interim Planning Guidance sets a standard of 3 square metres per child.
- 8.159 The existing estate currently has no dedicated areas of child play space. To application includes the provision of playspace for the expected child yield for both the existing and proposed units of accommodation.
- 8.160 The table below details the estates child play space requirements. The space requirement is based on the IPG 3 square metre per child standard.

Unit Size	Market Units				Affordable			
	No. of Units	Child Yield	Total Yield	Space required (sqm)	No. of Units	Child Yield	Total Yield	Space required (sqm)
Studio	21	0.036	0.756	2.268	27	0.059	1.593	4.779
1 bed	87	0.036	3.132	9.396	103	0.059	6.077	18.231
2 bed	149	0.228	33.972	101.916	149	0.49	73.01	219.03
3 bed	125	0.564	70.5	211.5	103	0.912	93.936	281.808
4 bed	8	0.742	5.936	17.808	6	1.221	7.326	21.978
5 bed	3	0.742	2.226	6.678	11	1.221	13.431	40.293
6 bed	0	0.742	0	0	2	1.221	2.442	7.326
<b>Totals</b>	<b>393</b>		<b>116.552</b>	<b>349.566</b>			<b>197.815</b>	<b>593.445</b>
<b>Grand Total</b>				<b>943</b>				

8.161

The application proposes to create 960 square metres of dedicated child-play space. The spaces include a ball court and five play areas targeted for younger children. The proposed playspace will provide dedicated facilities for children of a variety of ages. The amount of provision exceeds the Council's IPG standard of 943 square metres and as such is considered acceptable.

8.162 Private amenity space

Policy HSG16 of the UDP requires the provision of adequate amenity space in new housing development. Interim Planning Guidance policy HSG7 sets specific minimum standards for housing developments based on the size of the proposed dwelling.

8.163

The application provides private amenity space in the form of balconies and terraces. Almost all of the flats benefit from access to private amenity space. The only exception are the flats on the upper floors of site 14, which is because balconies would be out of character with the Ropery Street Conservation Area.

8.164

In some cases the proposed terraces are smaller than policy would require, however in other places the standards are exceeded. For the most part this is a reflection of the trade-offs made when designing the building layouts. In total the application proposes 2912 square metres of private amenity space. IPG policy HSG7 would require the provision of 2865 square metres of space. The private amenity space provided is considered acceptable in quality, and exceeds the policy standard in terms of quantity.

### **Parking and Highways**

8.165 Policy 3C.1 of the London Plan seeks to ensure the integration of transport and development by encouraging patterns and forms of development that reduce the need to travel by car and to locate high trip generating development in locations with high levels of transport accessibility and capacity. Policy 3C.2 further requires proposals for development to be considered in terms of existing transport capacity. The Mayor seeks to ensure that on-site car parking at new developments is the minimum necessary.

8.166 Saved policy T16 of the UDP states that new development proposals will be assessed in relation to the ability of the existing and proposed transport system to accommodate the additional traffic that is likely to be generated. Saved policy T18 states that priority will be given to the safety and convenience of pedestrians in the management of roads and the design of footways.



- 8.167 Policies CP41 and DEV19 of the IPG seek to ensure the integration of new development with transport, recognising that this is fundamental to achieving more sustainable patterns of travel in Tower Hamlets. Maximum car parking, and minimum cycle parking standards are detailed in IPG Planning Standard 3.

#### Car Parking

- 8.168 There are currently 126 car-parking spaces and 150 garages located around the estate. The application proposes to retain 61 of the existing car-parking spaces, and to provide 30 additional spaces, giving a total of 91 spaces. Sixty-two of the garages would be retained. There are also 181 on-street parking bays controlled by Council issued permit or meter payment.
- 8.169 Of the 30 new spaces, 13 are covered spaces associated with the wheelchair accessible housing. This meets the 10% wheelchair standard space required by IPG policy DEV19.
- 8.170 The new residential units would be 'car-free' and occupiers would not be eligible to apply for Council issued car-parking permits. This would overcome the objections made by residents relating to problems associated with increased pressure for car-parking spaces.
- 8.171 The level of car parking provision is well below the maximum levels specified in by IGP policy DEV19. The site is located in an area with a high PTAL level and the overall reduction in the amount of car-parking accords with sustainability objectives and as such is acceptable.
- 8.172 The submission of a complete Travel Plan would be secured in a S106 Agreement to ensure compliance with IPG policy DEV18.

#### Cycle Parking

- 8.173 London Plan policy 3C.22 and Interim Planning Guidance Policy DEV16 require the provision of adequate cycle parking for new residential development. The application makes provision of cycle parking for all new residential blocks at a ratio of one stand per dwelling. The stands are located in communal stores, private sheds or stands in front of the property. Ideally all cycle stores should be located within buildings, however on some sites this has not proved possible due to site constraints. In overall terms the amount of cycle parking meets policy minimums and is considered acceptable.

#### Access, Servicing and Highway Safety

- 8.174 The application includes details of proposed refuse stores and servicing arrangements for new and existing dwellings. These have been reviewed by the Council's Highway Section and are considered acceptable.
- 8.175 Objectors have raised concerns relating to the distance from proposed dwellings on Brokesley Street to the play areas within the estate. It is noted that the proposed dwellings have back gardens, which would allow safe play areas for younger children. The distance to play areas within the main estate is not far and Officer's consider that the journey can be safely made by older children or under parental supervision.
- 8.176 In overall terms the proposal is not considered to have any adverse impacts on highway or pedestrian safety and complies with the requirements of UDP policies T16 and T18.

#### **Sustainability**

- 8.177 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon

dioxide emissions, improving energy efficiency and increasing the proportion of energy generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG. In particular, policy DEV6 which requires that:

- 8.178 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.
- 8.179 The application has been accompanied with a detailed Energy Strategy. This strategy details how insulation improvements to the existing dwellings can deliver a substantial carbon saving. The study also considers the feasibility of introducing a district heating system and on-site renewable energy technologies.
- 8.180 The study acknowledges that the integration of renewable technologies into the scheme is technically possible. However, practical and financial constraints limit the opportunity to introduce a large scale renewable energy component.
- 8.181 The following feasibility reasons for not providing a district heating system have been provided by the applicant:
- 8.182 Residents will remain in their homes whilst improvement works are carried out. The change from the current provision of individual boilers to a district heating system would be very disruptive.
- 8.183 Some units have been purchased under the right to buy scheme and as such it would not be possible to require leaseholders to connect to the district heating scheme.
- 8.184 The buildings are spread across the estate which would make the provision of a single district heating system difficult and costly to implement.
- 8.185 As a result of these constraints, the proposal seeks to make energy savings across the estate as a whole. The existing estate buildings are old and significant improvements to energy consumption can be made, for instance by introducing cavity insulation and installing new condensing boilers. In addition to improvements to existing dwellings, the new development will be designed to meet Sustainable Code 3 requirements.
- 8.186 Overall, the refurbished scheme will achieve a total reduction in carbon emissions for the existing stock of 44.07%, a total reduction of 22.6% in the new build and a total reduction from the baseline (existing and new build) of 42.29%. There will be a reduction in carbon emissions from the estate in its present condition of 27.48%, despite the increase in number of housing units. (Note since the submission of the Energy Strategy the number of proposed units has been reduced).
- 8.187 Officers consider that it is more cost effective investing in refurbishment to deliver a carbon reduction by upgrading the existing stock rather than installing costly renewable technologies. The alternative is that money spent on achieving Decent Homes Plus standard would instead be spent on renewable technology for the new build. There are larger carbon savings per pound for the refurbishment works than there are for the renewable elements.
- 8.188 The comments made by the Council's Sustainability Officer and the GLA Stage One response have been noted. It is accepted that the proposal does not meet the Energy criteria set out in the London Plan. Nevertheless, in this case greater weight has been placed on policy objectives to provide affordable housing and to upgrade housing to Decent

Homes Plus standards and given the financial constraints of the scheme the proposal is acceptable.

#### Biodiversity and Trees

- 8.189 London Plan policy 3D.14 states that the planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Saved UPD policy DEV57 states that the Council will not permit developments that cause unjustifiable harm to designated sites of Nature Conservation Importance or Green Chains. Saved UDP policy DEV12 requires the provision of landscaping and policy DEV15 seeks the retention or replacement of mature trees.
- 8.190 Policy CP31 of the IPG states that the Council will seek to ensure the protection, conservation, enhancement, and effective management of the Borough's biodiversity.
- 8.191 Tower Hamlets Cemetery is designated as a Site of Metropolitan Importance for Nature Conservation. Mile End Park is a Site of Borough Importance. The scale of the development is such that the proposal would not have any significant adverse impacts on these designated areas.
- 8.192 The proposed landscaping works would improve the range of habitats around the estate which would promote biodiversity. The comments from Natural England regarding the need for further ecological assessment, enhanced mitigation and financial contributions to improve the SINC have been considered. However, the submitted toolkit assessment has shown that additional contributions would be at the expense of other estate improvement works. It is considered that the proposed landscaping works provide sufficient biodiversity improvements and in this respect the proposal is acceptable.
- 8.193 The application has been accompanied with an Arboricultural Assessment. The scheme does not propose the removal of any trees with significant amenity value, and in overall terms the impact on trees is considered acceptable.

#### Air Quality

- 8.194 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work.
- 8.195 The application has been accompanied by an air quality assessment. This considers the likely impact of the construction phases of development. It is concluded that a Construction Management Plan could mitigate for any potential adverse impacts, for instance by ensuring that dust suppression measures are implemented. This would be secured by condition.
- 8.196 Once completed the development would be 'car-free' which would ensure that the scheme does not have any adverse impacts on air quality. The development is therefore considered to comply with relevant air quality policies.

#### Flood Risk

- 8.197 Interim Planning Guidance DEV21 seeks to ensure developments do not lead to increased risk from flooding. The site is located in Flood Risk Zone 1 (lowest risk) a Flood Risk Assessment has been submitted because the development site exceeds 1 hectare in size.
- 8.198 The submitted Flood Risk Assessment has been reviewed by the Environment Agency who have raised no objection subject to the imposition of a condition relating to surface water drainage. A condition would be imposed on any permission and as such the development

would be acceptable.

#### Site Contamination

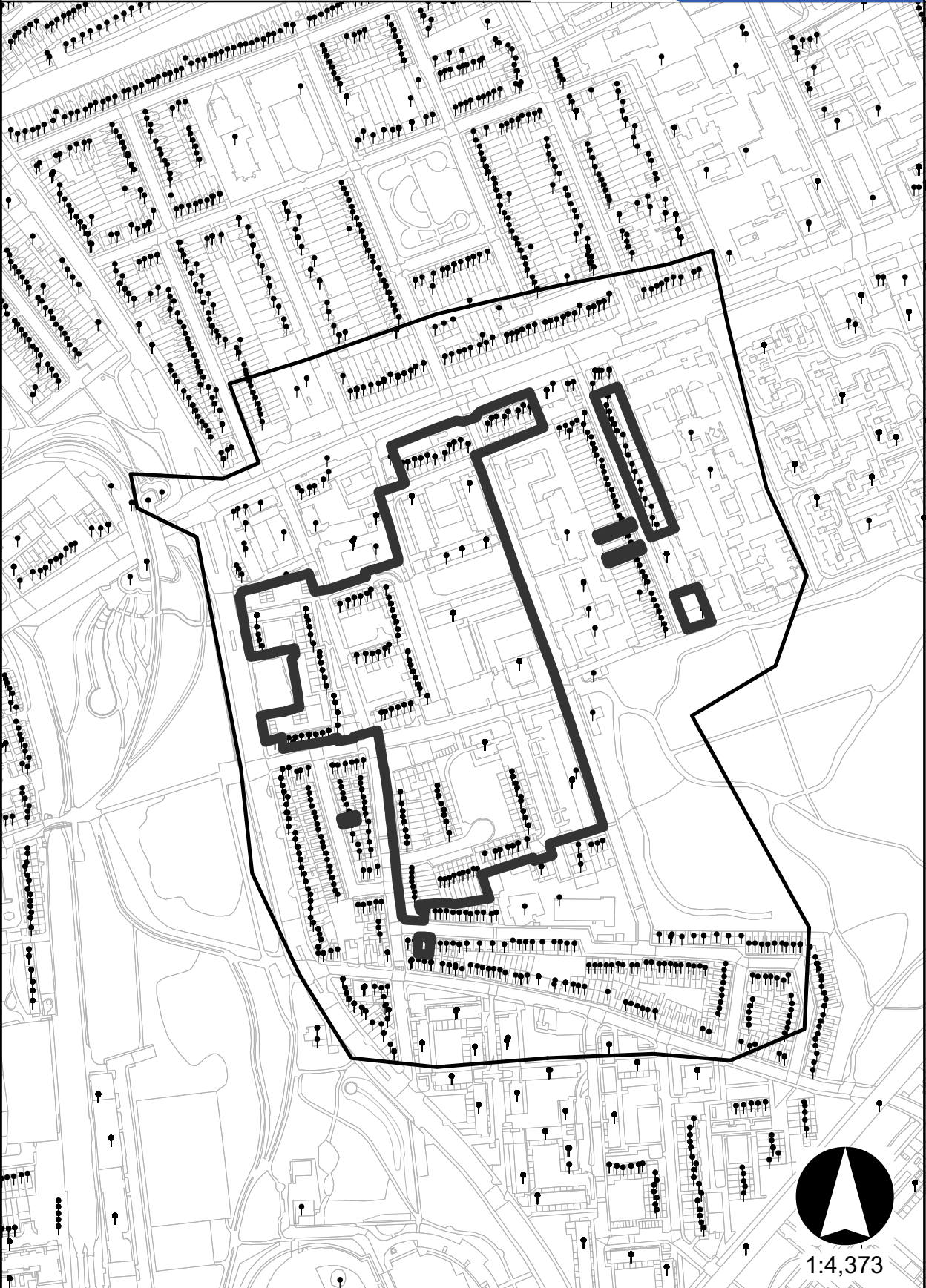
- 8.199 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by a Phase 1 Desk Based Assessment of Ground Conditions to assess whether the site is likely to be contaminated.
- 8.200 The study has been reviewed by the Council's Environmental Health Officer who has concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and this, and any necessary mitigation, would be required by condition.

#### Impacts on local infrastructure and other planning issues

- 8.201 A toolkit has been submitted with the application. It compares the potential revenue from the site with the potential costs of the development. The figures input into the toolkit appear low in terms of market value. However, the developer costs are substantially lower than the standard toolkit values. Other costs are generally at the standard level or below and no exceptional developer's costs have been input into the toolkit.
- 8.202 The toolkit demonstrates the financial constraints of the scheme and shows that the scheme would generate 8.2M in cross-subsidy for the upgrade of the existing properties on the estate to Decent Homes Plus standard.
- 8.203 Any additional requirements such as increased s.106 contributions or the incorporation of additional renewable energy would have a direct negative impact on the funding available for the upgrade of the estate.
- 8.204 Overall, the scheme provides 35% affordable housing in accordance with Council policy and provides a comprehensive refurbishment of the existing estate to bring the existing homes up to Decent Homes Plus standard. Contributions have been sought towards the provision of future health and social care facilities (£232, 125) and the provision of primary school places (£333, 324).
- 8.205 It is considered that on balance the benefits of a scheme which will facilitate the upgrade of the estate outweigh the shortfall in additional renewable energy provision and the absence of other mitigating financial contributions.
- 8.206 Mitigation for other developments in the vicinity of the site is considered on a case by case basis and it is not considered that the cumulative impacts of these developments would result in any significant adverse impacts.

## **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.



1:4,373

0 30 m



Planning Application Site Boundary



Consultation Area



Land Parcel Address

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<b>Agenda Item number:</b>	7.6.
<b>Reference number:</b>	PA/08/02239 & PA/08/02240
<b>Location:</b>	The Eric and Treby Estates, Treby Street, Mile End, E3.
<b>Proposal:</b>	Applications for planning permission and conservation area consent comprising:  Regeneration of existing estate comprising the refurbishment of existing buildings, the demolition of 27 bedsits, two x one bed flats at 1-14 Brookesley Street, 106-128 Hamlets Way and 1-7 Burdett Road and the erection of buildings between 2 and 7 storeys to provide 181 new residential units (comprising 19xstudio, 61x1bed, 52x2bed, 40x3bed and 9x5bed), a new community centre of 310 sq m, a new housing management office of 365 sq m and 85 sq m commercial space.

## 1. CLARIFICATIONS

- 1.1. Paragraph 4.1 of the Committee Report (Agenda item 7.6) contains a typing error in relation to the number of five bed houses. The description of development should read:

*“The provision of 181 new residential units comprising 19 x studio flats, 61 x 1 bed flats, 52 x 2 bed flats, 40 x 3 bed flats and 8 x 5 bed house and 1 x 5 bed flat.”*

## 2. AMENDED ENERGY STRATEGY

- 2.1. Further to the consideration of sustainability matters at paragraph 8.177 of the Committee Report, following discussions with the Greater London Authority the applicant has amended the submitted energy strategy. The scheme originally did not propose any on-site renewable energy provision. The amended strategy now proposes the installation of PV arrays on un-shaded roofs. This would provide 4.6% of the site wide energy demand from renewable sources.

- 1.1. This is an improvement on the reported scheme and would accord with policy 4A.3 of The London Plan 2008 and policies DEV5 to DEV9 of the council's interim planning guidance (October 2007) which seek to reduce carbon emissions.
- 1.2. It is recommended that an additional condition is imposed on any permission requiring the submission of the details of this renewable energy provision.

## 2. ADDITIONAL REPRESENTATIONS

- 2.1. The following additional representations have been received: -
- 2.2. The ELT Baptist Church advises that following the submission of amended plans they no longer have any objections.

- 2.3. Four additional letters have been received raising objection on the following grounds:
- Poor housing mix / lack of 4 bed units.
  - Loss of open space.
  - No need for commercial space / housing is the priority.
  - Lack of consultation from the developer.
  - Lack of opportunity to speak to Committee (*The available slots had already been taken by other objectors*).
  - Scheme not viable in the current market (*Not a planning matter*).
  - Works likely to result in increase in service charges (*Not a planning matter*).
  - Standard of cleanliness and maintenance of estate (*Not a planning matter*).
- 2.4. The material planning issues raised by objectors are already discussed in the main Committee report.

### **3. AMENDMENT TO THE RECOMMENDED SECTION 106 CONTRIBUTIONS**

- 4.1. Following the deletion of Site 6 from the scheme, the recommended contributions to mitigate the impact of the development on local healthcare and education resources have been recalculated. The amounts have fallen slightly due to the reduced number of units. The revised figures recommended below update those at paragraph 3.1B of the Committee report.

### **4. RECOMMENDATION**

- 5.1. Paragraph 3.1B is amended to read:

#### Financial Contributions

- a) To provide a contribution of £224,122 towards the provision of future health and social care facilities.
- b) To provide a contribution of £320,892 towards the provision of primary school places.
- 5.2. Paragraph 3.3 Conditions: An additional condition is recommended to require the submission of the details and implementation of the revised energy strategy.
- 5.3. My recommendations to GRANT planning permission and conservation area consent are otherwise unchanged



# Agenda Item 7.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> May 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Devon Rollo		<b>Ref No:</b> PA/08/02347	
		<b>Ward(s):</b> Spitalfields and Banglatown	

## 1. APPLICATION DETAILS

**Location:** Holland Estate, Commercial Street, London

**Existing Use:** Residential housing estate, offices, retail units and vehicle parking.

**Proposal:** Refurbishment of the retained existing dwellings on Holland Estate, the replacement of 43 dwellings, (13 x one bed flats, 9 x two bed flats, 18 x three bed flats and 3 x four bed flats) totalling 143 habitable rooms within Ladbroke House, Bradbury House, Evershed House and Denning point with the erection of 209 new residential units containing studio, 1, 2, 3, 4 and 5 bedrooms, provision of a new community centre (use class D1) of 644sqm, a new Eastend Homes local housing office and head office of 1,078sqm (use class B1), the introduction of an Estate wide landscaping scheme and the replacement of 11 retail units (including 2 kiosks) with 6 new retail units providing some 1,490sqm comprising use classes A1, A2 and A3.

**Drawing Nos:** 2195-0500 P01, 2195-0501 P01, 2195-0502 P01, 2195-0503 P01, 2195-0504 P01, 2195-0505 P01, 2195-0506 P01, 2195-0507 P01, 2195-0508 P01, 2195-0509 P01, 2195-0510 P01, 2195-0511 P01, 2195-0512 P01, 2195-0513 P01, 2195-0514 P01, 2195-0515 P01, 2195-0516 P01, 2195-0517 P01, 2195-0600 P01, 2195-0601 P01, 2195-0602 P01, 2195-0603 P01, 2195-0604 P01, 2195-0605 P01, 2195-0606 P01, 2195-0607 P01, 2195-0700 P01, 2195-0702 P01, 2195-0703 P01, 2195-0800 P01, 2195-0801 P01, 2195-0803 P01, 2195-0804 P01, 2195-0806 P01, 2195-0807 P01, 2195-0809 P01, 2195-0815 P01, PL\_L02 Rev A,

**Supporting Documents:** Design and Access Statement  
 Planning and Regeneration Statement – October 2008  
 Phase I Desk Top Study Report – May 2008  
 Arboricultural Impact Assessment – 3 October 2008  
 Stage D Proposals, Landscape Strategy – October 2008  
 Statement of Community Involvement – October 2008  
 Project Management Plan – 16 October 2008  
 Flood Risk Assessment ref. 5788001704 – August 2008  
 Flood Risk Assessment ref. 5788001704 – October 2008  
 Site Waste Management Plan – 22 June 2008  
 Wind Microclimate Study – 3 October 2008  
 Report on the Availability of Natural Daylighting and Sunlighting – October 2008  
 Noise Assessment – October 2008  
 Air Quality Assessment – October 2008  
 Archaeological Assessment – June 2008  
 Site Utilities Desk Study – December 2008  
 Energy Strategy – September 2008

**Applicant:** Mr Stephen Inkpen  
Eastend Homes Ltd.  
1<sup>st</sup> Floor  
Tayside House  
31 Pepper Street  
London  
E14 9RP

**Owner:** Eastend Homes;  
Numerous Leaseholders

**Historic Building:** No

**Conservation Area:** Wentworth Street  
Fournier Street

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, 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 will facilitate estate wide improvements and bring existing homes up to Decent Homes standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007): Core Strategy and Development Control which support the principle of estate regeneration proposals.
- The proposal would result in an estate with a density of 725 habitable rooms per hectare, which is comfortably within limits set out in the London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004). The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004) which seeks to ensure that the maximum intensity of use is compatible with local context.
- The proposal provides an acceptable amount of affordable housing (38.6%) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 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.
- The quantity and quality of housing amenity space, communal space and open space is acceptable and accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies 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.
- 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) for the purposes of Development Control, 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) for the purposes of Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the general compliance with relevant BRE Guidance and the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- It is considered that, on balance, the benefits of the scheme which will facilitate the upgrade of the estate outweigh the shortfall in additional renewable energy provision. The proposal will make energy savings across the Holland Estate as a whole, which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to reduce carbon emissions.
- Planning contributions have been secured towards education and health care and requirements secured for local labour use, a green travel plan, a car club scheme and delivery of a community centre, 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) for the purposes of Development Control, which seek to secure contributions towards 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 the satisfaction of the Chief Legal Officer, to secure the following:

#### Financial Contributions

1. Provide a contribution of **£225,596** towards the provision of future health and social care facilities.
2. Provide a contribution of **£283,866** towards the provision of primary school places.

(Total S.106 financial contribution = **£509,462**)

#### Non-financial Contributions

3. Affordable Housing (38.6%)
4. Car Free Development for all new units

5. Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
6. Green Travel Plan to encourage sustainable travel to and from the development by residents.
7. Clause requiring £10,285,000 (residual value after Stamp Duty Land Tax – SDLT) to be spent on the upgrade of the Holland Estate to bring existing units up to Decent Homes Standard.
8. Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
9. Provision of a car club scheme and a minimum of 2 car club spaces provided within the development for the use of residents
10. Provision and operation of a Community Centre
11. Provision of 24 hour public access to the public open space

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

#### **Conditions**

- 1) Extended 5 year Time Period
- 2) Material Samples for new build
- 3) Material Samples for refurbishments
- 4) Landscaping Plan and Management Plan
- 5) Construction Management Plan
- 6) Servicing and Delivery Plan for commercial units
- 7) Construction working hours
- 8) Construction noise levels
- 9) Lifetime Homes
- 10) Ground Borne Noise Assessment & Mitigation
- 11) Noise mitigation
- 12) Ventilation details
- 13) Energy Strategy (further details)
- 14) Sustainable Homes Assessment
- 15) Waste and Recycling Storage
- 16) Cycle Storage
- 17) Land Contamination
- 18) Surface Water Drainage
- 19) Sewer Capacity
- 20) Electric vehicle charging points
- 21) Petrol/oil interceptors.
- 22) 10% Wheelchair Units
- 23) Low Water Use Technology
- 24) Schedule of Highways Work
- 25) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

#### **Informatives**

- 1) Thames Water (Minimum water pressure provision)
- 2) S106 agreement
- 3) S278 agreement

3.3 That, if by 2<sup>nd</sup> of July 2009 the legal agreement has not been completed to the satisfaction of

the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

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

##### **Proposal**

- 4.1 As part of Eastend Homes ongoing work towards achieving 'Decent Homes' standards within its developments (to be completed by 2010), the applicant seeks to secure investment in estate-wide improvements, including the replacement of kitchens and bathrooms to all tenanted properties and the upgrading of the external environment with improvements to security and safety throughout the estate.
- 4.2 The regeneration proposals will include the installation of new lift cores, new refuse storage and recycling facilities and general improvements to the communal landscaped areas and existing defined play areas. Improvements will also be made to the external appearance of buildings with works to the entrances of existing blocks.
- 4.3 In addition to the refurbishment of the retained existing buildings, the applicant proposes the demolition of 43 poor quality residential units (13 x one bed, 9 x 2 bed, 18 x 3 bed and 3 x 4 bed units), and proposes the construction of 209 new residential units in 5 new buildings, to a maximum height of 12 storeys.
- 4.4 11 retail units (including 2 kiosks) with an existing floor area of 1167m<sup>2</sup> will be replaced with 6 new retail units providing 1,490m<sup>2</sup> (Use Classes A1, A2 and A3). A new Eastend Homes Local Housing Office and Head Office of 1,078m<sup>2</sup> (Use Class B1) will incorporate the replacement of 245m<sup>2</sup> of existing office floorspace.
- 4.5 The scheme will also provide a new community centre of 644m<sup>2</sup> located to the rear of Wentworth Street. This facility will occupy the ground and first floors, and will front onto a new pedestrian area with enhanced landscaping.
- 4.6 The areas comprising the comprehensive regeneration works can be separated into four distinct sites.
- The area containing Brune, Carter, Bernard and Barnett Houses borders Brune Street to the north, Bell Lane to the west, Toynbee Street to the east and the rear of the properties fronting Wentworth Street.
  - Wentworth Dwellings, which are 2 separate buildings located on opposite sides of a courtyard in an urban block bounded by Wentworth Street, Goulston Street, New Goulston Street and Middlesex Street, and Brunswick House located on the opposite side of New Goulston Street, extending around the corner onto Goulston Street.
  - Herbert and Jacobson Houses form a separate area and are located on Old Castle Street, opposite the Denning Point complex.
  - The final area, comprising Wheler House, is located south of Quaker Street, and is bounded on the east by Quaker Court and on the west by buildings that face onto Wheler Street.
- 4.7 The Denning Point complex will contain the entire new build element of the proposals and occupies an urban block broadly rectangular in shape and is bounded by Wentworth Street to the north, Commercial Street to the east, Old Castle Street to the west and Pomell Way to the south.

## Site and Surroundings

- 4.8 Holland Estate is located within the Spitalfields / Banglatown Ward of the London Borough of Tower Hamlets, near the Tower Hamlets boundary with the City of London. The site lies within a mixed commercial and residential area. The Holland Estate comprises a collection of sites within distinct areas containing a total of 2.4 hectares.
- 4.9 The application site comprises 13 residential blocks. The wider series of estates were built in the late 1960's/early 1970's and the blocks are generally a uniform height of 4 / 5 storeys with the exception of Denning Point, a 22 storey tower, located on the eastern side of the estate. Currently the site contains 417 residential units and has a density of 529 habitable rooms per hectare. The breakdown of existing residential unit sizes is as follows:

Unit size	Total units	Affordable Housing				Market Housing	
		Social Rented		Intermediate		Private Sale	
		Units	%	Units	%	Units	%
Studio	0	0	0%	0	0	0	0%
1 bed	106	58	29.9%	0	0	48	21.5%
2 bed	215	98	50.5%	0	0	117	52.5%
3 bed	60	23	11.9%	0	0	37	16.6%
4 bed	26	9	4.6%	0	0	17	7.6%
5 bed	9	6	3.1%	0	0	3	1.3%
5 bed	1	0	0%	0	0	1	0.5%
<b>Total</b>	<b>417</b>	<b>194</b>	<b>100%</b>	<b>0</b>	<b>0</b>	<b>223</b>	<b>100%</b>

Table 4.1 – Existing Housing Mix within Holland Estate

- 4.10 The Denning Point complex is bordered by two conservation areas, namely Wentworth Street Conservation Area and the Whitechapel High Street Conservation Area. The southern boundary of the Artillery Passage Conservation Area runs down Brune Street to the north of Carter House. Bernard House and Old Wentworth Dwellings both lie within different parts of the Wentworth Street Conservation Area. In addition, the site containing Wheler House lies within the Fournier Street Conservation Area.
- 4.11 The estate is well served by public transport with Liverpool Street Station located approximately 400m to the west and Whitechapel and Aldgate Underground Stations within approximately 50m and 100m of the site respectively and 4 bus routes along Commercial Street and Whitechapel High Street that serve Mile End, Hackney, Ilford, Wood Green, Paddington and the West End,
- 4.12 Vehicular access into and through the estate is predominantly via Commercial Street and Middlesex Street and by a number of smaller roads running east - west. Car parking is provided in a series of surface areas around the base of each of the blocks, these currently provide a total of 118 spaces across the estate plus an additional 97 spaces within an existing, currently unused underground car park beneath Denning Point. Eastend Homes controls all the parking on the estate.
- 4.13 Whilst much of the site is bordered by different Conservation Areas, just three properties lie within a Conservation Area, namely Wheler House (Fournier Street Conservation Area), Old Wentworth Dwellings and Bernard House (both within Wentworth Street Conservation Area).

## Planning History

- 4.14 There is no relevant planning history to this application.

## 5. POLICY FRAMEWORK

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

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

2A.1	Sustainability Criteria
2A.8	Town Centres
3A.1	Increasing London’s Supply of Housing
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.11	Affordable Housing Thresholds
3A.15	Loss of Affordable Housing
3A.17	Addressing the Needs of London’s Diverse Population
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 Developments
3B.6	Improving London’s ICT infrastructure
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.2	Town Centre Development
3D.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.13	Children and Young Peoples Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources

4A.17	Water Quality
4A.19	Improving Air Quality
4A.20	Reducing Noise and Enhancing Soundscapes
4A.28	Construction, Excavation and Demolition Waste
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.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.10	Large-scale buildings – Design and Impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation

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

#### Proposals:

LSP	Local Shopping Parade
CAZ	Central Area Zone
AAIP	Area of Archaeological Importance or Potential
CA	Conservation Area: Wentworth Street
CA	Conservation Area: Fournier Street

#### Policies:

ST1	Effective and Fair Planning Service
ST12	Availability and Accessibility
ST15	Expansion and Diversification of Local Economy
ST17	High Quality Work Environments
ST23	Quality of Housing Provision
ST25	Provision of Social and Physical Infrastructure
ST26	Improve Public Transport
ST28	Restrain Use of Private Cars
ST30	Improve Road Safety
ST34	Improved Provision of Shopping
ST35	Retention of Local Shops
ST37	Attractive Environment
ST41	Provision of Quality Shopping
ST43	Public Art
ST49	Social and Community Facilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV9	Minor Works
DEV12	Provision of Landscaping in Development
DEV15	Retention/Replacement of Mature Trees
DEV17	Siting and Design of Street Furniture
DEV18	Art and Development Proposals
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV 69	Efficient Use of Water
CAZ1	Location of Central London Core Activities
EMP1	Employment Uses
EMP6	Employing Local People



EMP8	Small Businesses
HSG4	Loss of Housing
HSG6	Accommodation Over Shops
HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Developments
HSG15	Preserving Residential Character
HSG16	Amenity Space
T8	New Roads
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S4	Changes of Use in Local Parades
S5	Changes of Use
S9	Improvement and Enhancement
S10	Requirements for New Shopfront Proposals
S11	Use of Open Grills
S13	Shop Window Displays for Non A1 Uses
O7	Loss of Open Space
O9	Children's Play Space
O13	Youth Provision
SCF11	Meeting Places

### **Interim Planning Guidance for the purpose of Development Control(October 2007)**

#### Proposals:

CFAAP	City Fringe Area Action Plan
CAZ	Central Activities Zone
CAZF	CAZ Frontage: Wentworth Street
CA	Conservation Area: Wentworth Street
CA	Conservation Area: Fournier Street
AAI	Area of Archaeological Importance
PWSG	Pomell Way Square Garden

#### Core Strategies:

CP 1	Creating Sustainable Communities
CP 3	Sustainable Environment
CP 4	Good Design
CP 5	Supporting Infrastructure
CP 7	Job Creation and Growth
CP 8	Tower Hamlets' Global Financial and Business Centre and the Central Activities Zone
CP 9	Employment Space for Small Business
CP 11	Sites in Employment Use
CP 15	Provision of a Range of Shops
CP 16	Vitality and Viability of Town Centres
CP 19	New Housing Provision
CP 20	Sustainable Residential Density
CP 21	Dwelling Mix and Type
CP 22	Affordable Housing
CP 23	Efficient Use and Retention of Existing Housing
CP 24	Specialist Needs and Specialist Housing
CP 25	Housing Amenity Space
CP 27	High Quality Social and Community Facilities to Support Growth
CP 30	Improving the Quality and Quantity of Open Spaces
CP 31	Biodiversity
CP 38	Energy Efficiency and Production of Renewable Energy

	CP 39	Sustainable Waste Management
	CP 40	A Sustainable Transport Network
	CP 41	Integrating Development with Transport
	CP 42	Streets for People
	CP 43	Better Public Transport
	CP 46	Accessible and Inclusive Environments
	CP 47	Community Safety
	CP 48	Tall Buildings
Policies:		
	DEV 1	Amenity
	DEV 2	Character and Design
	DEV 3	Accessibility and inclusive Design
	DEV 4	Safety and Security
	DEV 5	Sustainable Design
	DEV 6	Energy Efficiency and Renewable
	DEV 7	Water Quality and Conservation
	DEV 8	Sustainable Drainage
	DEV 9	Sustainable Construction Materials
	DEV 10	Disturbance from Noise Pollution
	DEV 11	Air Pollution and Air Quality
	DEV 12	Management of Demolition and Construction
	DEV 13	Landscaping and Tree Preservation
	DEV 14	Public Art
	DEV 15	Waste and Recyclables Storage
	DEV 16	Walking and Cycling Routes and Facilities
	DEV 17	Transport Assessments
	DEV 18	Travel Plans
	DEV 19	Parking for Motor Vehicles
	DEV 20	Capacity of Utility Infrastructure
	DEV 22	Contaminated Land
	DEV 24	Accessible Amenities and Services
	DEV 25	Social Impact Assessment
	DEV 27	Tall Building Assessment
	HSG 1	Determining Residential Density
	HSG 2	Housing Mix
	HSG 3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
	HSG 4	Varying the Ratio of Social Rented to Intermediate Housing
	HSG 5	Estate Regeneration Schemes
	HSG 7	Housing Amenity Space
	HSG 9	Accessible and Adaptable Homes
	HSG 10	Calculating Provision of Affordable Housing
	EE 2	Redevelopment/Change of Use of Employment Sites
	RT 1	Primary Shopping Frontage
	RT 4	Retail Development and the Sequential Approach
	SCF 1	Social and Community Facilities
	OSN 2	Open Space
	CON 2	Conservation Areas

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

Designing Out Crime (Part 1 & 2) – SPG 2002  
 Residential Space – SPG 1998  
 Landscape Requirements – SPG 1998  
 Shop Front Design – SPG 1998  
 Flexible Design in Business Use (B1) – SPG 1998

## Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPS 3	Housing
PPS 6	Planning for Town Centres
PPG 13	Transport
PPG 22	Renewable Energy
PPG 24	Planning and Noise

### Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be  
Healthy Communities  
Prosperous Communities  
Safe and Supportive Communities

## 6. CONSULTATION RESPONSE

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

### LBTH Access Officer

6.2 No objections received

### LBTH Education

6.3 The proposed mix for net increase in dwellings is assessed as leading to a contribution towards 23 additional primary school places at £12,342 = £283,866. This would attract an additional cost on the education system and a financial contribution of this value is requested.

### Officer's Comments

6.4 A financial contribution of £283,866 towards education has been agreed to by the developer in the Heads of Terms for a Section 106 Agreement in order to mitigate the impact of the additional housing units on the education system.

### LBTH Energy Efficiency Unit

6.5 No objections received

### LBTH Environmental Health

#### *General*

6.6 No bedroom should be less than minimum floor area of 6.5 m<sup>2</sup>. Sufficient extract ventilation is required to internal kitchens, bathrooms, and w.c.s. Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations.

#### *Land Contamination*

6.7 Environmental Health is in agreement with the submitted information that additional investigative works must be carried out to further characterise the potential threat to future site users.

- 6.8 Environmental Health questions the lack of any proposals to monitor ground gas. The submitted report states that inhalation is a potentially significant pathway and that hydrocarbon barriers may be required within buildings. If this is the case then surely it would be appropriate to quantify the risk in order to propose suitable mitigation measures. Current guidance (CIRIA C665) suggests six monitoring visits over a two month period for potentially low risk sites.
- 6.9 Environmental Health would also suggest the applicants' environmental consultant liaise with Defra and the Environment Agency in order to obtain a copy of the current deterministic CLEA model and tools in which to assess the risk from contaminated land.
- 6.10 Once additional reports are prepared they should be submitted to Environmental Health, via Development Control, for further comment.

*Environmental Health - Noise & Vibration*

- 6.11 According to the acoustic report submitted by Enviros Consulting Ltd, dated July 2008, the facades facing east- commercial street, west - Old Castle Street, north – Wentworth street and south – Pomell Way are all in PPG 24, Noise Exposure Category (NEC) C. However, the Council noise map shows that façades facing eastward - Commercial Street are in (NEC) D. The guidance given by the PPG is that in Noise Exposure Category “D” planning permission should normally be refused.
- 6.12 Environmental Health recommendation is that planning permission should either be refused or conditioned until the applicant/developer provides detailed information demonstrating that facades facing Commercial Street would no longer be in this category. This could be by providing details of adequate sound attenuating glazing, mechanical or acoustic ventilators complying with the Noise Insulation Regulations 1975 or equivalent. However, they must be designed to ensure that the internal acoustic environment within habitable rooms will be of an acceptable standard, in accordance with BS 8233:1999 Sound Insulation and Noise Insulation for buildings and World Health Organisation Guidelines on Community Noise 2000.

*Ground Borne Noise and Vibration*

- 6.13 The site of the proposed development lies on underground train tunnels. However, no ground borne noise and vibration survey has been undertaken.
- 6.14 Prior to the commencement of the development, the developer/agent must carry out a survey and demonstrate by calculation and prediction of ground borne noise and vibration levels inside the proposed development. The report of the survey must be submitted for approval by Tower Hamlets Environmental Health Department before planning permission is granted or before development works on the site commenced.

*Controlling The Construction Phase*

- 6.15 Conditions recommended controlling working hours and noise levels.

*Daylight/Sunlight*

- 6.16 Environmental Health has raised concerns that the daylight and sunlight do not meet BRE criteria.

Officer's Comments

- 6.17 Matters regulated under the Housing Act 2004 and Building Regulations are considered to be controlled under their respective statutory processes and should not be controlled under the Planning Acts. Therefore, no comment on these matters is undertaken within this report.
- 6.18 Conditions are recommended to be included on the consent relating to land contamination,

noise mitigation, ground borne noise and construction.

- 6.19 As discussed in Section 8 of the report, it is acknowledged that the daylight and sunlight does not meet BRE guidelines. However, it is considered that the breaches are acceptable given the inner city location.

### **LBTH Highways**

- 6.20 The subject site is shown to be in an area with a PTAL accessibility rating of 6a the site is therefore considered to have a very good level of accessibility to local public transport links.

#### *Old Castle Street – Highway Improvement Line*

- 6.21 There is an existing area of highway land adjacent to the site that has been safeguarded for proposed highway widening. The Highways Section would like to see this proposed widening be retained to provide a new footway / on the eastern side of Old Castle Street.

#### *Parking*

- 6.22 The applicant has indicated that 105 car parking spaces would be provided as part of the application, which is a reduction of 36 spaces, is not ideal but would be acceptable. The proposed levels of parking provision would be significantly lower than the maximum standard as set out in the Interim Planning Guidance (IPG) Parking Standards.

- 6.23 As the site is considered to be in a good location to support car free development, resident's rights to Parking Permits should be restricted and should form part of a Section 106 Agreement.

- 6.24 The site is in such a location that the applicant should be advised that the any scheme at this location should be included as part of a scheme such as "City Car Club"

#### *Disabled Parking*

- 6.25 The applicant has indicated the provision of 11 disabled parking spaces as part of the above parking standard. From the standards set out in the IPG the applicant would be required to provide disabled parking at 10 % of the total number of parking spaces provided as part of this application. As such the proposed 11 disabled parking spaces would be acceptable as part of the above planning application.

#### *Site Access*

- 6.26 The site will be accessed from Old Castle Street which is classified as public Highway and is maintained by the London Borough of Tower Hamlets.

- 6.27 The proposed access will be located at the southern boundary of the site. The ramp has sufficient off street space to allow a vehicle to wait if necessary before gaining access the proposed basement car parking area enter. There is sufficient space to allow vehicles to enter and exit the site in forward gear. This arrangement would be acceptable.

#### *Refuse Storage*

- 6.28 The applicant has provided details of refuse storage areas at ground floor level. Highways have no objection to the proposed refuse collection taking place from ground level.

#### *Site Servicing*

- 6.29 Ideally site servicing should take place from within the curtilage of the site, however due to the constraints of the site it would not be possible to undertake servicing form within the curtilage of the site.

- 6.30 The applicant has not indicated a clear strategy in terms of the servicing / deliveries to the site. Further clarification will be required on this element of the application. The applicant will be required to provide a "Service & Delivery Plan" to outline the proposed strategy for site

servicing and deliveries to the site a copy of a Service & Delivery Plan should be provided and forwarded to this section for approval.

#### *Visibility Splays*

- 6.31 In the interest of highway safety and efficiency, vehicle sight lines must be maintained from the carriageway with no obstruction above the height of 1.05m. The sight lines shall measure 2.40 meters in from the carriageway boundary towards the subject site from the access point onto Old Castle Street extending 40.00m in both directions. This is in accordance with Manual for streets. Sight lines have been confirmed as acceptable.

#### *Cycle Parking*

- 6.32 Under the standards set in the Local Development Framework the applicant should be providing a total of 290 spaces which would be acceptable, the applicant has indicated that they will be looking at providing a slightly higher cycle parking provision of 340 stands which would be acceptable.

#### *Traffic Generation*

- 6.33 The transport information concludes that a pro-rata increase in traffic will result in an additional 320 multi model trips during the AM peak hour and an additional 294 multi model trips during the PM peak hour. These figures have been incorporated into the existing highway network peak flows to help assess the highway implications of the proposals.

- 6.34 This increase can be accommodated on the existing highway network in the vicinity of the site without detriment to traffic movements and would be acceptable.

#### *Public Transport Trip Generation*

- 6.35 The proposed development would result in a net increase in the number proposed trips across several mode of transport, including significant increases in the walking and the use of public transport. Which given the aims of the Council to encourage reliance on more sustainable forms of transport would be acceptable.

- 6.36 There would be a slight increase in car trips which equates to an additional vehicle trip every 2 to 3 mins, this figure would be acceptable in principle.

- 6.37 The developer has provided total figures for both the Am and Pm peaks which would be acceptable.

#### *Pedestrians*

- 6.38 The proposed development is forecast to generate 138 trips during the AM Peak and 137 trips during the PM Peak. The pedestrian environment adjacent to the site provides adequate facilities in terms of the safety and security of pedestrians within the development. The existing pedestrian infrastructure is very good and the site has a good level of connectivity with the surrounding areas and demonstrates that the site is a very accessible to all forms of sustainable transport and would be acceptable.

#### *Travel Plan*

- 6.39 The applicant has provided a draft Interim Travel Plan to outline the measures that will be taken to encourage the use of more sustainable forms of transport. Highways confirm that they would have no objection in principle.

- 6.40 The developer has indicated that a full Travel Plan will be submitted at a later for comments / approval and this would be acceptable.

#### Officer's Comments

- 6.41 The applicant has confirmed that there will be a widening of the pavement on the eastern side of Old Castle Street.

- 6.42 Included in the section 106 agreement is a requirement to change the traffic management order to exempt occupiers from obtaining parking permits, provision of a car club scheme and parking spaces and a requirement to produce a Travel Plan for the development.
- 6.43 A condition of consent is recommended to be included, requiring the submission and approval of a servicing and delivery plan for the commercial units. A condition will also be included requiring submission of details of the cycle storage.

### **LBTH Strategic Transport**

- 6.44 The development should be car free in accordance with the council's sustainable development goals. The site is within the London Congestion Charge Zone and peak time congestion experienced near to the site on the A11 (Whitechapel Road), A13 (Commercial Road) and A1202 (Commercial Street) and good public transport access Level 6b.
- 6.45 The transport assessment should include assessment of capacity of the strategic road network in the vicinity of the site and demonstrate sufficient capacity during the peak to accommodate any proposed car trips from the development. The assessment should also include a survey of car trips currently originating from the site.
- 6.46 The council is committed to encouraging an increase in electric car use in the borough. To achieve this it is essential there is a good network of electric car charging points in the borough. As part of this development the council would seek the provision of electric car charging points within the car park.
- 6.47 A travel plan should be submitted as part of the application and should be compliant with new TfL guidance on residential travel plans and set out a clear management strategy which includes:
- Subsidised public transport: Maybe an Oyster Card with some credit.
  - Car club access should be available to residents of the development in order to present an alternative to private car ownership and use. This may mean the provision of bays within the site or adjacent to the site. If the latter is deemed more suitable then S106 contributions will be needed for a new on street car club bay and corresponding permit. Stand alone car clubs exclusive to a single development are not ideal, but could be possible with a development of 250 units or more. Given the number of units within this development, it should be viable to have at least 1 car club bays dedicated to residents of the development. Section 106 contributions should also be made towards car club membership for all residents for one year.
  - should identify clear measurable targets
  - A plan for monitoring the effectiveness of the travel plan through onsite iTrace compliant travel surveys as required from the new TfL travel plan guidance.
- 6.48 For pedestrian safety reasons, it is necessary to maintain pedestrian visibility splays within which unobstructed visibility is available for drivers to see and be seen by pedestrians on a footway thereby enabling drivers and pedestrians to see a potential hazard in time. These splay areas measuring 1.5m by 1.5m, with no obstruction more than 0.6m high are located either side of where a proposed vehicle access meets the back edge of the footway. Pedestrian visibility splays should be provided at all new vehicle accesses. The splay areas should be physically protected and shown on the deposited plans. The plans provided show a lack of left hand side visibility for vehicles exiting the car park.

### Officer's Comments

- 6.49 The Section 106 Agreement will require the proposed new units to be Car Free, however, parking within the estate is maintained for the existing units.

- 6.50 A condition of consent will be recommended on the consent to ensure that the parking spaces provided within the estate include capability for electric car charging.
- 6.51 The Section 106 Agreement will include the requirement for an acceptable Travel Plan to be implemented as well as a minimum of 2 bays within the development to be included as dedicated Car Club bays.
- 6.52 The body of the report includes details of visibility on vehicle entry and exit points and concludes that the proposed egress points have an acceptable level of visibility to ensure pedestrian and highway safety.

#### **LBTH Waste Management**

- 6.53 No objections received

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

- 6.54 No objections. English Heritage does not wish to offer any comments on this application.

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

- 6.55 No objection subject to condition of consent being imposed on approval relating to surface water drainage.

#### Officer's Comments

- 6.56 A condition of consent relating to surface water drainage is recommended as being included on the consent if approved.

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

- 6.57 No objections received

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

- 6.58 The Mayor considers that the application does not comply with the London Plan. London Plan policies on regeneration, housing, mixed-use developments, urban design, inclusive access, energy and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- Affordable housing: A toolkit appraisal was submitted too late to allow GLA officers to ascertain that the affordable housing provision was the maximum reasonable amount viable for the new development.
- Transport: TFL recommends an essentially car-free development given the excellent public transport accessibility of the site; changes to the servicing arrangements, and submission of additional information to ensure compliance with the London Plan.
- Energy; Details of the submitted energy strategy require clarification and additional information to ensure full compliance with the London Plan energy policies.

#### Officer's Comments

- 6.59 The proposed affordable housing is considered in accordance with the Council's requirement of 35% minimum affordable housing. The applicant is in fact proposing in excess of this target and providing a 38.6% provision.
- 6.60 The new build component of the development is car free. The development would actually represent a reduction in the overall vehicle spaces on site and residents of the new build



units will be restricted from acquiring parking permits.

- 6.61 As discussed in Section 8 of this report the applicant has provided sufficient information to confirm to officer's that the proposed energy efficiency measures would be more viable and present greater energy savings than the provision of additional renewable energy measures. The energy efficiency measures are therefore considered acceptable.

#### **Metropolitan Police**

- 6.62 Metropolitan Police are very positive about these plans. They are dealing with an area that has suffered extensive crime and anti-social behaviour for many years, mainly emanating from Denning Point, but these plans, whilst not removing the building, have suddenly encapsulated it into a new development, with extensive amenity space for all residents, old and new, secure accommodation to SBD standards, and active frontages all over the place.
- 6.63 In addition, the created route through from Commercial Street to Liverpool Street will be a boon to commuters and the general public, linking Brick Lanes environment to the east through Middlesex Street to Liverpool and Broad Streets. I have been extensively consulted by both Eastend Homes and their architects.

#### **National Air Traffic Services Ltd. (Statutory)**

- 6.64 NATS (En Route) Limited has no safeguarding objections to this proposal.

#### **National Grid (Statutory)**

- 6.65 National Grid has no objection to the proposal.

#### **Natural England (Statutory)**

- 6.66 No objections received

#### **Primary Care Trust**

- 6.67 Primary Care Trust has requested a financial contribution of £225,596 towards the new network service hub planned for the Goodmans Field Site.

#### Officer's Comments

- 6.68 The S106 is proposed to include a financial contribution of £225,596 towards healthcare facilities.

#### **Thames Water Utilities Ltd. (Statutory)**

##### *Waste Comments*

- 6.69 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 6.70 There are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval.

- 6.71 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

*Water Comments*

- 6.72 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.
- 6.73 Thames Water recommend the following informative be attached to this planning permission. *Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.*

Officer's Comments

- 6.74 It is recommended that a condition be included on the permission, if granted, that petrol / oil interceptors be fitted to drainage areas of all new vehicle parking/washing areas and vehicle carriageways within the development.
- 6.75 It is recommended the requested informative is included on the permission should planning permission be granted.

**7. LOCAL REPRESENTATION**

- 7.1 A total of 2143 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 3            Objecting: 1            Supporting: 1

- 7.2 The following local groups/societies were notified but made no representations:

- Spitalfileds Community Association
- Spitalfields Joint Planning Group
- Stepney Street Traders Association

- 7.3 The following issues were raised in representations:

- Loss of existing buildings which are less than 40 years old;
- The change of textile district character of the area due to the removal of commercial units and replacement of new units
- Loss/reduction in parking
- Loss of amenity through loss of established businesses
- Overdevelopment
- Impact on retailers

- 7.4 The following supporting comments were raised in representations:

- Good for local people waiting for housing

Officer's Comments

- 7.5 The proposed loss of buildings is regarded as acceptable, as it is being undertaken in order to provide an improved standard of living accommodation and greater efficiency in the use of land.
- 7.6 Any impact on the textile character of the business in the area is considered regrettable; however, the removal of the commercial units will be temporary. The businesses that occupy the future units would not be able to be regulated beyond the Use Classes and therefore would not be a material planning consideration under the assessment of this application.
- 7.7 The reduction in the parking is considered in accordance with the strategic planning policies of the LBTH and greater London. The future occupiers of the new build development would be prohibited from obtaining parking permits and would therefore not be able to occupy resident's bays in the surrounding area. Parking provisions are to be provided in accordance with the parking standards and therefore considered appropriate.
- 7.8 As with the loss of textile character it is regrettable that the commercial units would have to close to facilitate the development before being re-instated. This however, is not a material planning consideration under the assessment of the application.
- 7.9 The proposed density, scale, mass and layout of the development is in accordance with the Council and London Plan policies as discussed in Section 8 of this report. While the development increases the mass and density of development on the site in order to achieve more efficient use of the land, it is not considered that the proposal leads to overdevelopment.
- 7.10 Impact on retailers through the loss of the commercial lease of their premises is again not a material planning consideration that can be take into account in the processing of this application.

## **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of Estate regeneration
  2. Principles of the Land Use
  3. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
  4. Traffic and Servicing Issues
  5. Design and Layout of the Development
  6. Sustainability
  7. Planning Obligations

### **Principle of Estate regeneration**

- 8.1 The Government is committed to creating the opportunity for decent homes for all. The regeneration and renewal of neighbourhoods is supported by the Mayor's Housing Supplementary Planning Guidance (November 2005). In Tower Hamlets, the Council is seeking that all homes are brought up to Decent Homes standard to ensure that homes are in a good state of repair.
- 8.2 The Decent Homes Standard is defined by the DCLG as a home which is 'warm, weatherproof and has reasonably modern facilities.' The Decent Homes Standard goes beyond the previous requirements and includes works such as improved security, lift replacement and thermal comfort works.
- 8.3 As part of the Tower Hamlets Housing Choice Programme Holland Estate was transferred to Eastend Homes in 2006. In order for Eastend Homes to facilitate the regeneration of the

Holland Estate and bring the existing homes up to Decent Homes standard, a comprehensive redevelopment is proposed with an increased housing density on site. The increase in density is required in order to generate sufficient value from market development to support the refurbishment, replacement and increased provision of affordable housing and to achieve a mixed and balanced community.

- 8.4 The application proposes the demolition of 43 poor quality units and the erection of 209 new residential units in 5 buildings to facilitate the estate-wide improvements
- 8.5 Overall, the principles and objectives set out in regional and local policies for estate regeneration proposals are achieved for the Holland Estate through a comprehensive redevelopment scheme. The proposal maximises the development potential of the site whilst upgrading the existing housing and communal areas. The planning issues are considered in detail below.

### **Principle of the Land Uses**

- 8.6 The London Plan 2008, The Council's adopted Unitary Development Plan 1998 (UDP) and the Council's Interim Planning Guidance 2007 (IPG) include a number of policies requiring discussion when assessing the principle of land use.

### Principle of Residential Use

- 8.7 The London Plan 2008 sets out a number of policies relating to the provision of housing within the Greater London Area and the London Borough of Tower Hamlets itself. In general these policies require the Borough to provide 3,150 additional dwellings per year for the next years. Coupled with providing these housing units are requirements to provide quality in the design of these houses in order to ensure the quality of the living environments created.
- 8.8 Taking this into account and that the site already has an existing predominant residential use the proposed erection of an additional 166 residential units (after taking into account the demolition of 43 units) within the Denning Point complex area of the Holland Estate is considered, in principle, an acceptable land use.
- 8.9 The principle of the residential land use is considered in accordance with policies 3A.1, 3A.3 and 3B.3 of the London Plan 2008 and policy CP19 of the IPG.

### Principle of Office Use

- 8.10 The London Plan 2008 sets out a number of policies which support the provision, increase and regeneration of office use within the Central Activities Zone and appropriate office locations in order to provide employment and economic opportunities. These policies are supported by UDP and IPG policies which also seek to encourage office provision and local economy and job growth.
- 8.11 The Denning Point Complex, where the new build component of the development is proposed, is located within the Central Activities Zone and has an existing provision of 245m<sup>2</sup> of office space. The proposed development intends to improve this office provision to 1,078m<sup>2</sup> of office floorspace for a new Eastend Homes Local Housing Office and Head Office.
- 8.12 It is considered that the proposed increase in office floorspace would be, in principle, an acceptable land use and would be in accordance with policies 3B.1, 3B.2 and 3B3 of the London Plan 2008, policies ST15, ST17 and EMP1 of the UDP and policies CP7, CP8, CP11 and EE2 of the IPG.

### Principle of Retail

- 8.13 The site is located within the area identified within the London Plan 2008, the UDP and the IPG as a Central Activity Zone. Policies 2A.8, 3D.1, 3D.2 and 3D.3 of the London Plan 2008, policies ST34, S4 and S7 of the UDP and policies CP15, CP16, RT1 and RT4 of the IPG and which are applicable for these areas seek to provide a balance of town centre uses to encourage the vitality and viability of the area and promote economic and job growth.
- 8.14 The proposal seeks to replace the existing 11 retail units (including 2 kiosk units) totalling 1,167m<sup>2</sup> of retail floorspace with 6 new retail units providing 1,490m<sup>2</sup>. This represents an increase in retail floorspace of 323m<sup>2</sup>. Given that there is an existing retail component within the development and the retail floorspace proposed is being offered in replacement of this provision and the location is within the Central Activity Zone it is considered that the principle of the retail land use within the development is acceptable.
- 8.15 It is considered that the retail component of the development would be acceptable in terms of policies 2A.8, 3D.1, 3D.2 and 3D.3 of the London Plan 2008, policies ST34, S4 and S7 of the UDP and policies CP15, CP16, RT1 and RT4 of the IPG.

#### Principle of community uses

- 8.16 London Plan 2008 policies 3A.17 and 3A.18, supported by policies ST49 and SCF11 of the UDP and policy SCF1 of the IPG, promote the provision of an appropriate range of community facilities to cater for the needs of London's diverse population.
- 8.17 The applicant is proposing to include a two storey 644m<sup>2</sup> floorspace community centre within the redeveloped Denning Point Complex of the Holland Estate. Given the extremely good public transport links and the large residential population within the surrounding area, including Holland Estate, which would be included in the catchment area for the proposed facility, the community centre land use is considered, to be in principle acceptable.
- 8.18 The proposed community facilities are considered to be in accordance with policies 3A.17 and 3A.18 of the London Plan 2008, policies ST49 and SCF11 of the UDP and policy SCF1 of the IPG.

### **Housing Provision**

#### Affordable Housing

- 8.19 Policy 3A.9 of the London Plan 2008 states that policies should set an overall target for the amount of affordable housing provision over the plan period in their area, based on an assessment of all housing needs and a realistic assessment of supply. It also states that boroughs should take account of regional and local assessments of need, the Mayor's strategic target for affordable housing provision that 50% of provision should be affordable and, within that, the London-wide objective of 70% social housing and 30% intermediate.
- 8.20 This policy is supported by policy CP 22 of the Council's IPG which 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. Policy HSG4 of the IPG, however, seeks an 80:20 affordable rent to intermediate ration of affordable housing except where there is, or is proposed, a large quantity of affordable social rent onsite, because of the borough's specific need for a larger proportion of affordable social rent.
- 8.21 The applicant is proposing 51 affordable units within the net new build component of the development, after taking into account those which will be demolished. This would represent a 38.6% provision of the 166 new additional dwellings to be provided, which is considered in

accordance with policy 3A.9 of the London Plan 2008 and policy CP22 of the Council's IPG. The financial appraisal provided confirms affordable housing grant will be required to deliver this level of affordable housing. Preliminary discussions with the Homes and Communities Agency have taken place and it is anticipated that grant will be available therefore the reduction in the level of affordable housing as allowed under HSG5 has not been necessary.

- 8.22 Within the existing development of 417 units there are no intermediate units, however the applicant is proposing a percentage split of 25.5% intermediate and 74.5% affordable social rented in the 51 additional affordable units. This would be considered to be acceptable in terms of policy 3A.9 of the London Plan 2008 and HSG4 of the IPG due to the high percentage of existing affordable social rent units within the affordable housing on the Estate.

### Housing Mix

- 8.23 Policy HSG2 of the IPG specifies the appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is identified as a priority reflecting the findings of the Borough's Housing Needs Survey. In terms of family accommodation the policy requires 45% of affordable social rented housing and 25% of market and intermediate affordable housing to comprise of family housing (units with 3 or more bedrooms).
- 8.24 Table 8.1 details the proposed mix of housing within the proposed total new build element of the development, including the proposed replacement units for the demolished units.

		Affordable Housing						Market Housing		
		Social Rented			Intermediate			Private Sale		
Unit size	Total units	Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	20	0	0	0	0	0	25	20	16	25
1 bed	50	10	15	20	4	31	25	36	28	25
2 bed	82	27	40	35	7	54	25	48	37	25
3 bed	48	22	32	30	2	15	25	24	19	25
4 bed	7	7	10	10	0			0		
5 bed	2	2	3	5	0			0		
<b>Total</b>	<b>209</b>	<b>68</b>	<b>100</b>	<b>100</b>	<b>13</b>	<b>100</b>	<b>100</b>	<b>128</b>	<b>100</b>	<b>100</b>

Table 8.1 – Housing mix in proposed new build units

- 8.25 Whilst the proposal meets the IPG policy target for larger family affordable rented units, the proposed development falls below the target for larger family intermediate and private family units. The applicant has stated this is as a result of the particular site constraints of this central location, where it is difficult to achieve the amenity space on a constrained site whilst achieving the necessary level of cross subsidy to facilitate the wider regeneration objectives of the development within other areas of the Estate.
- 8.26 As such, it is considered that the provision of family housing within the proposed development, on balance, represents a scheme which meets the Council's regeneration and renewal aspirations. While the development does not completely comply with the provisions of HSG2 of the IPG, it meets the Council's affordable housing target of 35% as well as meeting the Council's target for affordable family units of 45%.

### Density of Development

- 8.27 The proposed development would have a density of 725 habitable rooms per hectare, an

increase of 196, from the existing 529 habitable rooms per hectare within the Estate. Policy 3A.3 of the London Plan 2008 and policy HSG 1 of the IPG seek to maximise the potential of sites while maintaining an appropriate density in relation to transport capacity and the setting of the site.

- 8.28 In accordance with this aspiration The London Plan 2008 provides a density matrix, setting out acceptable densities in terms of the accessibility of the site to public transport, in order to maximise the potential of sites while ensuring that the development is adequately supported by the transport network. The subject site is located within an area which has a Public Transport Accessibility Level (PTAL) of 6, which the matrix sets out acceptable density levels as 650-1100 habitable rooms per hectare.
- 8.29 The IPG details a number of matters that should be included when assessing the appropriate density. These include the setting of the site, the local context and character, the need to protect and enhance amenity, the housing mix, access to town centres, open space provision, the impact on services and infrastructure and the provisions of other non-residential uses onsite. The IPG provides a density matrix to relate the setting of the site and its location to public transport to density. Given the location of the site within the City Fringe Area and the PTAL rating of 6 the matrix provides for a density within the range of 650-1100 habitable rooms per hectare.
- 8.30 It is therefore considered that the proposal is acceptable in terms of policy 3A.3 of the London Plan 2008 and policies HSG1.

### **Impact on the Amenity of Adjoining Occupiers and the Surrounding Area**

#### Daylight and Sunlight

- 8.31 Policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy 4B.10 of the London plan require that developments preserve the amenity of the adjacent occupiers, including sunlight and daylight.
- 8.32 The applicant has provided a Daylight and Sunlight Report with their application outlining the daylight and sunlight received by the adjacent buildings. It has assessed the daylight and sunlight levels of the proposed development against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.33 It is widely accepted that the most appropriate test, given the city centre location, is the Average Daylight Factor (ADF) test, which gives the interior illumination in the rooms taking into account the size of the windows. The tests carried out by the applicant show that the daylight received by the habitable rooms of the residential buildings adjacent the development will meet or exceed the BRE guidelines, providing acceptable daylight levels to the future occupants of the development.
- 8.34 The sunlight results generally fall below the guidance level, though the submitted report has noted that those most affected appear to be dual aspect dwellings and therefore would retain amenity to other elevations. The results are considered by the daylight and sunlight consultant to be typical of inner city development. The results for the properties facing directly southwards towards the development are considered to show that an acceptable proportion of annual sunlight will be available.
- 8.35 It is therefore considered in terms of daylight and sunlight that on balance given the central city location the proposal would be generally in accordance with policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy

4B.10 of the London plan.

#### Privacy

- 8.36 Issues of privacy/overlooking need to be considered in accordance with policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance 2007, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.
- 8.37 The blocks forming the courtyard block are separated by a distance exceeding 18m, which is considered acceptable to maintain privacy between habitable rooms. The location of balconies within the development has been generally designed to maximise the privacy and prevent overlooking with between units.
- 8.38 However, given the density of the development, the design of the perimeter block and the inner city location the development does produce an aspect of overlooking which cannot reasonably be designed out.
- 8.39 The majority of the units have an outlook over the surrounding roads with an acceptable separation distance exceeding 18m between any neighbouring buildings. The proposed distances between buildings are reduced to approximately 15m on Old Castle Street, however given that the outlook would be across the public road this is considered acceptable and would not significantly impact on the existing expected privacy level in the central city location.
- 8.40 On balance it is therefore considered that the proposed development would be acceptable in terms of privacy and generally in accordance with policy DEV2 of the UDP and policy DEV1 of the IPG.

#### Noise and Vibration

- 8.41 In protecting the amenity of the surrounding area Policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.
- 8.42 No specific details of the proposed noise and vibration levels of plant or ventilation systems to the proposed development has been provided with the application, however it is considered that a condition of consent could ensure that details of the noise and vibration impacts of any proposed plant and ventilations systems would be submitted to Council for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.

#### Odour & ventilation

- 8.43 The proposed development includes the replacement of the existing 1,167m<sup>2</sup> of retail floorspace provided by 11 retail units with an increased provision totalling 1,490m<sup>2</sup> in 6 retail units, which is proposed to include A1-A3 uses. As such, there will potentially be a food cooking and associated odours being created within the development. Policy DEV 2 of the UDP and Policy DEV1 of the IPG require the mitigation of odours in order to protect amenities within the development and of the wider area.
- 8.44 In order to remove these odours from the development and create suitable internal amenity ventilation and extract systems would be required to be installed. This would potentially consist of general ventilation for units within the development, in order to provide fresh air into the development, and extract systems to the units with cooking facilities, in order to extract cooking odours.



- 8.45 Details of these systems have not been provided. It is therefore recommended if approved, conditions are included on the planning permission to ensure that the ventilation and extraction systems are appropriate and don't impact on the amenity of the adjacent occupiers or the appearance of the development.

#### Construction

- 8.46 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development; however these will be temporary in nature.
- 8.47 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 8.48 It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.

#### Vehicle Traffic Movements

- 8.49 Vehicle movements associated with the proposed development have the potential to impact on the amenity of the area through noise, pollution and the general vehicle movement within the public realm. Policy DEV2 of the UDP and DEV 1 of the IPG seek to protect this amenity.
- 8.50 As detailed below the proposed development will produce a number of additional trip movements. However, given the high Public Transport Accessibility Location (PTAL) rating and central city location of the site, there is a maximisation in the use of public transport and walking. This combined with the reduction in vehicle parking numbers would insure that the number of vehicle traffic movements and minimised.
- 8.51 It is therefore considered that the impact on the amenity of the area through increased vehicle traffic movement will not be significant and in terms of the impact of vehicle movements the development will accord with policy DEV2 of the UDP and DEV 1 of the IPG.

### **Traffic and Servicing Issues**

#### Trip Generation

- 8.52 Policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP and policies CP41, DEV17 and DEV19 of the IPG seek to restrain unnecessary trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 8.53 The applicant has provided a Transport Assessments detailing the proposed additional trip generation as a result of the proposal. Table 8.2 shows the estimated increase across the different transport modes during the peak morning and evening hours.

	Walk	Cycle	Public Trans	Car Driver	Car Pass	Taxi	Motor cycle
AM In	+54	+4	+59	+9	0	+1	+1
AM Out	+84	+6	+83	+16	+1	+1	+1
PM In	+74	+4	+51	+12	+1	+1	+1
PM Out	+63	+4	+68	+12	+1	+1	+1

Table 8.2 – Estimated trip generation

- 8.54 Table 8.2 shows that a significant number of trips generated from the development would be undertaken on the public transport network or by walking, which is reflective of the high PTAL rating of 6 that the area has and therefore would be in accordance with the aspirations of policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP and policies CP41, DEV17 and DEV19 of the IPG.

#### Parking

- 8.55 London Plan Policies 3C.17 and 3C.23 seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policies DEV17 and DEV19 of the IPG.
- 8.56 The proposed development seeks to provide 105 car parking spaces which include 11 spaces for disabled uses. There are currently 141 car parking spaces within the Denning Point Complex of the development and thus the proposed development envisages a net reduction of 36 spaces. It is proposed that the existing basement car park would be retained to provide the 105 parking spaces.
- 8.57 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 and 3C.23 of London Plan 2008 and policies DEV17 and DEV19 of the IPG. A S106 legal agreement should be entered into so that the Traffic Management Order can be amended to exempt residents, occupiers and employees of new build components of the development from obtaining parking permits. This will ensure no overflow parking on the road network.

#### Cycle Parking and Facilities

- 8.58 Policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.59 The proposals within the new build provision of the development provide for 319 bicycle spaces for the new residential units and allows for visitor spaces. In addition the scheme provides an additional 13 spaces for the retail units, 3 spaces for the community facility and 5 spaces for the offices.
- 8.60 The proposed cycle storage is to be secure and located in sheltered areas, within close proximity to the part of the development they serve. This provision is in accordance with Council's standards and would be considered to provide adequate cycle storage. A condition of consent is recommended to ensure the layout of the cycle storage is acceptable.

8.61 It is therefore considered that the proposed development would accord with policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG.

#### Deliveries and Servicing

8.62 Policies ST30 and T16 of the UDP and policy DEV17 of the IPG seek to provide adequate provision for the servicing and operation of developments while minimising the impact on the highway.

8.63 Refuse collection and servicing would take place from the street for all elements of the scheme, albeit that the routes taken by refuse/service vehicles would vary depending on which part of the development was being served.

8.64 Refuse collection/servicing for the residential units would be undertaken from Old Castle Street or Pomell Way.

8.65 The large scale retail unit will be serviced from Commercial Street where there are on-street bays that permit loading for a maximum of 20 minutes between 10:00 and 16:00 any day.

8.66 The additional retail units will be served from Wentworth Street, as is currently the case, while the office development would be serviced from Commercial Street.

8.67 While both TFL and Council's Highways department have detailed concerns that the proposed servicing of the commercial units may not be appropriate, it is in line with the existing servicing of the area. While ideally developments should be serviced from onsite, the nature of the site and the development means that onsite provision is not appropriate. Any onsite servicing provision would result in a reduction in the amenity space and public open space provided for residents and the public.

8.68 There are existing servicing bays which are provided on Commercial Street. As the servicing of commercial sites is existing from this location and it is proposed to continue to utilise the existing bays for servicing of the commercial units in the development it is not considered that the impacts of the practice would be significant enough to warrant refusal on those grounds. A condition is considered appropriate to require a servicing plan for the site which would enable the times of servicing to be limited in order to mitigate against any impact.

8.69 It is therefore considered that the proposed servicing arrangements are acceptable in terms of policies ST30 and T16 of the UDP and policy DEV17 of the IPG.

#### Public transport capacity

8.70 While the applicant has not carried out an analysis of the impact of the increased number of public transport users in relation to the current capacity the moderate increase in public transport use is not considered to be a significant impact. The site is located in an area with a PTAL of 6A and is well connected to a number of public transport modes.

8.71 The proposed increase of 83 outward and 59 inward morning peak hour journeys and 51 inward and 68 outward evening peak hour journeys spread across the public transport infrastructure of underground tube, network rail and bus services, would not be considered to amount to a significant impact on these services.

8.72 As such, it is considered that there would not be a significant impact on the public transport capacity and the development is acceptable in terms of policies 3C.1 and 3C.2 of the London Plan 2008 and policy DEV17 of the IPG.

#### Sight lines/Access

- 8.73 There are no obstructions within 2.4m in from the back edge of the carriageway at the head of the vehicle access ramp to the basement parking. The most advanced building line is 4.2m behind the carriageway at this point and the only construction beyond the face of the building is a guarding at the head of the ramp and, further away, guardings/railings to the terraces/front yards. These will be of visually open construction.
- 8.74 The proposed access will be located at the southern boundary of the site, the ramp has sufficient off street space to allow a vehicle to wait whilst waiting to access the proposed basement car parking area enter. There is sufficient space to allow vehicles to vehicles to enter and exit the site in forward gear.
- 8.75 Council's Highways department have reviewed the application and consider sightlines to be acceptable and in accordance with guidance. It is therefore considered that the proposed development, in terms of sight lines and vehicle access would not cause unacceptable safety concerns to pedestrians or the highway network.

### **Design and Layout of the Development**

- 8.76 Wheler House is the northern most property in the application site area and comprises a 5 storey brick building. The proposals for Wheler House seek to improve the boundary treatment, to provide new gated access, new lifts and secure entrances, as well as two new underground refuse storage stations and improved hard and soft landscaping.
- 8.77 Barnett, Bernard, Bruce and Carter Houses are all of the same style and range between 3 – 5 storeys. Proposals to these buildings include new controlled gated access, new passenger lifts, new underground refuse storage stations and new hard and soft landscaping.
- 8.78 Wentworth Dwellings, two separate buildings of 3 – 4 storeys, and Brunswick House, a 4 storey building, are all brick-faced with concrete tile roofs dating from the 1980s and form a distinct area. The works to these buildings include the removal of streetside glass canopies, improvements to the hard and soft landscaping, drainage of access decks and lighting.
- 8.79 Key refurbishment works to Herbert and Jacobson Houses, located on Old Castle Street, include new secure access gates, new lifts, new underground refuse storage stations, a restored play area and new soft and hard landscaping to the courtyards.
- 8.80 Ladbrooke and Bradbury Houses and Evershed House are all to be entirely redeveloped under the application proposals, providing a much needed enhancement of the estate. The proposed layout comprises a series of new blocks, reinforcing the traditional street frontage whilst creating a new open space on a busy route through the estate and a new private courtyard for communal use. All of the new development is clustered in an area surrounding Denning Point. Storey heights for the new build compliment the existing built form. This site is located within close proximity to various tall building clusters and the Aldgate Gyratory. This presents the opportunity to introduce buildings of a mass and scale appropriate to an inner city location. Buildings with a height of up to twelve storeys (Block C fronting Commercial Street) are proposed and will complement the character of this area, providing a transition between the higher buildings to the south and those of a smaller scale on Wentworth Street.
- 8.81 The 22 storey Denning Point building will remain and the scheme proposes to make significant improvements to the building externally, by recladding and providing new windows and balconies as well as a new entrance.

### **Mass and Scale**

- 8.82 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of

the UDP and policies CP4, DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment, high quality in design and protect the amenity of the surrounding environment and occupiers.

- 8.83 The scale and mass of the new build development is considered to respond to the orientation of the site, the heights of nearby buildings and the nature of the surrounding streets.
- 8.84 Building heights fronting Old Castle Street have been kept at 4-5 storeys, respecting the neighbouring residential buildings and creating an appropriate residential scale to the street as well as admitting a quality of direct sunlight into the courtyard.
- 8.85 Taller buildings of 5-12 storey fronting onto Pomell Way and Commercial Street respond to the commercial nature and scale of the neighbouring buildings, while maximising the number of dwellings receiving direct sunlight.
- 8.86 The Wentworth Street building's height also acceptably responds to the heights of neighbouring buildings while respecting the scale of the street market. The buildings to the northern side of the courtyard have been kept relatively low to allow good sunlight into the public open space formed between the Wentworth Street buildings and the courtyard block.
- 8.87 Overall it is considered that the scale and massing of the building is appropriate and has been related to the neighbouring developments in terms of height, scale and nature. It is considered that in terms of scale and mass the proposal is generally in accordance with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG.

#### Appearance and Materials

- 8.88 The proposed scheme comprises four main building elements:
- the existing tower of Denning Point;
  - the new courtyard buildings that are formed around Denning Point;
  - the free-standing building on Wentworth Street; and
  - the upgrades to the other building on the estate.

#### *Denning Point*

- 8.89 Denning point is currently somewhat degraded in terms of its appearance and its facing materials are showing decay. The applicant proposes to apply a rain-screen cladding system whose panel sub-divisions will follow the lines of the existing slab edges and brick wall infills. New windows will replace the existing with the same pattern of opening lights and glazed spandrel panels. Because the new overcladding will increase the overall thickness of the external wall construction, it is proposed to extend the balconies accordingly and replace the guarding with new glass balustrades.
- 8.90 It is proposed to use a pale coloured cladding material, such as precast fibre-reinforced cement panels or a matt finished coated metal system. Insulated render, contained in small bays trimmed with metal reveals, is an alternative option. Final choice of materials has not been made and the applicant is still researching appropriate finishing materials in terms of performance, cost and appearance.
- 8.91 There is currently no terminal treatment at roof level of the Denning Point tower. It is therefore proposed to apply a screen of glass or metal panels at roof level that will give the building a positive "crown".
- 8.92 The regularity of the building plan – a rectangle with balconies applied equally to the four corners – is interrupted on the Commercial Street elevation by the escape staircase that protrudes eccentrically beyond the face of the building. The glazing to the staircase will

be replaced as part of the re-cladding and it is proposed to use the new cladding as an expressive vertical element on the façade.

#### *The Courtyard Block*

- 8.93 The courtyard building faces onto busy Commercial Street as well as the quieter Pomell Way, Old Castle Street and the new public square.
- 8.94 The ground floor of the Commercial Street building is proposed to be occupied by a large retail space that is faced with a simple curtain wall shopfront system. The glazing pattern is proposed to be enlivened by using a limited variety of panel widths, deployed in an irregular array. This glazing system would extend around the plinth at the base of Denning Point, rising up to two storeys in height. The transparency of the shopfront glazing will give way to a greater proportion of opaque glazing where it forms the solid external walls to offices and service spaces.
- 8.95 The double-height reception area of the new Eastend Homes offices is located on the corner of Commercial Street and the new public square, with the entrance facing the square. This double-height space will be clad in clear glass so that its presence will be highly visible by day and by night.
- 8.96 The principle of the treatment of the Commercial Street elevation will be carried throughout this block, along Pomell Way and into its rear elevations that overlook the courtyard, except that the unified linear balconies will give way to individual balconies for each flat. Colour will be expressed in the glass balustrades to these balconies.
- 8.97 This lower key appearance is appropriate to these quieter streets and it allows a change in facing materials to be applied to the remainder of the courtyard building.
- 8.98 The domestic quality of Old Castle Street is reflected in the choice of light coloured brickwork as the facing material for the new terrace of maisonettes and flats. A rhythm of individual two-storey dwellings is expressed in the composition of openings in this façade, with a varied pattern of openings serving the flats on the upper floors.

#### *Wentworth Street*

- 8.99 The Wentworth Street building must fit into the existing market streetscape which, regardless of the varieties of architectural style, is predominantly composed of brickwork with shopfronts at street level. The new building will be faced in the same light coloured brickwork used on the Old Castle Street terrace, expressed in a composition that is characterised by large openings onto living rooms and inset balconies. Smaller vertical openings for bedroom windows echo the domestic quality of the Old Castle Street building and give a nod to the traditional sash windows of the neighbouring buildings. Occasional tall coloured glass infill panels to the balcony balustrades make a visual connection to the main Commercial Street elevation.
- 8.100 The new community centre is located on the southern side of the Wentworth Street building, taking the form of a wedge cut into the brick mass of the building. It is two storeys high and is finished in the same glazed curtain wall system as the Eastend Homes on the opposite side of the public square.

#### *General Estate*

- 8.101 It is considered that the proposal for the main new build and the recladding of Denning Point each responds to its context whilst also complementing the other. The concept of the proposed materials is acceptable in principle, however it is recommended that a condition is included on the consent to require the submission and approval of material samples in order to ensure an appropriate quality of material is used in the development

and that the quality of the development is not compromised.

- 8.102 With regards to the proposals elsewhere on the estate, including the provision of lift blocks and entrance improvements to the existing buildings, no detail of the materials, which are proposed to be used, have been provided. It is therefore recommended that a condition be included to require the submission and approval of materials in relation to this work also, in order to ensure that appropriate materials are used and that the proposals do not detract from the appearance of the existing buildings.
- 8.103 In terms of materials it is considered, subject to the proposed conditions, that the proposals are acceptable in terms of policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG.

#### Internal Amenity

##### *Flat Sizes*

- 8.104 The proposed flat sizes are considered to be generally good size, exceeding the Council's Supplementary Planning Guidelines. Furthermore, the layouts of the flats generally provide for maximum internal living space in that the internal halls are minimised. Balcony areas of living rooms would add to the useable space, allowing an element of indoor outdoor living.
- 8.105 It is therefore considered that that the size of the proposed units would be acceptable and would provide appropriately for the living conditions of future occupiers.

##### *Noise*

- 8.106 The proposed development is located in a poor noise environment, with road traffic noise and underground railway noise contributing to the potential noise impacts upon the proposed living environments.
- 8.107 The Council's Environmental Health Officer has reviewed the application and the acoustic report information submitted by the applicant and recommended that the condition be included on the planning permission, if approved, requiring that the developer provide details of how adequate sound attenuation can be provided to ensure acceptable an internal living environment to the proposed dwellings.
- 8.108 In addition the Environmental Health Officer has recommended that the developer must carry out a survey and demonstrate by calculation and prediction of ground borne noise and vibration levels inside the proposed development, due to the underground railway tunnels that run under the site. It is recommended that any approval of the development be subject to a condition requiring the submission of the ground borne noise and vibration details as well as appropriate mitigation measures, if required, in order to ensure the living conditions of the future residents.

#### Impact on Conservation and Heritage Values

- 8.109 Policies 4B.11, 4B.12 and 4B.13 of the London Plan, policies DEV32 and DEV37 of the UDP and policies CON1 and CON2 of the IPG seek to preserve the historic assets of the city.
- 8.110 The site is surrounded by a number of Conservation Areas and is bounded by Wentworth Street Conservation Area, the Whitechapel High Street Conservation Area and the Artillery Passage Conservation Area.
- 8.111 Wheler House lies within the Fournier Street Conservation Area, whilst Bernard House and Old Wentworth Dwellings both lie within different parts of the Wentworth Street Conservation Area.
- 8.112 None of the demolition works or new build element proposed is located within any of the above Conservation Areas. In addition it is considered that the proposed new blocks have

been designed to be sympathetic to the scale and mass of the existing buildings within the estate as well as the surrounding area.

8.113 In accordance with policies 4B.11, 4B.12 and 4B.13 of the London Plan, policies DEV32 and DEV37 of the UDP and policies CON1 and CON2 of the IPG and the Fournier Street Conservation Area and the Wentworth Street Conservation Area Appraisal and Management Statements, the proposals seek to improve the external environment and therefore to improve the setting within the Conservation Areas.

8.114 The key refurbishment works within the Conservation Areas comprise of new controlled access gates, new perimeter railings, new underground refuse storage stations and new hard and soft landscaping. As such, the proposals improve the setting of the existing building and make a more positive contribution to the wider area.

Play Areas/External Amenity Space

8.115 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policy DEV12 of the UDP and policies CP4, CP30 and DEV13 of IPG promote the good design of public places and the provision of green spaces. Furthermore London Plan 2008 policy 3D.13, policy O9 of the UDP and policies CP25 and HSG7 of the IPG require the provision of appropriate child play space within residential developments.

*Private and Communal Amenity Space*

8.116 In accordance with Policy HSG17 of the UDP and HSG7 (Table DC2) of the Council's IPG, overall the proposal retains the existing private amenity space and provides private gardens and private balconies and/or terraces to the vast majority of all the new units. Table 8.3 below provides details of the private amenity space provided for each new unit.

	Type	Grnd	Upper Grnd	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	Total	Req		
															1			
Block A	4bed	(50)23													23	50		
	4bed	(50)25													25	50		
	4bed	(50)24													24	50		
	4bed	(50)24													24	50		
	4bed	(50)24													24	50		
	4bed	(50)24													24	50		
	4bed	(50)24													24	50		
	5bed	(50)26	(0) 6												32	50		
	5bed	(50)26	(0) 6												32	50		
															<b>Total</b>	<b>232</b>	<b>450</b>	
																<b>Surplus/Shortfall</b>	<b>-218</b>	
Block B	1bed	(25)19		(6) 5	(6) 4	(6) 4	(6) 4								36	49		
	1bed	(25)23		(6) 5	(6) 5										33	37		
	1bed			(6) 4	(6) 5										9	12		
	2bed	(25)16		(10) 5	(10)16	(10) 5	(10) 5								47	65		
	2bed	(25)23		(10) 6	(10)16										45	45		
	2bed			(10) 6	(10) 5										11	20		
	2bed			(10) 6											6	10		
	2bed			(10) 6											6	10		
	3bed			(10) 5	(10) 15	(10) 7	(10) 7								34	40		
	3bed				(10) 5	(10) 5	(10) 5								15	30		
																<b>Total</b>	<b>242</b>	<b>318</b>
																	<b>Surplus/Shortfall</b>	<b>-76</b>
Block C	studio	(25) 8		(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	48	73		
	studio			(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	(6) 5	40	48		
	1bed	(25)20		(6)10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	(6) 10	130	91		
	1bed			(6)10	(6)10	(6)10	(6)10	(6)10	(6)10						60	36		
	1bed			(6)11	(6)11	(6)11	(6)11	(6)11	(6)11						66	36		
	1bed			(6)11	(6)11	(6)11	(6)11	(6)11	(6)11						66	36		
	1bed			(6)11	(6)11	(6)11	(6)11	(6)11	(6)11						66	36		
	2bed			(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	(10) 5	55	110		





Point site alone, and will refurbish and improve the existing, poor quality and run down areas of defined playspace across the wider estate to provide a total of 1,608m<sup>2</sup> playspace.

- 8.122 In accordance with policy HG7 of the IPG, it has been calculated that the wider estate, based on the combined proposed new and existing homes, should provide a total of 621.5m<sup>2</sup> of children’s play space (see Table 8.4 below). Currently, the estate provides just 560m<sup>2</sup> of dedicated play space. The proposals will provide approximately 1,608m<sup>2</sup> of dedicated play space distributed appropriately throughout the estate, improving opportunities for overlooking and creating safer play environments. As such, the amount of play area exceeds the policy requirements and is therefore considered in accordance with policy 3D.13 of the London Plan 2008, policy O9 of the UDP and Policies CP25 and HSG7 of the IPG.

Tenure	Market Units				Intermediate Units				Social Rented Units			
Unit Size	No. of Units	Child Yield	Total Yield	LBTH 3sq.m.	No. of Units	Child Yield	Total Yield	LBTH 3sq.m.	No. of Units	Child Yield	Total Yield	LBTH 3sq.m.
Studio	20	0.036	0.72	2.16	0	0.036	0	0	0	0	0	0
1 bed	80	0.036	2.88	8.64	4	0.036	0.144	0.432	59	0.059	3.481	10.443
2 bed	164	0.228	37.392	112.176	7	0.228	1.596	4.788	117	0.49	57.33	171.99
3 bed	56	0.564	31.584	94.752	2	0.564	1.128	3.384	35	0.912	31.92	95.76
4 bed	14	0.742	10.388	31.164	0	0.742	0	0	13	1.221	15.873	47.619
5 bed	3	0.742	2.226	6.678	0	0.742	0	0	8	1.221	9.768	29.304
6 bed	1	0.742	0.742	2.226	0	0.742	0	0	0	1.221	0	0
<b>Totals (sq.m.)</b>	<b>338</b>		<b>85.932</b>	<b>257.796</b>	<b>13</b>		<b>2.868</b>	<b>8.604</b>	<b>232</b>		<b>118.372</b>	<b>355.116</b>
<b>Grand Total</b>				<b>621.5</b>								

Table 8.4 – Playspace requirement

### Wind Micro-Environment

- 8.123 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 of the London Plan 2008 requires that “All large-scale buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro- climates in terms of wind, sun, reflection and over-shadowing”. Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 of the IPG also identifies microclimate as an important issue stating that:

*“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”*

- 8.124 The applicant has provided a Wind Microclimate study which details the impact on the pedestrian environment as a result of the proposed tall building development. The report concludes that in none of the scenarios modelled were there any areas with winds that would be perceived as unpleasant by pedestrians.
- 8.125 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate wind conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 and policy DEV1 of the IPG.

### Landscaping

- 8.126 Landscaping is used to enhance the aesthetics and amenity of the public realm and outdoor spaces within and surrounding developments. In addition, appropriate landscaping can provide enhancements to the biodiversity and natural habitats within the area.

- 8.127 The applicant has submitted a general landscaping strategy for the entire estate, however there is no specific detail on the landscaping improvements proposed. As such, it is recommended that a condition is imposed on the application to ensure that the proposed landscaping is of an acceptable level and quality to ensure the amenity of the estate.
- 8.128 It is therefore considered the proposed development would be in accordance with policy DEV12 of the UDP, policies DEV1, DEV2 and Dev 13 of the IPG and policies 4A.11, 4B.1 and 4B.10 of the London Plan 2008.

#### Views

- 8.129 Policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG protect strategic views of the city and locally important views of the townscape.
- 8.130 The site does fall within a designated Strategic View Consultation Area under the London Plan 2008. The applicant has provided an assessment of the impact showing that the proposed development would be located below the threshold plane and given the surrounding heights of development would have nil impact on the Strategic View.
- 8.131 The proposal is therefore considered in accordance with policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG

#### Access

- 8.132 The scheme will yield much needed accommodation including social rented and intermediate affordable housing. The access statement submitted highlights the developer's commitment to provide all accommodation to lifetime homes standards. Most of the units will have relative ease of access to disabled parking bays. 10% of the units provided will be wheelchair accessible design. Conditions of consent can be included on the application to ensure that the provisions are met adequately for mobility impaired persons.
- 8.133 It is therefore considered that the access for mobility impaired persons is acceptable and would be in accordance with policy ST12 of the Unitary Development Plan 1998, policies CP46 and DEV3 of the Interim Planning Guidance 2007 and policy 4B.5 of the London Plan 2008

#### Waste Storage

- 8.134 The refuse provisions for Denning Point will retain the existing refuse chute, although the location of the bin store will be changed to allow collection from Commercial Street, as well as provide additional bin storage space for recycling and composting waste.
- 8.135 Each of the ground level maisonettes on Old Castle Street is provided with a screened bin storage area in its front yard, containing storage for general refuse, co-mingled dry recyclables and compostable waste.
- 8.136 Common residential cores B, C and F (situated in the courtyard building) are provided with enclosed refuse stores adjacent to the common entrances but accessed from the street. Common residential cores in the Wentworth Street building are provided with underground refuse storage stations located in the public square and on Old Castle Street.
- 8.137 Refuse stores are located so that horizontal travel distances from dwellings are within accepted limits. Refuse stores have been positioned so that they are sufficiently close to the public highway to allow collection by London Borough of Tower Hamlets refuse collectors (or

its sub-contractors).

- 8.138 No specific provisions have been made for the storage or collection of non-residential uses. The applicant has stated assumed that, since this will depend to a large extent on the precise nature of these uses that such provision will be made within the space allocated for these uses and that details will be submitted for approval in due course, when the nature of these uses becomes known.
- 8.139 It recommended that a condition be included on the consent to require the submission and approval of all bin stores, including for the commercial units, to ensure that the appropriate area and set out is proposed to cater for both waste and recycling. It is considered with such a condition the proposed storage arrangements would be acceptable and would not impact on the amenity of the surrounding area or the appearance of the development.

### **Sustainability**

- 8.140 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

### Energy

- 8.141 The applicant has provided an Energy Strategy with the application, detailing the estimated energy usage, energy efficiency and what renewable energy provisions have been provided within the development.
- 8.142 PPS22 seeks to require the inclusion of renewable technology and energy efficiency within developments, as do policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008 and policies CP38 and DEV6 of the IPG, unless it can be demonstrated that the provision is not feasible.
- 8.143 The Holland Estate Regeneration consists of refurbishing 374 of the current 417 apartments on the estate to improve the welfare and standard of living to the current residents. In order to fund these improvements it is proposed to integrate 209 new build homes into the scheme. These extra units will be generated by the demolition of 43 existing units and better usage of the area around Denning point.
- 8.144 The Energy Strategy shows that large carbon savings can be made during the Estate regeneration. Due to the nature of the scheme the largest and most cost effective carbon savings are to be made by increased energy efficiency in the existing buildings.
- 8.145 The report shows energy demands for the existing stock, refurbished stock and new build elements. The existing housing is circa 1930's to 1960's with very poor insulation levels, inefficient boilers, no ventilation and poor air permeability.
- 8.146 It is proposed that blown fibre insulation be introduced to the cavity walls, boilers and controls be updated and ventilation be added. Windows are also to be replaced or refurbished.
- 8.147 In terms of the new build elements, these will have high efficiency condensing boilers, low insulation values (Walls – 0.25 W/m<sup>2</sup>k, roof 0.16 W/m<sup>2</sup>k, Floor 0.25 W/m<sup>2</sup>k, window 1.8 W/m<sup>2</sup>k), heat recovery ventilation and low energy lighting. It is also proposed that the new build element of the works included a district heating scheme. A total of 400m<sup>2</sup> (circa 51kW) of Photovoltaic panels will also be included on the scheme.

8.148 The carbon saving results of the proposed energy efficiency and renewable energy measures are shown in Table 8.5 below.

	Annual Carbon Emissions (kg CO <sub>2</sub> )		
	Residential	Common Areas and Commercial	Total
Existing Stock	1,754,605	123,324	1,877,929
Existing Stock Refurbished	1,076,575	23,593	1,100,168
Existing Stock Change	<b>678,030</b>	<b>99,731</b>	<b>777,761</b>
New Build (Part L)	483,835	421,518	905,353
New Build (After Lean, clean and Green)	373,104	238,602	611,706
New build Change	<b>110,731</b>	<b>182,916</b>	<b>293,647</b>
Total (Existing + New Build)	2,238,440	544,842	2,783,282
Total (Refurb + New build)	1,449,679	262,195	1,711,874
Total Change	<b>788,761</b>	<b>282,647</b>	<b>1,071,408</b>

*Table 8.5 – Proposed Carbon Emission Savings*

8.149 Policy 4A.7 of the London Plan 2008 requires that developments achieve a 20% reduction in carbon emissions through the use of onsite renewable energy, unless it can be demonstrated that such provision is not feasible. This is supported by policy CP38 of the IPG which seeks to ensure developments maximise the opportunities for the production of energy from renewable sources and policy DEV6 of the IPG which requires a minimum of 10% of the predicted energy production to be from renewable energy production.

- 8.150 As part of the proposed carbon emission savings it is proposed to integrate a Photovoltaic array into the scheme. The usable roof area for this is approximately 400m<sup>2</sup>. Using the highly efficient Shuco Panels a 51 kW array could be installed. According to the applicant this would cost in the region of £285,000 and provide carbon emission reductions of 24,623 kg CO<sub>2</sub> per annum. This would only equate to 3.9% of the new build carbon emissions.
- 8.151 In terms of carbon savings, it is more cost effective to invest in energy efficiency within the refurbishing works, rather than costly renewable technologies. There are larger carbon savings per pound for the energy efficiency refurbishment works than there are for the renewable elements. The cost of the energy efficiency refurbishment works is approximately £4,056,321 for carbon savings of 777,761 kg CO<sub>2</sub>. This equates to 5.22 £/kg. The cost of renewable technologies to give similar savings would be approximately £4,792,540 (6.16 £/kg) for Wind turbines, £8,866,475 (11.4 £/kg) for PV and £6,167,644 (7.93 £/kg) for Solar thermal.
- 8.152 It is therefore considered that the proposed energy strategy represents a larger carbon emissions saving than would be feasible if onsite energy production was to be included to a higher level. As such the proposed development is considered to accord to policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008 and policy CP38 of the IPG.

#### Biodiversity

- 8.153 Policy 3D.14 of the London Plan 2008, policies DEV57 and DEV61 of the UDP and policies CP31 and CP33 of the IPG seek to protect and enhance biodiversity and natural habitats.
- 8.154 The site is not designated as a Site of Nature Conservation or Importance. In overall terms, the provision of additional landscaped open space is likely to improve the range of habitats available and promote biodiversity in accordance with policy.
- 8.155 Conditions of consent are recommended to require an acceptable landscape plan to be produced for the landscaping works within the estate. Assessment and approval of the landscaping would ensure that biodiversity enhancements and natural habitats are maximised within the landscaping proposals.
- 8.156 It is therefore considered that the proposed development would provide important biodiversity enhancements to this inner city location and that the proposed development would be consistent with policy DEV61 of the UDP policy CP31 of the IPG and Policy 3D.14 of the London Plan 2008.

#### Water

##### *Flood Risk, Water run-off and Waste Water*

- 8.157 The Holland Estate is located in Flood Risk Zone 1 and thus is not at risk from flooding from fluvial or tidal influenced sources within a return period of 1 in 1000 years. However, as the site exceeds one hectare a Flood Risk Assessment has been provided.
- 8.158 The report made two recommendations pertaining to the management of surface water and foul water from the Denning Point site, including the new build areas. The first that it be demonstrated that the surrounding sewer capacity is sufficient to take the increased foul water discharge from the site. The utilities statement does not detail whether there is sufficient capacity and therefore it is recommended a condition of consent is included to require confirmation of sufficient sewer capacity.
- 8.159 Secondly, that tanked storage is provided to mitigate against the runoff from the impermeable areas. A condition is recommended regarding the provision of this, which is in accordance with the Environment Agencies request for a condition relating to surface water

storage.

- 8.160 Subject to imposing the recommended conditions it is considered that the proposed development would adequately mitigate against flood risk, water run-off and waste water generation.

#### *Water use*

- 8.161 The applicant has not provided details of the proposed water usage or mitigation provisions. It is therefore considered that conditions be included that low flow water use devices be used and that a Sustainable Homes Assessment be required, in order to ensure the minimisation of water usage.
- 8.162 Subject to the recommended conditions the proposed development is considered in accordance with policies, DEV69, U3 of the Unitary Development Plan 1998, policies CP37, DEV7, DEV 8 and DEV21 of the IPG and policies 4A.12, 4A.13, 4A.14 and 4A.16 of the London Plan 2008.

#### Construction Waste and Recycling

- 8.163 Policy 4A.28 of the London Plan 2008 and policy CP39 of the IPG require developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.164 The applicant has provided an initial Site Waste Management Plan for the development detailing that they will follow the principles of the waste hierarchy and reduce, reuse and recycle.
- 8.165 Conditions of consent should require an updated Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste. If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy CP39 (Sustainable Waste Management) of the IPG and policy 4A.28 (Construction, excavation and demolition waste) of the London Plan 2008.

#### **Planning Obligations**

- 8.166 Policy DEV 4 of the UDP and policy IMP1 of the IPG state that the Council will seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.
- 8.167 The applicant has agreed to the following being included in a Section 106 to ensure mitigation of the proposed development:
- Provide a contribution of **£225,596** towards the provision of future health and social care facilities.
  - Provide a contribution of **£283,866** towards the provision of primary school places.
  - Affordable Housing (38.6%)
  - Car Free Development for all new units
  - Employment Initiatives to use reasonable endeavours to employ local people during the construction and end user phases of the development.
  - Green Travel Plan to encourage sustainable travel to and from the development by residents.
  - Clause requiring £10,285,000 (residual value after Stamp Duty Land Tax – SDLT) to

be spent on the upgrade of the Holland Estate to bring existing units up to Decent Homes Standard.

- Provision of a car club and min 2 car club spaces provided within the development for the use of residents
- Provision and operation of a Community Centre
- Provision of public access to the public open space

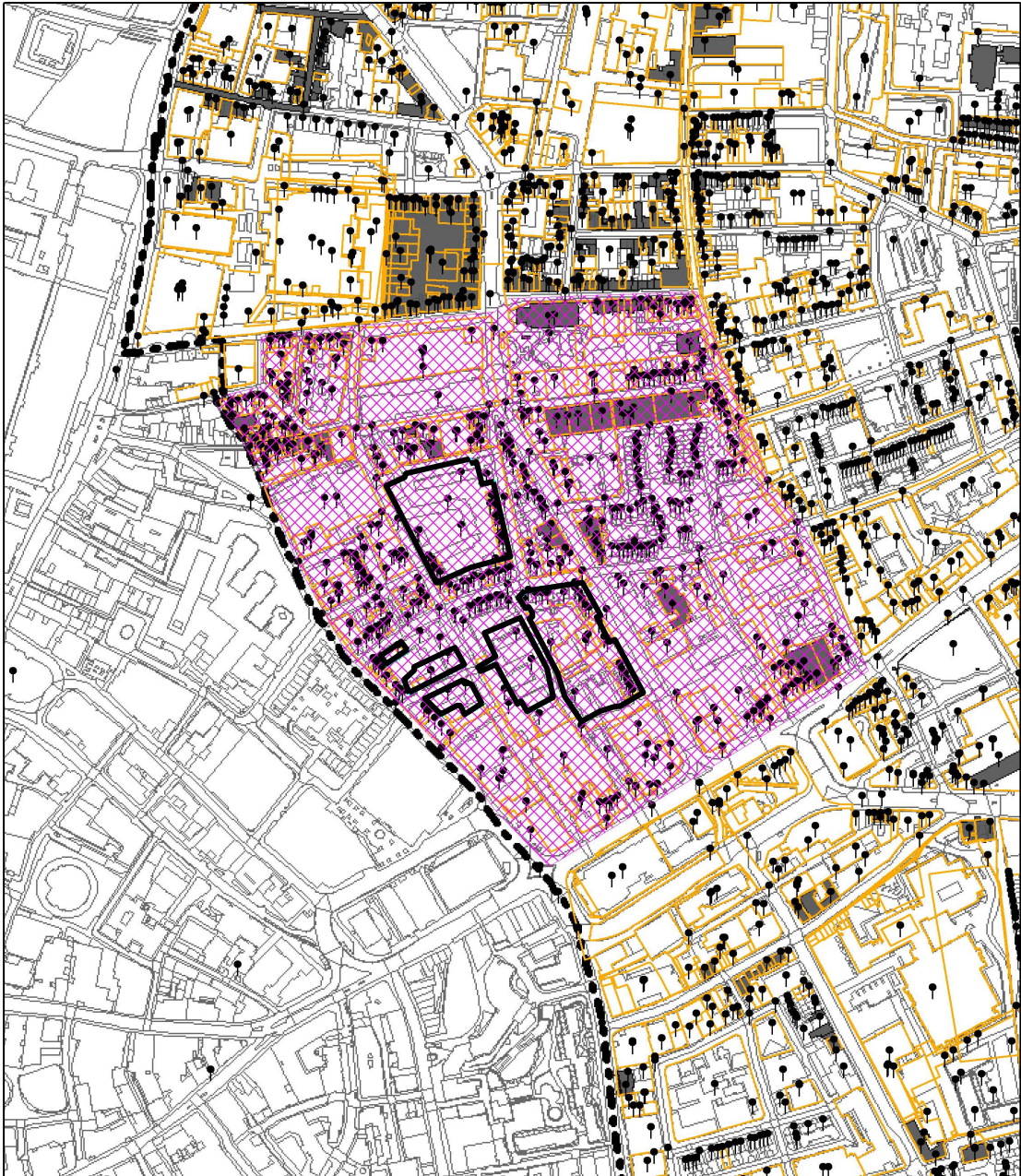
8.168 In accordance with policy DEV 4 of the UDP and policy IMP1 of the IPG it is considered that the inclusion of these matters in a Section 106 Legal Agreement, together with the recommended conditions would adequately mitigate against the impacts of the development.

### **Conclusions**

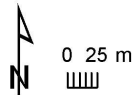
8.169 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# 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

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<b>Agenda Item number:</b>	7.7.
<b>Reference number:</b>	PA/08/2347
<b>Location:</b>	Holland Estate, Commercial Street, E1.
<b>Proposal:</b>	Refurbishment of the retained existing dwellings on Holland Estate, the replacement of 43 dwellings, (13 x one bed flats, 9 x two bed flats, 18 x three bed flats and 3 x four bed flats) totalling 143 habitable rooms within Ladbrooke House, Bradbury House, Evershed House and Denning point with the erection of 209 new residential units containing studio, 1, 2, 3, 4 and 5 bedrooms, provision of a new community centre (use class D1) of 644sqm, a new East End Homes local housing office and head office of 1,078sqm (use class B1), the introduction of an Estate wide landscaping scheme and the replacement of 11 retail units (including 2 kiosks) with 6 new retail units providing some 1,490sqm comprising use classes A1, A2 and A3.

## 1. CLARIFICATION

There are a number of existing mature trees on the footways around the proposed development. Officers consider that a condition additional to those recommended in the main report (Agenda item 7.7) should be imposed on any planning permission to protect the trees from construction impacts. This would include a requirement for protective fencing and prevention the storage of materials under the canopy of the trees.

The secured gates proposed within the development by virtue of their position would result in an inappropriate form of development that would present the impression of a 'gated' community and would fail to contribute to the permeability of the urban environment contrary to policy DEV1 in the UDP 1998 and Policy DEV2 and DEV3 of the council's interim planning guidance (October 2007). Discussions between officers and the applicant, on the matter have resulted in the applicant agreeing to remove the secured gates from the proposal. It is therefore recommended that an amendment condition be included requiring the removal of the secured entrance gates from the proposal.

## 2. RECOMMENDATION

1.1. The recommendation to GRANT planning permission is unchanged save that two additional conditions should be imposed on any planning permission.

1. Requiring the submission, approval and implementation of a scheme of protective fencing around the trees on the footways and the proposed development to prevent the storage of materials under the canopy of the trees.
2. Requiring the amendment of the application plans and supporting information to remove all the proposed secured gates from the proposed development.

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# Agenda Item 7.3

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> May 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.x
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Ila Robertson		<b>Ref No:</b> PA/08/002690	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

- 1.1 **Location:** Site Bounded by Lemn Street, Whitechapel High Street, Commercial Road and Buckle Street
- 1.2 **Existing Use:** Part of the old Aldgate Gyratory, cleared construction site and a three storey building at 35 Whitechapel High Street and four storey multi-storey car parking building that affronts Buckle Street and Braham Street
- 1.3 **Proposal:** Demolition of the existing buildings and erection of a part 19-storey, part 21-storey building (102.5 Above Ordinance Datum (AOD)) comprising office floorspace (Use Class B1) and retail floorspace (Use Class A1-A4) at ground floor level, together with underground parking, associated plant, servicing and landscaping
- 1.4 **Drawing Nos:** WE-455-100a REV A, WE-455-100b REV B, WE-455-100c REV A, WE-455-110, WE-455-111, WE455-119 REV A, WE-455-197 REV E, WE-455-198 REV E, WE-455-200 REV F, WE-455-201 REV E, WE-455-202 REV E, WE-455-204 REV E, WE-455-211 REV C, WE-455-212 REV C, WE-455-217 REV E, WE-455-219 REV E, WE-455-220 REV E, WE-455-221 REV E, WE-455-222 REV E, WE-455-300, WE WE-455-310 REV C, WE-455-311 REV C, WE-455-312 REV C, WE-455-313 REV C, WE-455-400 REV A, WE-455-402 REV A, WE-455-600, WE-455-601, WE-455-602, WE-455-603, WE-455-605, WE-455-610 and WE-455-625 Rev B.
- 1.5 **Supporting Documents**
- Design and Access Statement dated December 2008
  - Environmental Statement Volume I dated December 2008
  - Environmental Statement Volume II: Townscape, Conservation and Visual Impact Assessment Report dated December 2008
  - Addendum ES Volume II dated March 2009
  - Environmental Statement Volume III: Technical Appendices dated December 2008
- 1.6 **Applicant:** TST Aldgate Holdings LLC
- 1.7 **Owner:** TST Aldgate Holdings LLC
- 1.8 **Historic Building:** N/A
- 1.9 **Conservation Area:** Part of the site being the north-eastern corner falls within the Whitechapel High Street Conservation Area.

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London 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 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
- Office use is acceptable in principle being identified for such a use within policy CP8 of the Council's Interim Planning Guidance (2007) which seeks to direct major office development to the City Fringe and in particular to safeguard Aldgate as a preferred office location.
- 2.4
- 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.
- 2.5
- 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.8, 4B.9 and 4B.10 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.
- 2.6
- The development is of a high quality design, which will provide a landmark gateway from the city into the Borough and allow for the regeneration of the Aldgate area. As such, it enhances the settings of both Whitechapel High Street and adjacent Conservation Areas and Listed Buildings. Overall, the proposal is considered to be appropriate in accordance with policies CON1 and CON2 Council's Interim Planning Guidance (2007) and policies 4B.11 and 4B.12 of the London Plan which seek to protect, preserve and enhance London's historic environment.
- 2.7
- The development would enhance the streetscape and public realm through the provision of a public realm, improved public linkages and the provision of a contribution towards the Braham Street Park. As such, the proposal is considered to be in accordance with the Aldgate Masterplan (2007) and policies CFR1, CFR2, CFR12 and CFR13 of the Council's Interim Planning Guidance City Fringe Area Action Plan (2007).
- 2.8
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998) which seeks to protect residential amenity.

- 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 • The development is in accordance with the Aldgate Masterplan (2007) and Interim Planning Guidance City Fringe Area Action Plan (2007) in terms of the location of a tall building on the Aldgate Gyratory, provision of a contribution towards the Braham Street Park and creation of a east-west link across the southern boundary of the site and re-provision of the Drum Street thoroughfare.
- 2.12 • Contributions have been secured for the Braham Street Park, for employment initiatives, healthcare, air quality and public art 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 seeks 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:
- A. **Referring the application to the Secretary of State** in accordance with the powers conferred by articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995. Given English Heritage have objected to the scheme on the grounds of adverse impact and harm to The Tower of London World Heritage Site.
  - B. Any **direction by The London Mayor**
  - C. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
    1. Provide £2,000,000 towards the provision of a landscaped park to the western end of Braham Street.
    2. Preparation of a right of way "walking agreement" for crossing through the proposed site across all areas of public realm created by the proposal.
    3. Provide £140,000 towards employment initiatives such as the Local Labour in Construction (LliC) or Skillsmatch in order to maximise the employment of local residents.
    4. Provide £140,000 towards healthcare to mitigate the demand of the additional population on health care services.
    5. Provide £150,000 for the preparation and implementation of a public art strategy

including involvement of local artists to be managed by Whitechapel Art Gallery.

6. Provide £30,000 for the monitoring of air quality within the Aldgate area.
  7. TV reception monitoring and mitigation.
  8. Preparation of a Green Travel Plan.
  9. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

### **Conditions**

1. Three year time limit.
2. Details of materials, typical details and
3. Detailed design of ground floor frontages through the central route.
4. Landscaping and public realm works including management plan and temporary landscaping
5. Park required to be completed prior to occupation of buildings
6. Monitoring Control Regime for construction phase to be implemented
7. Parking – maximum of 40 cars (25% designated disabled) and a minimum of 37 motorcycle and 442 cycle spaces
8. Code of Construction Practice (referred to as Construction Method Statement in the ES), including a Construction Traffic Management Assessment required
9. Details of insulation and assessment of the ventilation system and any associated plant required, including routing of the ventilation systems from ground floor uses.
10. Window glazing specification for noise insulation.
11. Black redstart habitat provision required
12. Land contamination study required to be undertaken
13. Implementation programme - archaeological works
14. Full particulars of the refuse/ recycling storage required
15. Microclimate mitigation measures
16. Details of the design of the cycle store required
17. Bat roosts and bird nest boxes to be incorporated into the fabric of the new buildings
18. Water supply and local infrastructure
19. Disabled drop-off area to be located on Leman Street
20. Provision of a service and delivery plan
21. Gas fired fuel cell and renewable energy measures to be implemented, including hydrogen commitment
22. Lighting Strategy and CCTV locations
23. Ecological protection measures in accordance with ES
24. Surface water drainage
25. Water Management Strategy for water efficiency measures
26. Provision of two car charging points

### **Informatives**

1. Thames Water advice



2. Environment Agency advice
  3. Surface water drainage advice
  4. Site notice specifying the details of the contractor required
  5. Standard of fitness for human habitation, means of fire escape and relevant Building Regulations
- 3.4 That, if by 11<sup>th</sup> June 2009 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

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

##### **Background**

- 4.1 This application follows the approval of outline planning permission for the site's redevelopment on the 10th July 2007 (PA/06/00510) for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22 storeys to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) use, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation.
- 4.2 Following the grant of the above permission the applicant discovered that the approved servicing arrangements could not be implemented given the location of primary utilities running under the site. The changes to the access arrangements have as a result necessitated a new planning application. Therefore the application is in many ways in lieu of a reserved matters application for the extant outline permission as it now deals with the detailed design which was not required as part of the outline permission. The key difference between the two schemes is the removal four-storey building (identified as building C) which adjoined Buckley Street due to the alternative access and servicing arrangements. There have also been some slight amendments to the design in terms of the width of the building and the connection between the two buildings, known as 1 and 2 Aldgate Place.
- 4.3 The applicant has started to implement the parts of the original permission in that the majority of the buildings have been demolished. The reserved matter application for Braham Street Park has been approved and works have started on site. Furthermore, the Aldgate Gyratory works required to allow for the development have been completed by TfL.

##### **Proposal**

- 4.4 Demolition of the existing buildings and erection of a part 19-storey, part 21-storey building comprising office floorspace (Use Class B1) and retail floorspace (Use Class A1-A4) at ground floor level, together with underground parking, associated plant, servicing and landscaping.
- 4.5 The part 21-storey building known as Aldgate 1 is located on the northern part of the site with Aldgate 2 being the 19-storey building to the south. The two buildings are connected with a bridging element that forms part of the main floorplate, however it reads as separate element of the design. The lower levels of the building feature a double height colonnade.
- 4.6 At ground floor level, the bridging element would not start until the fourth storey thereby providing a tall and wide covered space. This space will form a diagonal central route across the site. The main entrances and foyers for the office uses and the retail accommodation will be accessed off this route. The proposal includes an east-west route

through the site along the southern boundary. This route would be adjoined at ground floor level by retail units.

- 4.7 The proposal includes a number of landscaped areas of public realm across the site and along the key routes through and around the site and on two roof terraces. The proposal continues to provide the Braham Street park secured under the original consent and currently under construction.
- 4.8 The servicing areas and access to the basement car park lifts would be located at the south eastern end of the central route with direct access off Commercial Road. There would be 40 car parking spaces of which 25% would be disabled, 37 motorcycle spaces and 426 cycle spaces provided within two levels of basement and 16 cycle spaces within the new public realm for visitors.
- 4.9 An Environmental Impact Assessment (EIA) was submitted with the application.

### **Site and Surroundings**

- 4.10 The application site covers an area of approximately 0.77ha. The site is bound to the north by Whitechapel High Street, to the east by Commercial Road and Leman Street to the south. The site also includes Drum Street and Braham Street with parts of the building being constructed over these roads.
- 4.11 The majority of the existing buildings on site have been demolished over the last 18 months. Two existing buildings remain being a branch of the Lloyds Bank fronting Whitechapel High Street and a four storey multi storey car parking building that affronts both Braham Street, Buckle Street and Commercial Road.
- 4.12 The site is within a highly accessible location, with a Public Transport Access Level (PTAL) score of 6b. The closest tube station is Aldgate East which is located directly to the north west of the site on Whitechapel High Street. The station is served by the District and the Hammersmith and City lines. The mainline station of Fenchurch Street which provides mainline services to stations in Essex and the Tower Gateway DLR station which provides access east towards Canary Wharf, Woolwich, Stratford and Lewisham are within 5 minutes walking distance. The area is also served by ten bus routes.
- 4.13 The area surrounding the site comprises a variety of buildings and includes a mix of uses. Immediately to the north of the site is Whitechapel with a mix of high street uses including banks, Aldgate East tube station and Whitechapel Art gallery. London Metropolitan University is located to the east of the site, on the opposite side of Commercial Road. To the south of the site is a mix of predominantly commercial uses including offices, workshops and cafes.
- 4.14 The heights of buildings adjacent to the site vary from 3-4 storeys to 7-9 storeys. Generally, larger scale buildings are located to the south of the site, with smaller scale buildings located to the north along Whitechapel.

### **Planning History**

- 4.15 PA/06/00525 - Conservation Area Consent was granted consent on the 10<sup>th</sup> July 2007 for the demolition of all the existing buildings on site.
- 4.16 PA/06/00510 - Outline Planning Permission granted on the 14<sup>th</sup> August 2007 for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22

storeys to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) use, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation. The application was supported by an Environmental Impact Assessment.

- 4.17 PA/08/01598 - Approval of reserved matters relating to the conversion of Braham Street into a public open space, pursuant to Outline Planning Permission ref. PA/06/510 was granted on the 7<sup>th</sup> October 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:

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

- Proposals:
- (1) Central Area Zone
  - (2) Strategic Roads
  - (3) Major Proposals (118) Employment Uses - B1 and A1
  - (4) Archaeological Importance or potential
  - (5) Flood Risk Zone (1)

Policies:

- DEV1 Design
- DEV2 Amenity
- EMP1 Encouraging New Employment Uses
- T7 The Road Network
- T10 Strategic Traffic Management
- T15 Transport and Development
- T16 Impact of Traffic
- T18 Pedestrians
- T19 Pedestrians
- T21 Pedestrians
- T23 Cyclists
- S6 New Retail Development
- S10 New shopfronts
- ART5 Arts and entertainment facilities

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

- Proposals:
- (1) City Fringe Area Action Plan
  - (2) City Fringe Development Sites – CF12c Allocation – Mixed Use, Residential, Public Open Space
  - (3) Archaeological Importance or potential
  - (4) Strategic Road
  - (5) Flood Risk (1)

Core Strategies

- IMP1 Planning Obligations
- CP1 Creating Sustainable Communities
- CP2 Equal Opportunity
- CP3 Sustainable Environment
- CP4 Good Design
- CP5 Supporting Infrastructure
- CP7 Job Creation and Growth
- CP8 Global Financial Business Centre and the Central Activities

	Zone
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments

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
RT4	Retail Development
CON1	Setting of a Listed Building
CON2	Conservation Area

City Fringe Area Action Plan Policies

CFR1	City Fringe Spatial Strategy
CFR2	Transport and Movement
CFR5	Open Space and Flooding
CFR6	Infrastructure and Services
CFR9	Employment Uses in Aldgate and Spitalfields Market Area
CFR11	Retail and Leisure in Aldgate and Spitalfields Market Area
CFR12	Design and Built Form in Aldgate and Spitalfields Market Area
CFR13	Local Connectivity in Aldgate and Spitalfields Market Area
CFR14	Site Allocations in Aldgate and Spitalfields Market Area

5.5 **Masterplans**

Aldgate Masterplan 2007

5.6 **Supplementary Planning Guidance/Documents**

Landscape Requirements  
Archaeology and Development

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

2A.1	Sustainability Criteria
2A.2	The Spatial Strategy for Development

3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.23	Parking
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources
4A.19	Improving Air Quality
4A.20	Noise
4B.1	Design Principles for a Compact City
4B.2	Promoting world class architecture and design
4B.3	Enhancing the Quality of the Public realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Protection
4B.8	Respect Local context and communities
4B.9	Tall Buildings-Location
4B.10	Large scale buildings, design and impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation
4B.14	World Heritage Sites
4B.15	Archaeology
4B.16	London View Management Framework
4B.17	View Management Plans
4B.19	Assessing Development Impact on Designated Views
5C.1	The Strategic Priorities for North East London
5C.3	Opportunity Areas in North East London

## 5.8 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS22	Renewable Energy

- 5.9 **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 the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below:
- 6.2 The following were consulted regarding the application:

## **LBTH Cleansing**

- 6.3 No comments received.

## **LBTH Environmental Health**

### Contaminated land

- 6.4 Council records identify that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Given ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks. The first Phase of investigation has been carried out, i.e. a Desk Study, however, a condition should be included to ensure the developer carries out an intrusive site investigation.

### Air Quality

- 6.5 The EIA and subsequent additional response are acceptable. However, conditions in respect to dust monitoring to be conducted during the demolition/construction phase as part of the EMP.

Furthermore, given the scope of the development and location being one of the most poorly performing are in terms of air quality a contribution to the assessment of air quality in the area of £30,000 is requested to achieve objectives of the Air Quality Action Plan.

### Noise

- 6.6 (1) The site is a PPG24 category "C", adequate glazing specification of (6/12/6)-RW 33-35 as a minimum to meet BS8233 on all facades.
- (2) Vibration impacts are acceptable.
- (3) The Construction/Demolition methodology with the application of DCMS/EMP should be conditioned by COCP.
- (4) There is no assessment in relation to building services plant noise to meet BS4142, EH will require further information before planning permission can be considered. (**OFFICER COMMENT:** It is recommended that a condition is included for full details of the service plant noise).

### Sunlight/ Daylight

- 6.7 No comments received.

### Health and Safety

- 6.8 The development should comply with the Construction (Design and Management) Regulations 2007 specifically in order to secure the incorporation of safety matters in the development from the start, including the production of a "Health and Safety File" for the client and future users(s). (**OFFICER COMMENT:** An Informative will be included on the application to ensure the Applicant is aware of the above requirements).

## **LBTH Highways**

6.9 No objection.

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

6.10 The Stage One response raised the following points:

#### *Principle of Use*

(1) The principle of the proposed development on the site is established and is consistent with the London Plan and draft City Fringe Opportunity Area Planning Framework. The consented scheme brought a number of significant benefits including the re-modelling of the gyratory and the creation of a new public park.

(2) The s106 obligations from the consented scheme should be transferred over were they have not been fulfilled.

#### *Design and layout*

(3) The layout of the ground floor has been revised to incorporate servicing access for the building. The revisions and means of access are consistent with the requirement of strategic design policy.

(4) In terms of design quality the information submitted illustrates that the appearance of the building will be exceptionally high quality, with both buildings including floor-to-floor glazing. A Condition should be included to ensure the quality of the materials is maintained.

(5) The scale of the building is as previously consented reaching a maximum of 102.5m AOD and the massing is substantively similar. The massing and scale is appropriate to the immediate context as demonstrated by the supporting townscape, conservation and visual impact assessment. However, the building would breach the threshold plain of the background assessment for the geometrically protected vista of the view from City Hall to The Tower of London.

(6) The scheme is consistent with the London Plans requirements for inclusive design principles.

#### *Strategic Views and Conservation*

(7) The building would be visible in the backdrop of the designated view from City Hall to The Tower of London. There are two assessment points to be considered 25A.1 and 25A.2. In terms of 25A.1 the proposed development would be directly behind the White Tower and there be almost completely hidden from view. A Fragment of the upper eastern corner of the building would potentially be visible if the trees in the foreground were removed but would otherwise be barely perceivable, even during the winter months. The remainder of the eastern part of the building would be obscured by existing development. The impact from this view is acceptable. In respect to 25A.2 the uppermost glazed part of the proposed development would appear between the trees to the left (west) of the White Tower. The visual assessment only assesses the impact on this view in the summer months when the trees are in full leaf. The applicant should provide an assessment of this view in the winter months when the trees are not in leaf and at night during the winter months. Until this is completed it is not possible to determine whether the proposals would preserve or enhance the ability to recognise or appreciate The Tower of London and setting of the World Heritage Site. The proposal is therefore inconsistent with London Plan policies. (**OFFICER COMMENT:** The additional views have been provided by the applicant to the GLA).

(8) The impact of the building on local conservation areas is consistent with the London Plan policies.

#### *Sustainability and Climate Change*

(9) Further information needs to be provided to firstly demonstrate that further energy efficiency measures are not achievable and details of the actual measures proposed. The building energy model needs to be re-calculated to demonstrate that the measures have been maximised.

(10) The applicant should demonstrate that it would allow for future connection to a district energy network in Aldgate.

(11) A feasibility study needs to be provided to demonstrate that the fuel cell proposed can achieve the estimated 20% reduction in carbon emissions and that there is sufficient space on site to allocate the proposed plant and flexibility to connect into other technologies in the future.

(12) Further information on the cooling strategy and use of renewable green technology needs to be provided and further justification for the disregard of a number of technologies.

(13) Supportive of the landscaping proposed within the areas of public realm and roof terraces in terms of the cooling and shading benefits these will bring in summer.

(14) Further supporting information should be provided in respect to surface water run-off is consistent with policy 4A.14 and a water management strategy setting out all water efficiency measures that would be incorporated.

#### **Transport**

(15) Transport for London comments are as detailed below.

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

6.11 The following comments were made:

(1) TfL welcome the substantial package of alterations to the public realm and highway network that were secured under the previous consent. These works are now substantially complete.

(2) The amended servicing arrangements is regrettable as it could result in conflicts between pedestrians in vehicles. Therefore, to ensure that the scheme still provides a safe and convenient pedestrian access the public realm should be clearly delineated pedestrian and service routes. (**OFFICER COMMENT:** It is considered that the proposals will allow this, however, a condition to ensure that the actual as-built design can secure this is recommended).

(3) A service and delivery plan should be adopted to ensure that the access arrangements work successfully. (**OFFICER COMMENT:** It is recommended that a condition is included to secure this).

(4) TfL does not support the provision of a disabled bay on Leman Street as it would be subject to abuse from taxis and other vehicles recommend the relocation of the drop off zone to the servicing area. (**OFFICER COMMENT:** Refer section 8.58 of the report for discussion on this point).



(5) Require clarification on the cycle provision on site. (**OFFICER COMMENT:** The number of cycle spaces has been confirmed).

(6) The car parking provision is consistent with the previous scheme and the London Plan policies.

(7) Crossrail contribution of £1,149,000 requested if it is demonstrated that there is an uplift in office floorspace.

### **English Heritage - Historic Environment (Statutory)**

6.12 Objection to the scheme on the following grounds:

- Adverse impact on the settings of both nearby conservation areas and listed buildings.
- Adverse impact and harm to The Tower of London world heritage site. In terms of the impact on views 25A.1 and 25A.2 with the building being partially visible to the right of the towers in view 25A.1 and to west of the towers in view 25A.2.
- Loss of Drum Street by the bridging over of the building.

### **English Heritage – Archaeology – (Statutory)**

6.13 No objection subject to a condition securing archaeological mitigation being secured.

### **Metropolitan Police**

6.14 No comments received.

### **Historic Royal Palaces (Statutory)**

6.15 No comments received to date.

### **London Borough of Southwark (Statutory)**

6.16 No comments received to date.

### **City of London (Statutory)**

6.17 No comments received to date.

### **London City Airport**

6.18 No objection.

### **London Underground**

6.19 No objection.

### **Thames Water Ltd**

6.20 No objection, subject to a number of comments and conditions in respect to water supply infrastructure, public sewers crossing the site, surface water drainage and waste supply protection.

### **Network Rail**

6.21 No objection.

### **Natural England (Statutory)**

6.22 No comments received.

### **National Grid**

6.23 No objection.

### **National Air Traffic Services**

6.24 No safeguarding objections.

### **London Wildlife Trust**

6.25 No comments received.

### **London Fire and Emergency Planning**

6.26 No comments received.

### **London Development Agency**

6.27 No comments received.

### **EDF Energy**

6.28 No objection.

### **CABE**

6.29 No comments received.

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

6.30 No objection but recommends the inclusion of an advice note to the applicant.

### **Health and Safety Executive (HSE) – Explosives Inspectorate**

6.31 No objection.

## **7. LOCAL REPRESENTATION**

7.1 A total of 232 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 scheme was re-advertised due to additional information being required under Regulation 19 of the EIA regulations on the 14<sup>th</sup> April 2009.

No of individual responses: Objecting:0

Supporting: 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**

8.2 The majority of the site is currently vacant following demolition of the existing buildings. The only remaining building on the site is a two storey building occupied by a branch of the Lloyds Banking Group. The site is inside the “Central Area Zone” designation of the UDP.

### Principle of Office Led Development

#### *Office Use*

8.3 Saved policy EMP1 of the Adopted Unitary Development Plan (UDP) 1998 seeks to promote economic growth and employment opportunities.

8.4 Policy CP8 of the Council’s Interim Planning Guidance (2007) seeks to direct major office development to the City Fringe and in particular to safeguard Aldgate as a preferred office location. The Aldgate Masterplan identifies that commercial and office uses will be concentrated in the area west of Commercial Road, with an emphasis on active retail uses on the ground floor.

8.5 Policy 3B.1 and 3B.2 of the Consolidated London Plan 2008 seeks to develop London’s economy by seeking additional office space within the Central Activity Zone (CAZ). The policy identifies that Boroughs need to promote the provision of additional office space within the CAZ this is specifically what both the Aldgate Masterplan and the IPG are seeking to do.

8.6 The approved outline scheme included the provision of 84,305sqm office floorspace, this application now includes 93,440sqm. However, the overall gross external area of the scheme has reduced by 8,401sqm by the loss of servicing areas and building C. The office component complies with the saved employment policies EMP1 of the UDP. The existing employment site was underdeveloped considering its location and the office-led-mix of uses proposed would provide new exceptional quality office and retail spaces. This would result in a significant increase in the density of jobs in the Aldgate area and would maximise employment on individual sites thereby increasing employment opportunities as required by Council policies.

8.7 It is considered that the proposed office led development is in accordance with both strategic and local policies and will deliver an appropriate use within a preferred office location within the city fringe.

8.8 In addition, to ensure local people gain access to employment during and post construction, contributions would be sought from the applicant via a Section 106 agreement.

#### *Retail Use*

- 8.9 Saved policy ST34 of the UDP supports and encourages improvements to the range and quality of shopping facilities in the Borough. Furthermore, saved policy S6 identifies that new retail development will be permitted where there is no detrimental impact on any district shopping area, the development is well served by public transport and sufficient provision is made for cyclist and pedestrians.
- 8.10 Policy RT4 of the IPG states that applicants would need to demonstrate a need, sequential approach and that the vitality and viability of nearby town centres will not be undermined. It does identify that the clustering of shops and services for large new development may be required.
- 8.11 Importantly, at paragraph 4.9 of the IPG it states that in preferred office locations that such uses will need to be supported by retail uses to achieve a sustainable office environment.
- 8.12 The development would comprise 1,144sqm of retail floor space that is proposed to be utilised by seven retail units. These units are located adjacent Whitechapel High Street and Commercial Road, within the new pedestrian only central and southern routes through the site.
- 8.13 The uses proposed via the retail floorspace will largely support the office development, but more importantly will provide an active and animated ground floor to the new pedestrian routes and areas of open space. This is in accordance with the Aldgate Masterplan which seeks to ensure that there is an emphasis on active ground floor uses on frontages that adjoin streets and areas of public open space.
- 8.14 Given the size of the retail area and the nature of the shops that would come forward to support an office scheme of this size, it is not considered that this would impact on the existing nearby shopping area on Whitechapel Road.
- 8.15 Overall, in terms of use it is considered that the scheme is integral to the achievement of the objectives and vision of the Aldgate Masterplan and necessary to service and support the office development.

## **Design**

### Bulk and Massing

- 8.16 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.
- 8.17 Policy CP4 of the IPG 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.
- 8.18 The bulk and massing of the scheme is largely identical to the extant outline permission with key changes being to the bridging element and slight changes to the width. These changes were as a result of the as-built design being progressed following approval and as a result of the reconfiguration of the servicing arrangements to the building.
- 8.19 The external appearance of the building is of an exceptional high quality with a highly

glazed façade that wraps around the building form. The southern elevation will feature extensive louvered screens to deal with solar gain, which would result in a more textured appearance thereby breaking up the form of this elevation.

- 8.20 The form of the bridging element would follow the line of Commercial Road providing a link back to the historic form of the area.
- 8.21 The massing and bulk of the building is assessed within the submitted Townscape, Conservation and Visual Impact Assessment Report, which forms part of the EIA submitted with the scheme. This assessment illustrates that the massing is appropriate to the immediate context.
- 8.22 Council's Design and Conservation Team have advised that the bulk, massing, height and external appearance of the scheme is acceptable and that conditions should be included to ensure material quality is maintained through to construction.
- 8.23 On balance, the bulk and massing of the development is considered to be acceptable. The proposal meets the Council's UDP design & conservation policies. The site layout and contribution to public realm responds well to the urban context and is consistent with the Aldgate Masterplan. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

#### Tall Building

- 8.24 The Aldgate Masterplan identifies that Aldgate location is suitable for tall buildings. It is considered that the tall buildings as it will mark the gateway to Tower Hamlets and will reflect the proximity to the City of London. In particular, the master plan identifies that:

*"The proposed cluster of tall buildings between Whitechapel High Street and Braham Street should represent the apex of building heights in Aldgate. Planning permission has been recently been granted for a group of three buildings in the centre of the gyratory, the tallest of which will be 22 commercial storeys (102 metres). Building heights in the remainder of the Masterplan area should decrease away from this central cluster if buildings".*

- 8.25 The building identified at 102m in the Masterplan above is the extant outline permission identified at section 4 of this report.
- 8.26 Policy 4B.9 of the London Plan promotes tall buildings where they create attractive landmarks, act as a catalyst for regeneration and are acceptable in term of their design and impact on their surroundings. Policy 4B.10 follows on to provide a suite of criteria which require tall buildings to be of the highest quality design.
- 8.27 Policy CP48 of the IPG states that the Council will support the development of tall buildings at Aldgate for the regeneration of the area for large-scale commercial development.
- 8.28 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 the public realm provision.
  - The proposed development does fall within the strategic views designated in Regional

Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) and the Mayor's draft London View Management Framework SPG (2007). In terms of these relevant views the building is considered to provide an appropriate contribution to the skyline and would not result in an unacceptable impact on the Tower of London. (Further discussion on this point occurs at section 8.36 to 8.49 of the report).

- The building is integrated into the streetscape and the surrounding area as a landmark building.
- Presents a human scaled development at the street level by the provision of the double height colonnade.
- There will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
- The proposal 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, active frontages and quality of the public realm provision.
- Incorporates principles of inclusive design.
- The site is located in an area with excellent public transport access.
- Takes into account the transport capacity of the area and will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces through the provision of two through routes and provision and contributions towards public open spaces
- The scheme provides publicly accessible areas both through and around these sites. A walking agreement to ensure pedestrian access is included within the s106 heads.
- The scheme would conform to Civil Aviation requirements.
- A TV reception report was submitted that demonstrated that suitable mitigation measures will ensure any adverse impacts are negligible. A s106 agreement will be secured ensure the mitigation measures for TV reception are implemented.

8.29 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. Furthermore, the building delivers on the objectives of the Aldgate Masterplan for a landmark building marking the gateway from the city into the Borough.

### Built Heritage

8.30 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 or enhancement of the setting of the listed building or Conservation Area, as the setting is often an important part of the building or areas character.

8.31 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 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.

8.32 The eastern part of the site falls within the southern edge of Whitechapel Road conservation area and will be visible from Myrdle and Fournier Conservations areas. It is in proximity to a

number of listed buildings on Alie Street, Commercial Road and Lemn Street.

- 8.33 The Councils Design and Conservation team has advised that the proposal is an acceptable addition to the local area in accordance with the Aldgate Masterplan, which identifies that it is an appropriate location for tall buildings.
- 8.34 English Heritage have identified that they raise objections to the impact of the scheme on the settings of both nearby conservation areas and listed buildings. Whilst officers note the concerns raised by English Heritage one needs to consider the application in respect to the existing outline permission and the vision set out by the Aldgate Masterplan which seeks to regenerate this area. Furthermore, Council Design and Conservation officers support the scheme.
- 8.35 It is considered that the scheme is of a high quality design, which will provide a landmark gateway from the city into the Borough and allow for the regeneration of the Aldgate area. As such, it enhances the setting of both adjacent Conservation Areas and Listed Buildings. Overall, the proposal is considered to be appropriate in accordance with PPG15, the London Plan and the IPG.

#### Strategic Views

- 8.36 In respect of views, pursuant to Policy 4B.16 of the London Plan, the site falls within the background assessment of Townscape View 25 (City Hall to the Tower of London). This view has two assessment points, 25A.1 and 25A.2, which are defined in the London View Management Framework (LVMF).
- 8.37 In respect of regional policy, The London Plan (Consolidated 2008), Policy 4B.10 requires schemes to meet requirements of the LVMF and be suited to wider context in terms of proportion and composition and in terms of their relationship to other buildings. Policy 4B.14 states that boroughs should take account of and give appropriate weight to the provisions of World Heritage Site Management Plans. Policy 4B.16 states that boroughs should base their management of local views in their DPDs on policies 4B-16-18. Policy 4B.18 indicates that the Mayor and boroughs should assess development where it falls within a view against general principles of good design set down in the London Plan, local policy and management principles of 4B.17. Policy 4B.17 states that, in management plans prepared by the Mayor and strategic partners, the LVMF in this case, townscape views should be managed so the ability to see specific building(s) in conjunction with the surrounding environment is enhanced.
- 8.38 The Mayor's Draft City Fringe Opportunity Area Planning Framework 2007 at paragraph 2.4 introduces LVMF which is used to qualitatively assess impacts on designated views, in this case Townscape View 25.
- 8.39 The Mayor's LVMF defines Townscape View 25 as being the view from City Hall across to the Tower of London (TOL). The framework acknowledges the status of the TOL as a World Heritage Site (WHS) and the need to consider its management (paragraph 2.4). It states the need to consider seasonal and night-time appearance (paragraph 3.15). It sets the criteria for assessing the impact a) scale and magnitude b) aspects of the view and its features that require management to protect it (paragraph 3.27). Paragraph 3.30 deals with the assessment of the effects i.e.:
- Scale grain and massing of the proposal
  - Appearance/materials
  - Effect on the skyline

- Obstruction and loss of views
  - Visual relationship in the setting and surroundings
  - Night-time effects
  - Seasonal effects
- 8.40 Paragraph 3.47 of the LVMF refers to the background assessment and the very specific characteristics of townscape views. Paragraph 4.22 refers to the Landmark Background assessment area and that development in this should not detract from the ability to recognise and appreciate the Strategically Important Landmark.
- 8.41 In respect of local policy CP50 of the IPG states that the Council will seek to protect and enhance regionally important views including those of the Mayor's LVMF. Policy DEV1 states that development should not adversely impact on visual amenity. Policy CON5 states that developments are required to preserve and enhance the ability to recognise and appreciate landmarks, as well as prevent impacts to strategic views by using the LVMF.
- 8.42 Policy CFR1 of the IPG states that development should preserve or enhance regionally important views including the TOL from City Hall.
- 8.43 The Aldgate Masterplan notes that tall buildings would not be appropriate where they would harm listed buildings nor preserve or enhance the background setting of the TOL (page 47). Importantly, the Masterplan also identifies that an existing permission has already been approved for the Aldgate gyratory site.
- 8.44 The Historic Royal Palaces have produced the Tower of London World Heritage Site Management Plan, which guides the consideration of development affecting the TOL. The Plan refers to the townscape view and policy 4B.15 and 4B.17 of the London Plan (paragraph 2.5.23) as well as the Mayor's tall buildings policies 4B.8-9 (paragraph 2.5.24). The Plan refers to Chapter 6 of the LVMF and need to consider Accurate Visual Representations (AVRs) as well as the need to consider views within an Environmental Impact Assessment (paragraph 6.3.11). The management plan states that "*The most iconic view [of The Tower of London] is from City Hall*". Also, the need to ensure new buildings are not unduly prominent in views of The Tower from Queens Walk (paragraph 6.3.53). The Plan also makes reference to the draft SPG produced by English Heritage which is complimentary to the LVMF (paragraphs 6.3.43 –6.3.49).
- 8.45 The application has been accompanied by an Environmental Impact Assessment, which includes a Townscape and Visual Assessment. This document includes a number of computer generated views from strategic locations including view 25. These images demonstrate that the building sits below the towers and would not impact on any views of the towers. The views demonstrate that the building would not affect the ability to appreciate and recognise the Tower of London when viewed from the strategic locations.
- 8.46 The GLA requested further studies within their Stage I response as detailed in section 6.9 of the above report in respect to winter views for view 25A.2. These studies have been undertaken and provided in an addendum to the visual assessment. The studies specifically provide further information to illustrate that the building would be acceptable in terms of the views during winter months and at night time. In respect to view 25.1 the GLA advised that the view of the building was acceptable.
- 8.47 As detailed in section 6.17 of this report English Heritage have raised objections to the proposal in terms of adverse impact and harm to The Tower of London world heritage site. In terms of the impact on views 25A.1 and 25A.2 with the building being partially visible to the right of the towers in view 25A.1 and to west of the towers in view 25A.2. Given these



objections the application would need to be referred to the Secretary of State under the new call-in powers that came into effect on the 20<sup>th</sup> April 2009.

- 8.48 The London Borough of Southwark and Historic Royal Palaces have also been consulted, however, to date no comments have been received from these bodies.
- 8.49 Whilst the Council appreciates the concerns raised by English Heritage it is important to note that the Council has previously approved a scheme of the same height on the exact site. Furthermore, as stated by the LVMF, one must consider if a scheme would be unduly prominent in views of The Tower from Queens Walk. It is not considered that the proposed building would be prominent in these views or affect the ability to appreciate and recognise The Tower of London. The scheme is either obscured by other schemes or trees, and in any event would be read as being subservient to The Tower.

#### Public Realm

- 8.50 London Plan policy 4B.3 identifies that development should create and enhance the public realm. CABE and English Heritage guidance on Tall Buildings states that public realm around the base should successfully interact with the building.
- 8.51 Policy CP4 of the IPG states that well designed developments assists in creating a well connected public realm and should promote the inclusion of public art. Furthermore Policy CP27 of the IPG requires that tall building development will aim to improve permeability within the surrounding street network.
- 8.52 A core vision of the Aldgate Masterplan is to establish an east-west link through the Aldgate Union and to provide a link through from Altab Ali Park to the City of London via the new Braham Street Open space.
- 8.53 The scheme includes a large amount of public realm and open space with the southern route providing a crucial connection in the east-west green link and the central covered pedestrian route, which is reinstating Drum Street from the old gyratory system. It is noted that the s106 contribution towards the park secured under the previous application will be re-secured again under the current permission.
- 8.54 In addition, with the demolition of the four storey car parking building on Buckle Street there will be a large vacant site available for re-development. It is recommended that this area is secured as part of the adjacent public realm improvements on a temporary basis until the site comes forward. As such a condition requiring a landscaping plan for this area is recommended.
- 8.55 It considered that the spaces and routes are carefully considered and well designed with high quality material precedents identified within the submitted design and access statement. Overall, the development achieves the vision identified within Council policy and the Aldgate Masterplan.

#### Accessibility and Inclusive Design

- 8.56 Under saved policy DEV1 of the UDP and policy CP46 and DEV3 of the IPG the Council seeks to ensure that all new development is designed to secure the principles of inclusive design. This policy imperative is crucial to the success and usability of both internal and external spaces for all potential users and to prevent barriers forming in the local environment.
- 8.57 This policy is supported by the London Plan at policy 4B.5 requires all new development to

achieve the highest standards of accessibility and inclusion through design.

- 8.58 The design and access statement submitted identifies that the architects have engaged access consultants in collaboration with the architects from the initial design to ensure access was considered at the onset of the proposal.
- 8.59 It is noted that the TfL comments included in the stage one GLA response raised concerns in respect to the provision of a dedicated drop off zone for people with disabilities on Leman Street; on the basis that it could be prone to abuse by other unauthorised vehicles. TfL have recommended that instead the drop off area should be incorporated into the proposed servicing area off Commercial Road. The Council contends that such a location would bring drop off users into conflict with other vehicles and raise safety issues. Furthermore this exit is further away from the main entrances for the office buildings. Any misuse is surely an enforcement and management issue. As such it is recommended that a condition is included on the permission requiring the drop off area as originally proposed off Leman Street.
- 8.60 Overall, it is considered that the principles of inclusive design into the design is high and clearly welcomed by the Borough. However, the Councils Access Officer has identified a number of ways in which the design can be further improved on. As such in order to secure further amendments on the final as-built design of the public realm it is recommended that a condition is included to secure the final design details of the public realm areas and final location of the public art.

#### Safety and Security

- 8.61 Policy CP47 and DEV4 of the IPG requires development to take account crime prevention in terms of the design of development.
- 8.62 The scheme includes a dedicated security office within the southern block behind the main reception and a ground floor security kiosk at the serving and parking area off Commercial Road. In addition a CCTV system is proposed that will monitor all accessible areas across the site at ground floor level.
- 8.63 The proposal has been reviewed by the Council's Crime Prevention Officer who has advised that the scheme incorporates wide open footpaths between the scheme and around the sites edge with good use of straight lines to prevent hiding places. The only concerns raised were the large undercroft areas at the edge of the buildings, which may make it an easy place for groups to gather in the early hours. However, this can be mitigated by the use of good security, lighting and CCTV.
- 8.64 Overall, it is considered that the scheme accords with both Council and London Plan policy. It is recommended that a condition is included to ensure that final details of the security arrangements, CCTV and lighting strategies are agreed by the Council.

#### **Amenity**

##### Daylight /Sunlight Access

- 8.65 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.
- 8.66 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.

8.67 The EIA submitted as part of the application contains a chapter dealing with Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development on neighbouring residential properties and areas of open space.

8.68 The following properties were assessed for daylight and sunlight as they were considered to represent worst case scenarios in terms of the sensitive receptors identified in the EIA:

- 88A Whitechapel High Street
- 89 Whitechapel High Street
- 90A Whitechapel High Street
- 92-93 Whitechapel High Street
- 29 Commercial Road
- 32-34 Commercial Road
- City Reach Apartments
- 1 Commercial Street

8.69 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

#### 1. Daylight Assessment

8.70 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.

8.71 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.

8.72 The results of the assessment demonstrate that 60% of the neighbouring windows and rooms assessed within the existing properties will fail under the BRE VSC method. However, under the No Skyline Line method 84% will meet the BRE assessment and in terms of the ADF method 187 of 202 windows assessed will pass the BRE guidelines.

#### *(a) Daylight Results: Impacts on Neighbouring Properties*

- City Reach Apartments - 32 windows were assessed and 12 fail with the failures ranging from 1.49-0.5%.
- 1 Commercial Street - 148 windows were assessed and 4 fail with the failures ranging from 1.0-1.5%.

Overall it is considered that a 92.6% pass rate in terms of ADF highlights that the scheme has been well considered in terms of massing given the urban context of the locality and that any impact in terms of daylight is acceptable.

## 2. Sunlight Assessment

8.73 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each windows within 90 degrees of due south. The results identified that one property was affected as detailed below.

### *(a) Sunlight Results: Impacts on Neighbouring Properties*

1 Commercial Road – 73 windows were tested and of those 20 will fall below APSH, however the loss was limited to 20-29%.

8.74 On balance, it is acknowledged that there will be a loss of daylight/sunlight to a small number of existing neighbouring buildings as a result of the proposal in particular to 1 Commercial Road and the City Reach Apartments. 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.

8.75 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. Furthermore, this scheme has previously been approved by the Council and is critical to achieving regeneration in the Aldgate area. On this basis, the proposal can be supported.

### *(b) Shadow Analysis for Amenity Spaces*

8.76 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.

8.77 The applicants assessment assessed overshadowing impact on the following spaces:

- St Mary's Gardens, Whitechapel High Street
- Goodmans Fields (amenity areas surrounding site)
- Braham Street Park

8.78 The assessment considers the impacts upon the spaces as identified above. The analysis identifies that on the 21<sup>st</sup> March the proposed development would create 0% additional permanent shadow over the existing condition to any of the relevant amenity areas adjacent to the site. Therefore the scheme complies with the BRE criteria in this regard.

### Privacy/ Overlooking

8.79 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.

- 8.80 The site is will set back from adjoining buildings which include residential buildings providing a separation distance of over 18m in all instances. As such, it is considered that the scheme is acceptable in terms of privacy and overlooking.

Sense of Enclosure/ Loss of Outlook

- 8.81 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. It is considered that the building is well considered in terms of the neighbouring buildings. Whilst it is noted that the width of the building has changed slightly, especially on the south-eastern side of the building, it is considered that this amendment is acceptable and will not result in any adverse impacts on adjoining sites.

Wind/ Microclimate

- 8.82 DEV27 of the IPG identifies that tall buildings must not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.
- 8.83 The submitted EIA states the proposed development at the entrance locations and along the thoroughfares would be windier than desired without mitigation. The roof terraces would also be windier than desired in the absence of mitigation. Consequently, The EIA identified a number of mitigation measures being landscaping, screening and art work, with the measures in place the proposed development would be negligible to moderate beneficial. It is therefore crucial that mitigation measures proposed are implemented. As such, a condition should be included to ensure that this occurs.

Noise and Vibration

- 8.84 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).
- 8.85 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.
- 8.86 The submitted EIA assessed potential impacts under three main areas, being:
- Construction noise levels
  - Operational Noise from the building services plant of the completed development
  - Any increases to road traffic attributed to the proposed development i.e. servicing
- 8.87 The assessment under these three areas identifies that mitigation is necessary in terms of construction noise and operational noise from building service. This mitigation would be in the form of a Code of Construction Practice during the construction phase time to limit noise impacts on sensitive receptors and by using enclosures, screening and mufflers/silencers on all building services to minimise both structural borne vibration and noise impacts. In terms of noise from vehicle servicing and traffic generated from the scheme the submitted EIA concluded that such impacts would be negligible on sensitive receptors and that no mitigation was required in this respect.

- 8.88 The Councils Environmental Health Officer has reviewed the application and has advised that a Code of Construction Practice should be secured, via condition, to manage noise on the site during the construction phase and that the façade design specifications should be conditioned. It is noted that they have requested further information in respect to servicing plant. It is recommended that this is dealt with by condition.

#### Air Quality

- 8.89 Air Quality is identified under policy DEV11 of the IPG as being an importance consideration, given the entire Borough has been declared an Air Quality Management Area. The policy requires all development to undertake air quality assessment.
- 8.90 Councils Environmental Health Officer has reviewed the assessment lodged with the application and has advised that this area of the Borough experiences very poor levels of air quality. However, given the building will be completely sealed office building there would be minimal chance of transfer to occupants of the building. However, during construction it is important to carefully control dust emissions and a condition is recommended to allow the Council to review the methodology for monitoring dust during construction.
- 8.91 Furthermore, given the importance of the Aldgate area in the Air Quality Action Plan for the Borough, it is recommended that a s106 contribution should be sought from the applicant to allow for additional monitoring and profiling of air quality surrounding the site.

#### **Highways**

- 8.92 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car.
- 8.93 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 states that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should *"...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced"*. Policy 3C.19 indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. Policy 3C.21 identifies that development must provide a safe and convenient pedestrian access.
- 8.94 In respect of local policy, the UDP 1998, saved policy ST28 seeks to reduce unnecessary dependency on cars. Saved policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Saved policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Saved policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with saved policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with saved policy T21.
- 8.95 Having regard for the IPG, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should

identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.

#### *Access and Parking*

- 8.96 The site is within a highly accessible location, with a Public Transport Access Level (PTAL) score of 6b. The closest tube station is Aldgate East which is located directly to the north west of the site on Whitechapel High Street. The station is served by the District and the Hammersmith and City lines. The mainline station of Fenchurch Street which provides mainline services to stations in Essex and the Tower Gateway DLR station which provides access east towards Canary Wharf, Woolwich, Stratford and Lewisham are within 5 minutes walking distance. The area is also served by ten bus routes.
- 8.97 The proposal includes a total of 40 car parking spaces, 10 of which will be for disabled parking use, 426 cycle parking spaces at basement level and 16 at ground level for visitor use. All vehicular access for parking and servicing is via Commercial Road. The access and servicing is the key change from the extant outline permission and has resulted in a previous pedestrian plaza being secured instead for access and servicing.
- 8.98 In addition, a financial contribution of £3,373,800 towards transport infrastructure and highways improvements for the removal of the Aldgate gyratory were agreed and paid under the previous extant outline permission directly with TfL under a s278 agreement. These monies have already been paid and the works completed on site. In addition, the scheme will provide two public thoroughfares through the site one running along the original Drum Street and another along the southern boundary of the site.

#### *Servicing, parking and taxi pick up/drop off area*

- 8.99 The scheme proposes to provide 40 car parking spaces, 10 of which are for disabled use. This provision is to be located in the basement and will be accessible via two car lifts. The parking provision is the equivalent of approximately 1 spaces per 2365sqm, and is within the maximum standards of policy DEV19 (Parking for Motor Vehicles) of the IPG and London Plan 2008 policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy). The disabled parking provision provides 25% in excess of the IPG standard of 10% of all spaces. It is recommended that the number of spaces is secured by condition.
- 8.100 In terms of parking provision TfL have agreed that the provision of 40 spaces is acceptable.
- 8.101 The application was reviewed by TfL as part of the GLA stage one response they have commented that the scheme must continue to provide a safe and convenient pedestrian access in order to reduce conflicts between pedestrians and vehicles. They have requested that the applicant demonstrate the pedestrian and service routes can be clearly delineated in this area to be consistent with London. The applicant provided further plans demonstrating this and TfL have agreed that the arrangement is acceptable.
- 8.102 TfL have also required that under policy 3C.25 of the Consolidated London Plan a service and delivery plan should be adopted to ensure that vehicles do not queue onto the Highways and cause delays. This plan would also manage potential conflicts with the pedestrian plaza area. It is recommended that the provision of this plan should be conditioned.
- 8.103 As detailed at section 8.58 of the report it is identified that TfL has raised concerns about

the disabled drop-off area on Lemn Street. As detailed in this section the Council contends that such a location would bring drop off users into conflict with other vehicles and raise safety issues. Furthermore this exit is further away from the main entrances for the office buildings. Any misuse is surely an enforcement and management issue. As such it is recommended that a condition is included on the permission requiring the drop off area as originally proposed off Lemn Street.

- 8.104 TfL have identified that a Crossrail levy is required for the scheme if it can be demonstrated that there is an uplift in office floor space. It is the Councils understanding that the GLA will take a final view on this within the stage two response.

#### *Cycle Parking*

- 8.105 The application proposes 426 secure cycle parking spaces at basement level, together with 16 visitor spaces at ground floor level. This represents a provision in excess of 1 space per 250sqm of commercial floor area, and is therefore in excess and in accordance with Planning Standard 3: Parking and policy DEV16 of the IPG. It is recommended that a condition is included to secure these spaces in perpetuity.
- 8.106 It is noted that TfL raised a query in terms of the number of cycle spaces. The numbers of spaces is as above and is in excess of the minimum requirements.

#### **Other**

##### Biodiversity

- 8.107 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor natural England have raised any objections to the proposal on such grounds. The application proposes mitigation measures such as the provision of new habitats for wild birds within and around the proposed building. As such, it is considered that the proposed development would not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.

##### Archaeology

- 8.108 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

- 8.109 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.
- 8.110 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:
- Reduce the carbon dioxide and other omissions that contribute to climate change;
  - Minimise energy use by including passive solar design, natural ventilation and



- vegetation on buildings;
- Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and

Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.

- 8.111 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised energy networks; and requiring applications to demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.
- 8.112 The applicant submitted an Energy Strategy with the application. The following reductions in carbon dioxide emissions are proposed to be achieved:

Table 2: Energy Efficiency

Approaches		Reduction in Carbon Dioxide Emissions
"Be Lean" - Energy Efficiency Measures		3.8%
"Be Clean"	Gas Fired Fuel Cell	20%

- 8.113 In response to comments made by the GLA the proposal has been revised as follows:
1. A further feasibility study for the proposed 200kWe gas fired fuel cell has been undertaken.
  2. Information has been provided to demonstrate that under the previous extant permission the fuel cell was deemed accepted subject to a changeover from natural gas to hydrogen once hydrogen infrastructure is in place adjacent the site. This changeover would increase carbon reduction from 20% to 32.83%.
- 8.114 Whilst final comments have not yet been received from the GLA on the amended energy strategy, it is considered that during the stage two response the final GLA response will be achieved and suitable conditions can be imposed to provide the final design details before the commencement of the development.

**Environmental Impact Assessment**

- 8.115 The application is supported by an EIA addressing the following topics:
- Socio-economics;
  - Transport and access;
  - Noise and vibration;
  - Air quality;
  - Land quality;
  - Water resources;
  - Townscape and visual amenity;
  - Microclimate (wind);

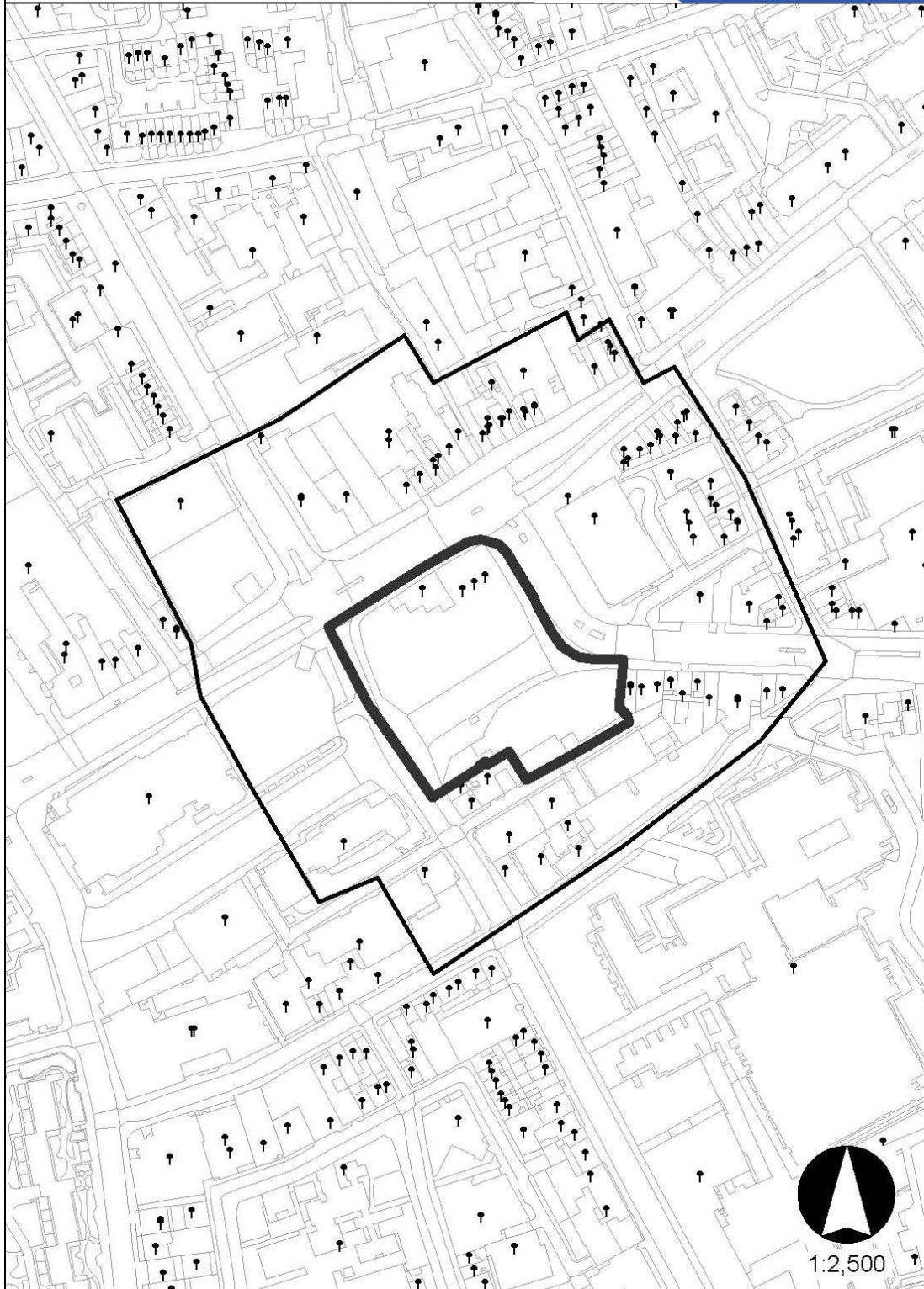
- Daylight and Sunlight;
- Aviation safety;
- Television and radio interference;
- Waste resources;
- Sustainability; and
- Mitigation and residual effects

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

## **9. Conclusions**

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

Planning Application  
Site Map



1:2,500

0 30 m



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 (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

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