

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

---

Wednesday, 23 September 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

<b>Members:</b>	<b>Deputies (if any):</b>
<b>Chair: Councillor Shafiqul Haque</b> <b>Vice-Chair: Councillor Marc Francis</b>	
<b>Councillor Shahed Ali</b> <b>Councillor Alibor Choudhury</b> <b>Councillor Stephanie Eaton</b> <b>Councillor Rupert Eckhardt</b> <b>Councillor Rania Khan</b> <b>Councillor Shiria Khatun</b> <b>Councillor Dulal Uddin</b>	Councillor Helal Abbas, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan) Councillor Tim Archer, (Designated Deputy representing Councillor Rupert Eckhardt) Councillor Peter Golds, (Designated Deputy representing Councillor Rupert Eckhardt) Councillor Shirley Houghton, (Designated Deputy representing Councillor Rupert Eckhardt) Councillor Sirajul Islam, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan)

Councillor Denise Jones, (Designated Deputy representing Councillors Shafiqul Haque, Shahed Ali, Alibor Choudhury, Shiria Khatun, Marc Francis and Rania Khan)

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: Paul Ward, Democratic Services, Tel: 020 7364 4207, E-mail: [paul.ward@towerhamlets.gov.uk](mailto:paul.ward@towerhamlets.gov.uk)

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

**Wednesday, 23 September 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 4<sup>th</sup> August 2009.

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<b>3 - 14</b>	
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**4. RECOMMENDATIONS**

To RESOLVE that:

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

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

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. **15 - 16**

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**Mile End  
East  
Mile End &  
Globe Town**

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**St  
Katharine's  
& Wapping  
Millwall**

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON TUESDAY, 4 AUGUST 2009**

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

**Members Present:**

Councillor Shafiqul Haque (Chair)

Councillor Alibor Choudhury  
Councillor Stephanie Eaton  
Councillor Marc Francis (Vice-Chair)  
Councillor Rania Khan  
Councillor Dulal Uddin

Councillor Helal Abbas (Deputising for Councillor Shiria Khatun)  
Councillor Tim Archer (Deputising for Councillor Rupert Eckhardt)

**Other Councillors Present:**

None

**Officers Present:**

Jerry Bell	– (Interim Strategic Applications Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager)
Rachel McConnell	– (Interim Applications Manager)
Alison Thomas	– (Private Sector and Affordable Housing Manager)
Jason Traves	– (Planning Officer)
Owen Whalley	– (Service Head, Major Project Development, Development & Renewal)
Nadir Ahmed	– (Trainee Committee Officer)
John Williams	– (Service Head, Democratic Services)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Shahed Ali, Councillor Rupert Eckhardt (for whom Councillor Tim Archer was deputising) and Councillor Shiria Khatun (for whom Councillor Helal Abbas was deputising).

## 2. DECLARATIONS OF INTEREST

Members declared interests in items on the agenda for the meeting as set out below:-

<b>Councillor</b>	<b>Item(s)</b>	<b>Type of Interest</b>	<b>Reason</b>
Helal Abbas	7.1	Personal	Resides in the ward
Helal Abbas	7.3	Personal	Received 2 e-mails on the subject (unopened)
Tim Archer	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Tim Archer	7.2	Personal	Ward Councillor, Blackwall and Cubitt Town; and spoke previously against the application in relation to issues which have now been addressed.
Alibor Choudhury	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Stephanie Eaton	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Marc Francis	6.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Shafiqul Haque	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.
Rania Khan	6.1	Personal	Correspondence received from concerned parties.
Rania Khan	7.1	Personal	Ward Councillor, Bromley by Bow.
Dulal Uddin	6.1, 7.1, 7.2 and 7.3	Personal	Correspondence received from concerned parties.



### 3. UNRESTRICTED MINUTES

It was noted that due to a clerical error the draft minutes contained in the main agenda pack were incorrect. The correct version had been circulated with the supplemental agenda.

The Committee noted a typographical error in relation to the time of adjournment of the previous meeting. This should read 'The Chair adjourned the meeting at 9.30pm and reconvened at 9.38pm' and had been corrected in the revised draft minutes.

#### **RESOLVED:-**

That subject to the above, the minutes of the meeting held on 25<sup>th</sup> June 2009 be agreed and approved as a correct record.

#### **MATTER ARISING FROM THE MINUTES**

Councillor Archer enquired as to why the application in respect of the Eric and Treby Estates, deferred at the previous meeting to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision, was not included on the current agenda.

Owen Whalley, Head of Major Project Development, reported that the application had not been determined and remained live. The applicant had indicated that they wished to make amendments to their proposal to address the issues raised by the Committee and this was permissible. The amended proposal had not yet been received and the officers therefore decided not to bring a report to the current meeting. However, the matter would come back to the Committee at a future date. In the event that the amendments to the scheme were substantial, this would be as a fresh report and new public speaking rights would apply. If no amended scheme was submitted, the officers would report back with reasons for refusal as agreed at the last meeting.

The Chair and a number of Members expressed concern about the delay in determining this application and asked that a report be submitted to the next meeting. Councillor Archer asked that in the meantime the officers circulate a note of the reasons given by the Committee as to why they were minded to refuse the application and Mr Whalley undertook to do this.

### 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 for hearing objections and those who had registered to speak at the meeting.

## **6. DEFERRED ITEMS**

### **6.1 Hertsmere House, 2 Hertsmere Road , London E14 4AB**

Jerry Bell, Interim Strategic Applications Manager, presented the application to the Committee and outlined the key points in the officers' report circulated with the agenda and the further update report tabled at the meeting.

After consideration of the reasons for refusal as set out in the report and the additional information set out in the tabled update report, on a vote of 5 for and 0 against with 1 abstention, the Committee

#### **RESOLVED:-**

1. That the application for planning permission PA/08/02709 be REFUSED, subject to any direction by the Mayor of London, for the following reasons:
  - (i) The proposed development, by virtue of its design, scale and massing would detract from the setting of nearby Grade I and Grade II listed buildings and would fail to preserve or enhance the character and appearance of the West India Quay Conservation Area and as such is contrary to policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
  - (ii) The proposed development would result in unacceptable loss of daylight to Matthew House, Riverside House and Mary Jones

House and an unacceptable loss of sunlight to Riverside House and as such is contrary to saved policies DEV1 and DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the 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.

2. That the application for conservation area consent PA/08/02710 be REFUSED, for the following reasons:

The proposed building, by virtue of its design, scale and massing would not represent a suitable replacement for the existing building. The proposed demolition of the existing office block on-site is therefore contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

(Councillors Helal Abbas and Rania Khan could not vote on the above application as they were not present when the item was considered on 25<sup>th</sup> June 2009.)

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

### **7.1 100 Violet Road, London, E3 3QH**

Owen Whalley, Head of Major Project Development, introduced the application for consideration by the Committee.

Ms Annamaria Mignano addressed the committee in objection to the application. Ms Mignano stated that she represented other homes and businesses in the area and outlined concerns about the proposed development. She felt that there was a lack of any coherent strategic guideline for this stretch of road and this was a missed opportunity which could lead to damaging planning permissions being given on an ad hoc basis. Any proposed building on this site should be set back at least 5m from the existing pavement, should have no overhang above the pedestrian area and no waste bins at the front. Ms Mignano expressed concern at the quality of the materials proposed for the development; and considered that at least 25% of any section 106 contribution should be spent in the immediate area of the development.

Ms Jade Khilji addressed the committee on behalf of the applicant. She stated that the owner had operated a clothing business in the borough since 1973 and wanted to remain in the locality and contribute to regeneration but needed to improve the premises and was proposing significant investment to do so. 90% of the business's employees were local workers. Ms Khilji stated that the facilities and design features of the proposed development were in

line with adopted policies and were designed to benefit the area and address any concerns expressed. The development would be car-free, culturally sensitive and would respect the building's heritage and locality and incorporate the highest standards of sustainability.

Mr Bell presented the application to the Committee including the main elements of the proposal and the key planning considerations as set out in the officers' report circulated with the agenda and the update report tabled at the meeting. He corrected two typographical errors in the officers' report:- At paragraph 4.2 the split between social rented and intermediate tenures should read '78:22', not '68:22'; and at paragraph 8.52 the number of child bed spaces should read '21/26', not '62'.

Members of the Committee asked a number of questions about the application relating to the sunlighting/daylighting effect on neighbouring properties; the lack of 4+ bedroom properties proposed; the design and orientation of the building; the potential for car club and disabled parking spaces; the need for a corridor study of the area; the proposed density of the development; limited access to the amenity space provided; the appropriateness of light industrial use in this development; consultation with the owners of the neighbouring Heather Lodge and with potential occupants of Caspian Wharf Blocks A, C and D; whether local residents had requested any meetings with planning officers or submitted any petition about the proposals.

In response the officers reported that:-

- Full daylight and sunlight tests had been carried out as described in the report and in compliance with BRE guidance. Overall the impact of the development in terms of daylighting and sunlighting, overshadowing and privacy was considered acceptable.
- Directional or obscured windows were used as necessary. There would be no windows on the ground-6<sup>th</sup> floors of the elevation of Caspian Wharf to the south of the site, and only secondary windows to the upper floors.
- The development included a good mix of 2 and 3 bedroom accommodation. 3 bedroom units were considered family sized accommodation.
- The amenity space provided was primarily for use by the residents of the development and was adequate for this purpose.
- The front of the building, entrances etc would face onto Violet Road.
- There was provision for a car club at Caspian Road which residents could access
- The constraints of the site could accommodate only one disabled parking space but there was space nearby for further on-street spaces if required.
- The application must be determined on the basis of existing policies and it would not be appropriate to defer pending a corridor study that was not currently underway.

- The density of the proposed development would not result in overdevelopment and in view of a number of beneficial aspects of the scheme, on balance a high density mixed use development was justified in this location.
- The commercial uses on the ground floor would act as a buffer between the light industrial and residential elements of the scheme.
- There had been substantial consultation on the scheme in excess of statutory requirements. Consultation had been undertaken with the residents and manager of Heather Lodge (64-68 Violet Road) as set out in the update report. It was not possible to consult with potential occupants of a neighbouring block under construction but purchasers would undertake a search for planning permissions and would therefore be aware of the proposed scheme.
- No petition had been received. Local residents had sought a meeting but officers were unable to meet with objectors or supporters when considering an application.

Councillor Eaton suggested that, particularly in view of the vulnerability of the occupants of Heather Lodge, there should be a tighter restriction on hammer drilling/piling works that that currently proposed. The officers confirmed that a further condition could be included to this effect.

Councillor Archer moved and Councillor Eaton seconded an AMENDMENT that the application be deferred to allow for (i) consultation with the head office of Providence Row Housing Association, proprietors of the adjacent Heather Lodge; (ii) a corridor study of the area to be completed; and (iii) investigation of the possible provision of car club spaces and additional disabled parking spaces in the development. On a vote of 1 for and 6 against with 1 abstention the amendment was defeated.

After consideration of the information set out in the officers' report and update report, and the points raised by the speakers, on a vote of 7 for and 1 against, the Committee

**RESOLVED:-**

- (1) That planning permission be GRANTED for the demolition of the existing 2190sqm (GIA) building at 100 Violet Road, E3 3QH currently used for clothing manufacture (Use Class B1c); and redevelopment to provide buildings of between five and nine storeys for mixed-use purposes including 73 residential units (Class C3) (1 x studio; 20 x 1 bedroom; 36 x 2 bedroom; 16 x 3 bedroom), 1,300 sqm (GIA) of floorspace for the manufacture of clothing (Use Class B1c) and 100 sqm (GIA) of flexible commercial floorspace (Classes A1/A2/A3/A4/A5) or Gymnasium (Class D2), with associated roof terraces, landscaping, access and servicing, subject to:-
  - (a) Any direction by the Mayor of London; and to
  - (b) The prior completion of a legal agreement, to the satisfaction of the

Chief Legal Officer, to secure the items listed at paragraph 3.2 of the officers' report

- (2) That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement above.
- (3) That the Corporate Director Development & Renewal be delegated power to impose conditions and informatives on the planning permission to secure the matters listed at paragraphs 3.5 and 3.7 of the officers' report, as amended by paragraph 4.1 of the officers' update report and subject to a further amendment to secure the following:-
  - Hammer drilling/piling works shall be undertaken for no more than two hours in any continuous session and shall then cease for at least one hour before resuming.
- (4) That, if by the decision date specified in the PPA, the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services), the Corporate Director, Development & Renewal be delegated the authority to refuse planning permission.

## **7.2 2 Trafalgar Way, London**

Mr Whalley introduced the application for consideration by the Committee. Jason Traves, Strategic Applications Planner, and Stephen Irvine, Development Control Manager, then presented the main elements of the proposal and the key planning considerations as set out in the officers' report.

Members of the Committee asked questions about a number of issues arising from the application including the most productive use of the £12.857m contribution for off-site affordable housing; whether this was a material planning consideration; why the affordable provision was equivalent to only 35% and not 50% as normally required for off-site provision; when the affordable housing contribution would be paid; the provision of car club parking spaces on site; the proposed density of the development; and noise, vibration and disturbance from Aspen Way.

Officers responded as follows:-

- The affordable housing contribution could be used to buy-back properties but it would be more cost effective to grant aid an RSL to purchase additional affordable units on the open market.
- The proposals in relation to affordable housing did represent a material planning consideration
- A 35% affordable contribution was supported by the independent assessment of viability.
- The section 106 contributions would normally be payable in stages as the development was occupied

- Car Club provision had been considered but this was not appropriate on the highway in this location and alternative provision was available nearby. However if required, it would be possible to provide 3 such places in the development as part of the section 106 agreement.
- The high density scheme was considered an efficient use of the site that would result in no significant adverse impact given a number of beneficial aspects as outlined in the report.
- Noise mitigation measures included triple glazed windows to flats on floors 1 to 10 and fixed, un-openable windows and a mechanical ventilation system for the first 5 floors.

In response to a question from Councillor Abbas about the desirability of including affordable housing within mixed developments, the Chair stated that in this case the Committee had previously expressed concern about the provision of family accommodation at this location given the site characteristics and connectivity, noise and air quality issues and the modifications to the scheme sought to address this.

Councillor Archer moved and Councillor Eaton seconded an AMENDMENT that the proposed off-site affordable housing contribution of £12.857m be ring-fenced to fund the building of new, additional housing in the borough not already planned. On a vote of 2 for and 4 against with 2 abstentions the amendment was defeated.

After considering the information in the officers' report, on a vote of 7 for and 0 against with 1 abstention, the Committee

**RESOLVED:-**

- (1) That planning permission be GRANTED for the redevelopment of the site at 2 Trafalgar Way to provide a residential-led mixed use scheme including two towers of 29 storey and 35 storeys and comprising 414 residential units, re-provision of drive-through restaurant, retail/financial and professional service units, crèche, gymnasium, association residential and community amenity space and car parking, subject to:-
  - (a) Any direction by the Mayor of London;
  - (b) The prior completion of a legal agreement to secure the planning obligations listed at paragraph 3.1B of the officers' report and in addition:-
    - the provision of up to 3 car club parking spaces within the development.
- (2) That the Corporate Director, Development & Renewal be delegated power to negotiate the legal agreement indicated above.
- (3) That the Corporate Director, Development & Renewal be delegated power to impose conditions and informatives on the planning

permission to secure the matters listed at paragraph 3.3 of the officers' report.

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

At this point (8.50 p.m.) the Chair adjourned the meeting. The Committee reconvened at 9.05 p.m.

### **7.3 438-490 Mile End Road, E1**

Mr Whalley introduced the application for consideration by the Committee.

Ms Brenda Daley and Mr Tom Ridge each addressed the committee on behalf of the Ocean Estate Tenants and Leaseholders Association (TLA) in objection to the application. Ms Daley raised concerns about the proposed development including overlooking and overshadowing of neighbouring blocks; noise nuisance from the roof gardens and communal spaces; the high concentration of students that would result in this locality; a lack of benefit from the development to the neighbouring Ocean Estate; the loss of potential affordable housing; inadequate consultation by the developer with the TLA; and concerns that the developer may seek to revisit the requirement for angled windows in view of the likely cost of soundproofing and other works.

Mr Ridge referred to the TLAs criticism of the Townscale Assessment. He considered that the proposed development was not well designed or attractive and would not enhance the setting of the conservation area. Rather by reason of its design, bulk and scale it would have a detrimental effect on the surrounding area and in particular on the setting of the two listed 'Peoples' Palaces'.

Mr Charles Moran addressed the committee on behalf of the applicant. He considered that the proposals represented an important regeneration opportunity, providing a high quality education facility, investment, jobs and environmental improvements. Consultation with a wide range of bodies had continued over two years and had shaped the proposals which had wide support. Mr Moran stated that the facility would be staffed on a 24 hour basis and he indicated that the applicant would accept a condition restricting hours of use of the roof garden and communal space. The design of the building, which stepped down to 3 storeys at the eastern end, was intended to respect the character of the local area and its scale reflected the importance of the site and its position as part of High Street 2012.

Mr Irvine gave a brief presentation of the key planning considerations as set out in the officers' report circulated with the agenda and the further update report tabled at the meeting.



Members of the Committee raised concerns and queries about aspects of the proposed development including a perceived lack of benefit to the local community; an unnecessary concentration of student accommodation and the impact of this on the limited local retail facilities; a potential increase in anti-social behaviour; what jobs and teaching facilities would be provided; the daylighting effect on neighbouring properties; the density of the proposed development; and its design and massing which some Members felt was out of character and inappropriate to the locality.

In response to Members' comments, officers reported that:-

- Research had shown unmet demand for student accommodation on campus and this was a suitable location, close to education facilities and public transport
- The proposed development would provide a range of employment opportunities and other benefits for the local area including environmental improvements and subsidised facilities for local education and training projects.
- The proposed education facility would be operated by INTO University Partnerships, providing foundation courses for students before they entered undergraduate courses.
- Full daylighting, sunlighting and overshadowing tests had been conducted and the proposed development had been found to meet the agreed standards.
- Regarding the size of the proposed building, the GLA had advised that this was acceptable and it was felt that it would contribute positively to the vision and objectives for High Street 2012 as a way-finder on this stretch of Mile End Road. The building would be the tallest in the area but there was currently no uniform pattern or height of building in this location.
- A possible future increase in anti-social behaviour did not represent a material planning consideration in this case
- It was not appropriate to apply the same density calculations to student accommodation as to normal residential units

After consideration of the information set out in the officers' report and update report, and the points raised by the speakers, on a vote of 0 for and 7 against with 1 abstention, the Committee

**RESOLVED:-**

That the officers' recommendation to grant planning permission for the demolition of existing structures at 438-490 Mile End Road, E1 and the erection of a part 3, part 5, part 7 and part 11 storey building to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car parking, refuse and recycling facilities be NOT AGREED.

The Committee indicated that they were minded to refuse the planning application because of concerns over:-

- The proposed density of the development;
- Inappropriate design and height of the proposed development in this location
- Overdevelopment of the site; and
- A lack of benefit for local residents

In accordance with the Development Procedure Rules the application was DEFERRED to enable the officers to prepare a supplementary report to a future meeting of the committee, setting out proposed detailed reasons for refusal and the implications of the decision.

The meeting ended at 9.45 p.m.

Chair, Councillor Shafiqul Haque  
Strategic Development Committee

# 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> 23 <sup>rd</sup> September 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> 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 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
15/04/09, 13/05/09 and 25/06/09	PA/08/02239 and PA/08/02240	Eric & Treby Estates, Treby Street, Mile End, London	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 sqm commercial space.	Committee indicated that it was minded to go against officers recommendations due to a loss of open space, a lack of parking consideration, especially disabled parking, the low percentage of social housing on the development and design and amenity issues.
04/08/09	PA/09/00601	438-490 Mile End Road, London E1	Demolition of existing structures and erection of a part 3, part 5, part 7 and part 11 storey building to provide a new education facility	Committee indicated that it was minded to go against officer's recommendation due to concerns on the density, inappropriate

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

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

			comprising teaching accommodation and associated facilities, student housing, cycle and car parking, refuse and recycling facilities.	design and height, overdevelopment of the site and the lack of benefit for local residents.
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### **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/08/02239 and PA/08/02240: Eric & Treby Estates, Treby Street, Mile End, London

6.2 PA/09/00601: 438-490 Mile End Road, London E1

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

### **4. PUBLIC SPEAKING**

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

### **5. RECOMMENDATION**

5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

# Agenda Item 6.1

Committee: Strategic Development	Date: 23 <sup>rd</sup> September 2009	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal  Case Officer: Richard Murrell	Title: Deferred Item  Ref No: PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent)  Ward: 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 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 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, REV/03 REVC, R/04 REVC, R/05 REVC, R/06 REVC, R/07 REV C, 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 7th 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 10th 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: East End Homes Ltd.



Ownership: Various  
Historic Building:  
Conservation Area: Tower Hamlets Cemetery Conservation Area. Ropery Street Conservation Area.

## **2. RECOMMENDATION**

2.1 That the Committee resolve to REFUSE planning permission subject to:

A. Any direction by The Mayor

For the following reason:-

1. The proposed development results in the net loss of publicly accessible open space to the detriment of the enjoyment of existing and future residents and the amenity of the area contrary to the objectives of London Plan (Consolidated with Alterations since 2004) policies 3A.6, 3D.13 and 4B.1, saved policy OS7 of the adopted Tower Hamlets 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.

2.2 That the Committee resolve to REFUSE Conservation Area Consent subject to:

A. Any direction of The Mayor

For the following reason:-

1. In the absence of an approved planning permission for the redevelopment of the site, the demolition of 1 – 14 Brokesley Street would leave an undeveloped site which would represent a blight on the character and appearance of the Tower Hamlets Cemetery Conservation Area contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

## **3. BACKGROUND**

3.1 This application was originally reported to Members of the Strategic Development Committee on 2nd April 2009. There was insufficient time to hear the application and it was deferred until the committee meeting on 13th May 2009. At the May committee Members resolved that consideration of the application be deferred to allow time for additional information to be prepared in relation to the matters discussed in the meeting. Additional information was presented to Members, and the scheme recommended for approval in a report to Members at the Strategic Development Committee meeting on 25<sup>th</sup> June 2009.

The Committee indicated that it was minded to refuse planning permission on the grounds of:-

- i) loss of open space;
- ii) loss of car-parking, especially disabled parking;
- iii) low number and percentage of social housing; and
- iv) design and amenity issues

3.2 Member's voted to defer making a decision to allow Officer's to prepare a supplemental

report setting out the reasons for refusal and the implications of the decision. The next section of this report discusses the implications of the proposed reasons for refusal.

3.3 The following background documents are appended to this report

Town Planning Application report dated 13<sup>th</sup> May 2009,  
Update report dated 13<sup>th</sup> May 2009,  
Minutes of Strategic Development Committee 13<sup>th</sup> May 2009,  
Deferred Item report dated 25<sup>th</sup> June 2009,  
Minutes of Strategic Development Committee 25<sup>th</sup> June 2009.

**4 CONSIDERATION OF PROPOSED REASONS FOR REFUSAL AND IMPLICATIONS OF DECISION.**

4.1 The Town and Country Planning Act 1990 (as amended) legislation requires that in dealing with an application for planning permission a local planning authority

*'shall have regard to the provisions of the development plan, so far as material to the application, and to any other material planning considerations'*.

4.2 In Tower Hamlets the adopted development plan comprises the London Plan (Consolidated with Alterations since 2004) and the Tower Hamlets Unitary Development Plan 1998. The Council's Interim Planning Guidance (2007): Core Strategy and Development Control is also a material consideration.

4.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that when considering a planning application

*'the determination must be made in accordance with the plan unless material considerations indicate otherwise'*.

4.4 When planning permission is refused the Town and Country Planning (General Development Procedure) Order requires that the local planning authority

*'shall state clearly and precisely their full reasons for the refusal, specifying all policies in the development plan that are relevant to the decision'*

4.5 Where a local planning authority fails to have proper regard to these requirements it could be at risk of maladministration. If a refusal of planning permission is subject to an appeal, and any given reason is not fully substantiated, the Council could be at risk of costs being awarded against it.

4.6 In this context it is clear that when acting as the local planning authority the Council must give sound planning reasons when it determines to refuse an application. Officer's have been mindful of these requirements, and would offer the following advice on the proposed reasons for refusal given by Members at the previous meeting.

Loss of open space

4.7 The scheme does result in a net loss of publicly accessible open space. The acceptability of this loss, when balanced against other planning policy objectives, is a matter of judgement. The refusal of the scheme on this ground is considered reasonable and a proposed reason for refusal is included under Section 2: Recommendation of this report.

Loss of car-parking, especially disabled car-parking.

- 4.8 Officer's would re-iterate that currently Eastend Homes have issued 76 car-parking permits and 49 garage permits to existing residents. The application proposes to provide a total of 91 spaces and 62 garages. This is sufficient to re-provide spaces for existing residents with permits.
- 4.9 Thirteen of the 15 new space spaces are for designated wheelchair units, with the two remaining spaces for visitor parking. There are currently no reserved disabled spaces on the estate.
- 4.10 Adopted Council policy and London Plan policy places considerable emphasis on encouraging more sustainable forms of transport, and there is a general presumption against the provision of additional car-parking.
- 4.11 In the current policy context, and given that the scheme re-provides parking spaces for those residents with permits, Officer's do not consider that a reason for refusal based on loss of car-parking could be substantiated.

#### Low number and percentage of social housing

- 4.12 The application would provide 19 entirely new units of affordable housing, and would also replace the 29 affordable units lost through demolition; giving a total of 48 units. This would include 24 three bedroom flats and 9 x 5 bedroom units. These units would all be in the social rent tenure.
- 4.13 In total the application would create 489 new habitable rooms. Of these 152 would be within the social rent tenure. This equates to the provision of 35% of the total habitable rooms.
- 4.14 The Council calculates the provision of affordable housing on the basis of the number of habitable rooms being provided. This approach allows the Council to secure larger units of accommodation, in accordance with housing needs, than would be the case if affordable housing were calculated on the basis of the number of units provided.
- 4.15 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.
- 4.16 The application meets the 35% affordable housing provision required by policy, and as such was considered acceptable. It should also be noted that the application was accompanied by an 'toolkit' assessment showing the financial viability of the proposals. This toolkit gives an understanding of the financial relationship between the private proportion of this development and the money the scheme generates to cross subsidise the rest of the estate regeneration. This toolkit demonstrates that to provide additional affordable housing would directly reduce the amount of cross subsidy available to improve the rest of the estate, which is an objective of the scheme.
- 4.17 Given that the scheme meets the 35% affordable housing target, and that it has been demonstrated that increasing this percentage would not be financially viable, Officer's do not consider that it would be reasonable to refuse the scheme on this ground.

#### Design and Amenity Issues

- 4.18 Member's have indicated that they consider aspects of the scheme in relation to 'design and amenity' unacceptable. A planning authority is obliged to give clear and precise reasons when it determines to refuse a planning application. To form a reason for refusal around

design and amenity issues, Officer's would need a clearer indication from Member's as to which particular aspect of the scheme was unacceptable. Without this information it is not possible to draft a reason for refusal.

## **5. CONCLUSIONS**

- 5.1 All other relevant policies and considerations have been taken into account. Planning Permission and Conservation Area Consent should be REFUSED for the reasons set out in the RECOMMENDATION at the beginning of this report.

## **6. APPENDICIES**

- 6.1 Town Planning Application report dated 13<sup>th</sup> May 2009,  
Update report dated 13<sup>th</sup> May 2009,  
Minutes of Strategic Development Committee 13<sup>th</sup> May 2009,  
Deferred Item report dated 25<sup>th</sup> June 2009,  
Update report to Strategic Committee 25<sup>th</sup> June 2009,  
Minutes of Strategic Development Committee 25<sup>th</sup> June 2009.

# 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:  
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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:

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- 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)
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- 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:** East End Homes Ltd.  
**Ownership:** Various  
**Historic Building:**  
**Conservation Area:** 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 daylighting.

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:-

8.6

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.

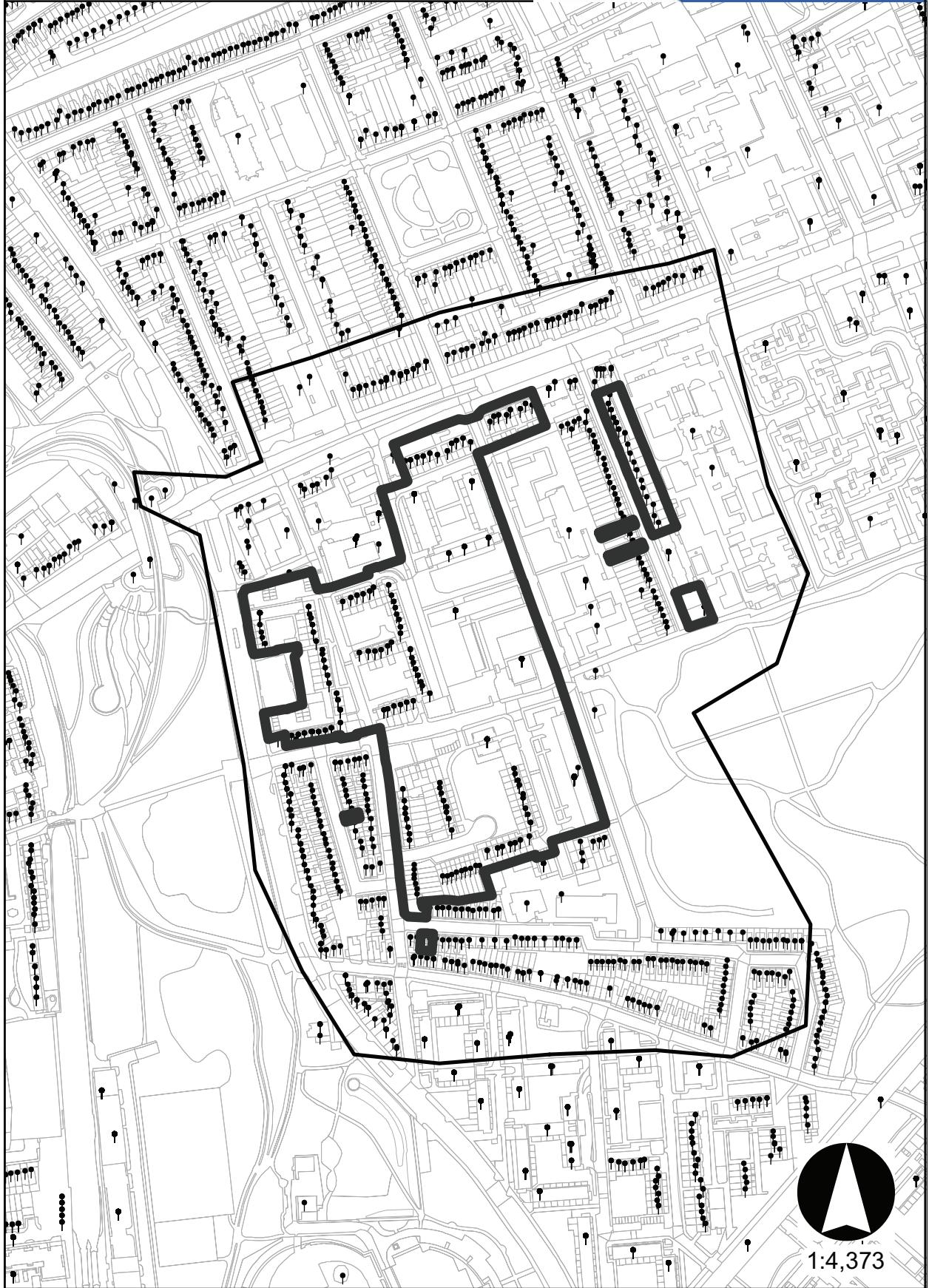
#### Impacts on local infrastructure and other planning issues

- 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.

# Planning Application Site Map



1:4,373

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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<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

# STRATEGIC DEVELOPMENT COMMITTEE

13<sup>th</sup> May 2009 at 7.00 pm

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## UPDATE REPORT OF HEAD OF DEVELOPMENT DECISIONS

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### INDEX

Agenda item no	Reference no	Location	Proposal
7.1.	PA/08/02239 & PA/08/02240	The Eric and Treby Estates, Treby Street, Mile End, E3.	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 sq m commercial space.
7.3	PA/08/002690	Site Bounded by Leman Street, Whitechapel High Street, Commercial Road and Buckle Street	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

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON WEDNESDAY, 13 MAY 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 Tim Archer  
Councillor Stephanie Eaton

Councillor Marc Francis (Deputy)

**Other Councillors Present:**

Councillor Ahmed Hussain

**Officers Present:**

Megan Crowe – (Legal Services Team Leader, Planning)  
Stephen Irvine – (Development Control Manager)  
Mario Leo – Head of Legal Services - Environment  
Rachel McConnell – (Interim Applications Manager)  
Owen Whalley – (Service Head, Major Project Development)

Alan Ingram – (Democratic Services)

At 7.00 p.m. the Chair opened the meeting and indicated that commencement of business would be delayed for a short while pending the arrival of Members who were on their way to the Council Chamber.

**1. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor M. Shahed Ali (for whom Councillor Marc Francis deputised), Councillor Joshua Peck and Councillor Dulal Uddin.

**2. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item</b>	<b>Type of Interest</b>	<b>Reason</b>
Tim Archer	Items 6.1, 7.1 and 7.2	Personal	He had been approached by residents in respect of those items of business.

Shafiqul Haque	Items 6.1 and 7.1 – 7.3 inclusive	Personal	He had been lobbied in respect of all the items of business.
Shahed Ali	Items 6.1 and 7.1 – 7.3 inclusive	Personal	He had been lobbied in respect of all the items of business.
Stephanie Eaton	Items 6.1 and 7.1 – 7.3 inclusive	Personal	She had been lobbied in respect of all the items of business.

### 3. UNRESTRICTED MINUTES

The minutes of the meetings held on 19<sup>th</sup> February and 15<sup>th</sup> April 2009 were agreed and approved as a correct record, subject to the correction of the name of Councillor Stephanie Eaton in the declarations of interest section in the minutes of 15 April.

(The minutes of 19<sup>th</sup> February were resubmitted in order to rectify typographical errors relating to decisions on agenda items 7.1 and 7.2.)

### 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 St Katharine Docks, St Katharine's Way, E1

After consideration of the reasons for refusal as set out in the officer's supplemental report, on a vote of 4 for and 0 against, the Committee RESOLVED that planning permission be REFUSED for the following reasons:

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

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**

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**

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.

**7. PLANNING APPLICATIONS FOR DECISION**

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

Ms Ane-Mari Peter, a local resident, spoke in objection to the application.

Ms Lene Milaa and Mr Mark Taylor, local residents, 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.

On a vote of 2 for and 2 against [the supplemental recommendations], the Chair did not exercise his casting vote and the Committee subsequently RESOLVED that consideration of the report be DEFERRED pending a report to the next meeting so that Officers may provide further information on the following matters raised by Members:

- How the shortfall of finance between the estimated £12.5m total cost of estate regeneration improvements and the likely sum of £8.2m to be generated by the development will be managed, and confirmation that the scheme will continue to be viable.
- Consultation to obtain the comments of appropriate Officers from the Directorates of Children's Services and Communities, Localities and Culture regarding the potential loss of children's play space.
- Possible alternative proposals for the redevelopment of 1-14 Brokesley Street, including construction details, such as type of brickwork proposed.
- The possibility of reduction in height of proposed development at the corner of Eric Street/Hamlets Way.
- Further information on proposals for car-free residential units.
- The total area of open space that will be built upon.
- Why only 19 new affordable housing units are proposed to be provided.

The meeting then adjourned at 8.05 p.m. and reconvened at 8.15 p.m.

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

Following the adjournment, Councillors Shahed Ali and Stephanie Eaton did not return to the meeting prior to the Officer's introduction and, following debate and questions, the Chair informed them that they were not eligible to vote on the matter in accordance with Part 5.2, Section 13.5, of the Council's Constitution.

Councillor Archer proposed an amendment, seconded by Councillor Francis, to agree the scheme as tabled but to add an informative aimed at protecting



the interests of existing retailers during the transition period when works were being carried out to retail premises on the Holland Estate.

The amendment was accepted by Members for incorporation into the resolution and, on a vote of 3 for and 0 against, the Committee RESOLVED that planning permission for 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, be GRANTED at the Holland Estate, Commercial Street, London, subject to the legal agreement, conditions and informatives set out in the supplemental agenda report, with the addition of a further informative that Officers work with the applicant to seek transitional support for retailers whose businesses will be affected by the development works.

### **7.3 Site bounded by Leman Street, Whitechapel High Street, Commercial Road and Buckle Street**

Councillor Archer proposed an amendment, seconded by Councillor Eaton, that consideration of the report be deferred for further investigations into the holding objection lodged by The Historical Royal Palaces. On a vote of 2 for and 3 against, the amendment was declared lost.

Councillor Shahed Ali proposed an amendment, seconded by Councillor Francis, to agree the scheme as submitted but to amend the recommendations by deleting the reference to Whitechapel Art Gallery in recommendation 3.2(B)(5) of the update report.

The amendment was accepted by Members for incorporation into the resolution and, on a vote of 3 for and 2 against, the Committee RESOLVED that planning permission for 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, be GRANTED at the site bounded by Leman Street, Whitechapel High Street, Commercial Road and Buckle Street, subject to the legal agreement, conditions and informatives set out in the Officer's update report and subject further to recommendation 3.2 (B)(5) of the update report being amended to read:

"Provide £150,000 for the preparation and implementation of a public art strategy including involvement of local artists."

**CHAIR'S REMARKS**

The Chair commented that, this being the final meeting of the Committee for the current Municipal Year, he wished to thank the Members and Officers for their hard work and support during his term of office.

Councillor Francis stated that the illustrative material provided by Planning staff had assisted greatly with decision-making and he congratulated the Chair on his leadership of the Committee over the past year.

The meeting ended at 9.10 p.m.

Chair, Councillor Shafiqul Haque  
Strategic Development Committee

# Agenda Item 8.1

Committee: Strategic Development	Date: 25 June 2009	Classification: Unrestricted	Agenda Item Number: 8.1
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Report of: Director of Development and Renewal  Case Officer: Richard Murrell	Title: Deferred Item  Ref No: PA/08/02239 (Planning Permission) PA/08/02240 (Conservation Area Consent)  Ward: 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 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 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, REV/03 REVC, R/04 REVC, R/05 REVC, R/06 REVC, R/07 REV C, 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 7th 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 10th 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: East End Homes Ltd.

Ownership: Various  
Historic Building:  
Conservation Area: 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 £224, 122 towards the provision of future health and social care facilities.

b) Provide a contribution of £320, 892 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 (including sewerage to Brokesley Street)
23. Obscure glazing to rear window of site 14

24. Energy Strategy to be implemented as approved
25. 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

- 3.4 That the Committee resolve to GRANT Conservation Area Consent subject to:

**Conditions**

Time Limit

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

- 3.5 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. BACKGROUND**

- 4.1 This application was originally reported to Members of the Strategic Development Committee on 2nd April 2009. There was insufficient time to hear the application and it was deferred until 13th May 2009. At the May committee Members resolved that consideration of the application be deferred to allow time for additional information to be prepared in relation to the matters discussed in the meeting. Each of the matters raised by Member's is discussed under the 'CONSIDERATIONS' section of the report below.

- 4.2 The following background documents are appended to this report

Committee Report dated 15th April 2009 and addendum,  
Addendum report dated 13th May 2009.

**5. CONSIDERATIONS**

- 5.1 Members requested additional information in relation to the following matters.
- 5.2 *How the shortfall of finance between the estimated £12.5m total cost of estate regeneration improvements and the likely sum of £8.2m to be generated by the development will be managed, and confirmation that the scheme will continue to be viable.*
- 5.3 This question was put to Eastend Homes have confirmed that cross subsidy is not the only revenue source for this proposal. The remaining revenue required will be funded from the Eastend Homes business plan.
- 5.4 *Consultation to obtain the comments of appropriate Officers from the Directorates of Children's Services and Communities, Localities and Culture regarding the potential loss of children's play space.*

And

*The total area of open space that will be built upon.*



- 5.5 Open-space calculations are given at sections 8.149 – 8.157 of the main committee report. Additional comments from the Council's Cultural Services section have been received in relation to the provision of child-play space. It was stated that the level of provision meets Council Interim Planning Guidance on play space and no further comments would be made. It was noted comments on the value or design of the play-space should be sought from the Council's landscape team.
- 5.6 Children's Services were re-consulted on the issue of child play space specific issue and stated that they had no comments to make.
- 5.7 The existing the estate has no dedicated areas of child-play space. The current areas of open grassland are ill defined and there is no demarcation to provide areas for the use of children of different ages, or for the exercise of dogs.
- 5.8 In terms of play provision the scheme would create:-
- An external ball court
  - A community hall (which could be used for indoor sports)
  - 5 areas of 'younger' child play-spaces.
- 5.9 The younger children play spaces would comprise safety surfacing and play equipment. They would be enclosed by railings and located in areas that are well overlooked from nearby dwellings.
- 5.10 The level of Children's playspace meets the LBTH policy minimum. The possibility of including addition areas of space could be further investigated. This would be carried out during the discharge of the landscape condition process. The views of the Council's landscape section would also be sought at this stage in regard to the detailed design of the children's play equipment.
- 5.11 The remaining open-areas would be contoured and re-landscaped. Mature trees would be retained and supplemented by additional shrub beds and wild-grass planting. Areas of path, pavement and benches would also be introduced to encourage residents of all ages to make use of the amenity space.
- 5.12 In overall terms the quality of the existing amenity spaces would be significantly improved which would be of benefit to existing and future residents.
- 5.13 Possible alternative proposals for the redevelopment of 1-14 Brokesley Street, including construction details, such as type of brickwork proposed.
- 5.14 Officer's have re-assessed if it would be desirable to retain/convert the existing bedsits rather than demolish them and build replacement townhouses. Currently there are 14 bedsits arranged over 2 storeys, with each floor providing 7 units. Each of the units is approximately 5.3m wide by 7.15m deep, giving a floor area of 38 square meters. The existing units are in a poor state of repair and do not comply with accessibility or lifetimes homes standards.
- 5.15 The refurbishment of the units would only prolong the life of a fundamentally sub-standard form of bed-sit accommodation that does not meet current identified housing needs.
- 5.16 The possibility of converting the units to provide larger accommodation within the existing building envelop has also been considered. This could be achieved by combining two bedsits into a two storey house. However, the units would still be substandard in terms of compliance with Lifetime Homes standards. Each of these flats would be approximately 76

square meters in size. This would allow the accommodation to be used as 2 bedroom 4 person units. The re-build option is considered to respond better to housing need as it creates large 8 bedroom family units.

- 5.17 In terms of design it is not considered that the current building makes any meaningful contribution to the quality of the streetscene. The proposed replacement terrace is of a traditional appearance and would sit well within the Conservation Area. The applicant has confirmed that the proposed materials include yellow London stock brick, white painted timber windows and cast-iron rain water goods. A condition would ensure that samples of these materials be submitted for approval to ensure that they are of a suitable quality for use in a Conservation Area.
- 5.18 *The possibility of reduction in height of proposed development at the corner of Eric Street/Hamlets Way.*
- 5.19 The scale of development at the corner of Eric Street and Hamlets Way has been significantly reduced during the course of the application. When submitted the scheme proposed a long 7 storey building extending along Hamlets Way, with 5 storey 'wings' returning along Eric Street. This scale of building was considered excessive and following negotiations the scale of the building was reduced to provide a 4 storey block at the junction of Eric Street and Hamlets Way. In terms of scale this complements the adjacent 4 storey block along Eric Street. Along the Hamlets Way frontage the building was reduced to a maximum of 6 storeys. This is lower than other buildings along Hamlets Ways such as the 10 storey Beckley House or the 7 storey Loweswater House.
- 5.20 A further reduction in height is not considered necessary to achieve an acceptable urban design outcome, but it would result in a decrease in the amount of housing units and cross-subsidy that can be generated.
- 5.21 *Further information on proposals for car-free residential units.*
- 5.22 Adopted Council policy and London Plan policy places considerable emphasis on encouraging more sustainable forms of transport. Council policy sets a maximum standard for car-parking provision in new residential development of one space per unit. In areas close to public transport, such as this site, Officers would encourage a minimal provision of car-parking. Where possible policy would prioritise the provision of open-space rather than more surface car-parking.
- 5.23 To promote more sustainable modes of transport and reduce congestion in the Borough it is also the Council's established policy not to issue on-street parking permits to occupiers of new development. Developers are required to enter into a legal agreement accepting this prior to planning permission being granted. This restriction does not apply to blue disabled badge holders, who can still apply for permits. This agreement would apply to parking on the adopted highway running through the estate.
- 5.24 Non-adopted roads and the estate car-parks are private and managed by Eastend Homes. Currently Eastend Homes have issued 76 car-parking permits and 49 garage permits to existing residents. The application proposes to provide 91 spaces and 62 garages. This is sufficient to re-provide spaces for existing residents with permits. Thirteen of the additional spaces are for designated wheelchair units, and two will be visitor spaces.
- 5.25 The Developer will also be providing a car-club facility which would allow residents without access to their own car / parking space access to a vehicle.
- 5.26 *Why only a net addition of 19 new affordable housing units are proposed to be provided.*

- 5.27 The number of units proposed appears low because the net housing figures take into account the loss of 29 affordable bedsits / flats. In total the scheme would deliver 48 new affordable housing units.
- 5.28 The amount of affordable housing provided is calculated on the basis of habitable rooms, rather than units, as this allows larger family sized units to be provided. It total 35% of the habitable rooms proposed are affordable, in accordance with policy.

## **6. CONCLUSIONS**

- 6.1 At the request of Members the wording of condition 22 is amended to clarify that the survey should include details of sewerage for Brokesley Street. The recommendation is otherwise unchanged.
- 6.2 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent 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.

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Agenda Item number:	8.1
Reference number:	PA/08/02239 (Planning Permission) and PA/08/02240 (Conservation Area Consent)
Location:	The Eric and Treby Estates, Treby Street, Mile End London.
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.

## 1. ADDITIONAL REPRESENTATIONS

1.1 Since the publication of the report, 46 additional letters of objection have been received and the representations are summarised below:

- Concerns raised in relation to additional parking in Brokesly street and the rising costs of being a householder.

**Officer response:** All new units will be subject to a car-free agreement. The rising costs of being a leaseholder is not an issue that can be considered as part of this application.

- The height of site 15 exceeds the height of the adjacent buildings resulting in loss of skyline views and impairment of light to their premises.

**Officer response:** Officers consider the height to be acceptable given the surrounding context and the fact that Hamlets Way is a wider road that can accommodate this scale of building. A daylight and Sunlight report has been submitted which shows that the development would meet BRE guidelines.

- Clarification of building position to ensure that the balconies do not result in a loss of privacy.

**Officer response:** Officers can confirm that the proposed balconies will not result in any loss of privacy over and above that which currently exists.

- Loss of green area.

**Officer response:** This is already considered in the main report at paragraphs 8.141 to 8.160 and paragraphs 5.5 to 5.12 of the addendum report.

- Damage to their property as a result of the building works.

**Officer response:** Damage to property is a matter to between residents and the applicants East End Homes.

- Insufficient open space between buildings.

**Officer response:** This is already considered in the main report and the addendum report.

- Need for good natural daylight.

**Officer response:** This is already considered at paragraphs 8.60 8.68 the main report.

- Detrimental and stressful impacts of overcrowding.

**Officer response:** This is already considered in paragraphs 8.17 to 8.19 of the main report.

- Parking stress as a result of the loss of existing parking spaces and garages and the addition of more families on site.

**Officer response:** This is already considered in paragraph 8.168 to 8.172 of the main report and the addendum report.

- Loss of public open space.

**Officer response:** This is already considered in paragraph 8.149 to 8.157 of the main report and 5.5 to 5.12 of the addendum report.

- lack of social housing in relation to the ones already demolished.

**Officer response:** In relation to paragraphs 5.27 / 5.28 of the addendum report. It should be noted that the 48 new dwellings are predominantly family units replacing the 29 bedsits. The 35% affordable housing provision is a net figure, that is, after the re-provision of HR's lost by the demolition of the 29 bedsits/flats.

In terms of habitable rooms, this results in a loss of 31 HR however as the scheme as a whole provides 193 habitable rooms there is a uplift of 162 habitable rooms in the affordable housing provision.

- Unacceptable design.

**Officer response** This is already considered in paragraph 8.69 to 8.136 of the main report.

- Lack of proper consultation with residents.

**Officer response:** The Council has carried out the necessary statutory consultations on this matter. The Council is unable to comment on the effectiveness of separate consultation carried by the applicants but is aware that such consultation has taken place.

- Building on green spaces and other sites and car parks.

**Officer response:** This is already considered in the main report at paragraphs 8.141 to 8.160 and paragraphs 5.5 to 5.12 of the addendum report.

- Increase in neighbourhood conflicts due to increase in intensity.

**Officer response:** This is already considered in paragraphs 8.17 to 8.19 of the main report.

- Loss of secure private green space resulting in loss of security, anti-social behaviour, loss of privacy.

**Officer response:** This is already considered in the main report at paragraphs 8.141 to 8.160 and paragraphs 5.5 to 5.12 of the addendum report.

- Insufficient children's play space.

**Officer response:** This is already considered in the main report at paragraphs 8.141 to 8.160 and paragraphs 5.5 to 5.12 of the addendum report.

- Insufficient infrastructure to support the new development.

**Officer response:** A Service management plan has been conditioned.

- Height of the structure at Site 15 would be higher than existing structure resulting in light issues and impact on conservation area. It should of a similar height to properties at 33-36 Eric Street. Proposal as it steps up to 6 storeys would impact on their visible sky line, and result in a loss of light

**Officer response:** This is already considered in the main report at paragraphs 8.130 to 8.136 and paragraphs 5.19 to 5.20 of the addendum report.

- Loss of daylight and morning sunlight to properties in Hamlets Way

**Officer response:** This is already considered at paragraphs 8.60 8.68 the main report.

- Clarification of the setback of site 15 from the Road.

**Officer response:** Site 15 is set back approximately 4m from the back of pavement edge.

- Balconies do not respect the character of the Conservation area.

**Officer response:** This is already considered at paragraphs 8.54 to 8.59 the main report.

- Unacceptable mix.

**Officer response:** This is already considered at paragraphs 8.30 to 8.34 the main report.

- Misrepresentation of figures from the additional appendix to the agenda dated the 13 May 2009 in relation to the two petitions received.

**Officer response:** A further check has clarified that Berkely house provided a 31 signature petition, whilst a petition collected outside of Ennerdale House and Derwent House and by knocking on doors yielded 136 signatures.

- Too many units for private sale, insufficient affordable units for people on the Councils housing waiting list.

**Officer response:** The proposal provides the correct amount of affordable units provided for by policy.

- Demolition in Hamlets Way and Burdett Road

**Officer response:** There is no planning contravention in relation to the demoliyion therefore officers cannot comment.

- Plans presented in the “Housing Choice” program and subsequent ballot are significantly different from the proposal being presented as part of this application.

**Officer response:** Officers can only consider the application that is front of them and cannot formulate a recommendation based upon the housing choice document. To do so would leave the decision open to challenge.

- Too high a density and too many new buildings proposed.

**Officer response:** This is already considered in paragraphs 8.17 to 8.19 of the main report.

- Requirement for school places.

**Officer response:** A s.106 contribution is sought to provide for any increase in school places required by the proposal.

- Loss of views

**Officer response:** Views are not protected under planning law.

- Loss of value of flats

**Officer response:** This is not a planning matter.



- Another housing office block is not required and not sustainable.

**Officer response:** This is already considered in paragraphs 8.13 to 8.15 of the main report

- Conduct of the meeting in May:
  - written objections not present at committee
  - officers did not highlight loss of light to 644 Mile End Rd
  - Site 10 shows an incorrect footprint for the flat at rear of 644-646 Mile End Rd
  - Daylight and sunlight readings not taken from affected properties
  - figures supplied to Councillors relating to open space are factually inaccurate and misleading.
  - 10% disabled parking not considered
  - No consideration of impact of construction traffic

**Officer response:**

- written objections are presented in an update report to committee;
  - worst case scenarios were used in the sunlight and daylight assessment and therefore it was unnecessary to take readings from each individual property;
  - a revised plan (F28/P10/01 D) shows the footprint of the building together with an approximate footprint of an extension approved under PA/05/1707;
  - officers do not agree that the open space figures are factually incorrect;
  - 10% disabled parking is provided across the whole of the application site;
  - a construction management plan will be conditioned.
- Conduct of officers post meeting 2009:
    - Officers failed to accurately record the minutes of the meeting.
    - No reference to how car-free developments discriminates against families with children.
    - Communal playspace requirement for children living in Brokesley Street
    - Council refused to supply draft minutes of the meeting.
    - Incorrect procedures and processes.

**Officer response:**

- officers disagree that the minutes have not been recorded correctly. Notes were taken and corroborated by 3 different officers.
- car free policy is driven by national, and regional policy guidance and such issues are not for the consideration of the development control committee, and should be raised during the consultation period at the time the policy is being drafted.
- communal playspace is already considered in the main report at paragraphs 8.141 to 8.160 and paragraphs 5.5 to 5.12 of the addendum report and officers have no further comments to add.

- minutes of the meeting are made available on the Councils website. FOI requests is not a matter for the DC committee and should be resolved through the complaints system,
- Planning Documentaion:
  - Inadequate response to alternative proposals for 1-14 Brookesley Street
  - Alternative proposals for construction traffic access and emergency access

**Officer response:**

- Officers consider that the response provided in the addendum report adequate deals with the issue.
- Officers can only consider proposal that are submitted as a formal part of the planning application and cannot consider alternative proposals submitted by third parties.
- Percentage of affordable housing is unclear in the report. Is the 35% affordable housing figure after or before the loss of the 29 bedsits/flats units?

**Officer response:** In relation to paragraphs 5.27 / 5.28 of the addendum report. It should be noted that the 48 new dwellings are predominantly family units replacing the 29 bedsits. The 35% affordable housing provision is a net figure, that is, after the re-provision of HR's lost by the demolition of the 29 bedsits/flats.

In terms of habitable rooms, this results in a loss of 31 HR however as the scheme as a whole provides 193 habitable rooms there is a uplift of 162 habitable rooms in the affordable housing provision.

## 2 RECOMMENDATION

- 2.1 My recommendation is unchanged

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.30 P.M. ON THURSDAY, 25 JUNE 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 Alibor Choudhury  
Councillor Stephanie Eaton  
Councillor Marc Francis  
Councillor Shiria Khatun  
Councillor Dulal Uddin

Councillor Tim Archer (Deputising for Councillor Rupert Eckhardt)

**Other Councillors Present:**

Councillor Ahmed Hussain

**Officers Present:**

Jerry Bell	– (Interim Strategic Applications Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Mario Leo	– (Head of Legal Services - Environment)
Jen Pepper	– (Affordable Housing Programme Manager)
Owen Whalley	– (Service Head, Major Project Development, Development & Renewal)
Nadir Ahmed	– (Trainee Committee Officer)
Alan Ingram	– (Democratic Services)

**1. ELECTION OF VICE-CHAIR**

The Chair invited nominations for the election of the Vice-Chair of the Strategic Development Committee for the Municipal Year 2009/10.

On a vote of 4 for and 2 against, the Committee **RESOLVED** that Councillor Marc Francis be elected Vice-Chair of the Strategic Development Committee for the 2008/09 municipal year.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Rania Khan and Rupert Eckhardt for whom Cllr Tim Archer was deputising.

Apologies for lateness were also received from Councillor Alibor Choudhury.

### 3. DECLARATIONS OF INTEREST

Councillor	Item	Type of Interest	Reason
Shafiqul Haque	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Shafiqul Haque	9.1	Personal	Application site within Councillor's ward.
Shahed Ali	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Alibor Choudhury	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Stephanie Eaton	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Marc Francis	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Shiria Khatun	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Dulal Uddin	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.
Tim Archer	8.1, 9.1 and 9.2	Personal	Correspondence received from concerned parties.

### 4. UNRESTRICTED MINUTES

The minutes of the meeting held on 13<sup>th</sup> May 2009 were agreed and approved as a correct record.

### 5. PROPOSED NEW SCHEDULE OF DATES 2009/10 & TERMS OF REFERENCE

Councillor Shahed Ali proposed an amendment that evening meetings of the Strategic Development Committee start at 7.00pm and the Members RESOLVED

- 1) That the Schedule of Dates be noted as detailed in Appendix 1 of the report;
- 2) That evening meetings of the Strategic Development Committee start at 7.00pm;
- 3) That the Terms of Reference be noted as detailed in Appendix 2 of the report.

## **6. 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.

## **7. PROCEDURE FOR HEARING OBJECTIONS**

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

## **8. DEFERRED ITEMS**

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

Councillor Archer asked that he be able to seek the views of the public present on the application and the Chair indicated that this would not be appropriate.

Councillor Archer proposed an amendment, seconded by Councillor Eaton, that conditions be added to ensure disabled parking is retained at Ennerdale House and provided on Brokesley Street and also requesting that the applicant enter discussions with the owner of the St Clements Hospital site regarding access to Brokesley Street via the hospital site for construction traffic. On a vote of 2 for and 3 against, the amendment was declared lost.

After consideration of the officer's report and the addendum update report, on a vote of 2 for and 2 against, with one abstention, on the Chair's casting vote, the Committee resolved not to approve officers' advice which was to grant

planning permission for the regeneration of the 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. The Committee indicated it was minded to refuse planning permission on the grounds of loss of open space, loss of parking, especially disabled parking, the low number and percentage of social housing on the development and design and amenity issues. In accordance with rule 10.2 of the Constitution, the application was **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.

(Cllrs Shiria Khatun and Dulal Uddin could not vote on the application due to not being present when the item was considered on 13<sup>th</sup> May 2009)

Officers advised that the application for Conservation Area Consent associated with the application for Planning Permission would now be withdrawn from the agenda.

The Chair adjourned the meeting at 8.33pm and reconvened at 8.42pm.

## **9. PLANNING APPLICATIONS FOR DECISION**

### **9.1 News International Limited Site, 1 Virginia Street, London**

Mr Tim Flood, a neighbouring resident, spoke in objection to the application.

Mr Matthew Gibbs, for the applicant, spoke in support of the application.

Councillor Marc Francis proposed an amendment, seconded by Councillor Eaton, restricting the hours of refuse collections and deliveries to between 8.00am and 9.00pm and setting the terminal hour for the roof garden as 11pm. With 5 votes for and 2 against, the amendment was declared carried.

After consideration of the officer's report and the addendum update report, the Committee resolved not to approve officers' advice which was to grant planning permission for the remodelling of the existing print works building and the adjoining Rum Warehouse building as a campus type office facility incorporating the creation of new retail space (A1-A3) and museum (D1); external alterations to the main print works building to include a landscaped roof terrace and works of alteration to the Rum Warehouse. Creation of, and revised vehicular and pedestrian access routes into and through the site; landscaping to provide publicly accessible space; car parking, access and servicing provisions The Committee indicated it was minded to refuse planning permission on the grounds of impact on the Grade II listed building;

impact on local residents, failure to meet GLA's guidelines on renewable energy; insufficient S106 obligations, particularly the shuttle bus service. In accordance with rule 10.2 of the Constitution, the application was **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.

Officers advised that the application for Listed Building Consent associated with the application for Planning Permission would now be withdrawn from the agenda.

The Chair adjourned the meeting at 9.30pm and reconvened at 9.38pm.

## 9.2 Hertsmere House, 2 Hertsmere Road, London

Mr Kevin Connell, a neighbouring resident, spoke in objection to the application.

Ms Jocelyn Vandebossche, a neighbouring resident, spoke in objection to the application.

Mr Steven Brown, for the applicant, spoke in support of the application.

Councillor Marc Francis proposed an amendment, seconded by Councillor Choudhury, amending the wording of the S106 agreement by changing paragraph 3.2 b) in the report to read: "Provide a contribution of £3,581,553 towards transportation improvements including Crossrail". With 6 votes for and 2 abstentions, the amendment was declared carried.

After consideration of the officer's report and the addendum update report, the Committee resolved not to approve officers' advice which was to grant planning permission for the demolition of existing building. Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping (maximum height 242 metres AOD). The Committee indicated it was minded to refuse planning permission on the grounds of unacceptable loss of daylight and sunlight, impact on Conservation Area including scale and massing; clarification required in relation to English Heritage's concerns, clarification required on S106 contributions, and design and amenity issues. In accordance with rule 10.2 of the Constitution, the application was **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.

Officers advised that the application for Conservation Area Consent associated with the application for Planning Permission would now be withdrawn from the agenda.

The meeting ended at 10.15 p.m.

Chair, Councillor Shafiqul Haque  
Strategic Development Committee



# Agenda Item 6.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 <sup>rd</sup> September 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>  <b>6.2</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/09/00601	
		<b>Ward:</b> Mile End and Globe Town	

## 1. APPLICATION DETAILS

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Demolition of existing structures and erection of a part 3, part 5, part 7, and part 11 storey building to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
- Drawing Nos:** 160\_A\_P\_001\_01, 160\_A\_P\_001\_02, 160\_A\_P\_001\_03, 160\_A\_P\_001\_04, 160\_A\_P\_003\_01, 160\_A\_P\_100\_01 Rev 01, 160\_A\_P\_100\_02 Rev 01, 160\_A\_P\_100\_03 Rev 01, 160\_A\_P\_100\_04 Rev 01, 160\_A\_P\_100\_05, 160\_A\_P\_100\_06 Rev 01, 160\_A\_P\_100\_07 Rev 01, 160\_A\_P\_100\_08 Rev 01, 160\_A\_P\_100\_09 Rev 01, 160\_A\_P\_100\_10 Rev 01, 160\_A\_P\_100\_11 Rev 01, 160\_A\_P\_100\_12 Rev 01, 160\_A\_P\_100\_13 Rev 01, 160\_A\_P\_100\_14 Rev 01, 160\_A\_P\_100\_15 Rev 01, 160\_A\_P\_100\_16 Rev 01, 160\_A\_P\_100\_17 Rev 01, 160\_A\_P\_100\_18 Rev 01, 160\_A\_P\_100\_19 Rev 01, 160\_A\_P\_100\_20, 160\_A\_S\_200\_01 Rev 01, 160\_A\_S\_200\_02 Rev 01, 160\_A\_S\_200\_03 Rev 01, 160\_A\_S\_200\_04 Rev 01, 160\_A\_S\_200\_05 Rev 01, 160\_A\_S\_200\_06 Rev 01, 160\_A\_S\_200\_07 Rev 01, 160\_A\_S\_200\_08 Rev 01, 160\_A\_S\_200\_09 Rev 01, 160\_A\_E\_300\_01 Rev 01, 160\_A\_E\_300\_02, 160\_A\_E\_300\_03, 160\_A\_E\_300\_04, 160\_A\_E\_300\_05, 160\_A\_E\_300\_06, 160\_A\_D\_400\_01, 160\_A\_D\_400\_02 and 160\_A\_D\_400\_03.

### 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 Isle of Dogs AAP		Development Control 020 7364 5338

Planning Statement  
Design and Access Statement  
PPG24 Noise Assessment  
Transportation Assessment  
Townscape Assessment Updated June 2009  
Air Quality Assessment  
Sustainability & Energy Statement (amended June 2009)  
Sunlight and Daylight Report  
Supplementary Sunlight & Daylight Report dated June 2009  
Geo-technical Report  
Townscape Images

**Applicant:** INTO University Partnerships and Mile End Limited Partnership.

**Owners:** Curzon Street Acquisition  
Richard Ward  
Giovanna Hussain

**Historic buildings** None on site. To the west, Drinking Fountain and Clock Tower, the Queen's Building and adjoining administrative building of Queen Mary University are listed Grade 2. Opposite, at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is Grade 2 listed. To the east, No. 357 Mile End Road and Nos. 359 to 373 Mile End Road are locally listed, the Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road are listed Grade 2.

**Conservation areas** No. The Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies to the north east.

## 2. RECOMMENDATION

- A. Subject to any direction by the Mayor of London.
- B. The Committee resolves to **REFUSE** planning permission for the following reasons:

### Reasons

1. The proposed development due to excessive height would amount to an overdevelopment of the site contrary to:
  - (a) Policies 4B.1, 4B.9 and 4B.10 of The London Plan 2008 that require development including tall and large-scale buildings to respect local context.

- (b) Policies DEV1 and DEV3 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 and scale and the development capabilities of the site.
  - (c) Policies CP48 and DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of scale, height mass, bulk and form of development.
2. Due to inappropriate design, with inadequate vertical emphasis and modelling of the facades of the proposed building, the development would not be an attractive city element as viewed from all angles in conflict with:
- (a) Policy 4B.10 of The London Plan 2008 which requires development to suited to their wider context in terms of proportion and composition.
  - (b) Policy DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998 which require development to take into account and be sensitive to the character of the surrounding area.
  - (c) Policy DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of streetscape rhythm, building plot sizes and design details and to enhance the unique characteristics of the surrounding area to reinforce local distinctiveness and contribute to a sense of place.

### **3. BACKGROUND**

- 3.1. On 4<sup>th</sup> August 2009, the Strategic Development Committee considered a report and an addendum update report on an application for planning permission for the redevelopment of 438-490 Mile End Road itemised above. The Report and Update Report are attached at Appendix 1 and Appendix 2 to this item.
- 3.2. After consideration of the Report and the Update Report, the Committee resolved that it was minded not to support the recommendation and to REFUSE planning permission on the following grounds:
- 1. The proposed density of the development;
  - 2. Inappropriate design and height of the proposed development;
  - 3. Overdevelopment of the site; and
  - 4. A lack of benefit for local residents.
- 3.3. In accordance with Rule 10.2 of the Constitution, the application was DEFERRED to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.

### **4. REASONS FOR REFUSAL**

### **Resolution 1**

- 4.1. As advised at paragraph 8.33 of Appendix 1, as a matter of principle it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. It is considered that in this case the determining factor should be the resultant design arising from the amount of development proposed and its compatibility with the local context.
- 4.2. Accordingly, Refusal Reason 1 recommended in Section 2 above concerns the proposed overdevelopment of the site due to excessive height in relation to the local context, but does not allege conflict with the residential density range guidelines provided by Table 3A.2 of the London Plan and Planning Standard 4: Tower Hamlets Density Matrix of the Council's interim planning guidance 2007. Given the lack of support from the Development Plan for a refusal based on Resolution 1, it is therefore not recommended that planning permission should be refused on the ground of density as a stand alone reason.

### **Resolution 2**

- 4.3. Recommended Refusal Reason 2 concerns inappropriate design due to inadequate modelling of the façade of the development on this long stretch of Mile End Road, resulting in conflict with The London Plan 2008, which requires development to be suited to its wider context in terms of proportion and composition. It is also contrary to the Council's UDP 1998, which requires development to take into account and be sensitive to the character of the surrounding area and the similar design policy in the Council's interim planning guidance 2007.

### **Resolution 3**

- 4.4. It is considered that overdevelopment in this case manifests itself in a development that would be excessively high. Accordingly, as mentioned above, recommended Refusal Reason 1 concerns:
- Conflict with The London Plan 2008 that requires tall and large-scale buildings to respect local context,
  - The Council's UDP 1998 which requires development to take into account and be sensitive to the character of the surrounding area and the development capabilities of the site, together with the similar policy in the Council's interim planning guidance 2007.

### **Resolution 4**

- 4.5. With regard to benefits for local residents, as advised at paragraphs 3.1 and 8.89 of Appendix 1, the applicant has offered a financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project comprising.
- Works to the footway between Harford Street and Grand Walk

adjacent to the development.

- The re-landscaping the public open space to the east of the development.
- Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.
- Accent lighting to "heritage" buildings at the end of Grove Road.

4.6. The following additional community benefits have also been offered.

1. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
2. A contribution of £100,000 towards local community education initiatives and cultural facilities.
3. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
4. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.

4.7. The applicant has explained:

- The contribution towards local community education initiatives and cultural facilities' (£100,000) has arisen out of discussions with the local community and a desire to see the proposal support local community initiatives. The intention is for this money to be paid to the 'Stepney Shahjalal Mosque and Cultural Centre' who run a range of education and cultural programmes for people living on the Ocean Estate.
- Fastlane is a program designed to help train and prepare graduates in their transition from education into employment. QMUL have been providing sponsorship for 'Fastlane' courses and the intention here is for the project to provide bursaries for local people to access the Fastlane courses to the value of £20,000.
- The use of the Teaching Facility by the local community has arisen from local consultation and responds to comments about local people currently not deriving much benefit from the fact there is a major education institution in their community. Discussions with the community indicate that there are local education-based initiatives that would welcome the opportunity to be given classroom time to run their courses from.

4.8. There is no national guidance or policy in the London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the Council's interim planning guidance 2007 that requires development to provide benefits for local residents. Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate. Whilst community benefit can be a material consideration, a fundamental principle in the determination of applications for planning permission is whether obligations outside the scope of the application are necessary to enable a development to proceed. In this case, it considered that no such further obligations have been

identified and, given the absence of support in the Development Plan for a refusal based on Resolution 4, it is not recommended that planning permission should be refused on the ground of a lack of benefit for local residents.

#### **Implications of the decision**

4.9. If the above recommendation is adopted, in accordance with Article 7 of the Mayor of London Order 2008, the application must be referred to the Greater London Authority for the Mayor to decide whether he wishes to give a direction under section 2A of the 1990 Act that the Mayor is to act as the local planning authority for determining the application. If the Mayor decides not to take over the application it may be refused by the council. The options available to the applicant against a refusal of planning permission by the council as local planning authority include:

- A. The right of appeal to the Planning Inspectorate.
- B. The submission of an amended scheme to overcome the reasons for refusal.

#### **5. CONCLUSION**

5.1. All relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the RECOMMENDATION at the beginning of this report.

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**ORIGINAL REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT  
COMMITTEE ON 4<sup>th</sup> AUGUST 2009**

<b>Committee:</b> Strategic Development	<b>Date:</b> 4 <sup>th</sup> August 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> <b>7.3</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/09/00601	
		<b>Ward:</b> Mile End and Globe Town	

**1. APPLICATION DETAILS**

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Demolition of existing structures and erection of a part 3, part 5, part 7, and part 11 storey building to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
- Drawing Nos:** 160\_A\_P\_001\_01, 160\_A\_P\_001\_02, 160\_A\_P\_001\_03, 160\_A\_P\_001\_04, 160\_A\_P\_003\_01, 160\_A\_P\_100\_01 Rev 01, 160\_A\_P\_100\_02 Rev 01, 160\_A\_P\_100\_03 Rev 01, 160\_A\_P\_100\_04 Rev 01, 160\_A\_P\_100\_05, 160\_A\_P\_100\_06 Rev 01, 160\_A\_P\_100\_07 Rev 01, 160\_A\_P\_100\_08 Rev 01, 160\_A\_P\_100\_09 Rev 01, 160\_A\_P\_100\_10 Rev 01, 160\_A\_P\_100\_11 Rev 01, 160\_A\_P\_100\_12 Rev 01, 160\_A\_P\_100\_13 Rev 01, 160\_A\_P\_100\_14 Rev 01, 160\_A\_P\_100\_15 Rev 01, 160\_A\_P\_100\_16 Rev 01, 160\_A\_P\_100\_17 Rev 01, 160\_A\_P\_100\_18 Rev 01, 160\_A\_P\_100\_19 Rev 01, 160\_A\_P\_100\_20, 160\_A\_S\_200\_01 Rev 01, 160\_A\_S\_200\_02 Rev 01, 160\_A\_S\_200\_03 Rev 01, 160\_A\_S\_200\_04 Rev 01, 160\_A\_S\_200\_05 Rev 01, 160\_A\_S\_200\_06 Rev 01, 160\_A\_S\_200\_07 Rev 01, 160\_A\_S\_200\_08 Rev 01, 160\_A\_S\_200\_09 Rev 01, 160\_A\_E\_300\_01 Rev 01, 160\_A\_E\_300\_02, 160\_A\_E\_300\_03, 160\_A\_E\_300\_04, 160\_A\_E\_300\_05, 160\_A\_E\_300\_06, 160\_A\_D\_400\_01, 160\_A\_D\_400\_02 and 160\_A\_D\_400\_03.

Planning Statement  
Design and Access Statement  
PPG24 Noise Assessment  
Transportation Assessment



Townscape Assessment Updated June 2009  
Air Quality Assessment  
Sustainability & Energy Statement (amended June 2009)  
Sunlight and Daylight Report  
Supplementary Sunlight & Daylight Report dated June 2009  
Geo-technical Report  
Townscape Images

**Applicant:** INTO University Partnerships and Mile End Limited Partnership.

**Owners:** Curzon Street Acquisition  
Richard Ward  
Giovanna Hussain

**Historic buildings** None on site. To the west, Drinking Fountain and Clock Tower, the Queen's Building and adjoining administrative building of Queen Mary University are listed Grade 2. Opposite, at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is Grade 2 listed. To the east, No. 357 Mile End Road and Nos. 359 to 373 Mile End Road are locally listed, the Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road are listed Grade 2.

**Conservation areas** No. The Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies to the north east.

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

2.1. The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2008, the Greater London Authority's Sub Regional Development Framework - East London 2006, 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 and Government Planning Policy Guidance and has found that:

- The provision of a new education facility comprising teaching accommodation, student housing and associated facilities is supported by policies 3A.1 and 3A.25 of The London Plan 2008, policies ST25, ST45, ST46 and HSG14 of the Tower Hamlets Unitary Development Plan 1998, policy CP7, CP24 and EE2 of the council's interim planning guidance 2007 that encourage the provision of education facilities and special needs housing at accessible locations such as this.
- The demolition of the former 'Fountain' public house complies with policy RT6: 'Loss of Public Houses' of the council's interim planning guidance 2007 as it would not create a shortage of public houses within a distance of 300 metres, there being other public houses at Nos. 410 and 359 Mile End Road.

- The scheme would not result in the overdevelopment of the site or result in any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the council's interim planning guidance 2007 which seek to provide an acceptable standard of development throughout the borough.
- The new buildings 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 Tower Hamlets Unitary Development Plan 1998 and policies CP49, DEV1, DEV2 and CON2 of the council's interim planning guidance 2007 which seek to ensure development is of a high quality design, preserve or enhance the character and appearance of conservation areas and preserve the setting of listed buildings.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the council's interim planning guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan and DEV5 – 9 and policy 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, and sustainable construction materials.
- The development would not adversely affect air quality, in line with London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance and the management of the demolition and construction phase would accord with policy DEV12 of the council's interim planning guidance 2007.
- Contributions have been secured towards environmental improvements in the area forming part of the High Street 2012 project, pedestrian facilities on Mile End Road, towards local community education initiatives and cultural facilities, together with the implementation of travel plans, car restricted arrangements and arrangements to ensure the teaching facility is available to the public. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998 and policy IMP1 of the council's interim planning guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

### 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:

1. In perpetuity, no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
2. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£ 20,000

3. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
4. A contribution of £100,000 towards local community education initiatives and cultural facilities.
5. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
6. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
7. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
8. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
9. To participate in the council's Access to Employment and / or Skillsmatch programmes.
10. To participate in the Considerate Contractor Protocol.

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:

3.4. **Conditions**

1. 3 year time limit.
2. The following details to be submitted and approved:
  - Mock up of typical elevation bay to include window frame and brickwork.
  - A sample board for all external materials to include the cladding and

- detailing to the carport/refuse store and bicycle store.
  - Facade design and detailing @ 1:20 and 1:5 scale.
  - Brickwork: specification, setting-out (proportions) and detailing around window cills, reveals, lintels and copings @ 1:20 scale.
  - Copper cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
  - Window design: setting out and specification including feature vent panels and angled units.
  - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
  - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
  - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
  - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, any gates, walls and fences together with external lighting and a CCTV system to be submitted and approved.
  4. Approved landscaping scheme to be implemented.
  5. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
  6. Decontamination measures.
  7. The acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Noise Assessment dated March 2009 by Hepworths Acoustics unless alternative arrangements are approved in writing by the local planning authority.
  8. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.
  9. Prior to the occupation of the development, the developer shall submit to the local planning authority for its written approval a BREEAM assessment demonstrating that the development will achieve a minimum "Excellent" rating which shall be verified by the awarding body.
  10. The approved details of the sustainable design and construction measures 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.
  11. The roof terraces shall be permanently fitted with 1.8 metre high obscured glass balustrades unless alternative arrangements are approved in writing by the local planning authority.
  12. 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.

13. 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.
14. The development shall not commence until Transport for London and the London Borough of Tower Hamlets (as the highway authorities and the local planning authority) have approved in writing schemes of highway improvements necessary to serve the development being respectively alterations to the adopted lengths of Mile End Road and Toby Lane.
15. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### 3.5. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. Consultation with the Council's Environmental Health Department with regard to Condition 5 (Details of the foundation design).
5. Consultation with the Council's Environmental Health Department with regard to Condition 6 (Decontamination).
6. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 14 that will necessitate agreements under section 278 of the Highways Act.
7. The Construction Logistics Plan forming part of the section 106 agreement which accompanies this planning permission should investigate the use of the Regent's Canal for the transportation of construction materials.
8. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

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

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

### **Proposal**

- 4.1. Application is made for full planning permission for the redevelopment of the site of Nos. 438-490 Mile End Road by the erection of a part 3, part 5, part 7, and part 11-storey building to provide a new education facility comprising teaching accommodation and associated facilities; student housing, cycle and car-parking and refuse and recycling facilities.
- 4.2. The building would be 3-storey (16.6 metres high) at its eastern end rising to the west to 11-storeys (32.2 metres). The eastern part of the building would have northern and southern wings linked at ground and 1<sup>st</sup> floor levels. The development would comprise two main elements:
  - (i) A new education / teaching facility and;
  - (ii) Student living accommodation.
- 4.3. In addition, the scheme proposes a café / restaurant (ancillary to the teaching facility); amenity space; two car parking spaces for disabled people, servicing areas; provision for cycle and motorcycle parking; refuse and recycling storage

areas; and landscaping.

- 4.4. The education facility would be operated under the auspices of INTO University Partnerships, providing foundation courses for students before they enter undergraduate and post-graduate degree courses. The teaching facility would support over 300 full-time students.
- 4.5. The education space would be arranged around a large central double-height circulation zone which would also provide break-out space and informal meeting / seating areas for the students, along with a café / restaurant facility. Formal teaching rooms would be provided at the eastern end of the building fronting Mile End Road and have been designed to provide flexible accommodation which could be sub-divided into different sizes / configurations to meet specific occupational requirements. Further teaching spaces would be provided on the upper floors, including within the central-core which would rise through the building to sixth floor level.
- 4.6. The southern (rear) and upper parts of the building would provide student living facilities arranged as either single studio or clusters with private kitchen and bathrooms. 5% of the units have been designed to wheelchair accessible standards. The student living accommodation proposes 631 bed spaces split between:
- 14 x 7 bed clusters
  - 38 x single studios
  - 200 x 1 bed units
  - 27 x 1 bed (accessible)
  - 134 x 2 bed units
- 4.7. Whilst Queen Mary University (QMUL) is not directly involved in the development, the developer anticipates that over half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for QMUL students studying on the main campus.
- 4.8. Tree planting would be undertaken along Mile End Road and at the eastern end of the site. The proposal incorporates a range of amenity space provision, including roof terraces, sky-gardens and areas of communal landscaping as follows:
- Roof terraces = 269 sq m
  - Sky gardens = 301 sq m
  - Communal gardens = 988 sq m
- 4.9. The proposal does not include car-parking for either students or staff although two spaces for disabled people would be provided at the south-east corner of the building accessed off Toby Lane. A third parking space in this location would be used as a light goods servicing bay with three adjacent spaces for motor cycles. Secure cycle parking for 388 bicycles would be provided within an enclosed area at the eastern end of the site and there would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.

#### **Site and surroundings**

- 4.10. The site comprises 0.47 hectare located on the southern side of Mile End Road. It is broadly rectilinear with a 145 metre long frontage to Mile End Road.

- 4.11. Most of the site was occupied until April 2009 as showrooms for the sale of motor vehicles. The existing buildings on the site comprise 2 and 3-storey development. Vehicle repairs were undertaken in associated workshops and there are ancillary offices. Motor vehicles were displayed on the forecourt and in an open sales yard at the eastern end of the site.
- 4.12. The development site includes the former 'Fountain' public house, No. 438 Mile End Road most recently used as a bar / nightclub. This is a 2-storey building with rear vehicular access to Toby Lane.
- 4.13. In total, there is approximately 2,700 sq. m of existing accommodation across the site split between the car showroom use (2,429 sq. m) and the bar/nightclub (240 sq. m).



Existing buildings. Application site marked by broken line

- 4.14. Mile End Road is a strategic London distributor road the A11. It is a 'red route', part of the Transport for London Road Network. The site at present has three vehicular accesses onto Mile End Road. There is a 'pelican' crossing across Mile End Road at the eastern end of the site and a further pedestrian crossing immediately east of Harford Street which runs south from Mile End Road. Toby Lane, which runs in a dog leg between Harford Street and Solebay Street, is a borough road. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park.
- 4.15. Opposite the site, on the northern side of Mile End Road, is the Queen Mary University (QMUL) campus (part of the University of London) that is accommodated in a number of buildings of varying heights. The campus occupies some 10 hectares extending northwards towards Meath Gardens. Within the campus, 90 metres east of the application site, the white stone Drinking Fountain and Clock Tower and the 1930's Queen's Building (formerly the Peoples Palace) are listed Grade 2. The adjoining 3-storey administrative building of Queen Mary College dates from 1890, designed in ornate classical style, and built as the original Peoples Palace, is also Grade 2 listed. Opposite the application site at Nos. 331-333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is also Grade 2 listed.
- 4.16. Adjoining the application site to the west, 'Lindop House,' No. 432 Mile End Road is a part 6, part 7-storey building providing student housing. There is also a recent development of student housing to the rear of Lindrop House in Toby Lane / Solebay Street named 'Rahere Court' which adjoins an ambulance station on the corner of Toby Lane / Harford Street.

- 4.17. To the south of Mile End Road lies the Ocean Estate, a large post-war municipal housing development comprising mostly a series of medium – high rise (6-9 storeys) slab blocks arranged around a series of courtyards and open spaces. The estate has a frontage onto Mile End Road to the west of the application site presenting a series of blocks running perpendicular to the road separated by areas of landscaping.
- 4.18. To the east and south-east of the application site, part of the Ocean Estate comprises a modern residential development of 2 and 3-storey dwellings on Canal Close, Union Drive, and Grand Walk. The houses on Grand Walk lie alongside the Grand Union (Regent's) Canal and fall within the council's recently designated Regent's Canal Conservation Area. This adjoining development on Grand Walk has rear windows overlooking the former open sales yard of the development site and is separated from it by rear gardens 7 – 10 metres long.
- 4.19. Mile End Park, designated as Metropolitan Open Land, lies to the east of the Regent's Canal with the interconnecting 'Green Bridge' crossing Mile End Road.
- 4.20. The site contains no buildings included within the Statutory List of Buildings of Architectural or Historic Interest. In the vicinity of the application site, in addition to the listed buildings within the QMUL campus; No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road east of the Regent's Canal (all on the northern side of Mile End Road) are included within the council's non-statutory local list. The Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, is statutorily listed Grade 2. The buildings on the northern side of Mile End Road east of the canal lie within the designated Clinton Road Conservation Area.
- 4.21. The urban grain of the development site and its environs is badly fragmented following war damage. Immediately south of the site, lies the Council's Toby Lane Depot occupied by Tower Hamlets Catering and Transport Services. A new kitchen building has recently been constructed in the north eastern corner of the depot abutting the development site.
- 4.22. The site has good public transport accessibility. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The western part of the site has a Public Transport Accessibility Level (PTAL) of 5 and the eastern yard scores PTAL 6a where 1 is low and 6 is high. The running tunnels of the Underground Railway lie beneath the site and adjoining parts of Mile End Road.

#### **Material planning history**

- 4.23. There is no material planning history affecting the application site.
- 4.24. On 25<sup>th</sup> October 2007, the council granted planning permission and listed building consent for the re-development of former car park and workshop at Nos. 331-331 Mile End Road (opposite the current application site) by the erection of a 5-storey Humanities Building for Queen Mary University of London. The new building is currently under construction and will comprise academic offices, teaching rooms, seminar rooms, a film and drama studio and a 300 seat lecture theatre. Associated landscaping involves modifications to the listed wall



of the cemetery of the Spanish and Portuguese Jewish Congregation.

## 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	2A.1	Sustainability criteria
	3A.3	Maximising the potential of sites
	3A.5	Housing choice
	3A.6	Quality of new housing provision
	3A.7	Large residential developments
	3A.10	Negotiating affordable housing
	3A.13	Special Needs Housing
	3A.25	Higher and further education
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.23	Parking strategy
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable design and construction
	4A.4	Energy assessment
	4A.5	Heating and cooling networks
	4A.6	Decentralised energy
	4A.7	Renewable Energy
	4A.9	Adapting to climate change
	4A.11	Living roofs and walls
	4.A.14	Sustainable drainage
	4A.16	Water supply and resources
	4A.19	Improving air quality
	4B.1	Design principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.3	Enhancing the quality of the public realm
	4B.5	Creating an inclusive environment
	4B.6	Safety, security and fire prevention
	4B.8	Respect local context and communities
	4B.10	Large scale buildings, design and impact
	4.B.11	London’s built heritage
	4B.12	Heritage conservation
	5C.1	The strategic priorities for North East London
	6A.5	Planning obligations

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

Proposals: Unallocated. Within 15 metres of a strategic road. Designations within the vicinity of the site are as follows:

- Queen Mary College lies within an Arts, Culture and Entertainment Area.
- Mile End Park - Metropolitan Open Land.

- The Grand Union Canal - Green Chain.

Policies:

- ST23 - High Quality Housing
- ST25 - Housing to be adequately served by all infrastructure
- ST28 - Restrain unnecessary use of private cars
- ST43 - Public Art
- ST45 – Ensure sufficient land for education needs
- ST46 – Encourage education and training provision at accessible locations.
- DEV1 - Design Requirements
- DEV2 - Environmental Requirements
- DEV3 – Mixed Use Development
- DEV4 - Planning Obligations
- DEV12 - Provision of Landscaping
- DEV51 - Contaminated land
- DEV55 - Development and Waste Disposal
- DEV56 - Waste Recycling
- DEV69 - Efficient Use of Water
- EMP1 – Promoting Employment Growth
- HSG13 - Internal Space Standards
- HSG14 – Special needs housing
- T16 – Impact of traffic generation
- T18 – Safety and convenience of pedestrians
- T21 - Pedestrian Needs in New Development

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

Proposals: Unallocated except for 'Proposed Cycle Route'. Designations within the vicinity of the site are as follows:  
 Mile End Park - Metropolitan Open Land, Public Open Space and Site of Importance for Nature Conservation.  
 The Grand Union Canal - Green Chain and part of the Blue Ribbon Network.

Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP20	Sustainable residential density
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP29	Improving education and skills
	CP31	Biodiversity
	CP38	Energy Efficiency & Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport

	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
Development Control Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	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
	DEV22	Contaminated Land
	EE2	Redevelopment / Change of Use of Employment Sites
	RT6	Loss of Public Houses
	HSG1	Determining Residential Density
	HSG7	Housing amenity space
	CON2	Conservation Areas

#### 5.5. **Supplementary Planning Guidance/Documents**

Designing Out Crime  
Landscape Requirements  
The Mayor of London's Housing Supplementary Planning Guidance  
East London Sub Regional Development Framework 2006  
English Heritage/CABE Guidance on Tall Buildings

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG15	Planning and the historic environment
PPS22	Renewable Energy
PPG24	Noise

#### 5.7. **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

5.8. **Other material considerations**

1. The Government White Paper. The Future of Higher Education 2003
2. Draft Local Development Framework Core Strategy – Options and Alternatives for Places: Stage Two Paper (February 2009)

6. **CONSULTATION RESPONSE**

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

**Greater London Authority (Statutory consultee)**

6.2. The tallest part of the development would be 32.2 metres high and the application is referable to the Greater London Authority under Category 1C of the Mayor of London Order 200: *“Development which comprises or includes the erection of a building more than 30 metres high and outside the City of London.”*

6.3. At Stage 1, the GLA advised that The London Plan policies on higher and further education, urban design, inclusive access, climate change mitigation and adaptation, and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

**Higher and further education:** The provision of an academic facility and student accommodation is supported in line with London Plan Policy 3A.25.

**Urban design:** The scale and form of the proposal is accepted, and the design amendments are strongly supported.

**Inclusive access:** The proposed development broadly complies with London Plan Policy 4B.5.

**Climate change mitigation and adaptation:** The applicant should remodel the carbon emissions to include non-regulated energy uses, and confirm that it has used building regulations approved software. In addition, the applicant should provide further information regarding the energy efficient design measures, the proposed heating and cooling system, and the renewable energy strategy.

**Transport:** The applicant should undertake a pedestrian assessment of the footway on the south side of Mile End Road and the signalised pedestrian crossing to the east of the site. The applicant should also clarify the exact location of proposed footway widening along Mile End Road, and whether any changes to access to the site will affect the bus lane or conflict with the position of bus stops. The applicant should also submit a construction logistics plan, a delivery and servicing plan and detailed travel plan. The provision of a cycle lift and CCTV at the cycle storage should be investigated.

6.4. (Officer comment: The applicant has responded to the GLA’s queries regarding

climate change mitigation and adaptation. Subject to a condition being applied to any planning permission concerning the provision of a single energy centre for the development, the GLA now advises that there are no outstanding energy issues. Such a condition is recommended above.

- 6.5. The applicant has also responded to the GLA's queries regarding transport matters. The authority has now advised that the design of the footway adjacent to the site, the impact on bus stops and bus lane and cycle parking arrangements are all satisfactory. A £20,000 contribution is requested to enhance the pedestrian crossing on the Mile End Road. The applicant has agreed to the requested contribution and to submit and implement a Travel Plan. A condition is recommended to secure the installation of a CCTV system. Provided these issues are secured, the GLA advises that there are no outstanding objections from Stage 1)

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

- 6.6. Advises that the impact of the development on the public transport network will be minimal. There should be a car free agreement restricting future occupiers from eligibility for on-street permits. This would comply with London Plan Policy 3C.20 and minimise the potential for overspill parking which might disrupt bus operations. In accordance with TfL standards and London Plan Policy 3C.22, TfL supports the provision of one cycle space for every two students and academic and commercial users. CCTV security should be provided. The applicant will be required to enter into a section 278 agreement for the removal of three crossovers on Mile End Road. Welcomes the funding of improvement to the footway along Mile End Road as part of the 2012 project, although capacity should be assessed. Requests a £20,000 contribution to enhance the pedestrian crossing on the Mile End Road. A Construction Logistics Plan should investigate the use of the Regent's Canal. A Travel Plan should be secured through a section 106 agreement.
- 6.7. (Officer comment: The applicant has agreed to TfL's requests and appropriate heads of agreement, conditions, and informatives are recommended above).

#### **London Underground Limited**

- 6.8. Confirms the developer has consulted London Underground. No comments to make on the application except that the developer should continue to work with LU engineers.

#### **Olympic Delivery Authority (Statutory consultee)**

- 6.9. No objection. The proposal does not conflict with any of the principles to which the ODA shall have regard to in discharging its planning functions.

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

- 6.10. Mile End Road forms part of the High Street 2012 route. It is important that any development of this scale is of a quality commensurate with the fine range of University buildings on the north side of the road. Should the proposal be approved, it is essential that adequate conditions are attached with regard to materials and details and to ensure that additional street trees are planted, as proposed. Recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the

council's specialist conservation advice.

- 6.11. (Officer comment: Conditions regarding facing materials and detailed design are recommended above. The proposal involves new planting within the development site along Mile End Road and a condition to ensure landscaping within the site is also recommended. The High Street 1012 improvements will be undertaken by Tower Hamlets and Newham Councils, London Thames Gateway Development Corporation and Transport for London and will include additional tree planting on the public highway. The applicant has offered a contribution to the funding of these works within the Mile End Intersection Area Study).

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

- 6.12. Unable to review the scheme due to resource limitations.

**Thames Water Plc**

- 6.13. No objection regarding water infrastructure.

**Metropolitan Police**

- 6.14. Happy with the design with improvements in the streetscape and the creation of an active frontage.

**London Fire and Emergency Planning Authority**

- 6.15. Satisfied with the proposals in relation to fire precautionary arrangements.

**British Waterways Board (Statutory consultee)**

- 6.16. No objection but advises that the submitted Sustainability and Energy Statement does not consider the use of the canal and heat exchange technology. Requests a section 106 contribution towards the improvement and enhancement of the waterway as the development will bring more residents and visitors to the area benefiting from the setting of the canal and towpath but putting additional pressure on infrastructure and BWB's maintenance programme.

- 6.17. (Officer comment: The applicant advises that the option to use canal water for the cooling of the development was considered by their Sustainability Consultant in the early design stages. It was found not to be feasible because of the difficulty in routing pipe work from the building to the canal. There are no routes from the proposed building to the canal that do not pass through either privately owned land or underneath Mile End Road. Neither of these options was deemed feasible. This is accepted.

- 6.18. The developer has offered to fund environmental improvements in the local area namely the High Street 2012 project. This would include enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal towpath. These works would partially embrace BWB's request and are considered fairly and reasonably related in scale and kind to the proposed development. It is considered that any further unspecified and unquantified payment to BWB would be unreasonable as it would not satisfy the tests for seeking planning obligations provided by Government Circular 05/2005).

**Inland Waterways Association**

6.19. No objection.

#### **Tower Hamlets Primary Care Trust**

6.20. No representations received.

#### **Environmental Protection**

6.21. The development is acceptable in terms of daylight / sunlight impacts on adjoining property. Recommends that any planning permission is conditioned to secure decontamination of the site. The building would be subject to Noise Exposure Category D where PPG24 advises that planning permission for residential development should normally be refused. If planning permission is to be granted, conditions should be imposed to ensure the undertaking of sound proofing and acoustic ventilation to provide a commensurate level of protection. Concerned about ground borne noise impact from Underground trains on the ground floor residential/educational uses.

6.22. (Officer comment: Conditions to secure decontamination, sound proofing and acoustic ventilation are recommended. With regard to ground borne noise, the developer advises that the foundations would be a part-raft and part-piled, the principles of which have been agreed with London Underground Limited. The foundations and superstructure would be designed to minimise the transmission of vibrations from the railway tunnels by the incorporation of either deadening or isolation measures. Given the nature of the bespoke foundation solution, it is not possible to provide details of the noise / vibration measures until the detailed design stage. The developer however is confident that the solution will ensure a satisfactory living and working environment for future occupiers. It is suggested that this issue can be dealt with via a planning condition and an appropriate condition is recommended above).

#### **Traffic and Transportation**

6.23. No objection on highway grounds. The site is in an area of excellent public transport accessibility and bicycle parking accords with standards. There will need to be agreements under the Highways Act with the council and Transport for London for works affecting the public highway. Recommends a section 106 agreement to secure:

- Car free arrangements.
- The submission and implementation of a full Transport Plan, a Construction Management Plan and a Service Management Plan.

(Officer comment: An appropriate condition and heads of agreement are recommended above).

#### **The Olympic Team (2012 Unit)**

6.24. The new building accords very well with the High Street 2012 vision, replacing buildings and a land use that has had a deleterious impact on the street. It would provide a good edge and active frontage to Mile End Road and contribute to forming a busy and well overlooked street environment. A section 106 contribution is requested to help fund the High Street 2012 project.

- 6.25. (Officer comment: The applicant has agreed to fund works forming part of the High Street 2012 project and heads of agreement are recommended above).

**Parks and Open Spaces**

- 6.26. No comments received.

**Education Development**

- 6.27. No comments received.

**Waste Policy and Development**

- 6.28. No objection in principle.

**Head of Children's Services Contract Services**

- 6.29. Security to the Council's Toby Lane Depot should be maintained. The catering operation for the elderly and vulnerable of the community operates 365 days a year and disruption will have major implications for this group of users.

- 6.30. (Officer comment: The application proposes a new solid wall 2.4 m in height along the boundary of the two sites. The developer advises that they will develop the detailed design of the wall in consultation with Contract Services in order to incorporate any appropriate additional security measures. The developer also confirms that a secure boundary would be provided during the construction phase which, again, they are happy to develop in consultation Contract Services. There will be 24 hour on-site management / security provided within the proposed new facility which will monitor all boundaries and access points to the site particularly outside of normal working hours which will improve general security in the local area including the Toby Lane Depot).

**Corporate Access Officer**

- 6.31. No comments received.

**Landscape Development Manager**

- 6.32. No comments received.

**Energy Officer**

- 6.33. Advises that the submitted energy strategy follows the energy hierarchy set out in policy 4A.1 of The London Plan 2008. Recommends that any planning permission is conditioned to ensure the provision of the means of energy efficiency and renewable energy. Also recommends a condition to ensure compliance with the Code for Sustainable Homes with a BREEAM 'Excellent' rating.

- 6.34. (Officer comment: Appropriate conditions are recommended).

**7. LOCAL REPRESENTATION**

- 7.1. A total of 404 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to



comment. The application has also been publicised in East End Life and by four site notices. The number of representations received from neighbours following publicity is as follows:

<b>No of individual responses:</b>	<b>Objecting:</b>	<b>Supporting:</b>
15	10	5

No. of petitions received: 2

7.2. Material points from neighbours in support of the development may be summarised as:

- Loss of the night club is welcomed as it was problematical and caused mess and noise.
- The area would benefit from the development as the current garage looks poor. The design would be a wonderful addition to the neighbourhood.
- Providing student housing and a teaching facility next to the University is a good logical idea.
- The development would ensure surveillance of the road and make it much safer.
- The development will hopefully ensure that the site is put to useful use it being a worry when sites sit idle for years falling into disrepair.
- The development includes sustainable elements and would be 'greener.'

7.3. Material objections from neighbours may be summarised as:

- The site would be better used as public open space.
- The site should be redeveloped to provide affordable housing.
- The site should be used to provide a multi-storey car park for local residents.
- The garage and nightclub provided services to the local community. The development would provide little such value and should include more shops and restaurants.
- The design and appearance of the development would not enhance the area and would not compliment the tranquillity of the canal or Mile End Park.
- Excessive height and density.
- Compared to other boroughs, Tower Hamlets already caters for students. The development would not be socially inclusive and would not reduce pressure on the supply of general housing.
- Loss of light and privacy to houses and residential gardens in Grand Walk.
- Increased traffic generation.
- Insufficient parking.
- The development would lead to overcrowding on buses and trains.
- Increased noise and disturbance. Students are not necessarily good neighbours.
- Potential for increased crime and antisocial behaviour due to the number of bicycles on the site.

7.4. (Officer comment: See paragraphs 7.13 to 7.20 below).

- 7.5. Non-material objections from respondents may be summarised as:
- Disturbance during construction with increased pollution and dust.
  - Refuse arrangements should be properly managed to avoid problems with vermin.
- 7.6. The 1<sup>st</sup> petition is signed by 22 local residents (15 living in Grand Walk, 5 living in Canal Close and 2 living in Union Drive). Objection is raised due to the affects the development would have on the local community as follows:
- Height of the building would result in loss of privacy and natural light (18 signatures).
  - Noise (3 signatures).
  - No facilities for local tenants (1 signature).
  - The area needs more social housing not student accommodation (1 signature).
  - Refuse storage arrangements (2 signatures).
  - Disruption during construction (1 signature).
- 7.7. (Officer comment: See paragraphs 7.13 to 7.20 below).
- 7.8. The 2<sup>nd</sup> petition has been signed by 113 residents of the Ocean Estate including 23 residents living in the development comprising Grand Walk, Canal Close and Union Drive. The petitioners consider the proposed 6 and 11-story buildings would:
- Fail to respect their local context (particularly in relation to this part of Mile End Road, Queen Mary University, the Regent's Canal and Mile Park).
  - Result in material deterioration of amenity.
- 7.9. (Officer comment: See paragraphs 7.13 to 7.20 below).
- Ocean Estate Tenants and Leaseholders Association**
- 7.10. The 2<sup>nd</sup> petition is accompanied by a covering letter from the Ocean Estate Tenants and Leaseholders Association. The Association says that the garage and showroom site need to be integrated with the wider urban fabric but the proposed “*megablocks*” would be higher and longer than all the other buildings in this part of Mile End Road. The taller block would be at an angle to the pavement and would be a crude ill-mannered development that would not enhance the settings or the character and appearance of nearby listed and locally listed buildings. The development would not reintegrate the site into the wider urban fabric; rather it would be out of context and destroy the existing harmonious mix of buildings along this part of Mile End Road. The development fails to respond to the Regent's Canal Conservation Area and Mile End Park which would be blighted by the overwhelming bulk proposed. Slim, elegant towers would be more appropriate.
- 7.11. The Association adds that residents of Grand Walk and Canal Close would be overlooked, overshadowed, suffer additional noise from roof gardens and a development which would be active both day and night. There is also concern about noise and traffic problems associated with the service route via Toby

Lane. The inclusion of this former industrial site within the Mile End education campus would set a precedent for further expansion of the campus to embrace industrial premises on the north side of Solebay Street and the subsequent loss of parts of the Ocean Estate.

- 7.12. The 2<sup>nd</sup> petition is endorsed by the Lead Member of Employment and Skills.
- 7.13. (Officer comments: The site is unallocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998. Planning permission should not be refused on the ground that there might be an alternative use that might be preferred to the proposed education facility, there being no statutory basis for a “competing needs test” in town planning decisions.
- 7.14. As explained in ‘Material Planning Considerations’ below, the proposed new building in architectural terms would be a significant improvement over the existing car show room and former public house and would reinstate a badly fragmented streetscape. The new building would preserve the setting of listed and locally listed buildings in the vicinity, which are mostly some distance from the site. The development would also preserve and potentially enhance the character and appearance of both the Regent’s Canal and Clinton Road Conservation Areas. English Heritage has not raised any objection and the design is “*strongly supported*” by the Greater London Authority. Tall towers would fail to reinstate a coherent street frontage which is considered to be a principle urban design objective at this location. It is also considered that the development would not blight either the Regent’s Canal or Mile End Park.
- 7.15. As explained at paragraphs 8.56 to 8.67 below, save for the occasional immaterial breach, the development would comply with council policy and the BRE Guidelines regarding the amount of sunlight and daylight reaching the adjoining houses and gardens on Grand Walk and Canal Close. Environmental Protection confirms that the resultant conditions would be satisfactory.
- 7.16. As explained at paragraphs 8.68 to 8.71 below, due to separation distances between the buildings, and design measures comprising angled windows and obscure glass balustrading to roof terraces; the privacy of houses and gardens in Grand Walk and Canal Close would be maintained.
- 7.17. By providing special needs housing, the development would reduce pressure on the supply of general housing. The developer has offered to be bound by arrangements that provide for the teaching facility to be made accessible to local people, to make contributions towards local community education initiatives, cultural facilities and training initiatives.
- 7.18. The development, together with the recommended ‘car free’ agreement, would substantially reduce traffic generation compared to the former motor vehicle use. The applicant estimates a reduction of minus 48 vehicle trips in the AM Peak and a reduction of 54 trips in the PM Peak. The site is highly accessible to public transport and parking provision would be minimised in accordance with policy requirements. The applicant estimates increases of 58 Underground and 16 bus trips in the AM Peak and 25 Underground and 12 bus trips in the PM Peak. There is no objection from Transport for London regarding public transport capacity.
- 7.19. In terms of noise, the uses would be satisfactory in a mixed-use area such as this and the council has power to control any statutory nuisance. The bicycle

storage would be secured by a 24 hour 'key fob system' and a condition is recommended to secure the installation of a CCTV system.

- 7.20. Servicing for the teaching and cafe uses is proposed from the existing loading bay on the north east corner of the development on Mile End Road and would have no impact on Toby Lane. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain PH. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractor's light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Additional traffic generation onto Toby Lane, which carries traffic to the Council's Toby Lane Depot, would therefore be very low and ensuing conditions would not adversely affect residential amenity in Harford Street, Toby Lane or Solebay Street. The proposed arrangements would be reinforced by the recommended Travel Plan. Any further application for planning permission to expand the education cluster at Mile End Road would need to be treated on individual planning merit and it is not considered that the development poses any threat to the Ocean Estate).

#### **Queen Mary University of London (QMUL)**

- 7.21. The College support the principle of the development but comments on the design, internal layout, rent levels, noise, transport, and links to the QMUL campus.

#### Design

- 7.22. QMUL does not object to the scale, bulk and massing of the scheme but say the design will significantly impact on local views, townscape, and the character of the surrounding area. The College remain to be convinced that the scheme will positively contribute to the townscape. QMUL request that the council pays regard to the investment it has made in its campus over the last two decades and makes it a condition of any planning permission that the external building materials and specifications proposed in the application are used if the scheme is implemented.

#### Internal layout

- 7.23. The application originally proposed that the student accommodation would be arranged as two bedrooms sharing kitchen space. QMUL advised that this did not follow their model which would normally provide cluster flats for undergraduates, with some self-contained accommodation for mature / postgraduate students. A scheme of this type would be expected to provide at least 70% of the rooms in cluster flats of 4 to 8 bedrooms and no more than 30% as studio flats. The University suggested that final layout details be reserved by condition. In response, the developer has redesigned the internal layout to conform to the QMUL model. The revised layout is now commended by QMUL.

#### Rent level

- 7.24. Rent levels and the affordability of student accommodation are a key concern to QMUL to ensure students have access to affordable accommodation close to

the campus and of an appropriate standard. Whilst QMUL is not directly involved in the development, they say they would be willing to enter into an agreement with the developer to secure the affordability of some rooms for QMUL students at a rent QMUL consider affordable. QMUL suggest the council requires the developer to enter into a section 106 agreement with the College to provide not less than 150 rooms at a rent comparable to similar QMUL accommodation.

#### Noise

- 7.25. QMUL seek confirmation that the rooms would offer a satisfactory internal environment for a student occupier.

#### Transport

- 7.26. QMUL is concerned that the application documents link the development with its campus. It is a speculative development and the transport impact of the proposed student accommodation should be considered as a stand-alone scheme with no beneficial linkage that might flow from future association with QMUL.

#### Provision of student rooms

- 7.27. Whilst the College supports a scheme to deliver additional student accommodation, QMUL seek assurance that this would not impact on their ability to provide up to 700 rooms on its campus purely for QMUL students, as outlined in the council's publication 'Student Accommodation in Tower Hamlets' August 2008.

- 7.28. (Officer comments: QMUL appear concerned that the design proposed at this application stage might be watered down. Should permission be granted, to preclude this, conditions are recommended to ensure the final approval of crucial design elements indicated on the material submitted to date. There are no planning policies to secure affordable housing for students. The council's powers under section 106 of the Planning Act do not extend to requiring other parties to enter into agreements between themselves and it is not considered that the council should be involved in overseeing any commercial arrangements between the developer and Queen Mary University. In a subsequent letter, QMUL confirm that the University is in discussions with the applicant regarding a nominations agreement for 108 rooms. A condition is recommended to require the approval of details of acoustic glazing to ensure satisfactory living conditions. The proposal has been assessed as a stand-alone scheme in transport terms and is satisfactory with a reduction of vehicular traffic onto Mile End Road. Officers see no in principle planning reason why the development would impact on any proposal by QMUL to provide rooms on its campus for QMUL students).

- 7.29. 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 application that the Committee must consider are:

- Land use.
- The amount of accommodation
- Urban design and the effect of the development on the character and appearance of the Regent's Canal Conservation Area and the setting of listed buildings.
- Contribution to 'High Street 2012.'
- Amenity of adjoining premises.
- Access and servicing arrangements.
- Amenity space and landscaping.
- Sustainable development/ renewable energy.
- Air quality.
- Planning obligations.

### **Land use**

- 8.2. London is an international centre for the creative industries and the knowledge economy. It is a world centre of academic excellence and providing research. It leads in providing skilled workers in a global economy. The city attracts students and scholars from all over the world. The borough has two main universities: Queen Mary University of London, with its campuses at Mile End and The Royal London Hospital at Whitechapel, and London Metropolitan University in Aldgate.
- 8.3. In a national context, the Government's 2003 White Paper, 'The Future of Higher Education' proposes to increase the number of students in higher education to 50% of 18-30 year olds by 2010 from the 2008 level of 43%.
- 8.4. In requiring local planning authorities to identify and plan for the accommodation requirements of its population, the Government's Planning Policy Statement 3: 'Housing' acknowledges that students need to be considered in local housing needs assessments.

### The London Plan 2008

- 8.5. The London Plan 2008 provides the mayor's strategic objectives the most relevant of which to this application are to:

*"Make the most sustainable and efficient use of space in London and encourage intensification and growth in areas of need and opportunity ....*

*Achieve targets for new housing... that will cater for the needs of London's existing and future population*

*Create incentives and opportunities to stimulate the supply of suitable floorspace in the right locations to accommodate economic growth, including mixed uses ...."*

- 8.6. The London Plan recognises the role of higher education in supporting London's position as a world city, along with the benefits resulting from associated employment opportunities and by attracting investment into the economy.
- 8.7. In terms of housing, The London Plan seeks to increase the supply of accommodation (Policy 3A.1) by ensuring that proposals achieve the maximum

intensity of use compatible with local context, design policy principles and public transport capacity (Policy 3A.3). Policy 3A.5 requires boroughs to take steps to identify the full range of housing needs in their area. Paragraph 3.39 of The Plan acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 requires the borough's policies to provide for special needs housing which embraces student housing.

- 8.8. Policy 3A.25 of The Plan states that the mayor will work with the higher education sectors to ensure the needs of the education sectors are addressed by:
- *“Promoting policies aimed at supporting and maintaining London’s international reputation as a centre of excellence in higher education;*
  - *Taking account of the future development needs of the sector, including the provision of new facilities and potential for expansion of existing provision;*
  - *Recognising the particular requirements of Further and Higher Education Institutions for key locations within good public transport access, and having regard to their sub-regional and regional sphere of operation; and*
  - *Supporting the provision of student accommodation”.*

#### Sub Regional Development Framework - East London 2006

- 8.9. The Sub Regional Development Framework for East London 2006 provides guidance to east London boroughs on the implementation of policies in The London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London's overall economic base, notes that the East London Sub-Region accommodates five higher education institutions and over 44,000 students (12% of the London total) and encourages opportunities for the provision of academic facilities and student housing.

#### Tower Hamlets Unitary Development Plan (UDP) 1998

- 8.10. Except for indicating a cycle route, the site is unallocated on the Proposal Map of the Tower Hamlets Unitary Development Plan 1998.
- 8.11. It is considered that the development accords with UDP strategic policy as follows. Policy ST25 seeks to ensure that new housing developments are adequately serviced by social and physical infrastructure and by public transport provision. Policy ST45 seeks to ensure that sufficient land is available for education needs whilst policy ST46 encourages education at accessible locations such as this.
- 8.12. In terms of student housing, UDP policy HSG14 states that the council will encourage development which meets the needs of residents with special needs, including students. The Plan explains (paragraph 5.29) that the council will consider student housing in a variety of locations providing there is no loss of permanent housing and notes that additional provision could release dwellings elsewhere in the borough in both the public and private rented sector.

#### Core Strategy and Development Control interim planning guidance 2007

- 8.13. On the Proposals Map of the Core Strategy and Development Control interim planning guidance 2007, the site is again unallocated except for showing a 'Proposed Cycle Route'.
- 8.14. The Strategy includes a 'Key Diagram' which provides the overall Spatial Strategy which identifies a 'Higher Education Cluster' focussed on the existing QMUL campus at Mile End.
- 8.15. Policy CP7 adds that the council will seek to bring investment into the borough, safeguard and enhance the number and range of jobs available to local residents and promote the sustainable creation of 100,000 additional jobs to 2016. In order to help achieve this objective, the guidance supports the improvement and expansion of the higher educational facilities around London Metropolitan University in Aldgate, the Royal London Hospital in Whitechapel and the Queen Mary University Campus in Mile End.
- 8.16. In terms of economic prosperity, the Strategy identifies the borough's educational institutions as integral to enabling local resident's access to jobs and their benefit to the rapid regeneration taking place in the borough.
- 8.17. In terms of designating employment land, the Core Strategy adopts The London Plan hierarchy of 'Strategic Industrial Locations' and 'Local Industrial Locations' as the primary means of directing and safeguarding employment land and uses. The application site does not fall under either of these employment designations.
- 8.18. In relation to non-designated employment sites, the Core Strategy seeks to:
- a) retain sites for industrial employment where they are well located in relation to road and public transport networks;
  - b) retain sites for office uses where they benefit from high levels of public transport or are in / on the edge of town centres; and
  - c) retain sites where there is current or future demand for employment use.
- Where a site is not viable for an existing employment use the council will seek alternative employment uses to suit the location and the site.
- 8.19. Policy EE2 states that the redevelopment of existing or former employment sites may be considered appropriate where:
- (i) the applicant has shown the site is unsuitable for continued employment use due to its location, accessibility, size and condition;
  - (ii) there is evidence that there is intensification of alternative employment uses on site;
  - (iii) the retention or creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal; and
  - (iv) there is evidence that re-use for similar or alternative employment uses has been explored or there is recent evidence the site is suitable for ongoing employment use.
- 8.20. The former use of the site provided limited opportunities in terms of employment. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs. Specifically, the proposed facility is anticipated to support in the region of



180 jobs including teaching staff and administration along with cleaning, catering, portage, maintenance and security. This represents a significant increase over the former use in compliance with the employment policies of the council's interim planning guidance.

- 8.21. Policy RT6: 'Loss of Public Houses' supports the loss of public houses provided it can be demonstrated that the loss would not create a shortage of public houses within a distance of 300 metres. Whilst the Fountain public house was last used as a nightclub and the policy may not be entirely relevant, there would be no policy breach, there being other public houses at Nos. 410 and 359 Mile End Road.
- 8.22. With regard to the proposed provision of special needs housing, the Core Strategy identifies population growth and housing need as the key drivers to change in the borough. In response, policy CP24 states that the council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus and in close proximity to the London Metropolitan University at Aldgate. The justification for this policy notes that whilst student accommodation supports the borough's universities, it does not directly contribute to meeting the borough's housing needs and, therefore, is not a preferred use throughout the borough.
- 8.23. In support of higher education is the need to provide sufficient living accommodation for London's significant and diverse student population. However, there is currently an acute shortage of purpose-built accommodation within the capital, resulting in a significant mismatch between demand and supply. At the regional level, there are currently some 250,000 full-time students studying in London. However, only 16% live in purpose-built accommodation, the balance living either at home (16%) or houses in the private rented sector (55%).
- 8.24. There are approximately 20,000 full-time students based at the borough's three higher education institutions. However, less than a quarter currently live within specialist housing, whilst demand surveys indicate that up to 40% of students are seeking purpose-built accommodation. At the local level, there are some 15,000 students at QMUL. However, the campus provides purpose-built accommodation for just 2,112 students; the remainder being forced to find accommodation within the private rented sector or stay at home. The impact of these students taking up accommodation in the private rented sector is a reduction in the general housing stock and, in particular, of larger units which are attractive for multiple-occupation. This is a particular issue for Tower Hamlets which has significant problems of housing shortage, especially family-sized units.
- 8.25. It is considered that the provision of student housing at the application site would address current needs in relation to the shortage of specialist student housing in the borough, whilst reducing pressure on the general housing stock, in accordance with the policies of the council's interim planning guidance outlined above.

Draft Local Development Framework Core Strategy – Options and Alternatives for Places: Stage Two Paper (February 2009)

- 8.26. The council has recently published its 'Core Strategy – Options and Alternatives for Places: Stage Two Paper' for public consultation. For Mile End, the

document notes the area will accommodate residential, working and student communities through the expansion and intensification of the university campus. The draft acknowledges the increased prominence of Queen Mary University as a 'knowledge hub' with its possible expansion to the southern side of Mile End Road including the application site.

- 8.27. In summary, it is considered that in land use terms the redevelopment of the motor vehicle garage and nightclub by teaching facilities and student accommodation accords with the land use policies of The London Plan, the Sub Regional Development Framework, the Council's UDP and interim planning guidance, together with emerging policy in the Local Development Framework Core Strategy.

#### **Amount of development**

- 8.28. The Government's Planning Policy Statement 1: 'Delivering Sustainable Development' 2005 (PPS1) supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and returning previously developed land and buildings to beneficial use. This is all as proposed.
- 8.29. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on residential density in support of policies 4B.1 and 3A.3.
- 8.30. Paragraph 415 of the London Plan advises that for commercial developments to fulfil Policy 3A.3, plot ratios should be maximised. Site densities of at least 3:1 generally should be achieved wherever there is, or will be, good public transport accessibility and capacity. The ability for plot ratios to be maximised at any site or area will depend on local context, including built form, character, plot sizes and existing or potential public transport, utilities and social infrastructure capacity. The Plan advises that these matters should be assessed when individual proposals are submitted but they are to be used as a tool to assess density consistently, not to provide specific numerical targets. The plot ratio of the proposed development is 2.9:1 which is within the range advocated by The London Plan for areas such as this part of Mile End Road with good public transport accessibility.
- 8.31. Policy CP20 of the council's interim planning guidance 2007 reflects guidance set out in The London Plan and seeks to maximise residential densities on individual sites taking into account local context, site accessibility, housing mix and type, achieving high quality design, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces and to ensure the most efficient use of land within the borough.
- 8.32. Policy HSG1 sets out a number of criteria which should be taken into account when determining the appropriate residential density for a site. The following matters are relevant to this application:
- *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*

- *The local context and character;*
- *The need to protect and enhance amenity;*
- *The need to incorporate good design principles;*
- *Access to a town centre (particularly major or district centres);*
- *The provision of adequate open space, including private and communal amenity space and public open space;*
- *The impact on the provision of services and infrastructure, including the cumulative impact; and*
- *The provision of other (non-residential) uses on a site.*

8.33. Table 3A.2 of the London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a residential density range of 200 – 700 habitable rooms per hectare for “Urban” sites with a PTAL range 4-6. The proposed density of the special needs housing is 1,372 habitable rooms per hectare which exceeds the guidance. As a matter of principle, it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. It is considered that the determining factor is the resultant design and compatibility with local context. Subject to the design matters outlined in policy HSG1 (above) being satisfactory, the density proposed is considered acceptable for a site along a main arterial route. Such matters are considered below.

**Urban design, effect on the character and appearance of the Regent’s Canal and Clinton Road Conservation Areas and the setting of listed buildings.**

8.34. At paragraph 43 of PPS1 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.”*

8.35. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the council in exercising its planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In PPG15: ‘Planning and the historic environment’, the Government says this duty should extend to proposals which are outside a conservation area but would affect its setting or views into or out of the area. In this case, the Regent’s Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies east of the canal on the opposite side of Mile End Road.

8.36. 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.

8.37. Good design is central to The London Plan and is specifically promoted by the policies contained within Chapter 4B. Policy 4B.1 ‘Design principles for a compact city’ sets out a series of overarching design principles for development in London and 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.9, 4B.10, 4B.12 and 4B.14 require tall and large-scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets. In particular, policy 4B.8 states that the Mayor will promote tall buildings where they create attractive landmarks, enhancing London's character, provide a location for economic clusters and can act as a catalyst for regeneration. They should also be acceptable in terms of design and impact on their surroundings. Policy 4B.9 states that tall buildings should be of the highest quality design and in particular:

- Be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and open spaces, the waterways, or other townscape elements.
- Be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views.

8.38 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.

8.39. Core Policy CP4 of the council's Core Strategy and Development Control interim planning guidance 2007 refers to 'Good Design' and requires that development should:

- a) respect its local context, including the character, bulk and scale of the surrounding area;*
- b) contribute to the enhancement or creation of local distinctiveness;*
- c) incorporate sustainable and inclusive design principles;*
- d) protect amenity, including privacy and access to daylight and sunlight;*
- e) use high quality architecture and landscape design; and*
- f) assist in creating a well-connected public realm and environments that are easy to navigate.*

8.40. Core Policy CP48 of the interim planning guidance and says the council may consider tall buildings outside the Canary Wharf cluster and Aldgate if adequate justification can be made and the proposals:

- a) contribute positively to a high quality, attractive environment;*
- b) respond sensitively to the surrounding local context;*
- c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*
- d) contribute to the social and economic vitality of the surrounding area; and*
- e) not create unacceptable impacts on social and physical infrastructure.*

8.41. Core Policy CP49 of the interim planning guidance says that the council will protect and enhance the historic environment of the borough including the character and setting of listed buildings, locally listed buildings and conservation areas.

8.42. Development control policy DEV1 of the 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. Policy CON2 says that development which would affect the setting of a conservation area will be granted only where it would preserve the special architectural or historic interest of the conservation area.

- 8.43. At paragraph 2.14 of PPG15, 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.
- 8.44. The joint English Heritage/CABE Guidance on Tall Buildings provides the following criteria for evaluating tall building proposals.
- Relationships to context;
  - Effects on heritage assets;
  - Relationship to infrastructure;
  - Architectural quality;
  - Public Realm and Urban Design benefits;
  - Local environmental effects;
  - Contribution to site permeability;
  - Sustainability.
- 8.45. The current disused garage and car showroom, with its unattractive use, lengthy, weak street edge, poor front elevation, and overall poor architectural treatment, detract from the quality of the streetscape on Mile End Road. It is considered that this situation would be rectified by the development as proposed. At pre-application stage, the developer considered alternative options, some taller and some lower than the proposal adopted. The proposed scheme is considered well judged at an appropriate urban, rather than suburban, scale, with a layout and massing that responds to its local context on a principal London thoroughfare.



View of proposed development looking east along Mile End Road

- 8.46. On Mile End Road, the building would be 3-storey at its eastern end (16.6 metres high) rising to the west to 11-storeys (32.2 metres) and would be split into two principal volumes acknowledging the curve in the road at this point and breaking up the long façade. The southern rear elevation would be lower, varying from 11 metres to 32.2 metres high with a 6.8 metre high 2-storey infill between the north and south wings. The building would reclaim the street edge on Mile End Road and provide active ground floor uses with a clear and well defined entrance. This arrangement is strongly supported by the Greater London Authority. The stepped height would result in the highest element being located adjacent to the existing 7-storey building Lindrop House, and the lowest 2 and 3-storey elements at the eastern end adjacent to the residential properties on Grand Walk and Canal Close. It is considered that this arrangement would achieve a successful transition in scale along the site's exceptionally long frontage to Mile End Road. The site is within an area containing existing medium and large-scale civic buildings forming part of the Queen Mary College campus. In terms of overall scale and form, it is considered that the proposed building would be acceptable within that context, creating a defining feature at the southern end of the campus.
- 8.47. It is not considered that the development would be harmful to the setting of the listed buildings in the vicinity. Mile End Road is a crowded urban street, one of the principal thoroughfares into central London. It has developed organically, from largely open countryside in the 17<sup>th</sup> century, becoming built up from the late 18<sup>th</sup> century onwards, particularly after the completion of the Regent's Canal. The listed buildings in the grounds of Queen Mary University date from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The layout of these buildings, the way they address the street, their size, and the form of the Mile End Road as a series of unfolding vistas along its east-west length, means that the proposed development at Nos. 438-490 would not be harmful to their setting. The development site is additionally some distance to their east, which reinforces this opinion, as it allows for an increase in scale without diminishing the listed

buildings and ensuring that their settings are preserved. The setting of the 18<sup>th</sup> Century historic wall of the cemetery of the Spanish and Portuguese Jewish Congregation, which wraps around the development site at Nos. 331-333 Mile End Road, would also be preserved.



**Proposed north elevation facing Mile End Road**

- 8.48. The Grade 2 listed Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, lies east of the Regent's Canal, 117 metres from the application site. The setting of these buildings would be unaffected by the development.
- 8.49. The setting of the locally listed buildings at No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road (also east of the canal) is not covered by any specific policy and the impact of the proposals on these buildings is assessed below where impact on the two conservation areas is considered.
- 8.50. The Regent's Canal Conservation Area runs through both a riparian environment formed at this point by Mile End Park but is also part of a wider built up urban environment. The purpose of designating the conservation area (Cabinet 8<sup>th</sup> October 2008) is to protect the special character of the banks of the Regent's Canal and specific historic canal features such as the locks and the towpath, that are recognised as part of the cherished familiar local scene. The proposed development would have limited impact on the character and appearance of the designated area, as the higher bulk would be set some distance from the canal. The development would be stepped away from the two storey houses on Grand Walk, which provide the immediate setting of the canal at this location. It is not considered that a building visible from the canal at this point would be harmful to either the character or appearance of the conservation area, both of which would be preserved. Indeed, there may be benefits to orientation, way-finding and local distinctiveness by the formation of a suitably designed building forming a 'punctuation point' where Mile End Road crosses the canal.

- 8.51. The character of the Clinton Road Conservation Area is defined by two distinct townscapes. First, Clinton Road is lined by residential terraces of two storeys. Built around the 1870s, the terraces are survivors of the type of dwellinghouses that were cleared to create Mile End Park. Second, in contrast, the Mile End Road frontage is varied, consisting of early 19th century Georgian style terraces between Nos. 359 and 373 Mile End Road. This locally listed terrace, constructed of stock brick, was originally houses. The ground level shop fronts were later integrated, with residential floors remaining above. Within the locally listed terrace is an Italianate building of the mid-late 19th century at No. 373 Mile End Road built of yellow stock brick with stucco dressings and a slate roof. In terms of views and silhouettes, the Guardian Angels Church has the most significant presence in the conservation area. Mostly lying some distance east of the development site, on the opposite side of Mile End Road and separated from the site by the Regent's Canal, it is considered that the character and appearance of the conservation area would be preserved.
- 8.52. It is not considered that the development would cause any visual or environmental harm to Mile End Park. A taller edge to the park could be seen as a distinct advantage in terms of place making and orientation as explained above.
- 8.53. Overall, it is considered that the development would accord with the national, metropolitan, and local planning policies outlined above and result in a building that would respect its context reinstating a badly fragmented townscape.

### **High Street 2012**

- 8.54. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park. The Vision for High Street 2012 is to:

*"Create a world class and thriving 'High Street', where there is a balance between pedestrian and road uses, where people and places are connected, where locals, visitors, and tourists want to be, and where there is sense of well being, community, and history."*

- 8.55. It is considered that the proposed redevelopment would accord with the Vision and objectives for High Street 2012 as follows:

- *To create a high street with shared use, differently paced environments, distinct identity streets, and destinations that is dignified, clean, and attractive.*

(Officer comment: The new building would contribute positively to the objective to create a well used high street. In particular, it would help to form a memorable, distinct, busy destination of character and fit with the intention to provide active landscapes).

- *To create a connected street which supports natural flows, provides a legible streetscape and is safer.*

(Officer comment: The new building would play a significant role in re-establishing a street pattern that has been badly eroded by the former car dealership building and its associated open parking bays. The building would act as a better way-finding asset in connection with the Regent's Canal and Mile



End Park and would provide surveillance of the road. It would also create a healthier, greener street).

- *To celebrate the street through enhancing historic spaces.*

(Officer comment: The new building would provide a much better setting for the People's Palace and Queen's building at the Queen Mary University of London campus than the current badly fragmented site occupied mostly by a car dealership buildings and associated parking bays).

### **Amenity of adjoining premises**

#### Daylight

8.56. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states:

*"...all development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions..."*

8.57. The council's interim planning guidance policy CP4 says the council will ensure development creates buildings and spaces of high quality design. In achieving good design, development should protect amenity, including privacy and access to daylight and sunlight.

8.58. Interim planning guidance policy DEV1 states:

*"Development is required to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms."*

8.59. For further guidance UDP policy DEV1 refers to the BRE Report: '*Site layout planning for daylight and sunlight – A guide to good practice.*' The guidelines contain tests for daylight, sunlight and overshadowing starting with relatively simple trigonometric tests followed by tests which measure the actual amount of daylight striking the face of a window (Vertical Sky Component) and internal Daylight Distribution by plotting the position of a "no sky line" contour within the room being tested.

8.60. The Vertical Sky Component is a "spot" measurement of direct daylight availability from an unobstructed sky. The target design standard for low density suburban housing is 27% VSC. It is recognised that in a dense urban environment such as Mile End, existing VSC values may be below 27%. In such circumstances, it is permissible to reduce the existing value of daylight (or sunlight) by a factor of 0.2 (20%) and still satisfy the Guidelines. Reductions beyond that level are deemed to be noticeable.

8.61. The VSC tests should be followed by the calculation of internal Daylight Distribution within each of the rooms by plotting the "no sky line" contour. As a check measurement, Average Daylight Factor can also be used.

8.62. The neighbouring buildings that fall within the BRE requirements for testing are:

- Nos. 13 to 22 Grand Walk and,
- Nos. 12 to 20 Canal Close.

- 8.63. The vast majority of the windows in the neighbouring dwellings fully satisfy the BRE VSC tests by either achieving more than 27% VSC or experience a loss in VSC of less than 20%. The windows that do not fully satisfy the BRE standards are at 20 Grand Walk, 21 Grand Walk, 22 Grand Walk, 12 Canal Close and 13 Canal Close. The amount by which these windows exceed the permissible 20% margin is very small with the worst affected window in 22 Grand Walk having a reduction of only 22.75% which is a very marginal failure. Given the urban location, the daylight incident on the face of all the windows in the adjoining development would continue to be very good and considerably better than the majority of comparable properties in the borough.
- 8.64. The results of the Daylight Distribution analysis show that with one exception all habitable rooms of the houses in Grand Walk would comfortably satisfy the BRE Guidelines. The exception is a 1<sup>st</sup> floor room at 12 Canal Close where there would be a loss of in internal distribution of 23.9%, again a marginal failure.
- 8.65. The results of the “check” Average Daylight Factor (ADF) measurements show that the internal lighting conditions for all of the rooms will satisfy the ADF standards taken from the BRE Guidelines and the British Standard Code of Practice for Daylighting BS8206.

#### Sunlight

- 8.66. The BRE sunlight criteria only apply to any window that faces within 90° of due south. The windows in Nos. 12 to 20 Canal Close which have a direct outlook over the site face north-north-west. As they do not face within 90 degrees of due south, they do not fall within the BRE sunlight criteria. The rear facing rooms in Nos. 13-22 Grand Walk face south-west and fall within the BRE testing criteria. All of the rooms in those properties have a least one window that satisfies the BRE sunlight standards.

#### Overshadowing

- 8.67. The rear gardens of Nos. 16 to 22 Grand Walk fall within the BRE overshadowing criteria which measure the permanent overshadowing of gardens. In view of the western orientation of the gardens, it is evident that the gardens will have unobstructed sunlight from the south in the mid and late afternoon and there would be no additional permanent overshadowing. The rear gardens of Nos. 12 to 20 Canal Close face due south and would be unaffected by the development.

#### Privacy

- 8.68. The eastern end of the proposed building would be sited 23.5 metre away from the closest house on Grand Walk. The eastern flank wall of the southern wing of the proposed development would only be provided with a single window serving a corridor at 1<sup>st</sup> and 2<sup>nd</sup> floor levels. At this location, between the northern and southern wings, the proposed building would provide teaching accommodation at ground and 1<sup>st</sup> floor levels with windows facing the houses on Grand Walk. To ensure adequate privacy, the minimum separation distance between habitable rooms provided by the Tower Hamlets UDP 1998 is 18

metres. It is considered that the 23.5 metre separation proposed would ensure that the dwellings on Grand Walk would have their privacy adequately maintained.

- 8.69. At the rear of the development, the southern wing of the development would be sited 18 metres away from the dwellings on Canal Close which again complies with the UDP standard. Moreover, to increase the privacy of the adjoining houses, all the rear windows above ground level in the southern wing of the development would be angled to prevent views towards the houses on Canal Close and to also protect the development potential of the Toby Lane Depot.
- 8.70. Adjoining residents have objected due to overlooking from roof terraces. There would be two roof terraces within the development both on the eastern building. One terrace would be on the roof of the 4<sup>th</sup> floor of the northern wing, the other on the 4<sup>th</sup> floor roof of the southern wing. To maintain the privacy of the dwellings on Grand Walk and Canal Close, and the development potential of the adjoining Toby Lane Depot, the terraces would be fitted with 1.8 metre high obscured glass balustrades.
- 8.71. Proposed 'Sky Gardens' would be enclosed amenity spaces at 3<sup>rd</sup>, 5<sup>th</sup> and 7<sup>th</sup> floor levels on the southern part of the western building adjoining the Toby Lane Depot and would have no impact on the houses at Grand Walk, Canal Close and Union Drive.

#### **Access and servicing arrangements**

- 8.72. The site has a good level of access to sustainable modes of transport. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The site has a Public Transport Accessibility Level of between 5 and 6a.
- 8.73. The development would be beneficial to conditions on the local highway network as a net reduction of 48 and 54 two-way vehicular trips is forecast in the AM and PM peak hours respectively. The proposals also include the removal of three vehicle crossovers on to Mile End Road which would reduce in potential road user conflict. The overall effect of the development on the surrounding highway infrastructure has been assessed with the conclusion that there would be a minor improvement in conditions.
- 8.74. Given the good level of access to sustainable modes of transport, only two car parking spaces for disabled people are proposed and the developer has agreed that the scheme should be designated 'car-free' with users of the building (other than disabled people) prohibited from purchasing on-street parking permits from the borough.
- 8.75. Cycle parking would be provided at 1 per two units of student housing in accordance with standards. There would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.
- 8.76. Servicing for the teaching and cafe uses would be from the existing loading bay on the north east corner of the development on Mile End Road. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain public house. This would be limited to bi-weekly waste collections. There would be just two

parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractors light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Traffic generation onto Toby Lane, which carries traffic to the Council's Toby Lane Depot, would therefore be low.

- 8.77. Transport for London and the council's Traffic and Transportation Department raise no objections to the transport arrangements subject to the implementation of travel plans. Overall, access and servicing arrangements are considered satisfactory and policy compliant. The developer has agreed to submit and implement a residential travel plan, a delivery service plan and a construction logistics plan.

### **Amenity space and landscaping**

- 8.78. The proposal would include a comprehensive landscaping scheme around the perimeter of the building, along Mile End Road and along the eastern perimeter of the site. The latter would create a green buffer between the student housing and the neighbouring houses on Grand Walk. As mentioned, there would be two landscaped roof terraces atop the 4<sup>th</sup> floor roof of the eastern part of the development. Green roofs would be provided wherever possible.

- 8.79. A particular feature of the proposal is 'Sky Gardens' which would provide a series of semi-external spaces for students to use as communal break-out areas. These spaces would be arranged as a stack within the western building and are expressed on the elevation as a double-height design feature. In total, the proposal provides 1,558 sq m of amenity space as follows:

- Roof terraces = 269sq m
- Sky gardens = 301sq m
- Ground floor communal gardens = 988sq m

- 8.80. It is considered that the landscaping proposals have the potential to comply with UDP policy DEV12 – 'Landscaping and trees'. The details are not complete and it is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme to include details of the proposed green roofs.

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

- 8.81. The design adopts a number of 'passive' design measures, including: a well insulated façade; airtight construction; heat recovery ventilation; thermal mass techniques to reduce heating and cooling requirements; centralised heating and cooling; energy efficient lighting; and low (hot) water shower heads and taps. The energy supply would consist of communal combined heat and power (CHP) to provide the electrical and heating base load for the development. Communal heating and hot water would be provided for the whole development with a Ground Source Heat Pump system to provide heating and cooling in conjunction with the CHP unit.

- 8.82. The development would provide an overall reduction in CO2 emissions of 37% when compared with a comparable baseline building and the Greater London Authority and the council's Energy Officer are content that the proposed energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 to DEV9 of the council's interim planning guidance and national advice in

PPS22: 'Renewable Energy'. Conditions are recommended to ensure the submitted details are implemented.

### **Air Quality**

- 8.83. London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance require the potential impact of a development on air quality to be considered. Interim planning guidance policy DEV12 requires that air and dust management is considered during demolition and construction work.
- 8.84. The application is accompanied by an Air Quality Assessment which concludes that the impact of the development itself on local air quality is unlikely to be significant. The potential effects of dust generated during the construction phase of the development have been assessed qualitatively. The qualitative assessment shows that although dust is expected to occur from site activities, but this would have no more than a short-term moderate impact on the surrounding environment. This impact can be reduced by the use of appropriate mitigation measures, including the implementation of a Construction Management Plan as recommended, which would ensure that dust suppression measures are implemented.
- 8.85. There are no industrial processes proposed that would have a significant impact on air quality or give rise to odours at the site. The development itself will not give rise to any measurable deterioration in air quality and being virtually 'car-free' would ensure that the scheme would not have any adverse impacts on air quality. It is therefore concluded that, provided suitable mitigation measures are employed during construction, the development would comply with relevant air quality policies.

### **Planning obligations**

- 8.86. Planning obligations can be used in 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.
- 8.87. 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.
- 8.88. Policy DEV4 of the Tower Hamlets UDP 1998 and policy IMP1 of the council's interim planning guidance 2007 state that the council will seek planning obligations to secure on-site or off-site provisions or financial contributions to

mitigate the impacts of a development. Paragraph 3.42 of The London Plan advises that where a housing development is solely for student housing, it would not be appropriate for the borough to seek social rent or intermediate housing provision through a planning obligation.

8.89. The applicant has agreed to the following matters being included in a section 106 agreement to ensure the mitigation of the proposed development.

1. In perpetuity, no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
2. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£20,000

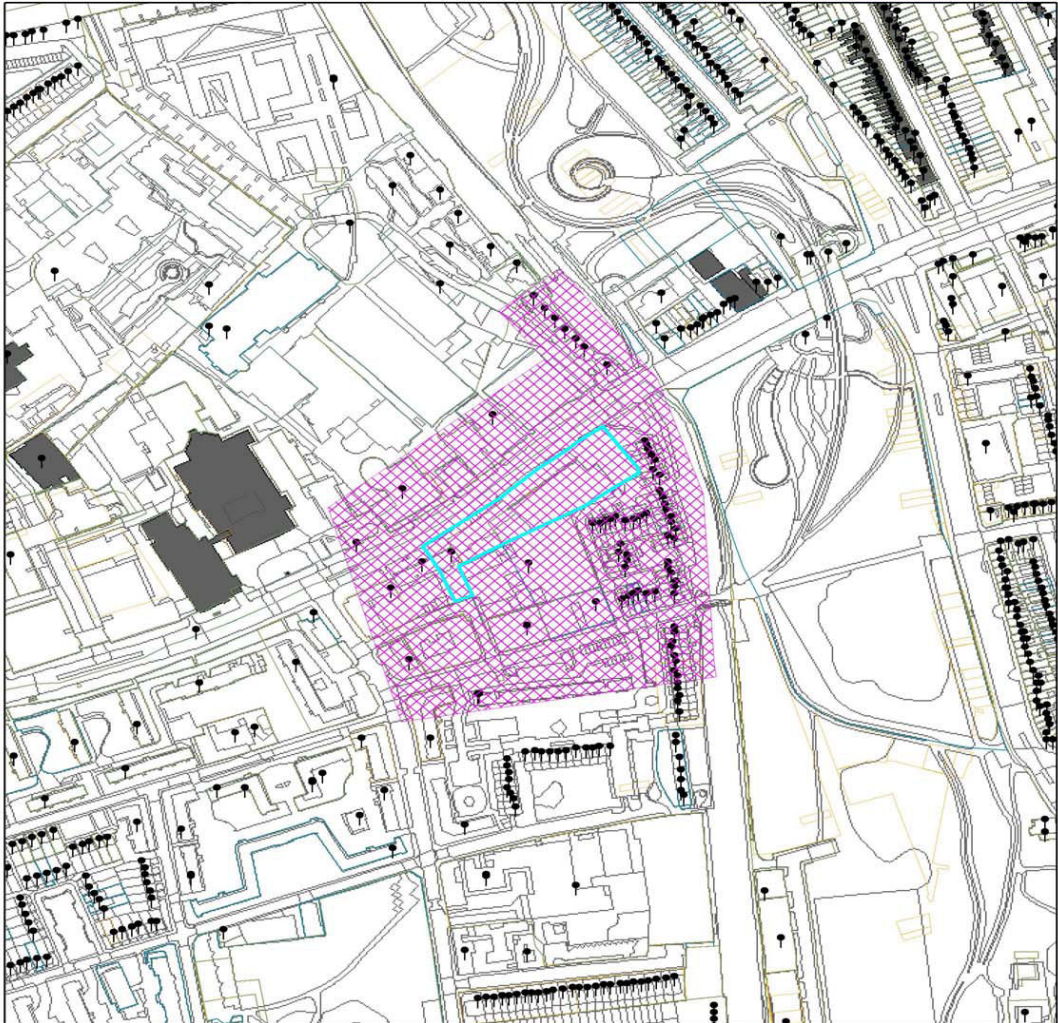
3. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
4. A contribution of £100,000 towards local community education initiatives and cultural facilities.
5. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
6. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
7. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
8. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
9. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
10. To participate in the Considerate Contractor Protocol.

8.90. In accordance with UDP policy DEV 4 of and policy IMP1 of the interim planning guidance, it is considered that the inclusion of the above matters in a section 106 agreement, together with the recommended conditions, would mitigate the impacts of the development and comply with national advice in Circular 05/2005.

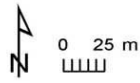
## 9. CONCLUSION

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



-  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

**UPDATE REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT  
COMMITTEE ON 4<sup>th</sup> AUGUST 2009**

<b>Reference number:</b>	PA/09/0601
<b>Location:</b>	438-490 Mile End Road, E1
<b>Proposal:</b>	Demolition of existing structures and erection of a part 3, part 5, part 7, and part 11 storey building to provide a new education facility comprising: teaching accommodation and associated facilities; student housing; cycle, car-parking, refuse and recycling facilities.

**ADDITIONAL REPRESENTATIONS**

1.1. A further 14 signatures have been added to the 2<sup>nd</sup> petition of objection reported at paragraph 7.8 of the main Committee report. The additional signatures are accompanied by a further letter of representation in the name of the Ocean Estate Tenants and Leaseholders Association. The issues raised in the letter may be summarised as follows:

- The submitted Townscape Assessment is based on selected views from the eastern and western ends of the development minimising its negative impact on the local context.
- The proposed buildings are not of a similar scale to those on the Queen Mary University campus.
- The proposed development is not well designed and attractive. It would harm rather than provide an enhanced setting to the Regents Canal Conservation Area, including the houses and gardens on the west side of the canal. It would be big, ugly, crudely articulated, ridiculously long and out of keeping. The existing townscape is a harmonious mix and an equally harmonious development is required to enhance the setting of this part of the conservation area.
- The submitted Townscape Assessment fails to assess the development on the two listed "Peoples Palace" buildings whose setting would be seriously harmed.
- The C18th and early C19th development of the ancient Mile End Road/Bow Road is characterised by three and four storey terraced houses and a few large buildings set back from the road. Any redevelopment opposite the Queen Mary campus must respect this local context and consist of several separate buildings of similar height to Queen Mary University with open spaces providing a 'green chain' linking the Ocean Estate's open space on Mile End Road to Mile End Park. The development fails in these regards.
- The development would seriously detract from the planned improvements for High Street 2012.

1.2. An additional 22 letters in support of the proposal have been received from local businesses. Two of the letters exhibit a total of 13 signatures. The issues raised in support may be summarised as follows:

- The development would rejuvenate the street scene along Mile End Road.



- The development would bring economic benefit through jobs.
  - The student population would provide vital benefits for local businesses and jobs.
  - The site is run down, in need of redevelopment and should not remain derelict with an opportunity lost.
  - The site is a logical location for student facilities in the borough.
  - The design is welcomed as it would fit well with the local area and mark the area as a place of improvement.
  - The development is something that the Mile End Road needs to be ready for the 2012 Olympics.
- 1.3. A letter in support of the proposal has also been received from Stepney Shahjalal Mosque and Cultural Centre which advises that they run a range of education and cultural programmes for people living on the Ocean Estate. The material issues raised in support may be summarised as follows:
- The scheme would provide a landmark building of civic scale and mark an important location on the Olympic Boulevard.
  - The section 106 agreement would bring wider environmental and community benefits with the area improved.
  - The provision of an educational establishment could provide support for local businesses and the community.
- 1.4. (Officer comment: The buildings within the Queen Mary University campus along Mile End Road vary in height from two storeys to a tall seven storeys. It is considered that a development between three and eleven storeys would not be out of context on this major thoroughfare leading to central London. It is noted that the Ocean Estate Tenants and Leaseholders Association previously advocated “slim elegant towers”. The building has been designed in two parts, not only to deliberately break up the long frontage, but also to reflect the curve in Mile End Road at this location. It is considered that the proposed development succeeds in those respects.
- 1.5. In pre-application meetings, the developer was requested to avoid a design involving buildings that do not address the street. It is considered important to provide a coherent redevelopment that creates an active frontage to Mile End Road and rectifies a badly fragmented townscape due to war damage with no street frontage at present. It is considered the design solution advocated by the Ocean Estate Tenants and Leaseholders Association would not achieve those objectives. Members are advised that the Committee’s decision on this application should be made on the merits of the development proposed, and not influenced by suggestions for alternative concepts which may or may not be considered preferable.
- 1.6. The support the development could give to local business is acknowledged.
- 1.7. The other matters mentioned in the additional representations, particularly regarding conservation areas, the setting of listed buildings and High Street 2012, raise no new planning issues that are not already assessed in the main report to the Committee).

## **2. RECOMMENDATION**

- 2.4. The recommendation to GRANT planning permission is unchanged.

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# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 <sup>rd</sup> September 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> 4 <sup>th</sup> August 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Marie Joseph		<b>Ref No:</b> PA/09/00214	
		<b>Ward(s):</b> Limehouse	

## 1. APPLICATION DETAILS

<b>Location:</b>	Employment Benefit Office, 307 Burdett Road, E14 7DR
<b>Existing Use:</b>	Former Employment Benefit Office
<b>Proposal:</b>	Demolition of existing building. Redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground floor level, cycle parking, amenity space and other associated works.
<b>Drawing Nos:</b>	100AV00 Revision B, 100AP00 Revision F, 100AP01 Revision F, 100AP02 Revision E, 100AP03 Revision D, 100AP04 Revision D, 100AP05 Revision D, 100AP06 Revision D, 100AP07 Revision D, 100AP20 Revision E, 100AP30 Revision C, 100AP40 Revision B, 100AP50 Revision B, 100AS01 Revision B, 100AS02 Revision C, 100AS03 Revision D, 100AE01 Revision D, 100AE02 Revision D, 100AE03 Revision E, 100AE04 Revision D, Proposed folding façade details 20.04.2009.
<b>Associated Documents:</b>	Design and Access Statement prepared by Carey Jones Architects dated January 2009. Planning Supporting Statement prepared by Indigo. Environmental Performance Statement prepared by WSP dated January 2009. Flood Risk and Flood Defence Scoping Note prepared by WSP dated 26 <sup>th</sup> January 2009. Toolkit Viability Report prepared by Savills dated 4 <sup>th</sup> February 2009. Daylight, Sunlight and Overshadowing Report prepared by GIA dated January 2009.
<b>Applicant:</b>	Trillium (Prime) Property Group Ltd
<b>Owners:</b>	Trillium (Prime) Property Group Ltd
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- The proposal is in line with the Mayor and Council's Policy, as well as the

Government Guidance which seeks to maximise the development potential of sites. The proposal makes efficient use of the site with a high-density residential development and as such accords with Policy 3A.3 of the London Plan (Consolidated with alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007). These Policies seek to maximise intensity of use compatible with local context.

- The proposed building is considered appropriate in terms of design, bulk and scale and would be in keeping with the surrounding context and immediate area. This is in line with saved policy DEV1 of the adopted UDP (1998) and policies CP4 and DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure appropriate design within the Borough which respects the local context.
- The proposed ground floor commercial units would be in keeping with the existing street scene along Burdett Road and would have no discernable impacts upon neighbouring properties and their amenity's. This would be in accordance with Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance (2007) which seek to safeguard the amenity's of residents of the Borough and mitigate against noise disturbance.
- The application provides family housing for which there is a substantial demand in the Borough, as shown by the Housing Need Survey (2004). As such, the proposal would comply with Policy 3A.5 of the London Plan (Consolidated with Alterations Since 2004) and Policy CP23 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) which seek to ensure an appropriate provision of family sized accommodation in the Borough.
- The quantity and quality of housing amenity space, child play space and communal space is acceptable and accords with Policies 3A.6, 3D.13 and 4B.1 of the London Plan (2008), Policies DEV1, DEV12 and HSG16 of the adopted UDP (1998) and policies DEV2, DEV3 DEV4 and HSG7 of the Interim Planning Guidance (2007), which seek to improve amenity and liveability for residents.
- The proposal is considered appropriate in relation to the residential amenity of the site. The impact of the development in terms of daylighting and sunlighting, overshadowing, sense of enclosure, outlook, privacy and noise is acceptable given the compliance with relevant BRE Guidance and the urban context of the site. This is in line with Saved Policy DEV1 and DEV2 of the adopted UDP (1998) and DEV1 and DEV2 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of residential occupiers and the environment in general.
- Contributions have been secured towards the provision of affordable housing, open space, transport, waterways, health care and education facilities in line with Government Circular 05/05, Saved Policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance: Core Strategy and Development (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- Transport matters, including cycle parking and servicing arrangements are acceptable and in line with Saved Policy T16 and Policies DEV16, DEV17 and DEV18 of the Interim Planning Guidance; Core Strategy and Development Control Plan (October 2007), which seek to ensure developments can be supported with the existing transport structure.
- The proposed development would relate well to the existing Canal Tow Path and

improve access links. This is in accordance with Saved Policies DEV46 and DEV48 of the Unitary Development Plan (1998) and Policies 4B.3 and 4C.11 of the London Plan which seek to enhance waterways and to improve public access.

### 3. RECOMMENDATION

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

A. Any direction by the Mayor of London.

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

- a) To provide 37% of the residential accommodation as affordable housing measured by habitable rooms.
- b) To provide a tenure split of 70% social rented and 30% intermediate housing.
- c) Health contribution of £83,666
- d) Education Contribution of £98,736
- e) Highways Contribution of £22,000 to TFL
- f) Open Space Contributions of £32,598
- g) British Waterways contribution of £8,000.
- h) Car Free Agreement.
- i) Any other planning obligations considered necessary by the Corporate Director Development and Renewal.

3.2 That the Corporate Director Development & Renewal is delegated power 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) Full time limit
- 2) Insulation measures and noise assessment
- 3) Travel Plan
- 4) Service Management Plan
- 5) Construction Management Plan
- 6) Landscaping
- 7) Green roof details
- 8) Child Play Space Details
- 9) Residential development to Lifetime Homes standard
- 10) At least 10% homes wheelchair accessible or easily adaptable
- 11) Renewable energy provision
- 12) Code for Sustainable Homes - Level 3
- 13) Insulation measures
- 14) Full specifications of plant and acoustic machinery
- 15) Full specifications of any proposed extractor systems
- 16) Hours of opening of ground floor units
- 17) Contaminated Land
- 18) Method Statement for waterside development
- 19) Full details of waterside elevation
- 20) Surface water drainage measures
- 21) Lighting and CCTV
- 22) Re-instatement of firemen plaque onto new building
- 23) Additional flood defence wall investigation

24) Any other condition(s) considered necessary by the Corporate Director of Development and Renewal or the Mayor of London.

### 3.4 Informatives

- 1) S278 Highways agreement
- 2) Requirement of crange or scaffolding
- 3) Additional Permission required for extraction to A3/4 unit

That if by 27<sup>th</sup> October 2009 any legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (legal services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission.

## 4. PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 This application seeks permission for the demolition of the existing building and the redevelopment of the site through the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground floor level, cycle parking, amenity space and other associated works.
- 4.2 The residential units would comprise 22 x 1 bed, 20 x 2 bed, 10 x 3 bed and 4 x 4 bed units.
- 4.3 The proposed commercial floor space would comprise 3 units; Unit 1 (A3/A4) 258 square metres, Unit 2 (A1) 157 Square metres and Unit 3 (A1) 116 square metres.

### Site and Surroundings

- 4.4 The application site is the former Poplar Employment exchange building located at the junction of Burdett Road and Dod Street. The North Western boundary of the site abuts the towpath which runs alongside the Limehouse Cut. The site has an area of approximately 0.1 hectares and there is a slight lowering in gradient from the North Western to the South Eastern elevations of the site.
- 4.5 The site is located within the Limehouse Ward of the Borough and the nearest conservation area is the St. Anne's Church Conservation Area which runs along the opposite side of Burdett Road up to and including 318 Burdett Road.
- 4.6 The building is currently vacant and has been for the last three years with its services having been moved further along Dod Street. The building is brick built with a central 3 storey element facing onto Burdett Road and two 2 storey wings adjacent to the Limehouse Cut and Dod Street.
- 4.7 The surrounding area is characterised by a mix of uses. To the North West of the site, on the opposite side of the Limehouse Cut, is a newly approved residential-led mixed use redevelopment up to 9 storeys in height. To the North East along Dod Street is a small complex of office buildings known as the Limehouse Court Buildings which are up to 3 storeys in height. To the South East are the 6 storey residential blocks of Charlesworth House and Leybourne House. On the opposite side of Burdett Road to the South West is a royal mail depot and a supermarket which is single storey.
- 4.8 In the adopted Tower Hamlets Unitary Development Plan 1998 the site is located within an Industrial Employment Area. The site is also in a Flood Protection Area.



- 4.9 In the Council's Interim Planning Guidance 2007 the site has no specific employment designations, nor is the site is a flood risk zone.
- 4.10 Burdett Road is a Transport for London designated Red Route and a cycle route runs along Dod Street.

#### 4.11 PLANNING HISTORY

- 4.12 The Applicant sought pre-application advice on the proposal under reference PF/08/0025. No final advice letter was issued. The pre-app originally sought advice on a building of 6-12 storeys with 73 residential units and 880 sq.m of commercial floorspace.
- 4.13 A formal planning application for the following was submitted under reference PA/08/01796 and subsequently withdrawn in December 2008:

*Redevelopment of site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse Cut to provide 56 residential units, 658 square metres of commercial space (Use Classes A1/A3/A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works.*

- 4.14 The application was withdrawn following concerns relating to:
- A lack of information relating to daylight and overshadowing on neighbouring properties.
  - The number of larger units within the scheme.
  - The amount of affordable units.
  - The overall design.
  - Concerns raised by the Environment Agency.

## 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:

Adopted Tower Hamlets Unitary Development Plan 1998 (as saved)

DEV1:	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV17	Street Furniture
DEV46	Protection of Waterway Corridors
DEV48	Development with Water Frontage
DEV49	Proposals for Moored vessels
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development and Sites of Nature Conservation Importance
DEV63	Green Chains and Walkways
DEV69	Efficient Use of Water
EMP1	Promoting economic growth and employment opportunities

EMP6	Employing local People
EMP8	Encouraging Small Business Growth
EMP10	Business Development Elsewhere in the Borough
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
T26	Use of Waterways for Freight
ST34	Viability of District Centres
ST35	Reasonable Range of Local Shops
S7	Special Uses
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace

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

	Central Area Action Plan
CP1	Creating Sustainable Communities
CP2	Equality of Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP9	Employment Space for Small Businesses
CP11	Sites in Employment Use
CP15	Provision of a Range of Shops and Services
CP19	New Housing Provision
CP20	Sustainable Residential Density
CP21	Dwelling Mix and Type
CP22	Affordable Housing
CP24	Special Needs and Specialist Housing
CP25	Housing and Amenity Space
CP28	Healthy Living
CP29	Improving Education Skills
CP30	Improving open-spaces
CP31	Biodiversity
CP33	Site of Nature Conservation Importance
CP34	Green Chains
CP36	The Water Environment and Waterside Walkways
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development with Transport
CP42	Streets for People
CP44	Promoting Sustainable Freight Movement
CP46	Accessible and Inclusive Environments
CP47	Community Safety
CP48	Tall Buildings
DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency

DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
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 Assessment
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Retail Development and the Sequential Approach
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG4	Ratio of Social Rent to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Affordable Housing
OSN3	Blue Ribbon Network

#### Supplementary Planning Guidance/Documents

Residential Space Standards  
Canal-side Development  
Riverside Walkways  
Designing Out Crime Parts 1 and 2

#### Spatial Development Strategy for Greater London (London Plan) 2004

2A.1	Sustainability Criteria
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.9	Affordable Housing Targets
3A.17	Protection of social infrastructure
3A.23	Health Impacts
3A.24	Education Facilities
3B.1	Developing London's Economy
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.22	Improving conditions for cycling
3C.23	Parking Strategy
3D.10	Open Space Provision in UDPs
3D.13	Children's and Young people's play space
3D.14	Biodiversity and Nature Conservation
4A.3	Sustainable Design and Construction
4A.7	Renewable Energy
4A.11	Living Roofs and Walls
4A.14	Sustainable Drainage

4A.19	Improving air quality
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Sustainable Design and Construction
4B.9	Tall Buildings - Location
4B.10	Large-scale buildings
4C.1	Blue Ribbon Network
4C.11	Improving access alongside Blue Ribbon Network

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity

## 6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

### 6.2 LBTH Biodiversity

No comment in respect of the proposed development.

### 6.3 LBTH Landscaping

No comment in respect of the proposed development.

### 6.4 LBTH Ecology Officer

No comment in respect of the proposed development.

### 6.5 LBTH Energy Efficiency Unit

No comment in respect of the proposed development

### 6.6 LBTH Education

The proposed dwelling mix is assessed as requiring a contribution towards the provision of 8 additional primary school places at £12,342 each, therefore totalling £98,736.

*[Officer Comment: A detailed analysis of the submitted toolkit viability report was undertaken which has resulted in an increase in financial contributions from £150,000 to £245,000. Due to the number of requested contributions a total of £98,736 has been set aside for these works and it is considered that the Council cannot now reasonably seek additional contributions.]*

### 6.7 LBTH Environmental Health

Land Contamination

- Contamination condition would be appropriate.

#### Noise and Vibration

- All units should be designed in accordance with the code of practice internally and externally.
- The developer must carry out a background noise assessment and should confirm the mitigation proposed for indoor noise levels, in particular those units sharing a party element with commercial premises.
- Hours of opening for the premises must be submitted.

*[Officer Comment: It is considered that the above matters can be dealt with by condition]*

#### Daylight and Sunlight

- The submitted Daylight/Sunlight Report prepared by GIA dated 23th Sept,2008 shows that there impact of VSC for Charlesworth House and Limehouse Building with losses above 20%.
- There are also losses of ADF and DDC well above 20% for Charlesworth House.
- There are losses of ADF and APSH are well above 20% for Limehouse Building.

*[Officer Comment: These concerns are covered within the body of the report. However, the majority of losses primarily relate to non-habitable rooms.]*

### **6.8 LBTH Highways and Strategic Transport**

Made the following observations:-

- Site in area with PTAL of 5 and good transport links
- Car free condition requested *[Officer Comment: This has been controlled within the S106 agreement.]*
- Area where car club could be set up
- No details of disabled parking provided *[Officer Comment: The footprint of the site is wholly taken up by the proposed building. Dod Street has parking bays on both sides which can be used by disabled drivers and are in close proximity to the development.]*
- Cycle parking exceeds minimum level and is acceptable
- Detail of cycle parking for commercial component scheme required
- No objection to servicing from Dod Street.
- Details of refuse collection arrangements required *[Officer Comment: This has been submitted by the applicant and reviewed by the Council's refuse department.]*
- Travel Plan required *[Officer Comment: This has been controlled within the S106 agreement.]*
- S278 works required *[Officer Comment: This has been controlled by condition.]*

### **6.9 LBTH Waste Policy and Development**

- The proposed refuse areas and details submitted are acceptable.
- There is continuous parking on both sides of Dod Street at this location. This may require refuse and recycling vehicles to stop in the middle of the road obstructing traffic flow from Burdett Road. *[Officer Comment: No concerns have been raised in relation to this issue by the Council's Highways Department and a servicing bay is shown on Dod Street within drawing number 100AP01 Revision F.]*

### **6.10 LBTH Open Space**

- Contributions of £46,258 are sought in relation to open space.

- Contributions of £36,587 are sought in relation to leisure facilities.
- Contributions of £10,504 are sought in relation to library/idea store facilities.

*[Officer Comment: A detailed analysis of the submitted toolkit viability report was undertaken which has resulted in an increase in financial contributions from £150,000 to £245,000. Due to the number of requested contributions a total of £32,598 has been set aside for these works and it is considered that the Council cannot now reasonably seek additional contributions.]*

## 6.11 Greater London Authority

At Stage 1, the mayor advised:

As part of the Stage 1 consultation the Mayor advised that the issues of affordable housing, urban design, child play space, climate change, biodiversity and transport did not fully comply with the London Plan but the following remedies could address the deficiencies:

- Affordable Housing – The applicant should enter into discussion with the HCA to assess whether grant funding is likely to be given.
- Urban Design – The applicant should reconfigure the refuse store and affordable core to provide internal access.
- Child Play Space – The applicant should provide details of the designated play space including proposed play equipment. Details of any surrounding local play space which can be used should be submitted to be judged against the SPG. It may be necessary for the applicant to contribute towards improvements to local open space.
- Climate Change Mitigation – Baseline emissions should be provided, along with a comparison between the dwelling emission rate and target emission rate. The applicant should investigate improving the fabric U-values to reduce the CO<sub>2</sub> emissions from 245 tonnes p.a taking into account no regulated energy use. The applicant should confirm the scheme as a single heat network and that sufficient space has been put aside to have one single energy centre and what alternatives will be applied if a biomass boiler provision is not possible.
- Climate change adaptation – The applicant should explore rainwater attenuation using the Policy 4A.14 hierarchy. The applicant should explore using rainwater to flush the retail element toilets. Details of the living roof should be submitted.
- Biodiversity – Detailed submission on ground level landscaping, especially in front of the canal should be submitted.
- Transport – A delivery and servicing plan should be secured and monitored through a S106. The use of water for freight should be explored given the proximity to the canal.

The applicant subsequently submitted further information to the GLA following a meeting on May 6<sup>th</sup> 2009. The GLA provided a further response summarised as follows:

- Affordable Housing – The applicant has submitted a letter from Savills stating that it is not appropriate to enter into discussion with the HCA at this time. Provided the applicant commits to a minimum of 36% affordable housing through a S106 agreement the proposal would provide a suitable amount of housing.
- Urban Design – As requested the applicant has amended the proposal to allow internal access to the refuse stores.
- Child Play Space – Details of the child play space to be provided on site should be conditioned. The applicant has provided additional information relating to the location of nearby play space. The surrounding parks are therefore sufficient to supplement the on site play space and the applicant should enter into discussion with Tower Hamlets to financially contribute towards open space.
- Climate Change Mitigation - The applicant has submitted some text explaining the submitted energy strategy; this has been passed to the GLA energy specialist for

- consideration.
- Climate Change Adaptation – The applicant has confirmed it is happy to discharge surface water run-off directly into Limehouse Cut. The applicant has explained that this coupled with the 250 sq.m of green roof prevent further water attenuation measures. Provided the provision of the green roof and drainage of surface water directly into Limehouse Cut are secured by condition the proposed sustainable urban drainage measures are acceptable.
- Biodiversity – The applicant has confirmed that the land fronting the canal is not in their ownership. Therefore these comments are not relevant.
- Transport – The applicant confirmed it is happy to deal with these issues through conditions and S106.

#### 6.12 London City Airport

No objections subject to a informative relating to crantage.

#### 6.13 Primary Care Trust

The primary care trust seeks a total 'revenue' and capital contribution of £370,094.

*[Officer comment: The figure of £370,094 includes a revenue and capital contribution. However, two appeals in Tower Hamlets have shown that revenue contributions sought for current expenditure on health services, and not for the provision of a new health care facility in close proximity to a site, cannot be justified. As such, the Council can only justify a capital contribution for works directly related to the provision of health care facilities. As such, a contribution of £83,666 has been secured for the site.]*

#### 6.14 British Waterways

- No objections to the proposed development
- An active frontage to the canal would be appropriate.
- CCTV would be welcomed on the towpath.
- A contribution of £25,000 is sought for towpath improvements. *[Officer Comment: A detailed analysis of the submitted toolkit viability report was undertaken which has resulted in an increase in financial contributions from £150,000 to £245,000. Due to the number of requested contributions a total of £8,000 has been set aside for these works and it is considered that the Council cannot now reasonably seek additional contributions.]*
- Conditions relating to CCTV, Active canal frontage, a waterside method statement and feasibility study into moving freight by water should be imposed.

#### 6.15 English Heritage

- The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.
- An application to consider the former Labour Exchange for listed status has been made and will be considered in due course *[Officer Comment: This application was subsequently unsuccessful and is discussed within paragraph 8.7 of this report]*
- A request has been made to consider a small area, which includes the site for conservation area status. English Heritage would support this should the Borough be minded to designate this area as such.

*[Officer Comment: These issues are covered within the main body of the report.]*

#### 6.16 Transport for London

- Any future occupants should not be permitted to obtain parking permits *[Officer Comment: This has been controlled within the S106 agreement.]*
- A delivery and servicing plan should be submitted. *[Officer Comment: This has been controlled by condition.]*
- A construction logistic plan should be submitted. *[Officer Comment: This has been controlled by condition.]*
- A contribution of £50,000 is sought for:
  - i) The resurfacing of footpaths adjacent to the site following tree root damage
  - ii) The creation of staggered pedestrian crossings
  - iii) Upgrading of bus stops within the vicinity*[Officer Comment: A detailed analysis of the submitted toolkit viability report was undertaken which has resulted in an increase in financial contributions from £150,000 to £245,000. Due to the number of requested contributions a total of £22,000 has been set aside for these works and it is considered that the Council cannot now reasonably seek additional contributions.]*

#### 6.17 London Fire and Emergency Planning Authority

No objections to the proposed development.

#### 6.18 National Grid

No objections to the proposed development

#### 6.19 Environment Agency

- Further to previous comments on the scheme the Environment Agency have no objections to the scheme following amendments.
- The agreed basement floor level will be raised above 4.96 metres AOD (1 in 1000 Limehouse Cut flood level). *[Officer Comment: This amendment has been shown on plan 100AE02 Revision D ]*
- The basement design will include provision for an additional flood defence wall 600mm above the existing level if deemed necessary in the future. *[Officer Comment: This has been secured by condition.]*
- Details of the condition of the existing flood defence wall will be determined in liaison with British Waterways. *[Officer Comment: This has been secured by condition.]*
- Sliding glass panels to be incorporated in the cafe design allowing maintenance and access room to the flood defence wall. *[Officer comment: These details have been submitted on plan "Proposed folding façade details 20.04.2009"]*
- Details of a proposed green roof (biodiversity benefits) to be provided. *[Officer Comment: This has been secured by condition.]*
- Clarification on the proposed use of the 3rd basement room shown on the cross section plans. *[Officer Comment: This room is shown as a cycle store on drawing 100AS03 Revision D]*

### 7. LOCAL REPRESENTATION

- 7.1 A total of 1328 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised on site via a site notice and within East End Life newspaper.

The total 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: 6            Objecting: 6            Supporting: 0  
No of petitions received: 5 objecting containing 338 signatories in total

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

- The retention and reuse of the existing building
- Other uses should be explored for the site
- The architectural interest of the existing building
- The historic interest of the existing building
- The demolition of the existing building
- The impact of the proposal upon the existing St. Anne's Conservation Area
- The group value of the existing building
- The inclusion of the site within the St Anne's Conservation Area
- The creation of an additional Limehouse Cut Conservation Area
- Loss of character of the Limehouse Cut
- Surplus commercial floorspace in the vicinity
- The scale and massing of the proposed building
- The height of the proposed building
- The overall appearance of the proposed building
- The materials of the proposed building
- Overdevelopment of the site
- The proposed building being out of keeping with the surrounding area

The following local groups/societies also made representations:

**The 20<sup>th</sup> Century Society**

Object to the proposal:

- The existing building should be retained due to its historic and architectural significance
- The existing building makes a positive contribution to the area
- The proposed development would be contrary to Saved Policy DEV2.3, 2.4 and LDF Policy CP4.

**Greater London Industrial Archaeology Society (GLIAS)**

Object to the proposal:

- The height of the proposed building is unacceptable
- The design of the proposal is unacceptable
- No evidence submitted to show that the proposals would be carried out with high quality specifications
- The existing building should be retained due to its historic and architectural merit.

**Save Britain's Heritage:**

Object to the proposal:

- The building is of architectural importance
- The building is of historical importance for the area
- The proposal would conflict with UDP Policies DEV2.3, 2.4 as well as LDF Policy CP4
- The proposed development would not respect the existing local context.

**Bishopsgate Library, Socialist History Society and Society for the Study of Labour History**

Object to the proposal:

- The building is of local and national significance for working class and labour history.
- The building should be retained due to its local and national significance and its proximity to neighbouring factories and warehouses which are also significant.

**Tower Hamlets Co-operative Party**

Object to the proposal:

- The scale of the building is unacceptable
- The building is of historical significance.

The following issues were raised in representations that **are non-material** to the determination of the application, and are not addressed within the next section of this report:

- The loss and restriction of views

**8. MATERIAL PLANNING CONSIDERATIONS**

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

1. The site as existing (Conservation/ retention of the building)
2. Land Use
3. Density
4. Design
5. Housing
6. Amenity
7. Transport and Highways
8. The site and relationship to the Limehouse Cut
9. Other issues

**The site as existing:**

- 8.2 The site is located within the Limehouse Ward of the Borough, outside of any designated conservation areas. The nearest to the site is the St Anne's Church Conservation Area which is located over 100 metres away to the south west and this boundary is set to remain as such within the St Anne's Church Draft character appraisal which is to be referred to cabinet for formal adoption in November 2009.
- 8.3 A request from a member of the public to extend the St. Anne's Church Conservation Area to include the site and Limehouse Court buildings was received by the Council's Conservation Department on December 17<sup>th</sup> 2008 and was subsequently followed with a report on the buildings on January 20<sup>th</sup> 2009.
- 8.4 A letter was received by both the Council's Conservation Department and the case officer on April 3<sup>rd</sup> 2009 from English Heritage in response to the consultation letter for this application. English Heritage stated that *"If the Borough were so minded we would support designation as a Conservation Area."*
- 8.5 To date no designation has taken place and the Council's Conservation Department have confirmed that they are exploring the possibility of designating a new Conservation Area around 307 Burdett Road and the adjoining historic warehouses. As such, this application can only be considered in the context of its relationship to the nearest Conservation Area.
- 8.6 Furthermore, as the building is not located in a Conservation Area the Applicant does not require any permission from the Authority to demolish the building. Given the lack of control over the building's demolition the Council could not substantiate any reason for refusal based

upon a desire to see the retention of the existing building.

- 8.7 Concerns have been raised by objectors in relation to the loss of the building due to its architectural and historic importance. An application to list the building was submitted to English Heritage by a member of the public in April 2009. This application was unsuccessful and English Heritage considered that the building was not of sufficient special architectural or historic interest to merit listing. As such, it is considered that the Council is unable to control the building's demolition.
- 8.8 Objectors have stated that the demolition of the existing structurally sound building would be contrary to the objectives of sustainability. The Authority considers that a suitably designed building could also make a contribution to local sustainability objectives. A redevelopment of the site also allows more efficient use to be made of the land, and the incorporation of renewable energy technologies which could overcome objections on sustainable development grounds.

### **Land Use:**

- 8.9 This application seeks permission for 22 x 1 bed, 20 x 2 bed, 10 x 3 bed and 4 x 4 residential units with associated services and amenity space. The application also seeks permission for 3 commercial units totalling 658 square metres.
- 8.10 The application site is designated as an Industrial Employment Area in the adopted UDP. However, this designation has not been carried through into Interim Planning Guidance. As the more up to-date evidence based plan has removed the Industrial Land designation, and given the surrounding mixture of development, the designation in the UDP has been given little weight.
- 8.11 The existing site comprises 1084 square metres of B1 office floorspace which has been vacant since February 2006. The loss of this B class office floor space is considered under the criteria set out within Saved Policy EMP3 of the Unitary Development Plan. This states that the council will take into account:
- a) The length of time the space has been vacant (following active marketing)
  - b) The level of vacant office space within the area
  - c) The ability of the site to adequately be used for the full range of B1 uses
  - d) The ability of any proposed scheme to be accordance with other plan policies and the retention of a provision of services needed by residents.
- 8.12 No marketing information has been submitted with this application nor has any information been submitted relating to the level of vacant floorspace in the area. However, given the length of time the property has been vacant it is considered that the re-use of the site is preferable to vacant space. Also, the Council's Industrial Land Study (2006) identifies that the total stock of industrial land within the Borough is over 100 hectares with a total of 37 hectares recorded as vacant or underused. On balance, the introduction of a substantial level of commercial floorspace within a proposed mixed use scheme would be acceptable.
- 8.13 It is also accepted that older buildings tend not to provide the type of flexible and accessible floorspace required to meet the requirements of modern office use. Permission was granted under planning reference PA/05/01337 for 900 square metres of B1 office floorspace and 90 residential units at 303-305 Burdett Road 24 metres away from the site, and as such it is considered that there are more modern facilities within the immediate area to cater for the demand of such a use.
- 8.14 Burdett Road is characterised by both commercial and residential development. Whilst, some sites surrounding the site were previously in employment uses they have been granted planning permission for mixed uses, and an example of this is 303-305 Burdett Road which

was previously a warehouse (use Class B8). Both these sites were previously in industrial use and have now been granted planning permission for residential schemes. It is considered that this area of Burdett Road, is accepted as an area of mixed uses. It is not considered that the retention of solely employment uses on the site would be appropriate given the varied nature of the surrounding area.

- 8.15 The proposed scheme retains employment floorspace of 426 square metres and would create employment 34 full time employees. This is in accordance with Policy CP7 of the Interim Planning Guidance which seeks to retain and promote a wide range of employment uses within the Borough.
- 8.16 The proposed A3/A4 element is considered to be acceptable in this location. Burdett Road is characterised by a number of different retail uses including restaurants and takeaway premises. An extract flue has been proposed in relation to this use which is discussed in detail within the amenity section of this report.
- 8.17 In view of the above comments and that the site is not designated for industrial uses in the London Plan (2008) or the emerging LDF (2007), it is considered on balance that the provision of a mixed use scheme is acceptable. The scheme is therefore considered to be in line with saved policy EMP3 of the adopted UDP (1998), policy EE2 of the IPG (2007). A residential-led development of this brownfield site is supported.
- 8.18 In terms of a housing use it is noted that permission has already been given for residential uses along Burdett Road, and the area provides a suitable environment for future residents. The provision of additional housing is a key aim of national, regional and local planning policy and the proposal would accord with policies 3A.1, 3A.3, 3A.5 of the consolidated London Plan 2008 as well as the Tower Hamlets Housing Needs Survey (2004).
- 8.19 Policy CP19 of the Interim Planning Guidance (October 2007) seeks to direct new residential development to brownfield sites appropriate for housing. Given the current redundant use of the site and the mixed character of the area, it is considered that the proposed residential units would be in accordance with this policy.

#### **Density:**

- 8.20 Policy CP20 of the Interim Planning Guidance (October 2007) recognises the need to maximise residential densities on individual sites within the Borough taking into account other material considerations.
- 8.21 The application proposal has a density of 1,576 habitable rooms per hectare. The London Plan sets out a density range of 200-700 habitable rooms per hectare. However, given that the site is located in an area with good access to public transport with a PTAL level of 5 and is considered to be of an appropriate density in relation to the surrounding context. As such, the proposal accords with the aims of Policy 3A.3 in the London Plan and Policy CP20 of the Interim Planning Guidance (October 2007), as well as National planning guidance in PPS1: Sustainable Development and PPS3: Housing which stresses the importance of making the most efficient use of land and maximising the amount of housing.

#### **Design:**

##### **The principle of a tall building and the design of the building:**

- 8.22 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.

- 8.23 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and use of materials. They also require development to be sensitive to the capabilities of the site and not result in overdevelopment or poor space standards.
- 8.24 In addition to this, Core Policy CP4 of the Council's interim planning guidance seeks to ensure that development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. In achieving good design development should:
- Respect its local context, including the character, bulk and scale of the surrounding area;
  - Contribute to the enhancement or creation of local distinctiveness;
  - Incorporate sustainable and inclusive design principles;
  - Protect amenity, including privacy and access to daylight and sunlight;
  - Use high quality architecture and landscape design; and
  - Assist in creating a well-connected public realm and environments that are easy to navigate.
- 8.25 The proposed scheme would be 11 storeys and measure 37 metres in height adjacent to the Limehouse Cut stepping down to a height of 6 storeys and 21.8 metres on the Dod Street elevation.
- 8.26 Burdett Road is characterised by building ranging greatly in height. 303-305 Burdett Road adjacent to the site on the opposite edge of the Limehouse Cut is 9 storeys in height. Furthermore, this site is in close proximity to Butler House (301 Burdett Road), an 11 storey residential block measuring 39.32 metres in height with an attached extension built on the site of the former Lovatt Arms 11 storeys high and 42.625 metres in height. Given these existing building heights, it is considered that the proposal would be in keeping with the existing street scene in accordance with Saved Policy DEV1 of the UDP (1998), Policy DEV2 of the Interim Planning Guidance (October 2007) and Policy 3A.6 of the London Plan.
- 8.27 At Stage 1 referral the Greater London Authority consider that the scale, massing and overall form of the building is appropriately informed by the local context and would provide a strong, clear frontage to Burdett Road.
- 8.28 The proposal is of a modern design and would be faced with glass balconies, powder coated aluminium panels, curtain wall glazing, render and ladder louvres. Following consultation with the Council's Urban Design Department further details have been submitted pertaining to the exact materials to be used, indicative elevation treatments and examples of existing uses of the materials on other developments. No further comments have been received to date following this further submission of details.
- 8.29 The GLA at Stage 1 referral suggested that the use of robust, high quality materials would ensure that the proposal would have a positive impact upon the surrounding townscape. As such, to ensure that an acceptable finish is achieved, a condition has been imposed for samples of the facing materials to be approved in writing before development commences.
- 8.30 The surrounding site area is made up of a variety of materials, ranging from contemporary mixed use schemes, more traditional uses of materials and industrial buildings predominantly more functional in design. Therefore, it is considered that the proposed materials would be in keeping with the existing street scene.
- 8.31 It is considered that the scale, materials, design and height of the building would be in

keeping with its surroundings. This would be in accordance with Saved Policy DEV1 of the UDP (1998) and Policies DEV2 of the Interim Planning Guidance (October 2007) which seek to ensure appropriate design.

- 8.32 There are no trees located on the application site. The Council's Landscaping Department have been consulted and have no objection to these proposals. No formal landscaping scheme has been submitted for the proposed amenity areas, a condition has been imposed to ensure a high specification of amenity in accordance with Saved Policy DEV12 of the UDP (1998) and Policy DEV13 of the Interim Planning Guidance (October 2007).
- 8.33 For these reasons the proposal would adhere to Saved Policies DEV1, DEV12 and DEV7 of the Unitary Development Plan (1998) and Policies DEV2 and HSG2 of the Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) and Policy 3A.7 of the London Plan (February 2008) which seek to ensure appropriate design, amenity space and quality of developments within the Borough.

## Housing

### Affordable Housing

- 8.34 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 from all sources across the Borough, and specify that individual developments should provide a minimum 35% affordable housing.
- 8.35 This site provides 37% affordable housing on site through the provision of 56 residential units in the following mix when split into private, intermediate, and socially rented tenures:

**Table 1: Affordable Housing**

	<b>Private</b>	<b>Intermediate</b>	<b>Social Rented</b>
Studios	0	0	0
1 Bedroom	18	3	1
2 Bedroom	16	4	0
3 Bedroom	5	0	5
4 Bedroom	0	0	4
Total Units	39	7	10
Total Habitable Rooms	104	60 (total for both intermediate and social rented)	
<b>Total Number of Units</b>	<b>56</b>		
<b>Total Number of Affordable Units</b>	<b>17</b>		
<b>Total Number of Habitable Rooms</b>	<b>164</b>		

- 8.36 As shown in the table above the residential mix the proposal is made up of 39 private market units (70%) and 17 affordable units (30%). This equates to a split of 63% market and 37% affordable housing based on habitable room numbers.

- 8.37 It is therefore considered that the proposal provides an acceptable amount of affordable housing and mix of units overall. As such, the proposal is in line with policies 3A.1, 3A.2 and 3A.5 of the London Plan, policy HSG7 of the Council's Unitary Development Plan 1998 and policy HSG2 of the Council's Interim Planning Guidance (2007), which seek to ensure that new developments offer a range of housing choices.

#### Tenure Mix

- 8.38 London Plan Policy 3A.9 promotes mixed and balanced communities by seeking a 70:30 split between social rent and intermediate tenures in 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. In terms of affordable housing split, the development represents a provision of 30% intermediate and 70% social rented housing. This falls between the London Plan requirements and those in the IPG and as such is considered acceptable.

#### Housing Mix

- 8.39 Policy HSG 2 of the Council's interim planning guidance says the Council will require that sites providing social rented housing provide it in accordance with the housing mix outlined in Table DC1. Policy HSG2 also says that the Council will require that both the intermediate housing and market housing components of housing provision contain an even mix of dwelling sizes, including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms.
- 8.40 The number of family units on site equates to an overall provision of 25% of units with 3 or more bedrooms, with a provision of 16% being family sized affordable units. Given the high level of family housing provision in the social rented sector, it is considered that the overall mix responds well to local needs and is acceptable in terms of policy.

#### Amenity:

##### Residential Space

- 8.41 In regard to HSG13 (Residential Space) it is considered that there is an acceptable provision of internal residential space. The minimum space standards set out in the London Borough of Tower Hamlets Supplementary Planning Guidance: Residential Space (1998) are met by all applicable rooms with the exception of the following unit.:

06-03: 6<sup>th</sup> floor which is a two person one bed. unit - 43 square metres, (1.5sqm shortfall)

- 8.42 A total of 7 units out of 56 are considered to be 3-4 person properties and fall between the floorspaces required for such unit sizes. These sizes are considered to be acceptable given the nature of the accommodation and the identified shortfall is minimal. Furthermore, given that all of the above units will benefit from 12 square metres of private amenity space and additional communal amenity space, it is considered on balance that the proposal would accord with the relevant policy.
- 8.43 Policy HSG9 of the Interim Planning Guidance and Policy 3A.5 of the London Plan seek to ensure accessible homes within new developments in the Borough. A lift suitable for wheelchair users is proposed within both the private and affordable cores to give access to all floors of the building. All units will be built to lifetime homes standards, with 10% of flats wheelchair adaptable.

- 8.44 Amenity space is provided for all units in the form of balconies totalling 909 square metres and shown within the submitted Schedule of Accommodation. Amenity space is also provided in the form of a shared communal garden at sixth floor level totalling 454 square metres (including child play space) and can be accessed by both lift and stair cores. It is considered there would be an adequate supply of amenity space in accordance with Saved policy HSG16 of the UDP (1998), Policies CP25 and HSG7 of the Interim Planning Guidance (October 2007) and Policy 3A.6 of the London Plan.
- 8.45 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 usable child space to be provided per child. The Council's Interim Planning Guidance sets a standard of 3sq.m per child. There is 200 square metres of child playspace proposed to be provided on site at sixth floor level. Following the calculation of child yields in relation to the scheme it is considered that the proposal would generate 25 children and a total 250 square metres would be required.
- 8.46 At Stage 1 consultation the GLA sought a justification for the 50m shortfall. The applicant has since submitted further information pertaining to child playspace including locations of neighbouring parks which the GLA have considered adequate.
- 8.47 To ensure appropriate equipment is installed in association with appropriate landscaping for children, a condition has been imposed for details to be approved in writing before development commences.
- 8.48 Furthermore, financial contributions have been secured for £32,598 towards the maintenance of open space within the Borough, to offset the 50m shortfall on site.
- 8.49 It is considered that this would be an adequate supply of amenity space in accordance with Saved policy HSG16 of the UDP (1998), Policies CP25 and HSG7 of the Interim Planning Guidance (October 2007) and Policy 3A.6 of the London Plan.

#### Residential Amenity

- 8.50 In terms of amenity, Policy DEV2 in the UDP and Policy DEV1 in the IPG seeks to ensure that development protects the amenity of existing and future residents.

#### Daylight and Sunlight:

- 8.51 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylight and sunlight conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.52 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. According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).
- 8.53 The following properties were assessed for daylight and sunlight:  
The Limehouse Building (303-305 Burdett Road) to the north west  
Charlesworth House to the south east  
Leyborne House to the south east



- 8.54 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).
- 8.55 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.
- 8.56 In accordance with BRE guidance, a Daylighting and Sunlighting report was submitted with the application. The report calculates the Vertical Sky Component (VSC), No Skyline (NSC), Average Daylight Factor (ADF) and Sunlighting for adjoining properties. Following discussion with officer's further supplementary daylight and sunlight information was submitted on July 20<sup>th</sup> 2009.
- 8.57 Results from the assessment are as follows. Of the 354 windows facing the site, only 2 windows on 2 separate units of Charlesworth House would fall below the required VSC and ADF values, windows from the neighbouring Limehouse Building and Leybourne House do not fall below these values. These windows are located on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the building and the units benefit from a further 2 windows on the effected elevation.
- 8.58 The results of the assessment demonstrate that the majority of the neighbouring windows and rooms assessed within the existing properties will comply with the BRE VSC and ADF guidelines. National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the units across the scheme comply with the daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

Privacy:

- 8.59 It is not considered that the proposed scheme would have an adverse impact on the outlook of residents surrounding the site. The site is located a distance of 20 metres from the neighbouring residential building of Charlesworth House, 24 metres from the neighbouring mixed use scheme of 305 Burdett Road and 22 metres from the opposite side of Burdett Road. These distances are considered to be satisfactory to meet the requirements set out in DEV2 of the UDP which state that developments should have a distance of about 18 metres between opposite habitable rooms to reduce inter-visibility.
- 8.60 For the reasons stated above it is considered that the proposal would meet the required standards and adhere to Saved Policy DEV2 of the Interim Planning Guidance (1998) and DEV1 of the Interim Planning Guidance (October 2007) which seek to safeguard the amenities of the occupiers of the borough.

- 8.61 Both core entrances to the units are proposed from Dod Street and Burdett Road. These are in close proximity to the public highway and have good visibility therefore minimising safety and security issues for future occupiers in accordance with Policy DEV4 of the Interim Planning Guidance (October 2007).

#### Noise and Disturbance:

- 8.62 Extraction details have been submitted showing the position, size and routing of the flue in association with the A3/4 unit located on the ground floor. The proposed flue would measure 2.2 metres in length and 0.6 metres in width and would rise up adjacent to stair core A to terminate at roof level. The flue would be housed completely within the core of the building and therefore it is considered that any associated noise for future residents could be mitigated. To ensure this a condition has been imposed for the submission of all technical flue details before installation.
- 8.63 Burdett Road is comprised of a mixed use commercial and residential environment where a degree of additional noise and disturbance can be expected. Given the level of residential properties within the vicinity, there is the need to control commercial hours to acceptable times. Opening times along Burdett Road for other A3 uses have been restricted to 10:30pm and it is not considered there is justification to allow the subject site to open beyond this time.
- 8.64 It is therefore considered that through the insertion of conditions the proposed A3/A4 commercial unit would adhere to Saved Policies DEV2 and DEV50 of the Unitary Development Plan (1998) and Policies DEV1 and DEV10 of the Interim Planning Guidance: Core strategy and development control plan (October 2007), which seek to safeguard the amenity of residential occupiers within the Borough and minimise noise disturbance.

#### Refuse and Recycling

- 8.65 The refuse and recycling area is proposed on the ground floor of the site and can be accessed from both the private and affordable residential cores along Dod Street. Additional information pertaining to these stores has been submitted by the applicant. The proposed area would contain 9 bins for residential properties. 9 bins for the commercial premises are also located at ground floor level through a separate access. No further comments have been received from the Council's refuse department following consultation on these more detailed plans.

#### Transport & Highways

- 8.66 The site is situated within an area of high public transport accessibility with a Ptal rating of 5. The proposal includes no car parking spaces in accordance with policy DEV19 in the Interim Planning Guidance (October 2007) which seeks to minimise parking and promote sustainable transport. This car-free development will be endorsed within the S106 agreement which accompanies the application.
- 8.67 The scheme has been forwarded to both the Council's Highways Department and contributions have been secured for £22,000 for i) The resurfacing of footpaths adjacent to the site following tree root damage ii) The creation of staggered pedestrian crossings iii) Upgrading of bus stops within the vicinity. As such, it is considered that the scheme would adhere to Saved Policies T16 and T18 of the Unitary Development Plan (1998).
- 8.68 Access for servicing vehicles and coaches would be from Dod Street via a turning off of Burdett Road. The applicant has indicated that the servicing arrangements will be managed, but has not provided a Service & Delivery Plan or a Travel Plan for the development. The submission and implementation of Service and Delivery Plan and Travel Plan arrangements forms part of the proposed conditions.

- 8.69 TFL have also requested that, due to the sites location on a red route a construction management plan also be submitted. This also forms part of the conditions as recommended.
- 8.70 Cycle storage has been provided for 112 cycles. This would comply with saved policies T16 and T21 of the UDP.
- 8.71 No provision has been made for disabled users and associated parking spaces. However, Dod Street is lined on both sides by parking bays within which a disabled badge holder would be able to park.

#### The site and relationship to the Limehouse Cut

- 8.72 The Limehouse Cut forms part of the Blue Ribbon Network. Policies in chapter 4C of the London Plan seek the improvement of the capitals waterways. London Plan policy 4B.3 requires a high standard of design for water-side development. Saved UDP policies DEV46 and DEV48 seek to enhance waterways and include a requirement that, where possible, the public should have access to the waterside. Advice in Supplementary Planning Guidance: Canal-side development is also relevant.
- 8.73 The canal towpath runs adjacent to the site at a lower level. Pedestrian access to the canal is gained via steps adjacent to the bridge on the opposite side of Burdett Road. This is approximately 25m to the west of the application. A pedestrian crossing across Burdett Road allows these steps to be reached from the application site.
- 8.74 There is currently no access to the canal from the application site.
- 8.75 The proposed development would relate well to the canal as the introduction of a café / restaurant will add interest and vitality to the towpath. The public will enjoy marginally improved access to the canal-side, as it will be possible to reach the towpath through the open frontage in the A3/4 unit. Given the proximity of the site to the existing canal access there is not considered to be a deficiency of access to the canal in the area. For these reasons, the proposal is considered to accord with requirements of saved policies UDP DEV46 and DEV48 and London Plan policies 4C.11.
- 8.76 The submitted daylight / sunlight study does not contain an indication of the likely degree of permanent overshadowing of the canal. An excessive amount of permanent overshadowing can cause a decrease in water quality and biodiversity. In this case British Waterway and the Environment Agency have not raised any concerns in relation to this matter, it is also recognised that the canal would have been overshadowed to a degree by the existing buildings on-site and any likely overshadowing is considered acceptable.
- 8.77 British Waterways were consulted on the application and have stated that they have no objection to the proposal – subject to recommended conditions and a request for a financial contribution. £8,000 has been secured towards a Cycle Route Implementation & Stakeholder Plan (CRISP) for the Limehouse Cut.
- 8.78 The Environment Agency originally objected to the scheme on the following grounds:

REASON 1: An access strip along the canal side for river wall maintenance, improvement or renewal has not been provided in the proposed layout of the development.

REASON 2: The proposed development lacks an access point to the canal side from the public highway.

REASON 3: A buffer zone adjacent to the *Limehouse Cut* seeking to protect and enhance biodiversity is not provided in the proposed layout.

8.79 Following a meeting between the applicant and Environment Agency the following changes have been made to the scheme which is now considered to be acceptable and has been reflected in the plans:

- 1) Agreed basement floor level has been raised above 4.96 metres AOD
- 2) The basement design includes provision for an additional flood defence wall 600 mm above the existing level if deemed necessary in the future.
- 3) Details of the condition of the existing flood defence wall will be determined in liaison with British Waterways.
- 4) Sliding glass panels to be incorporated in the cafe design allowing maintenance and access room to the flood defence wall.
- 5) Details of a proposed green roof (biodiversity benefits) to be provided.

8.80 To ensure an appropriate finish a condition has been imposed relating to the design of the proposed green roof.

Energy:

8.81 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 used and generated from renewable sources. The London Plan (2008) requires a reduction of 20% reduction in carbon dioxide emissions from on site renewable energy generation.

8.82 The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG. In particular, policy DEV6 requires that:

- All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
- Major developments incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.

8.83 An Energy Efficiency section has been submitted within the Planning Statement which considers the potential options for offsetting carbon dioxide emissions through onsite renewables. A biomass facility has been incorporated into the scheme which is said to achieve more than the required 20% reduction.

8.84 The Greater London Authority had some outstanding concerns relating to this, in particular as to whether the 20% reduction stated had accounted for regulated and unregulated carbon emissions, the lack of an air quality assessment of the biomass boiler and the possibility of other carbon reduction methods following such an assessment.

8.85 An assessment of the boiler has now been carried out, and in addition to this the passive performance of the building has also been improved upon in terms of the U values of the floors, walls and windows bringing the development up to Code for Sustainable Homes Level 4. The proposed affordable housing would need to meet Code Level 3 of the code for sustainable homes in order to be in line with policy and therefore the development is considered to be in accordance with this. The GLA have assessed this additional information and now consider that the proposal would be in accordance with the appropriate London Plan Policies.

8.86 A condition will be placed on the planning permission requiring to require that measures are

implemented in accordance with the submitted strategy.

- 8.87 A condition has been imposed on the planning permission requiring that renewable energy technologies are installed prior to occupation.

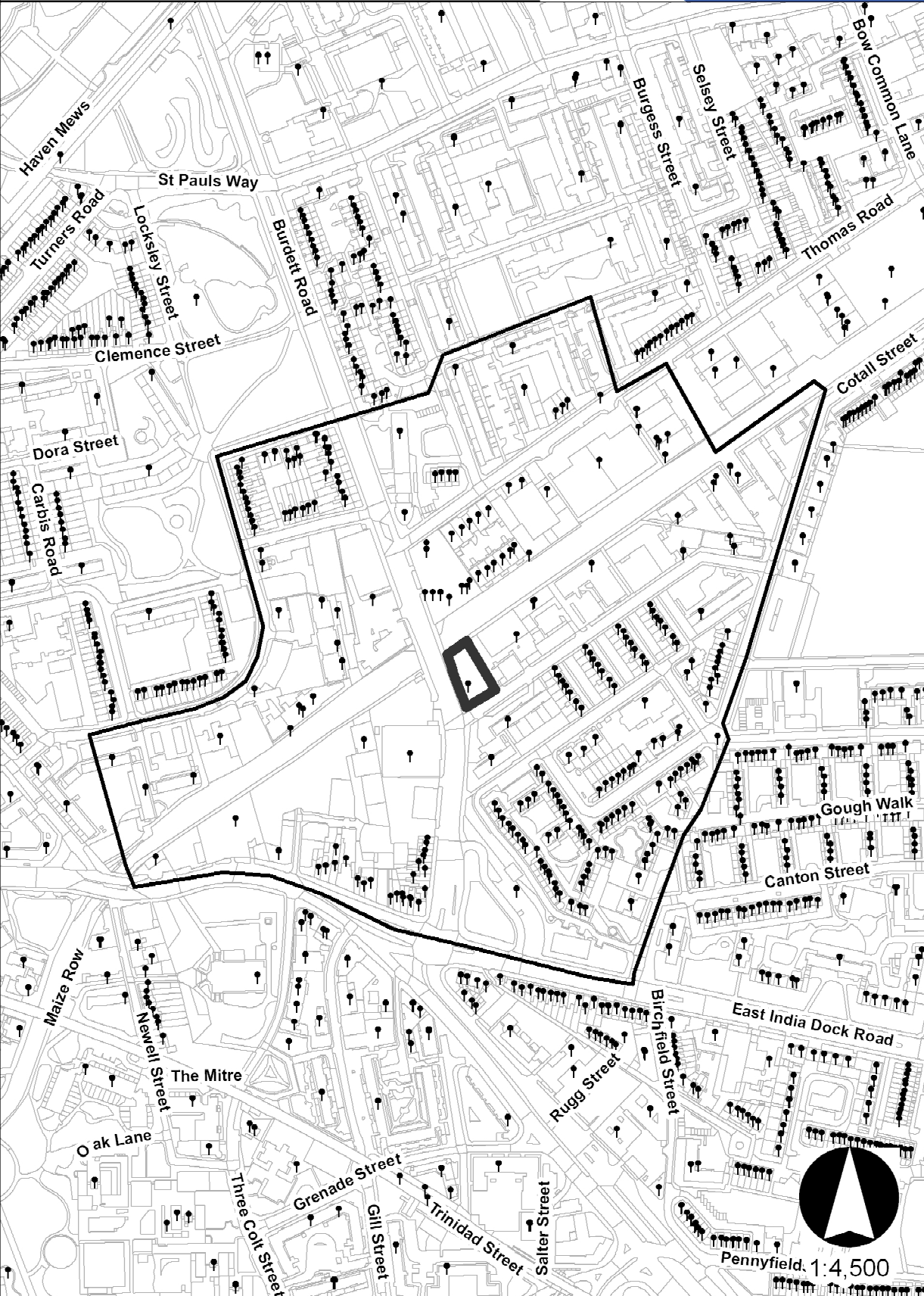
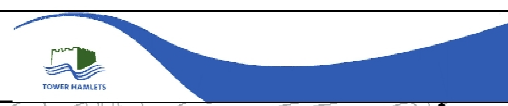
### **Other Issues**


- 8.88 A plaque commemorating the death of firemen at the site has been removed from the existing building and put into storage following the proposed demolition of the building. A condition has been imposed to ensure that following development, the plaque will be re-erected on the new property.
- 8.89 A toolkit Viability Assessment was submitted with this application and proposed 37% affordable Housing provision and total contributions of £150,000. Due to the level of proposed contributions in relation to the level of contribution demand the assessment was sent for an independent analysis.
- 8.90 The analysis concluded that the scheme was also to provide further contributions and that the submitted toolkit had not taken into account the existing use value of the site and the proposed ground rents the scheme would provide. As such, the applicant proposed an increase in contributions to £245,000 which has been split as follows:
- Health contribution of £83,666
  - Education Contribution of £98,736
  - Highways Contribution of £22,000 to TFL
  - Open Space Contributions of £32,598
  - British Waterways contribution of £8,000.
- 8.91 It is considered that this would be in line with Government Circular 05/05, Saved Policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance: Core Strategy and Development (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.


## **9.0 CONCLUSIONS**

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





 Planning Application Site Boundary       Land Parcel Address      0 30 m

 Consultation Area      

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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# Agenda Item 8

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 <sup>rd</sup> September 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 8
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Other Planning Matters	
<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 matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

## 2. FURTHER INFORMATION

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

## 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

## 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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LOCAL GOVERNMENT ACT 2000 (Section 97)  
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
See individual reports

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# Agenda Item 8.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 <sup>rd</sup> September 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b>  Corporate Director of Development and Renewal  <b>Case Officer:</b> Shay Bugler		<b>Title:</b> Variation of existing s106 Agreement  <b>Ref No:</b> PA/09/1362  <b>Ward(s):</b> St Katherine's and Wapping	

## 1. APPLICATION DETAILS

1.1 **Location:** Saint Georges Estate, Cable Street, London, E1

1.2 **Existing Use:** Residential

1.3 **Proposal:** Variation of the S106 Agreement for the scheme granted planning permission on the 8<sup>th</sup> January 2009 (ref; PA/08/146) for the refurbishment of the existing buildings and the erection of nine blocks up to nine storeys in height in connection with the provision of 193 dwellings (13 x studios, 67 x 1 bed, 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5 x 5 bed); erection of four townhouses and a 510 sqm community centre.

The proposal amends the affordable housing tenure split to:

- Increase the provision of social rented housing from 31 to 54 residential units
- Reduce the provision of intermediate housing from 23 to 0 residential units
- The provision of market housing remains at 139 units

The overall provision of new build residential units on site remains at 193 units (comprising 13 x studio; 67 x1 bed; 79 x 2 bed; 22x 3 bed; 7 x 4 bed; 5 x 5 bed)

1.4 **Drawing Nos:** 485/5108 Rev B; 485/5109 Rev B; 485/5109 Rev B; 485/5110 Rev B; 485/5111 Rev B; 485/5112 Rev B; 485/5113 Rev B; 485/5114 Rev B; 485/5115 Rev B; 485/5116 Rev B; 485/5119 Rev B; 485/5120 Rev C; 485/5121 Rev B; 485/5122 Rev B; 485/5123 Rev B; 485/5124 Rev B; 485/5125 Rev B; 485/5126 Rev B; 485/5127 Rev B; 485/5129 Rev B; 485/5130 Rev A; 485/5131 Rev B

1.5 **Supporting Documents**

- Design and Access Statement by Leaside Regeneration dated July 2009
- Design and Impact Statement by Leaside Regeneration dated July 2009

1.6 **Applicant:** East End Homes

1.7 **Owner:** East End Homes

1.8 **Historic Building:** N/A

1.9 **Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- 2.2
- In light of the estate renewal objectives and the acute need for social rented housing within the borough, the proposal provides an acceptable amount of affordable housing with an appropriate tenure and dwelling mix overall. As such, the proposal is in line with policies 3A.1 & 3A.5 of the London Plan, policy HSG1, HSG7 of the Council's Unitary Development Plan 1998 and policies CP19, CP21, HSG2 of the Interim Planning Guidance (Oct 2007) & PPS3 (Housing) for the purposes of Development Control, which seek to ensure that new developments offer suitable housing choices to meet the housing needs of the borough.

## 3. RECOMMENDATION

3.1 That the Committee resolve that a Deed of Variation to the S106 Agreement be entered into, to the satisfaction of the Chief Legal Officer, in accordance with the affordable housing proposal as outlined in section 1.3 of the report.

## 4. PROPOSAL AND LOCATION DETAILS

4.1 Planning permission was approved under ref; PA/08/146 on the 8<sup>th</sup> January 2009 for the refurbishment of the existing buildings and the erection of nine blocks up to nine storeys in height in connection with the provision of 193 dwellings (13 x studios, 67 x 1 bed, 79 x 2 bed, 22 x 3 bed, 7 x 4 bed and 5 x 5 bed); erection of four townhouses and a 510 sqm community centre.

4.2 The table below illustrates the approved dwelling and tenure mix.

Unit ze	Total units	Social Rented			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	13	0	0	0	0	0	25	13	9.4	25
1 bed	67	0	0	20	12	48	25	55	39.6	25
2 bed	79	13	44.8	35	13	52	25	53	38.1	25
3 bed	22	4	13.8	30	0	0	25	18	12.9	25
4 bed	7	7	24.1	10	0			0		
5 bed	5	5	17.3	5	0			0		
<b>Total</b>	<b>193</b>	<b>31</b>	<b>100</b>	<b>100</b>	<b>23</b>	<b>100</b>	<b>100</b>	<b>139</b>	<b>100</b>	<b>100</b>

Table 1: Dwelling and tenure mix as approved under ref PA/08/146 dated 8<sup>th</sup> January 2009.

4.3 The applicant has now subsequently submitted this application to amend the tenure split in the S106 Agreement. The amendments involve the following:

- Increase in the provision of social rented housing from 31 to 54 residential units
- Reduction in the provision of intermediate housing from 23 to 0 residential units
- The provision of market housing remains at 139 units
- The overall provision of new build residential units on site remains at 193 units

4.4 The table below illustrates the proposed amendments to the tenure and dwelling mix.

Unit size	Total units	Social Rented			Private Sale		
		Units	%	Target %	Units	%	Target %
Studio	13	0	0	0	13	9.4	25
1 bed	67	12	22	20	55	39.6	25
2 bed	79	26	48	35	53	38.1	25
3 bed	22	4	7.4	30	18	12.9	25
4 bed	7	7	13	10	0		
5 bed	5	5	9	5	0		
<b>Total</b>	<b>193</b>	<b>54</b>	<b>100</b>	<b>100</b>	<b>139</b>	<b>100</b>	<b>100</b>

**Table 2: Proposed amendments to the tenure and dwelling mix**

4.5 The justification for the proposed tenure split is discussed in Section 7 of the report. The applicant has noted that the reasons for submitting this subject application are as follows:

- The proposed change of the intermediate dwellings to social rented will help alleviate some of the overcrowding that many existing RSL residents currently experience.
- The application has been guided to meet the current housing needs both in St Georges Estate and the borough as whole. As such, the proposal will have a positive impact on existing residents in the social rented Housing sector
- The proposed change to the tenure is also due to current housing market and the associated downturn in the economy, which has affected the current demand for and viability of intermediate housing

4.6 The subject application has been brought to committee for determination as the proposed amendment to the dwelling mix within the affordable housing provision is considered to alter the character of the approved scheme (ref; PA/08/146) and is materially different to the one approved earlier by members of the Strategic Development Committee.

4.7 A Section 106 Agreement can be varied either by the agreement of the parties to the Agreement or by formal application under S106A of the Town and Country Planning Act 1990. This report seeks the Committee's resolution to vary the existing S106 by agreement of the parties.

4.8 Should the committee resolve to vary the S106 Agreement; the existing legal Agreement will be amended via a Deed of Variation. This will amend the existing S106 Agreement to include the proposed amendments to the tenure split within the affordable housing provision, as outlined in sections 1.3 of the report. The existing S106 Agreement will remain in full force and effect.

## 5. RELEVANT 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)

Policies	DEV1	Design Requirements
	HSG1	Provision of Housing Development
	HSG7	Dwelling Mix

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

Policies	CP19	New Housing Provision
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CP21	Dwelling Mix and Type
CP22	Affordable Housing
HSG2	Housing Mix
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG5	Estate Regeneration Schemes

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

2A.1	Sustainability Criteria
3A.1	Increasing London's Supply of housing
3A.5	Housing choice
3A.7	Large Residential Developments
3A.8	Definition of affordable housing
3A.9	Affordable Housing Targets
3A.11	Affordable housing thresholds

**5.5 Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing

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

A better place for living safely  
A better place for living well  
Adopted Community Plan 2020 Vision/Issue

**LBTH Council Housing Documents**

Tower Hamlets 2009/12 Housing Strategy adopted in 2009  
Draft Overcrowding Reduction Strategy  
Strategic Housing Market and needs Assessment dated August 2009

**6. LOCAL REPRESENTATION**

6.1 A total of 1022 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 on site. The number of representations received from neighbouring and local groups in response to the publicity of the applications is as follows:

No of responses:	Objecting: 3	Supporting: 0
Petitions	Objecting: 0	Supporting: 0

6.2 The following issues were raised in representations relating to the proposed development.

6.3 Intermediate units are the only viable means of home ownership for some individuals. Removing intermediate ownership means that these people will be even in greater need for housing. In addition, removing intermediate ownership will exclude certain professionals from the potential of becoming estate residents. As such would be unfair to those who, as a result of their income, are not eligible for social rented accommodation

*(Officers comment: The Council's record of developments which are expected to be delivered from Registered Social Landlords (RSL's) forecasts that 940*

*intermediate units will be provided in the Borough in 2009/10 and 2010/11. This equates to 37% of the new affordable housing provision in the next two years. It is therefore felt that there will be enough supply and choice for residents with aspirations of low cost home ownership.*

*The St Georges Estate currently consists of 498 residential units, of which 40% are leasehold or freehold tenure (private units). The addition of the approved scheme mix would result in an overall estate mix of 50% private, 47% social rented and 3% intermediate. The approval of the subject scheme would result in an estate mix of 50% private and 50% social rented. It is therefore considered that there are already ample opportunities for home ownership tenure on the estate.*

*Please refer to paragraph 7.24-7.29 of the report for more detailed discussions on this matter).*

- 6.4 As a consequence of the lack of suitable units for intermediate ownership, low income individuals and families are forced to share; sometimes in cramped conditions, in order to pay for high private rents.

*(Officers comment: There is adequate provision of intermediate units within the Borough. Housing evidence based studies in the Borough have confirmed that the problem of overcrowding is far more prevalent in the affordable social rented tenure rather than the intermediate tenure units. The issue of overcrowding within the social rented tenure is discussed in section 7.15-7.23 of the report)*

- 6.5 LBTH Housing Strategy 2009-12 is very explicit regarding the need for intermediate ownership affordable housing. This Strategy notes that the London Housing Strategy proposes that future affordable housing targets be agreed with individual boroughs and also promote intermediate (principally low cost home ownership) affordable housing delivery'

*(Officers comment: The Housing Strategy 2009-12 identifies the regional context in which it has been prepared. It notes the headline messages of the Mayor's draft housing strategy includes enabling local authorities to set housing targets, within the context of the Mayor's overall requirements for new affordable units to be built within a three year period. The Mayor identifies a shift towards a greater provision of intermediate homes across London.*

*However, the Mayor's draft Strategy, along with other national guidance (PPS3) requires that local policies are set for local circumstances, reflecting an assessment of local needs. The LBTH Housing Strategy provides detailed information on the Council's housing needs, including the primary requirement for new affordable social rented housing. For this reason officers support the proposal to vary the social rented and intermediate mix away from the strategic target, indicated by the Mayor. The GLA have not previously objected to this variation, as they are comfortable it reflects local need.*

*Please refer to sections 7.6-7.14 of the report which explaining the need for social rented housing within the borough).*

- 6.6 East End Homes have not provided any justification for the proposed variation to the tenure split as approved under ref; PA/08/146 dated 8<sup>th</sup> January 2009

*(Officers comment: This assertion is incorrect. East End Homes have submitted*

*as part of the formal application a justification for the proposal in their Design & Impact Statement dated July 2009. This document is available for residents to view on the Councils website).*

- 6.7 One objector requested that East End Homes apply for further variation of the S106 to deliver the 23 intermediate shared ownership units out of the approved market units under ref; PA/08/146.

*(Officers comment: The above statement is irrelevant as this is not what is been proposed. As such, it not material planning consideration)*

- 6.8 The following question was asked by an objector: 'Was the Homes & Community Agency (HCA) grant funding based upon the mix set down in the conditional permission for Development?'

*(Officers comment: HCA grant funding was based on a mix comprising of 54 units for general needs rent. This grant application was made in late October 2008 when the applicant considered that the consented mix of affordable rent and intermediate units was no longer deliverable due to the continuing downturn in market conditions for shared ownership/intermediate units. The grant bid for 100% social rented accommodation was considered to be more viable).*

- 6.9 The following question was asked by an objector: Why was the provision of 31 Intermediate (shared) ownership units included in the S106 Agreement, two months after Telford Homes made a bid to HCA for 100% social rented units?

*(Officer's comment: As noted in sections 6.16 & 7.31 of the report, grant funding was made for 100% social rented units in October 2008 due to the economic downturn and viability of the scheme.*

*Grant funding was secured after the Section 106 Agreement was signed. LBTH Officers were consulted by the HCA. They confirmed their support for the grant application on the condition that a deed of variation to the S106 agreement was agreed. In order to agree this deed of variation, the applicant was required to submit this application to alter the S106, as the proposed change to the tenure mix is considered to alter the character of the approved scheme).*

- 6.10 The residential mix in the consented scheme (PA/08/146) should be retained.

*(Officers comment: The proposal would not be viable if it used the consented scheme mix. It is therefore not realistic to support such a contention).*

#### **Other non material objection**

- 6.11 The new development will have a detrimental impact on existing residential amenity in terms of loss of daylight. The objector notes that: "The planned development will be towering its shadow on the properties at Noble Court and reduce natural light received".

*(Officers comment: The impact the proposed development had on daylight levels to existing properties was considered and agreed by members in the original application (ref; PA/08/146). The subject proposal does not propose to alter the height, scale and bulk of the development that was previously approved. Therefore, amenity issues are not a material planning consideration to this alteration).*



- 6.12 One resident has asked if a lift assess will be introduced as part of the new entrance points to the first block of Noble Court (No's 1-15)

*(Officers comment: The applicant has confirmed that the occupiers of No's 1-15 Noble Court will have access to a new lift)*

## **7. MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by this report that the committee must consider are:

- The proposed amendment to the tenure split in comparison to the approved tenure mix
- The acute demand/need for social rented housing within the Borough
- The relevance the proposal has in addressing the problem of overcrowding of dwellings within the Borough
- The existing and forecast supply of intermediate housing within the Borough
- The deliverability of new housing schemes during the economic downturn.

### **The proposed amendment to the tenure split in comparison to the approved tenure mix**

- 7.2 With reference to new build residential units on site and as noted in section 4.1 of the report, planning permission (PA/08/146) was approved for 193 dwellings (13 x studios; 67 x 1 bed; 79 x 2 bed; 22 x 3 bed; 7x 4 bed & 5x 5 bed). This scheme provided 35% affordable housing by habitable rooms which was in accordance with policy CP22 which seeks to secure a minimum of 35% affordable housing on site.
- 7.3 With reference to the subject report, the proposed provision of affordable housing remains at 35% by habitable rooms. Therefore the amount of affordable housing is not a consideration in this application.
- 7.4 The approved tenure split within the new build affordable housing provision is 70/30 (social rented: intermediate) by habitable rooms. This is in accordance with Policy 3A.9 of the London Plan which seeks to secure a 70% social rented and 30% intermediate unit split.
- 7.5 The proposed tenure split to provide 100% social rented housing within the affordable housing provision does not strictly accord with the aspirations of policy 3A.9 of the London Plan and policy CP22 of the Interim Planning Guidance. However, this should be considered against recent, more detailed evidence based Housing studies specific to London Borough of Tower Hamlets which identifies the need for social rented housing in the Borough. These studies include:
- Tower Hamlets 2009/12 Housing Strategy adopted in 2009
  - Strategic Housing Market and needs Assessment dated August 2009
  - Draft Overcrowding Reduction Strategy

In light of the findings in the above Strategies, the key issues to consider are discussed in the following sections (7.6-7.35) of the report.

### **The acute demand/need for social rented housing within the Borough**

- 7.6 LBTH Housing Strategy (2009-2012) provides detailed information on the Council's Housing needs, including the primary requirement for social rented housing in the borough.
- 7.7 PPS3 'Housing' encourages Boroughs to adopt an evidence based policy approach to

housing. Local Development Documents and Regional Spatial Strategies policies should be informed by a robust, shared evidence base, in particular of housing need and demand, through a Strategic Housing Market Assessment. PPS3 stipulates that:

*“ Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers, taking into account information from the Strategic Housing Market Assessment”*

7.8 The Council’s Strategic Housing Market & Needs Assessment dated August 2009 identifies the acute need for affordable housing within the borough. It notes that there is a shortfall of 2, 700 units of affordable housing per annum. The total scale of future delivery would require a very significant increase in dwelling numbers to meet all needs.

7.9 With specific reference to social rented housing, the Strategy provides a detailed analysis of the social rented stock by bedroom size, the level of registered need and actual supply from turnover, based on the 2008/2009 year.

7.10 The table below illustrates the ratio of waiting list to supply as the number of years it would take for the waiting list for each property size to be met through the turnover of the existing stock. It also illustrates that there is an overwhelming demand for social rented housing in the Borough.

7.11

Stock size	Waiting list (HSSA) *		Social Turnover ***		Stock versus Supply
	Number	Percentage	Number	Percentage	
1 bedroom	11, 544	51.0	990	46.2	11.7:1
2 bedroom	4,695	20.8	733	34.2	6.4: 1
3 bedroom	4,677	20.7	346	16.2	13.5:1
4 bedroom	1,465	6.4	61	2.8	24.0:1
5 bedroom	243	1.1	12	0.6	20.2: 1
Total	22,624	100.0	2,142	100.0	10.6:1

Table 3: Social stock, Waiting list need and social turnover

\*- Local Authority HSSA Return- 2009

\*\*\*- Tower Hamlets Local Authority Data, Re- lets by bedroom size, 2008-2009

7.12 Moreover, the Councils adopted Housing Strategy 2009/12 clearly identifies as a key priority that :

*“the amount of affordable housing- particularly social housing in Tower Hamlets needs to be maximised”*

7.13 This is further reiterated in the supporting text to Policy HSG4 of the Interim Planning Guidance (Oct 2007) which states that:

*“The Councils priority is for the provision of affordable housing and more specifically social rented housing, in order to meet the identified Borough’s housing need”.*

- 7.14 In light of the above evidence, it is considered that this subject proposal would help address the great requirement for social rented housing in the Borough.

**The importance and relevance this proposal has in addressing overcrowding of dwellings within the Borough**

- 7.15 Overcrowding in residential units is a serious problem in the Borough. The severity of overcrowding is well documented in the following Councils evidence based documents:
- Housing Strategy 2009/12 adopted in 2009-09-06
  - Draft Overcrowding Reduction Strategy 2009-12

- 7.16 The evidence base to the adopted Housing Strategy 2001/12 notes that:
- Over 22,000 households were on the Common Housing Register, of which 64% were waiting for a home, with the remaining 36% likely to be existing tenants seeking a transfer
  - Over 7,000 households on the Common Housing Register were experiencing overcrowding

- 7.17 The Strategic Housing Market and needs Assessment dated August 2009 notes that :

*“ the overall over occupation level in the borough is 16. 4% or 15, 752 implied households, much higher than the average U.K level indicated by the survey of English Housing Preliminary report 2007/2008 of 2.7%”*

This illustrates that the problem of Overcrowding is over 6 times greater in Tower Hamlets than the average Borough in the UK.

- 7.18 Overcrowding is also a key driver of homelessness in the Borough. The number of families on waiting lists for existing housing stock remains high. The Councils Overcrowding Strategy (which is due to be approved by Cabinet on the 7<sup>th</sup> October 2009) provides very recent statistics on overcrowding. It notes that:

*“ By far, the largest amount of overcrowding occurs in the socially rented sector. Whilst Tower Hamlets has made significant progress in reducing overcrowding within its existing stock, the number of families on the waiting list remains daunting. In total, more than 11,000 households are registered for two, three, four or five bedroom plus properties. While some of those will be households placed in suitably sized temporary accommodation, a significant proportion of the remainder are currently living in overcrowded conditions”.*

- 7.19 In June 2009, the waiting list stood at 22,624 households. The need was greatest (over 11,500) amongst households seeking a home with one bedroom. In addition, 1,708 households needed a home with four bedrooms or more.

- 7.20 Furthermore, there were 6,385 applicants on the housing register seeking 3 bed plus family sized accommodation. In 2008/09 416 lets were made for 3 bed plus accommodation. This only addressed 6 percent of the need, with supply clearly not meeting the demand.

- 7.21 Specifically, looking at overcrowded households:

- 7,648 households on the housing register lack 1 bedroom (overcrowded);
- 1,798 lack 2 bedroom or more (severely overcrowded).

This means that around 41 percent of households on the housing register currently live in

overcrowded households.

7.22 There are approximately 10,720 households on the housing register requiring 2 bed plus sized properties. By implication, these are households with children as you would require only one bedroom for the parents and any additional bedrooms for children. Of these, 4,950 households lack 1 bedroom or more. This would imply that 46 percent of families on the housing register are living with children in overcrowded conditions.

7.23 It is considered that the proposal would assist in alleviating some of the severe over crowding that many existing residents currently experience in the social rented sector in the Borough. It would also assist in implementing key objectives explored in following two evidence based documents:

- 1) Housing Strategy 2009/12 adopted in 2009
- 2) Draft Overcrowding Reduction Strategy 2009-2012

**The existing and forecast supply of intermediate housing within the Borough**

7.24 It has been reported both on a national and local level that, due to the economic downturn, Registered Social Landlords (RSL's) have experienced difficulty in attracting buyers for intermediate units. This is due to a number of reasons including;

- difficulty in getting mortgages,
- buyers unwilling to buy in a period of uncertainty,
- Over supply of new intermediate units.

As a consequence, some RSL's have, with the approval of their Local Planning Authority, changed these to units to another form of affordable housing.

7.25 The table below demonstrates that there is not a shortage of intermediate housing in the Borough. On the contrary, there is adequate amount of intermediate housing within the borough and it is anticipated that the supply will continue to increase in 2010 & 2011. Over the past three years delivery of intermediate units as a percentage of the total new affordable supply was 44%

7.26

	2006/07	2007/08	2008/09	Average	%
New RSL Affordable (Social) Rent	759	704	356	606	56
RSL Shared Ownership (Intermediate)	277	542	616	478	44
	1036	1246	972	1084	100

Table 4. 2006/07 to 2008/09 New Affordable Housing Supply

7.27 The Borough's forecast for the delivery of intermediate affordable housing units in 2009/10 will be 39% of the overall new affordable housing; which equates to 553 intermediate units. The units forecast to be delivered in 2010/11 will be 36% of the overall new affordable housing provision; which equates to 407 intermediate units. The table below illustrates this further.

7.28	2009/10 units	% age	2010/11 units	% age
Rent	847	61.4	730	64.2
Intermediate	533	38.6	407	35.8
Total	1380	100	1137	100

7.29 Therefore, it is evident that there is adequate provision for intermediate housing in the Borough. As such, the reduced provision of new intermediate units on St Georges Estate will not have an affect on individuals who seek to occupy intermediate units within the Borough.

**The continued deliverability of new housing schemes during the economic downturn.**

7.30 In assessing the subject proposal, one of the key issues to consider is the overall deliverability of the scheme during the economic downturn, and in turn the deliverability of much needed affordable housing on this site.

7.31 The committee resolved to grant planning permission for ref; PA/08/146 on the 28<sup>th</sup> August 2008, (the formal decision was issued on the 8<sup>th</sup> January 2009). The grant bid for the delivery of the affordable housing was submitted to the Homes & Community Agency (HCA) in late October 2008, approximately 2 months after the committee resolution. Within that 2 month time period, the downturn in the economic climate became increasingly evident. As a response to the downturn in market conditions, the applicants proposed bid for funding proposed on all rented mix as this was considered more viable in these difficult market conditions.

7.32 PPS3 (para11) identifies overall objectives which requires that housing polices account for market conditions. The deliverability of housing, particularly in the current economic climate is a priority for both Council and Government Office for London, in particular in terms of meeting the borough's commitments for National Indicator 154 (net addition homes provided) and National Indicator 155 (number of affordable homes delivered).

7.33 In summary, the composition of housing (including the affordable component) on the St George's site has to be assessed in terms of what is appropriate and deliverable on this site, within the context of the local planning guidance, local housing priorities and available funding. It is within this specific context that this proposal to vary the S106 Agreement is considered acceptable and therefore recommended for approval.

7.34 Policy HSG4 of the Council's Interim Planning Guidance (Oct 2007) stipulates the Council's preferred option of 80:20 social rented to intermediate housing, but makes clear that the Council may consider varying the ratio of social rented to intermediate housing. The current application, to vary the approved mix to 100% rented, does not imply a change in policy or set a precedent for any future similar applications, which will all be considered on their individual merits.

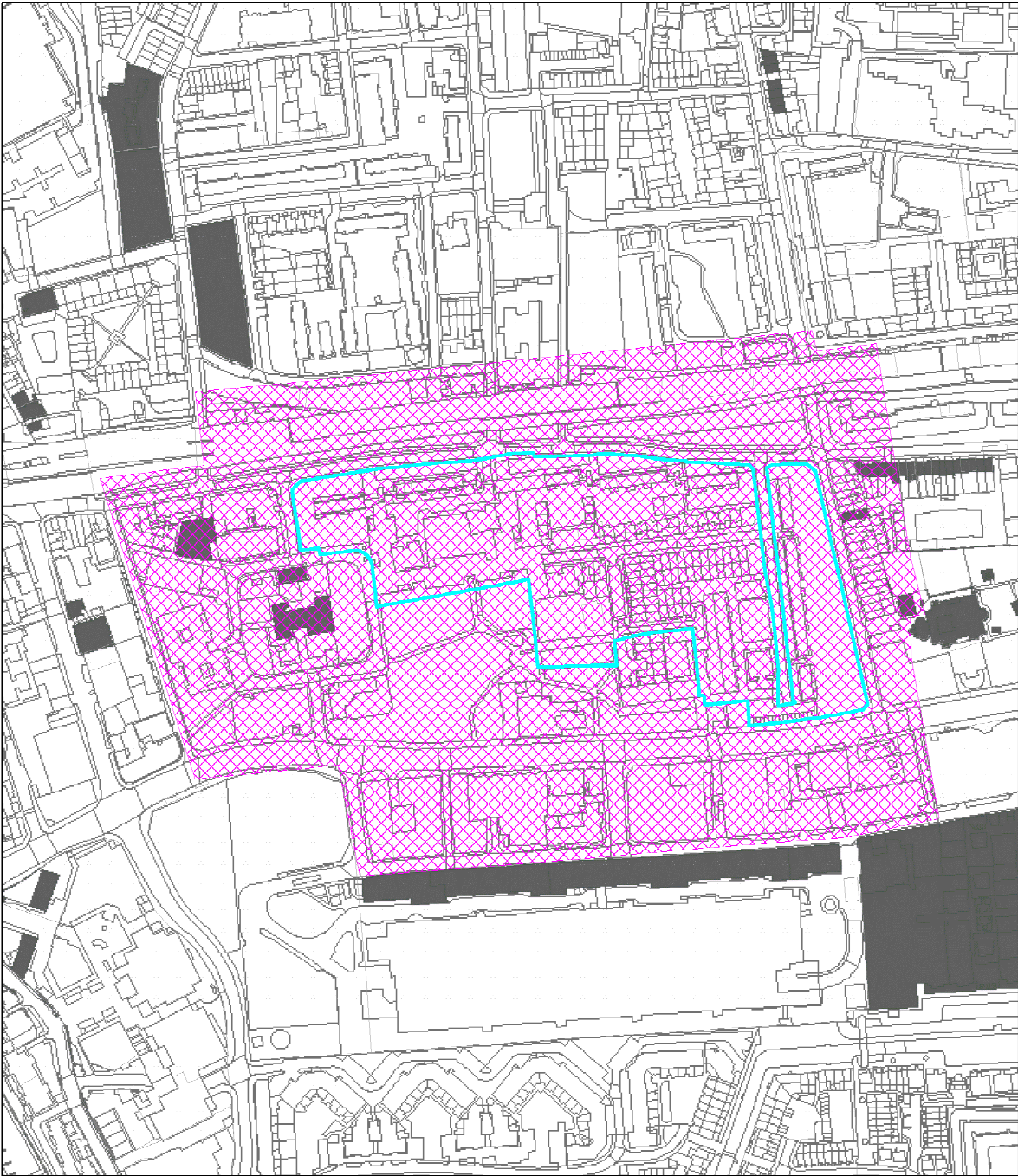
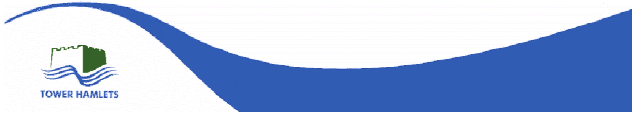
7.35 Officers consider that the applicant's proposal to vary the s106 Agreement in order to provide 100% (54 new units) affordable social rented units, will ensure that affordable housing will be delivered in line with the current housing needs of the Borough, as identified in the following Council documents:





- Tower Hamlets Housing Strategy 2009/12
- Draft Overcrowding Reduction Strategy
- Strategic Housing Market and needs Assessment August 2009
- Adopted Community Plan 2020 Vision/issue

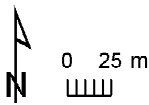
## **Conclusions**

- 8.1 All other relevant policies and considerations have been taken into account. Resolution to enter into a Deed of Variation to the S106 Agreement should be granted for the reason 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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# Agenda Item 8.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 <sup>rd</sup> September 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application and Conservation Area Consent		
<b>Case Officer:</b> Richard Murrell	<b>Ref No:</b> PA/08/02709 and PA/08/0710 (CAC)		
	<b>Ward:</b> Millwall (February 2002 onwards)		

## 1. APPLICATION DETAILS

**Location:** Hertsmere House, 2 Hertsmere Road , London E14 4AB  
**Existing Use:** Office (Class B1 Use)  
**Proposal:** Demolition of existing building.  
Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

**Drawing Nos/Documents:** PA/08/02709  
A1/PL/000 REVA, A1/PL/001 REVC, A1/PL/002 REVA,  
A1/PL/003 REVB, A1/PL/004 REVA, A1/PL/005 REVB,  
A1/PL/007 REVA, A1/PL/008 REVA, A1/PL/019 REVA,  
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A1/PL/109 REVA, A1/PL/110 REVA, A1/PL/120 REVA,  
A1/PL/121 REVA, A1/PL/122 REVA and A1/PL/123 REVA.

- Environmental Statement and Further Information

*Prepared by URS Corporation December 2008, March 2009  
and May 2009.*

- Design and Access Statement

*Prepared by Mark Weintraub Architecture & Design Dec. 2008*

- Planning Statement

*prepared by GVA Grimley December 2008*

- Transport Assessment and Interim Travel Plan  
*prepared by Steer Davies Gleave dated December 2008*
- Sustainability Statement  
*Prepared by URS Corporation December 2008*
- Consultation Sweep-Up (including revised Energy Statement, Access Statement and Aerodrome Safeguarding Assessment)  
*Prepared by various authors. April 2009.*

PA/08/02710  
Site Location Plan and A1/PL/112A

- Environmental Statement and Further Information  
*Prepared by URS Corporation December 2008, March 2009 and May 2009.*
- Design and Access Statement  
*Prepared by Mark Weintraub Architecture & Design Dec. 2008*
- Planning Statement  
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*Prepared by various authors. April 2009.*

**Applicant:** Commercial Estates Group for and on behalf of GMV Ten Ltd  
**Ownership:** Commercial Estates Group  
 EDF Energy  
**Historic Building:** Site in vicinity of Grade I and Grade II Listed buildings.  
**Conservation Area:** West India Dock

## 2. RECOMMENDATION

- 2.1 Members are not required to make any decision. The purpose of this report is to update Member's on the progress of this application.

## 3 BACKGROUND

- 3.1 Applications for planning permission and conservation area consent were reported to Strategic Development Committee on 25<sup>th</sup> June 2009 with an Officer recommendation for approval.
- 3.2 Member's expressed concern over the design of the proposed building, the impact on the Conservation Area, the setting of adjacent Listed buildings, and on the impact on the amenity of neighbouring occupiers. Member's voted to defer making a decision to allow Officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision.
- 3.3 A further report was presented to Members' on 4<sup>th</sup> August 2009, and it was resolved that the applications should be REFUSED for the following reasons:-

Planning application

1. *The proposed development, by virtue of its design, scale and massing would detract from the setting of nearby Grade I and Grade II listed buildings and would fail to preserve or enhance the character and appearance of the West India Quay Conservation Area and as such is contrary to policies 4B.11 and*

*4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.*

2. *The proposed development would result in unacceptable loss of daylight to Matthew House, Riverside House and Mary Jones House and an unacceptable loss of sunlight to Riverside House and as such is contrary to saved policies DEV1 and DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the 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.*

#### Conservation Area Consent

1. The proposed building, by virtue of its design, scale and massing would not represent a suitable replacement for the existing building. The proposed demolition of the existing office block on-site is therefore contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

unless any contrary direction from the Mayor was received.

#### **Direction of the Mayor**

- 3.4 In accordance with the provisions of Town and Country Planning (Mayor of London) Order 2008 the planning application, and the connected application for Conservation Area Consent, were referred to the Mayor.
- 3.5 The Mayor has considered the case and has directed that he will 'take over' the applications and act as local planning authority. This means that London Borough Tower Hamlets cannot proceed and issue any decisions on these applications.
- 3.6 Three policy tests (specified in GOL Circular 1/2008) must be passed in order for the Mayor to justify taking over an application. The Mayor has produced a report setting out his reasons for taking over the application against these policy tests, which in summary are:-
  - a) The development would have a significant impact on the implementation of the London Plan because:
    - The proposal has a significant impact on the delivery of London Plan economic and land use policies for Canary Wharf. The application proposes 30, 085 square metres of office floorspace, 192 hotel rooms and could provide approximately 2,400 jobs.
    - The proposal has a significant impact on London Plan strategic views and would contribute to the expansion of the existing cluster of tall buildings in Canary Wharf.
    - The application would contribute towards the delivery of Crossrail, thus improving transport and development capacity in Canary Wharf and so impacting on the implementation of existing and emerging London Plan policies.
  - b) The development would have a significant effect on more than one borough

because:

- The development of a 63-storey building on the edge of the existing tall building cluster of tall buildings in Canary Wharf would increase its visibility from within a number of surrounding boroughs.
- The future development of the Isle of Dogs, and Canary Wharf, are interconnected with the Central Activity Zone and consequently those boroughs that share its designation.
- This application would contribute to the delivery of Crossrail thus increasing transport accessibility across London.

c) There are sound planning reasons for the Mayor's intervention because:

- Canary Wharf is known globally as a focus for banking, finance and business. Development in Canary Wharf should complement the international offer of the Central Activities Zone and support a globally competitive business cluster. The provision of a significant amount of office and hotel space would help to meet the future demands of the business and financial sector and would enable London to maintain, and expand, its world city role in accordance with national, regional and local policies.
- London Plan policy 5C.3 states that development in Isle of Dogs Opportunity Area should, subject to other policies, maximise non-residential densities. Failure to promote appropriate high-density commercial development within the Isle of Dogs, and particularly Canary Wharf, could potentially impact upon the economic health of the sub-region and London as a whole.

3.7 Under the provisions of the Order the Mayor has the power to approve or refuse the scheme. If the Mayor approves the scheme he will also be responsible for negotiating any S106 planning obligations and for imposing any conditions. If the scheme were recommended for approval the Council would be consulted on any proposed obligations or conditions.

#### **Process for determining application**

3.8 The Mayor will determine the applications at (or within a few days of) a public hearing. This is likely to take place in early October. All those who were originally consulted on the application will be sent a letter advising them of the date of the hearing. All those who have previously sent in representations regarding the applications will have the opportunity to speak at the hearing. These letters will be sent out by the Greater London Authority 14 days prior to the meeting taking place.

3.9 The local planning authority has the opportunity to make representations at the hearing, and Officers would use this opportunity to vigorously defend the decision made by the Council.

#### **4.0 APPENDICES**

- 4.1 Appendix One - Original committee report to Members on 25<sup>th</sup> June 2009
- 4.2 Appendix Two – Addendum to main committee report to Members on 25<sup>th</sup> June 2009
- 4.3 Appendix Three – Report to Members on 4<sup>th</sup> August 2009
- 4.4 Appendix Four – Draft decision notice

# Agenda Item 9.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 25 June 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b> 9.2
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application and Conservation Area Consent
<b>Case Officer:</b> Richard Murrell	<b>Ref No:</b> PA/08/02709 and PA/08/0710 (CAC)
	<b>Ward:</b> Millwall (February 2002 onwards)

## 1. APPLICATION DETAILS

**Location:** Hertsmere House, 2 Hertsmere Road , London E14 4AB  
**Existing Use:** Office (Class B1 Use)  
**Proposal:** Demolition of existing building.

Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

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A1/PL/082, A1/PL/083 REVA, A1/PL/085 REVA, A1/PL/086  
REVA, A1/PL/087 REVA, A1/PL/088 REVA, A1/PL/090,  
A1/PL/091 REVB, A1/PL/092 REVB, A1/PL/093 REVA,  
A1/PL/094 REVA, A1/PL/095 REVA, A1/PL/096 REVA,  
A1/PL/097 REVA, A1/PL/098 REVA, A1/PL/099 REVA,  
A1/PL/101 REVA, A1/PL/102 REVA, A1/PL/103 REVA,  
A1/PL/104 REVA, A1/PL/105 REVA, A1/PL/106 REVA,  
A1/PL/107 REVA, A1/PL/108 REVA, A1/PL/109 REVA,  
A1/PL/110 REVA, A1/PL/120 REVA, A1/PL/121 REVA,  
A1/PL/122 REVA and A1/PL/123 REVA.

PA/08/02710  
Site Location Plan and A1/PL/112A

- Environmental Statement and Further Information  
*Prepared by URS Corporation December 2008, March 2009 and May 2009.*
- Design and Access Statement  
*Prepared by Mark Weintraub Architecture & Design Dec. 2008*
- Planning Statement  
*prepared by GVA Grimley December 2008*
- Transport Assessment and Interim Travel Plan  
*prepared by Steer Davies Gleave dated December 2008*
- Sustainability Statement  
*Prepared by URS Corporation December 2008*
- Consultation Sweep-Up (including revised Energy Statement, Access Statement and Aerodrome Safeguarding Assessment)  
*Prepared by various authors. April 2009.*

**Applicant:** Commercial Estates Group for and on behalf of GMV Ten Ltd  
**Ownership:** Commercial Estates Group  
 EDF Energy  
**Historic Building:** Site in vicinity of Grade I and Grade II Listed buildings.  
**Conservation Area:** West India Dock

## 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 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:

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- The redevelopment of an under-utilised site with additional office floorspace, hotel rooms, serviced apartments and associated commercial uses will consolidate and support the future economic role of the north of the Isle of Dogs as an important global business centre. The scheme therefore accords with policies 3B.3, 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), policies ART7, DEV3 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP8, CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policies IOD13 and IOD15 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's roles as a leading centre of business activity.
- A contribution has been secured towards the provision of off-site affordable housing in lieu of the absence of any on-site housing. This accords with the requirements of London Plan (consolidated with Alterations Since 2004) policy 5G.3, which identifies Canary Wharf as an area where an off-site provision of housing should be accepted as on-site housing would compromise the broader objectives of sustaining important clusters of business activities.
- The building's height, scale, bulk and design is acceptable and accords with regional and local criteria for tall buildings. The proposal is therefore acceptable in terms of policies 4B.8, 4B.9 and 4B.10 of the London Plan (Consolidated with alterations since 2004), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3, CP46, DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings

are of a high quality design and suitably located.

- The high quality design of the tower ensures the development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance with London Plan (Consolidated with Alterations since 2004) policies 4B.1, 4B.8 and 4B.9, policy DEV8 of the Council's Unitary Development Plan and policies CP48 and CP50 of the Council's Interim Planning Guidance (2007), and 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.
- The proposal will enhance the setting of nearby Grade I and Grade II Listed buildings and will enhance the character and appearance of the West India Quay Conservation Area by the replacement of the existing building with an example of high quality architecture and as such accords with policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), policy DEV28 of the Council's Unitary Development Plan 1998 and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
- 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 urban context of the site and as such 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.
- Sustainability matters, including energy, are acceptable and accord with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (Consolidated with Alterations since 2004) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development..
- Transport matters, including parking, access and servicing, are acceptable and accord with London Plan (Consolidated with Alterations Since 2004) policies 3C.1 and 3C.23, policies ST34, T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Contributions have been secured towards the provision of transport infrastructure improvements; open space and public realm improvements; and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

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- The existing building makes no significant contribution to the character of the West India Dock Conservation Area and there is no objection to its demolition subject to it being replaced with a suitably designed alternative. The proposal therefore accords with the requirements of policy DEV28 of the Council's Unitary Development Plan

and policy CON2 of the Council's Interim Planning Guidance, which seek to ensure high quality development that enhances the character of Conservation Areas.

### 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:

#### 3.2 Financial Contributions

- a) Provide a contribution of £1, 155, 340 towards the provision of off-site affordable housing;
- b) Provide a contribution of £3, 581, 553 towards transportation improvements;
- c) Provide a contribution of £332, 756 towards local employment and training initiatives;
- d) Provide a contribution of £433, 252 towards the improvement of local parks, open spaces and public realm; and
- e) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

#### 3.3 Non-financial Contributions

- f) Travel Plan;
- g) Publicly accessible pavilion and upper floor restaurant /bar;
- h) TV and Radio Reception Monitoring;
- i) Maximum duration occupancy 90 days for serviced apartments
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

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

#### 3.6 **Conditions**

- 1) Time Limit (5 years)
- 2) Details of external materials including 1:1 scale sample of cladding system
- 3) Details of ventilation / fume extraction equipment for commercial units
- 4) Details of hours of opening of commercial units
- 5) Details of noise output and mitigation measures for all plant
- 6) Details of hard and soft landscaping
- 7) Assessment and mitigation for impact on microclimate
- 8) Details of mitigation from Crossrail noise and vibration
- 9) Provision of aviation warning lighting
- 10) Details of allocation of car-parking spaces between uses
- 11) Details of provision of cycle parking for serviced apartments
- 12) No additional car-parking to be provided
- 13) Energy Strategy to be implemented
- 14) Submission demonstrating building meets BREEAM 'Excellent' standards



- 15) Demolition and Environmental Construction Management Plan required. Including: - Feasibility study and details of moving waste and materials by water during construction, limits of hours of construction work, protection of trees.
- 16) Details of foundation construction method
- 17) Provision of notice to Crossrail for commencement of foundation works.
- 18) Survey and scheme of improvements to dock wall
- 19) Assessment of structural integrity of basement
- 20) Assessment potential groundwater contamination
- 21) Prevention of light-spill onto waterway.
- 22) Service Management Plan
- 23) Land contamination assessment required
- 24) Programme of archaeological work required
- 25) Landscape Management Plan including measures to promote biodiversity
- 26) Water supply infrastructure required
- 27) Further detail air quality impact and mitigation
- 28) Risk and Method Statement for works adjacent to water
- 29) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

### 3.7 **Informatives**

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

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

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

#### **Conditions**

No demolition to take place until a planning permission has been granted for the redevelopment of the site.

No demolition until scheme of demolition management approved.

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

### **Background**

4.1 Applications for planning permission (reference PA/03/00475) and Conservation Area Consent (PA/03/00878) for an almost identical 63 storey building to that which is currently proposed, were reported to Development Committee on 18<sup>th</sup> March 2004. Committee resolved to grant permission subject to conditions and a S106 agreement. Following the completion of the S106 agreement permission was granted on 2<sup>nd</sup> March 2005.

- 4.2 The building has not been constructed. The existing permissions remain extant, however they are due to expire on 2<sup>nd</sup> March 2010.
- 4.3 Following amendments to planning legislation it is no longer possible to extend the life of an unimplemented permission. Consequently the Applicant has submitted a new application to extend the time available to commence the development. The Applicant has stated that the reason the additional time is required is to avoid the construction of the tower conflicting with the engineering works being carried out under the site as part of the Crossrail tunnelling.
- 4.4 The Applicant has made some amendments to the design to bring the scheme into accordance with current policy and to respond to objections made during the course of consultation.
- 4.5 The revisions include:-
- Amendment to external plan form,
  - Amendment to detailed design of roof and podium,
  - Alterations to elevation treatment,
  - Incorporation of additional renewable energy,
  - Additional visitor cycle parking,

#### **Proposal**

- 4.6 The application proposes the demolition of the existing building and the redevelopment of the site with a ground and 63 storey building (maximum height 242 metres AOD). The building will provide a mixture of office, hotel, serviced apartments commercial and leisure uses.
- 4.7 The building would comprise a two storey basement. A ground and two storey podium would sit above this rising to a height of 18m AOD. The tower itself would rise above the podium to a maximum of 63 storey (242m AOD).
- 4.8 The uses within the building are vertically stacked. The podium provides retail space and a double height publicly accessible pavilion / winter garden. The office use occupies the low rise section of the tower, then the fitness and leisure centre in the mid-rise section. The hotel and serviced apartments occupy the high-rise zone. The top of the building is capped with penthouse hotel suits, a restaurant and a bar.
- 4.9 The basement provides parking and plant space. Various upper floors provide additional plant and 'back of house' space.
- 4.10 The ground floor pavilion/winter garden, high-level bar and restaurant would be accessible to the public.
- 4.11 The floorspace provided for each use given in the table below:-

<b>Use</b>	<b>Gross External Floor Area (square metres)</b>
Office (Use Class B1)	30, 871
Hotel (Use Class C1)	30, 081 (192 rooms)
Serviced Apartments (sui generis)	16, 693 (74 rooms)
Commercial (Use classes A1 – A5)	1, 468

Leisure (Use Class D2)	2, 731
Plant (above ground)	4, 877
Basement (excluding retail back of house)	6, 992
Winter Garden, Internal Public Circulation, Podium Core and Servicing	1, 246
Total	96, 433

- 4.12 The basement would contain 67 car-parking spaces. Of these 10% (7 spaces) will be designated as disabled spaces. Five of the spaces would be 'shared spaces' that could also be used for the parking of motorcycles

### **Site and Surroundings**

- 4.13 The application site occupies an area of 0.36 hectares. The site is located off Hertsmere Road at the Western end of West India Dock North. The site is currently occupied by Hertsmere House, a 4-storey office building which was constructed in the late 1980s. The site is largely covered by the office building, with landscaping and mature trees around the perimeter.
- 4.14 Directly to North of the site are the Grade I Listed 'Gwilts' dock warehouses. These low-rise buildings are in commercial use on the ground floor with residential above. Further behind these is a cinema complex and a multi-storey car-park. Further along the dockside adjacent to the Listed warehouses is the modern 33 storey West India Quay Tower comprising hotel / residences.
- 4.15 To the East is West India Dock North itself, the dock walls of which are also Grade I Listed. To the South are the commercial high-rise buildings of the Canary Wharf Estate. These range from the 10 – 20 storey 'CSFB' buildings, directly to the South of the site, to One Canada Square the tallest at 245.75AODm metres high.
- 4.16 To the south-west of the site are the Cannon Street Workshops and Dockmasters House, which are Grade II Listed. There are residential dwellings, including some Grade II Listed properties along Garford Street and Hertsmere Road.
- 4.17 The site is located in an area with a PTAL of 5. The site is approximately 300 – 400m away from DLR stations are West India Quay and Canary Wharf. The Canary Wharf Jubilee line is 675m to the East. The closest bus stops are approximately 300m away. The site is located directly above confirmed alignment for future Crossrail tunnels.
- 4.18 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone, east-west Crossrail safeguarding and a designated Flood Protection Area.
- 4.19 A narrow strip of the northern frontage of the site falls just within the West India Dock Conservation Area.
- 4.20 West India Dock North forms part of the Blue Ribbon Network and is a site of Importance for Nature Conservation.
- 4.21 In the Isle of Dogs Area Action Plan the site is identified as Development Site 32, with a mixtures of Employment (B1) and Retail and Leisure (A1, A2, A3, A4 and A5) land uses preferred (this designation is a reflection of the grant of the previous planning permission).

4.22 In the Council's Interim Planning Guidance the site is located within a Major Town Centre.

### **Relevant Planning History**

4.23 The following planning decisions are relevant to the application:

- PA/03/00475 Demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing. Approved 2<sup>nd</sup> March 2005.
- PA/03/00878 Demolition of existing building to facilitate the redevelopment of site. [Conservation Area Consent] Approved 2<sup>nd</sup> March 2005.
- PA/08/02377 Request for Scoping Opinion as to the information to be contained within an Environmental Impact Assessment to be submitted in support of an application for demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing. Scoping Opinion Issued 16<sup>th</sup> December 2008.
- PA/09/00309 Variation of conditions 2, 12, 13, 14, 18, 21, 22, 24 and 25 of planning permission dated 2nd March 2005, reference PA/03/475 in order to set back trigger for the submission of further details.
- PA/09/0488 Variation of Condition 2 pursuant to Conservation Area Consent dated 2nd March 2005, reference PA/03/878 in order to allow preliminary demolition works.

## **5. POLICY FRAMEWORK**

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

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

Proposals:	Flood Protection Area Central Area Zone East-West Crossrail Adjacent to site of Nature Conservation Importance Adjacent to Water Protection Area
Policies:	ST1 Addressing needs of all residents ST12 Encourage range of cultural activities ST15 Facilitate expansion of local economy ST17 To promote high quality work environments ST28 Restrain unnecessary use of private cars ST30 To improve safety for all road users ST34 To support range of shopping ST35 To retain reasonable range local shops ST37 To improve physical appearance of parks and open-spaces ST41 To encourage new arts and entertainment facilities ST47 To support training initiatives DEV1 Design Requirements

DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV8	Protection of local views
DEV12	Provision of Landscaping in Development
DEV15	Retention of Mature Trees
DEV32	Buildings worthy of protection
DEV43	Protection of Archaeological Heritage
DEV46	Protection of Waterway Corridors
DEV48	Riverside Walkways
DEV50	Noise
DEV51	Soil Tests
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Sites of Nature Conservation
DEV69	Water Resources
CAZ1	Location of Central London Core Activities
T1	Improvements to rail services
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T26	Promoting of Waterways for Freight
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences
S1	Shops in District Centres
S7	Special Uses
ART1	New facilities
ART7	Location Major Hotel Development

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

Proposals:	Development site ID32 – Identifies preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4, A5) Major Centre Flood Risk Area Isle of Dogs Area Action Plan Draft Crossrail Boundary Adjacent site of Importance for Nature Conservation Adjacent Public Open Space (Isle of Dogs wharves) Adjacent Blue Ribbon Network Adjacent Inland Water
Core Strategies:	IMP1 Planning Obligations CP1 Creating Sustainable Communities CP2 Equality of Opportunity CP3 Sustainable Environment CP4 Good Design CP5 Supporting Infrastructure CP7 Job Creation and Growth CP8 Global Financial and Business Centre CP11 Sites in Employment Use CP13 Hotels, Serviced Apartments and Conference Centres CP16 Vitality of Town Centres  CP29 Improving Education and Skills

	CP31	Biodiversity
	CP33	Site of Importance for Nature Conservation
	CP36	The Water Environment and Waterside Walkways
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP44	Sustainable Freight Movement
	CP46	Accessible Environments
	CP48	Tall Buildings
	CP49	Historic Buildings
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution
	DEV12	Management of Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	EE4	Serviced Apartments
	OSN3	Blue Ribbon Network and the Thames Policy Area
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	IOD1	Spatial Strategy
	IOD2	Transport and movement
	IOD5	Public open space
	IOD7	Flooding
	IOD8	Infrastructure capacity
	IOD10	Infrastructure and services
	IOD13	Employment Uses in the Northern sub-area
	IOD16	Design and Built Form in the Northern sub-area
	IOD17	Site allocations in the Northern sub-area

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

2A.1	Sustainability Criteria
3B.1	Developing London's economy

3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.12	New Cross-London Links
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.25	Freight Strategy
3D.1	Supporting Town Centres
3D.7	Visitor Accommodation
3D.14	Biodiversity and Conservation
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.12	Flooding
4A.13	Flood risk management
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety and Security
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s Built Heritage
4B.12	Heritage Conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.1	Blue Ribbon Network
4C.23	Docks
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London

**5.5 Government Planning Policy Guidance/Statements**

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

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

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

**6. CONSULTATION RESPONSE**

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.1 The following were consulted regarding the application:

6.2 **LBTH Air Quality**

- Satisfied with submitted Environmental Statement
- Detail of location and height of stack for boiler plant
- Verification of Nox concentrations required
- Conditions for air quality mitigation requested.

Officer comment:

*Suitable conditons regarding the submission of this detail would be imposed on any permisison.*

6.3 **LBTH Cultural Services**

The proposed development will increase the daytime population in the Canary Wharf area significantly. As such the development will impact on existing social infrastructure and open space provision. Contributions should be sought to mitigate for this impact to ensure there is sufficient capacity for both residents and resulting daytime population. This should include a contribution towards improving capacity of open spaces / sports pitches.

Officer Comment

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

6.4 **LBTH Energy Efficiency**

- The Applicant has followed Energy Hierarchy set out in London Plan
- A 240kW Fuel is proposed as part of CHP system to meet 20% on-site renewable energy requirement
- The fuel cell will provide CO2 savings of 23% initially when running from Natural Gas rising to 37% when switched to Hydrogen fuel.
- PV panels are also provided
- The combined Energy Strategy proposes to reduce development CO2 emissions by 17.6% through Energy Efficiency measures.
- The development could be connected to a future district heat system
- Development should be assessed against BREEAM ratings and should achieve a minimum 'excellent' rating.
- Conditions are recommended to ensure compliance with the proposed Energy Strategy

Officer Comment:

*Suitable conditions would be imposed on any permission.*

6.5 **LBTH Environmental Health (Contaminated Land)**

- Satisfied with submitted Ground Conditions Report. Conditions requested to carry out further investigation works

Officer comment:

*Suitable conditions would be imposed on any permission.*



## 6.6 LBTH Environmental Health (Noise and Vibration)

- Site will be affected by noise and vibration from future Crossrail network. Further survey work and mitigation would be required by condition.
- Development site is within noise exposure category A in relation to Road Traffic Noise. No objections.
- Further information required in relation to noise and ventilation of A3/A4 uses.
- Conditions required to limit hours of construction activity.

### Officer comment:

*Suitable conditions would be imposed on any permission to ensure future occupiers, and occupiers of neighbouring properties do not suffer from adverse noise or vibration.*

## 6.7 LBTH Environmental Health (Daylight and Sunlight)

- VSC losses to Mary Jones House, Matthew House and Riverside House exceed 25%
- ADF losses at Garford Street, Mary Jones House, Matthew House and Riverside House excessive
- Daylight Distribution Contours (No Sky Line) acceptable
- Average Probable Sunlight Hours acceptable with the exception of Riverside House where there are significant failures.
- Developer should provide mitigation or amend scheme to improve the impact.

### Officer comment:

*This matter is discussed under the amenity section of the report.*

## 6.8 LBTH Highways

- Site accessibility is very good with PTAL5
- Vehicle access via privately owned Hertsmere Road.
- Scheme has no significant impact on highways
- Applicant advised to convert some car-parking spaces to motorcycle spaces.
- Cycle parking adequate
- Contributions may be required to mitigate for impact on public transport

### Officer Comment

*These matters are discussed under the Transportation Section of this report, and are considered to be acceptable.*

## 6.9 LBTH Primary Care Trust

- No objections, the application does not propose any permanent residential accommodation so no healthcare S106 contribution is required.

## 6.10 British Waterways (Statutory Consultee)

- Concerned scale of building may adversely affect the adjacent listed buildings and appear overbearing.
- Wind tunnel study needs to assess impact on Canon workshops.
- Freight by water should be investigated
- Maintenance service charge requested for additional impact of pedestrian footfall on dock.
- Feasibility of dock water for heating and cooling should be investigated.
- Conditions requested regarding Risk Assessment and Method Statement for works adjacent to water.

### Officer Comment

- *The scale of the building is discussed under main issues. Additional wind-tunnel modelling would be carried out at the detailed design stage to ensure appropriate mitigation is provided to prevent adverse wind impacts. A condition would require the feasibility of moving freight by water to be considered. Officer's do not consider that the relatively limited additional pedestrian footfall from the development would justify any form of maintenance surcharge to British Waterways.*

#### **6.11 Commission for Architecture and the Built Environment**

- No objections to building of this height
- Proposal would be a distinctive and elegant addition to the skyline at Canary Wharf, and through the provision of viewing areas and public space it has potential to offer significant benefits to the public realm in the area.
- Generally well-considered design which is distinctive and attractive in terms of overall form and massing. Sleek and elegant design provides a pleasing contrast to block towers that dominate rest of Canary Wharf
- Pleased to note the mix of units proposed, the commitment to public access to various points in tower which make scheme unique in Canary Wharf cluster.
- Relates fairly convincingly to the existing cluster in most visualisations provided, particularly in longer views. Notes the relationship would become even stronger in the event that other proposed additions to sky-line are built.
- Impact on dwellings nearby should be considered particularly in relation to overshadowing.

### Officer Comment:

*Design is considered under main issues*

#### **6.12 City of London**

- Proposal would have no detrimental impact on City of London

#### **6.13 Civil Aviation Authority (Statutory Consultee)**

- Potential impact on London City Airport. Comments should be sort from Airport licensee.
- Aviation warning lighting required

### Officer Comment:

*A suitable condition would be imposed on any permission*

#### **6.14 Crossrail (Statutory Consultee)**

- Raised no objection to proposal providing that a condition is imposed requiring details of foundation construction methods, noise/vibration mitigation measures and provision of notice to Crossrail for commencement of works.

### Officer Comment

*The Applicant has undertaken detailed consultations with Crossrail's Engineers who are satisfied that the two developments are compatible. The proposed conditions would be imposed on any permission.*

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

- No objections on Flood Risk grounds subject to conditions requiring survey of dock

wall, scheme of improvements to dock wall, structural integrity of basement, assessment of potential groundwater contamination and mitigation, prevention of light-spill onto waterway.

Officer Comment:

*Suitable conditions would be imposed on any permission.*

**6.17 English Heritage (Statutory Consultee)**

- Re-iterated comments made previously in 2003. Specifically stating that:-
- Support Canary Wharf as location for tall buildings.
- No objection to proposals which add to cluster of high buildings within northern sector of Isle of Dogs.
- Proposal would have damaging impact on setting of grade I Listed West India Dock warehouse, Dockmasters House and the Cannon Workshops.
- Increased overshadowing of historic buildings and public spaces regrettable.
- Tower would affect character and appearance of West India Dock Conservation Area.
- Could not sustain objection given setting of Listed Buildings and Conservation Areas dominated by existing tall buildings.
- Podium building is over-burdened with dubious historical and architectural references.

Officer Comment

*Design is discussed under main issues. It should be noted that the scheme was amended to improve the design of the podium and that no 'in principle' objection was made to the height or form of the building. English Heritage were re-consulted on the amended design and no further comments have been received.*

**6.18 English Heritage- Archaeological Division (Statutory Consultee)**

- Site located in area with high potential for archaeological remains. Recommend condition to secure a programme of architectural work.

Officer Comment

*A suitable condition would be imposed on any permission.*

**6.19 English Partnerships (Statutory Consultee)**

- No comments received

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

Stage One response received. Issues raised:-

- Principle of new mixed-use building with office, hotel, serviced apartments, retail and leisure space is acceptable.
- Sculpted tower would be striking addition to London skyline and would blend into Canary Wharf cluster.
- Proposed building would be a slender addition that has modest and complementary impact on Strategic views.
- Insufficient detail on energy efficiency measures submitted, insufficient detail of climate change adaptation
- Financial contributions requested towards
  - o £1M off-site affordable housing
  - o £5M towards Crossrail
  - o £3M towards DLR
  - o £180K towards bus routes
- Scheme provides high level of car-parking and low provision of cycle parking spaces.

- Low provision of wheelchair accessible hotel rooms and serviced apartments.
- Further information required on size and location of blue badge parking.

Officer Comment

*Additional information in relation to Accessibility and Energy has been submitted. These issues are discussed in more detail under main issues, and are considered to be satisfactory subject to appropriate conditions.*

*The requested financial contributions are discussed in more detail under the S106 section of the report.*

**6.21 London Borough of Greenwich (Statutory Consultee)**

- Welcome further regeneration of Docklands and Job opportunities.
- Concern over excessive height and elevation treatment and the detrimental impact it would have on panoramic views from the General Wolfe Monument in Greenwich Park
- Existing skyline rises and falls from east to west and proposed development, by reason of its excessive height, would disturb the arrangement.
- Considered the views of English Heritage and the Mayor should be sought

Officer comment:

*Design is discussed under main issues. It is noted that neither English Heritage nor the Mayor expressed any objection to the height of tower or the impact on views from Greenwich.*

**6.22 London City Airport (Statutory Consultee)**

- No safeguarding objection
- Construction method and use of cranes to be agreed with airport

Officer comment:

*A suitable informative would be imposed on any permission*

**6.23 London Fire and Civil Defence Authority (Statutory Consultee)**

- Note that submitted documents indicate provision of water supply and Fire Brigade Access not likely to be problematic. Note that this issue will be addressed at Building Regulations stage.

**6.24 London Borough of Southwark**

- No objection raised, detailed comments made on building and views.

**6.25 London Development Agency (Statutory Consultee)**

- No comments received.

**6.26 London Underground Ltd (Statutory Consultee)**

- Responded to consultation stating no comments.

**6.27 Thames Water (Statutory Consultee)**

- Thames Water have identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal.
- Conditions requested requiring the submission of impact study and a drainage strategy for approval prior to the commencement of any development. A number of informatives are also recommended.

Officer comment:

*Suitable conditions and informatives would be imposed on any permission.*

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

- No safeguarding objection

**6.29 Natural England (Statutory Consultee)**

- Concerns about adverse impacts of the Dockwater Cooling System on Millwall and West India Docks SBI
- Additional ecological enhancements should be secured.

Officer Comment:

*The Dockwater Cooling system no longer forms part of the application. Additional ecological enhancements are also proposed including the provision of a green wall along the southern flank of the pavilion facing the CSFB building, bird and bat boxes within cladding system and moveable planters on terrace levels. The detail of these mitigation would be secured by condition on any permission.*

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

- No objection. Suggest consideration should be given to the use of the river for transporting during construction.

Officer Comment

*A condition would be imposed on any permission requiring the feasibility of utilising freight by water to be investigated.*

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

- Circa £5M contribution requested for Crossrail
- £3M contribution required for introduction of 3 car operation on DLR
- Additional data on line capacity constraints required
- Transport Assessment flawed in relation to conclusion only 2 additional bus trips generated.
- Contribution of £180k towards increased bus capacity required
- More robust assessment of trip rates required.
- More data required on trip-rate assumptions in relation to leisure/fitness centre.
- Concerns about methodology of Transport Assessment, however trip generation not expected to have significant impact on Transport for London Road Network.
- Development, including serviced apartments, should be car-free. Retail leisure uses should not require parking.
- Car-club suggested
- Amount of motorcycle parking high
- Additional cycle parking requested
- Works to improve principle routes to public transport facilities should be implemented as part of travel plan.

Officer Comment

*Additional information has been submitted in response to the above requests. The level of dedicated car-parking has also been reduced with the use of shared motorcycle / car-parking spaces. TfL were re-consulted and no further comments were received. The study is considered to be sufficiently detailed for the transport impact of the development to be properly assessed..*

## 7. LOCAL REPRESENTATION

- 7.1 A total of 532 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.

An additional round of consultation took place on 30<sup>th</sup> March 2009 after Regulation 19 information was submitted

A further round of consultation took place on 1<sup>st</sup> June 2009 after the submission of additional Regulation 19 information. Any additional representations received after the publication of this report will be updated to Members.

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: 10            Objecting:9            Supporting: 1

- 7.3 The following groups / organisations were also consulted regarding the proposals.

### 7.4 Museum of London: Docklands

- Construction may cause vibration which would damage building
- Water levels could be changed causing damage to historic quayside
- Rights of light and air diminished
- Outside terrace will be overshadowed
- Infrastructure required to support increased traffic and pedestrian flow required
- Construction impacts, noise and dirt etc will have an adverse impact on Museum's popularity.
- Boats belonging to museums floating collection moored in dock. Re-assurance required that these will not be affected.

#### Officer comment:

*A condition would require the submission of a Construction Management Plan which would detail vibration and noise control measures. This would be sufficient to ensure that excessive noise and vibration does not occur. The small level of additionally displaced water from the basement excavations ensures that the development is unlikely to result in any significant changes in ground water in the vicinity of the site. The outside terrace area would not suffer from a permanent additional overshadowing. Transitory overshadowing will increase, however the terrace will still receive direct sunlight during work lunch hours (12pm to 2pm and after working hours (5pm onwards). Other matters are discussed in main issues section of report.*

### 7.5 Canary Wharf Group

- No objection
- Suggest a contribution towards Crossrail is sought
- Note Applicant has not sought agreement for access across CWG land. Additional detail should be submitted.

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

- Proposed building too large, will over dominate and is out of scale
- Does not respect Conservation Area or Listed Buildings
- Style of architecture inappropriate
- Overdevelopment
- Skyline dramatically altered
- Adverse impact on views
- Proposal will block sunshine and cast shadow
- Air conditioning plant will cause noise and disturbance
- Increased congestion
- Increase in traffic volume
- Flood compensation should be provided
- Overcrowding of local transport during rush hour
- TV and Radio Interference
- Loss of privacy
- Impact on Crossrail tunnels / development
- Too many flats in area
- Small extension to dwelling refused.
- Likely to increase risk of terrorism

7.7 One letter of support was received that stated the development was a 'stunning tower that will give a much needed boost visually to the current rather old fashioned dull blocks of the Canary Wharf estate'.

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Design, Scale, Impact on Listed Buildings and Conservation Area
3. Transport and Highways
4. Amenity
5. Other issues

### **Land Use**

#### Hotel and Serviced Apartments

8.1 The application proposes to provide 192 hotel rooms and 74 serviced apartments.

8.2 Serviced apartments are a specialised form of accommodation that is akin to a hotel use, rather than permanent residential accommodation. The proposed apartments are self-contained and include kitchens and living areas. There are a mixture of 2, 3 and 4 bedroom units. They would provide a form of short-term accommodation (with the maximum duration of occupancy limited via legal agreement to 90 days). The apartments are intended to serve the business market, for instance to provide accommodation for workers on short-term project assignments.

8.3 On a strategic level, the Isle of Dogs is identified within the London Plan as an Opportunity Area within the North-East London sub region. Policy 5C.1 seeks to promote the sub-regions contribution to London's world city role, especially in relation to the Isle of Dogs.

8.4 Tourism is seen as a key growth industry for London. To accommodate this growth London Plan policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity Areas as priority locations for new hotel accommodation and seeks to maximise densities. Policy 3D.7 also supports a wide range of tourist accommodation, such as serviced apartments.

- 8.5 Policies ART7 and CAZ1 of the Unitary Development Plan (UDP) state the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that large scale hotel developments and serviced apartments will be supported in major centres such as Canary Wharf.
- 8.6 Supporting information to policy EE4 of the IPG, serviced apartments are able to provide short term accommodation for the international business sector which operates in the north of the Isle of Dogs and the CAZ. This form of accommodation supports business tourism. Policy makes it clear that serviced apartments should have similar impacts to hotels, which are more suited to employment areas.
- 8.7 Policy IOD15 of the Isle of Dogs Area Action Plan (IDAAP) states tourism uses, in particular the development of business tourism, will be promoted in and around Canary Wharf and the northern sub-area to take full advantage of opportunities arising out of the 2012 Olympic and Paralympics games.
- 8.8 The provision of hotel rooms and serviced apartments in this location is supported by the London Plan, local policy objectives promoting tourism, and would contribute to London's role as a World City. The proposed uses will all contribute towards the attractiveness of Canary Wharf as a business hub by developing it as a lively and animated place throughout the day and into the evenings. The hotel and serviced apartments will also increase activity during the weekends when office uses are less active.

#### Office use

- 8.9 The existing building on-site provides 6913 square metres (Gross External Area) of office space. The building is not considered to make particularly efficient use of the available land given the site's location. The redevelopment would make more efficient use of the site and as such accords with overarching sustainability objectives. The application proposes to create 30, 871 square metres of office space, giving a net increase of 23, 958 square metres of floorspace.
- 8.10 London Plan policies 3B.1 and 3B.2 recognise and support London's role as a world city and promote continued economic development by seeking the provision of a variety of type, size and cost of business premises to meet the needs of all business sectors. UDP policies DEV3 and EMP1 and Interim planning guidance policy CP8 are also relevant. The redevelopment of existing outdated office buildings on an underutilised site in Canary Wharf is in-line with the objectives of these policies.
- 8.11 London Plan policy 3B.3 also requires that where an increase in office floorspace is proposed within the northern section of the Isle of Dogs, a mix of uses should be provided. It specifies that this mix should include housing.
- 8.12 Policy 5G.3 identifies Canary Wharf as an exception to this rule, as a mixed use development would compromise the importance of sustaining clusters of business activities. Paragraph 5.178 states:

*“As a general principle, mixed use development in CAZ and the north of the Isle of Dogs Opportunity Area will be required on-site or nearby within these areas to create mixed-use neighbourhoods. Exceptions to this will only be permitted where mixed-uses might compromise broader objectives, such as sustaining important clusters of business activities, for example in much of the City and Canary Wharf, or where greater housing provision, especially of affordable*



*family housing, can be secured beyond this area. In such circumstances, off-site provision of housing elsewhere will be required as part of a planning agreement”*

- 8.13 At the time of the previous application a sum of £1M was agreed with the developer towards the provision of off-site affordable housing. To ensure compliance with policy 5G.3 the Mayor has again requested a contribution towards the provision of off-site affordable housing.
- 8.14 A pro-rata increase of the previous contribution of £1.155M has been agreed with the Applicant, and this is considered acceptable.
- 8.15 Policy IOD1 (1.c) of the Isle of Dogs Area Action Plan seeks to secure off-site small employment space from large-scale office developments in the Isle of Dogs Major Centre. The scheme does not make a contribution towards off-site employment space as a greater priority has been placed on securing an affordable housing contribution. It should be noted that the scheme would provide £332, 756 towards local employment and training initiatives, which would assist local communities in benefiting from the development.

#### Retail, Restaurant and Leisure.

- 8.16 The application seeks to provide 1,468 square metres of retail commercial space in the three storey podium. A leisure facility, primarily aimed at the users of the office space and hotel, would provide 2731 square metres of floorspace over floors 24 and 25.
- 8.17 London Plan policies 3D.1 and 3D.3 seek to encourage retail and related uses in town centres and to maintain and improve retail facilities. UDP policy ST34 seeks to support and encourage improved provision in the range and quality of shopping in the Borough. UDP policy S7 relates to the provision of ‘Special’ Uses including restaurants and pubs. Policy DEV3 seeks to encourage mixed-use developments.
- 8.18 The A1 to A5 uses are acceptable in principle as they will support and improve provision in the range of shopping in the Major Centre, provide for the needs of the development and also present employment opportunities in a suitable location. The provision of the retail and restaurant spaces at the ground floor level will also introduce an active frontage along West India Dock and Hertsmere Road.
- 8.19 Conditions would limit hours of future operation and require the submission of detail of extract flues and ventilation equipment. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

#### **Design**

##### Height, Mass, Scale and Appearance

- 8.20 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 promoting the principles of high quality design. These principles are also reflected in saved policies DEV1 and DEV3 of the UDP.
- 8.21 Policy 4B.9 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London’s character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.

- 8.22 Policies CP1, CP48, DEV2 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a list of specified criteria. This includes considerations of design, siting, the character of the locality, views, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. The document 'Guidance on Tall Buildings' produced by English Heritage / CABE is also relevant.
- 8.23 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.24 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states that the Northern sub-area will continue to be a location for tall buildings, and that new tall buildings should help to consolidate this cluster and provide new landmarks consistent with the national and international role and function of the area. It also goes on to state that building heights will respect and complement the dominance of One Canada Square and heights should progressively reduce from this central landmark through to the periphery of the Northern sub-area.

Impact on Conservation Areas and Listed Buildings

- 8.25 UDP policies DEV27, DEV28 and IPG policy CON2 relate to development that affects Conservation Areas. London Plan policy 4B.11 and 4B.12 seeks to improve the contribution built heritage makes to quality of life and gives it protection from adverse development. Advice in PPG15 Planning and the Historic Environment is also relevant. The Council is required to pay 'special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.26 The West India Quay Conservation Area extends around the north-west corner of the former West India Dock. The remaining North Quay warehouses and the historic buildings located around the main dock entrance contribute to the character of this area. As designated, the Conservation Area includes a narrow strip along the North boundary of the application site.
- 8.27 The Council has prepared a Conservation Area appraisal which notes that the current office building on the site does not make a positive contribution to the area. Management guidelines for the area also state that any new development on this site should 'respect the historic and architectural significance of the dock warehouses and include detailed proposals for high-quality public realm at ground level'.
- 8.28 The proposed development will also be visible in longer views from other Conservation Areas including the Narrow Street, St Matthias Church Poplar, All Saints, St Annes and Lansbury Conservation Areas.
- 8.29 Interim Planning Policy CON1 states that development will not be permitted where it adversely affects the setting of a Listed Building. When assessing a proposal that affects the setting of a Listed Building the Council must have 'special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'.
- 8.30 There are a number of historic buildings in close proximity to the site. Of these, the most significant impact would be on the Grade I Listed North Quay warehouses, directly to the north-east of the site, and the Grade II Listed Cannon Street Workshops – located to the West. It should also be noted that there are other Listed buildings located further from the

site within the West India Dock Conservation Area. These include the West India Dock Former Guard House, cottages on Garford Street and various railings and gate-piers.

#### Impact on Blue Ribbon Network

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

#### Protected Views

- 8.32 London Plan policies 4B.16 and 4B.18 provide a policy framework for the management of strategically important views. IPG policies CON3 and CON5 also require development to protect important views, including those from World Heritage Sites. UDP policy DEV8 seeks the protection of view of local importance.
- 8.33 The proposed building falls within the strategically important panoramic view from Greenwich Park (LVMF 5A.1), it would also be visible in the panoramic view from Primrose Hill (LVMF 4A.1) and the river prospect from Waterloo Bridge (LVMF 15B.1). Local views from nearby Conservation Areas and from Wren's Landing are also of importance.

#### Assessment

- 8.34 The existing building on-site has no particular merit and the demolition and replacement with a suitable alternative would improve the character and appearance of the Conservation Area. A condition would be imposed on the Conservation Area Consent to tie the demolition to the redevelopment of the site, to prevent an undeveloped site blighting the Conservation Area. In terms of the proposed redevelopment, in terms of height it is well established that Canary Wharf is an appropriate location for tall buildings. When assessed against relevant tall building and design policy it is considered that:-
- 8.35
- The slim and elegant proportions of the building ensure that it is acceptable in terms of height and mass. The aerofoil profile and overall design would result in an attractive appearance that achieves the very highest standards of architectural quality required for a building of this prominence.
  - The slender form of the building ensures that it does not detract from the overall hierarchy of building heights in the cluster. When viewed from the North, East and South the building would sit comfortably within the existing cluster of tall buildings and would be acceptable in appearance.
  - When viewed from the West the building will appear more separated from the main cluster. However, it is likely that in time, future development will 'fill-in' the space between the main cluster and the proposed building. Even if this does not happen the overall impact on the skyline remains acceptable.
  - The building achieves an acceptable relationship with the adjacent Grade I Listed warehouses by the incorporation of the 2/3 storey podium level. This is approximately 18m high, which is similar to the height of the upper story / roofline of the warehouse buildings behind. When viewed from Wren's Landing or the dockside area this podium ensures the building respects the historic scale, height and massing of the Listed buildings, and as such is considered to respect their setting. More generally the setting of Listed Buildings in this area is already seen in the context of the modern backdrop of Canary Wharf, and this setting would not be significantly altered by the proposal. In the wider context the development would not have any adverse impacts on World Heritage

sites.

- The building has a sculptured point which helps to differentiate it from other buildings in the Canary Wharf Cluster, and it would be a striking addition to the London skyline. The overall quality of the building ensures that the impact on strategic and local views, from all angles and at night-time, is acceptable.
- The existing building relates poorly to the dockside, presenting an unattractive blank facade that does not encourage public access or activity. The proposed building entrances and ground floor retail uses would add activity and animation to this part of the dockside, and as such would allow greater enjoyment of the Blue Ribbon Network.
- The scheme allows public access to the ground floor pavilion floor and the high-level restaurant / bar areas.
- The development would improve safety and security in the area by improving natural surveillance at ground floor level. The building would incorporate controlled entry points to ensure security for future occupiers. Objectors have stated that the building could be a target for terrorism, however it is not considered that one additional tower would significantly increase any potential risk to the area.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of the report, and is acceptable.
- The development includes a good mix of uses and would contribute to social and economic activity in the area by supporting the business roll of the Canary Wharf Centre.
- The site is located in an area with good public transport accessibility and the scheme provides adequate mitigation for additional impacts on transport infrastructure. Links to and from the site are also considered acceptable.
- The scheme complies with the safeguarding requirements of London City Airport and, with the imposition of conditions, complies with Civil Aviation Authority requirements.
- The development would not cause unacceptable interference to telecommunication and radio transmission networks (subject to appropriate monitoring and mitigation as required under the S106 agreement).

#### Accessibility and Inclusive Design

- 8.36 Policy 3D.7 of the London Plan identifies that the Council should support an increase and the quality of fully wheelchair accessible accommodation. Policy CP13 of the IPG states that there is a shortage of accessible hotel accommodation in London. It identifies the English Tourist Council's National Accessible Standard as best practice to make hotel accommodation more accessible. All new hotel developments are required to meet the National Accessible Standard.
- 8.37 Under the Building Regulations Part M requirements, a minimum of 5% of the hotel rooms and serviced apartments are required to be wheelchair accessible. There is no direct planning policy on the minimum provision of wheelchair accessible units for hotel and serviced apartments. The applicant was originally seeking to comply with the minimum

building regulations, however the GLA raised concern regarding the shortage of wheelchair accessible hotel rooms in London. In response to these concerns the Applicant has submitted a more detailed Access Statement; however the number of wheelchair accessible rooms remains the same. In the absence of any specific policies requiring a certain amount of wheelchair accessible rooms the development is acceptable.

### **Transport and Highways**

- 8.38 The site falls in an area with very good access to public transport (PTAL 5). It is within easy walking distance of Westferry, Canary Wharf and Heron Quay DLR Stations, Canary Wharf Jubilee and local bus services. Vehicles access the site via Hertsmere Road.
- 8.39 National guidance on transport provision is given in PPG13: Transport. London Plan policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians. Policy ST28 seeks to restrain the unnecessary use of private cars.
- 8.40 The application has been accompanied by a detailed Transport Assessment and Interim Travel Plan produced by Steer Davies Gleave. The report details the policy context and baseline conditions in respect of the local area's public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.

#### Access, servicing and vehicle trip generation

- 8.41 Vehicle access to the site would be provided from Hertsmere Road. Service vehicles and cars will travel via a ramp to the loading and parking areas in the basement. A taxi and drop-off area would be provided at ground floor level on Hertsmere Road. This lay-by would also be large enough to allow coach drop-offs without obstruction to the highway. The majority of vehicles are likely to approach the site from the North and would travel via Westferry Circus Lower Level.
- 8.42 The submitted Transport Assessment estimates the development would generate approximately 684 vehicle movements a day. Of these 67 would be in the morning peak and 59 during the evening peak. This level of operational trip generation (including when assessed in combination with the cumulative impact of other consented schemes) would not have a significant impact on the Highway network and is acceptable. Additional traffic would be generated during the construction phase and the impacts of this would be minimised through the Construction Management Plan.
- 8.43 The comments made by objectors regarding increased traffic congestion have been noted. However given that the Council's Highway Section and Transport for London are satisfied that the additional vehicle movements can safely be absorbed into the road network the development is considered to be acceptable.

#### Vehicle Parking

- 8.44 The proposed development would provide 67 basement car-parking spaces. In accordance with Interim Planning Guidance parking standards, 10% of this parking provision (7 spaces) will be designated as disabled spaces. Five of the spaces would be 'shared spaces' that could also be used for the parking of motorcycles.

- 8.45 The level of car-parking proposed exceeds that permitted under Interim Planning Guidance car parking standards. However, it is noted that the level is the same as the previously consented application, and is also slightly less than in the existing situation. Interim Planning guidance welcomes the substitution of car-parking spaces with motorcycle spaces, and in this respect the development is acceptable as it further reduces the number of dedicated car-parking spaces. On balance, with the submission of a Travel Plan to promote sustainable forms of transport, it is not considered that a further reduction in car-parking spaces is necessary to make the development acceptable
- 8.46 TfL have requested that the serviced apartments be 'car-free'. However, officers consider that some car-parking may be justified for future disabled occupiers. A condition would be imposed on any permission requiring the submission of a scheme detailing how the car-parking spaces would be allocated between the different uses. The condition would also prevent the provision of additional car-parking spaces. With these conditions the overall level of vehicle car-parking is acceptable.

#### Cycle Parking

- 8.47 The application proposes 158 cycle parking spaces. Of these 144 would be in the basement and 14 at ground level for visitors. The submitted plans also detail the provision of shower and changing facilities in the basement adjacent to the secure cycle stands, which will encourage this mode of transport. Transport for London have noted that the scheme does not make provision of cycle parking for occupiers of the serviced apartments. It is considered that given the short term nature of this accommodation there is unlikely to be a significant cycle parking demand. Nevertheless a condition would require the submission of a scheme detailing how cycle parking would be provided for these users. In overall terms level of provision accords with London Plan policy 3C.22 and IPG policy CP40 and is acceptable.

#### Impact on public transport infrastructure

- 8.48 The submitted Transport Assessment considers how many additional trips are likely to be generated on the public transport system. The development is estimated to generate 1,765 one-way trips on the Jubilee Line, 1,390 trips on the DLR and 270 trips on bus services.
- 8.49 The assessment concludes that in 2013 the combined 'planning standard' capacity of the Jubilee Line and DLR in the AM peak is likely to be exceeded. Transport for London have contested some of the methodology employed in the assessment of bus route trip generation, and have stated that bus routes in the area are likely to be over-subscribed.
- 8.50 Additional transport capacity in the area is planned with the delivery of Crossrail in 2017, and in the longer term this would provide sufficient additional public transport capacity for the development.
- 8.51 The additional transport pressure will require mitigation in the form of a financial contribution to Transport for London. A sum of £3,581,553 has been agreed with the developer, and this is discussed in more depth under the S106 section of the report. As the transport provider, ultimately it is for TfL to consider how this contribution should be distributed around differing modes of transport to best increase available capacity. The overall level of the contribution is acceptable and it would provide adequate mitigation for the impact of the development on public transport infrastructure.

#### **Amenity**

### Sunlight, Daylight and Overshadowing

- 8.52 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG October 2007 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.
- 8.53 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.54 The submitted Environmental Statement includes a consideration of the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 1 – 19 Garford Street
  - 10 – 18 Garford Street
  - Flynn Court
  - Grieg House
  - Mary Jones House
  - Matthew House
  - Port East Buildings
  - Riverside House
- 8.55 Dockmasters House, Cannon Workshops and the offices to the south within the Canary Wharf Estate have not been subjected to detailed assessment as these buildings are in commercial use, and as such would not be significantly affected by loss of daylight or sunlight. Other residential properties are further away from the site than the assessed buildings, and as such would receive a lesser impact.
- 8.56 An assessment is also carried out on the potential overshadowing of West India Dock and the dockside area.

### Impact on residential properties

- 8.57 1 – 19 Garford Street.  
These properties are some distance from the application site and resultant VSC and NSC levels comply with BRE guidelines. The impact on available sunlight also meets BRE guidelines, and is acceptable.
- 8.58 10 – 18 Garford Street  
The results show that 16 of the 19 windows (84%) assessed achieve the levels of VSC recommended by the BRE guidelines. The 3 windows that do not achieve this level are located at 10 and 12 Garford Street. The windows experience losses of 20.92 – 23.56% (against the BRE standard of 20%), which is considered a marginal breach of the recommended levels.
- 8.59 The Annual Probable Sunlight Hours (APSH) results show that 16 of the 17 (94%) windows meet BRE guidelines, with one window have a marginal fail (22%) of total available sunlight. This impact is not considered significant.

### Mary Jones House

- 8.60 The results show that 40 of the 58 windows (69%) assessed achieve BRE VSC levels. It should be noted that in the current situation none of the windows achieve the

recommended 27% base-line due to the design of the building, which includes balconies. The majority of the windows affected have reductions of between 20.0% and 28.0%. The largest reduction is 4.72%. Using the ADF analysis 88% of the rooms reach the recommended minimums. The NSC measure demonstrates that 98% of the rooms meet recommended levels.

- 8.61 If room use is taken into account 57 of the 58 windows (98%) assessed comply with BRE APSH guidelines, which is considered acceptable.

Matthew House

- 8.62 The results show that only 22 (44%) of the 50 windows meet BRE VSC guidelines. However, again it is noted that many windows do not meet recommended levels in the existing situation. The ADF results show that 18 of the 20 rooms meet recommended levels (90%). The windows which fail the ADF target are bedrooms. The resultant ADF levels are 0.92% and 0.94%, which is only marginally below the 1% target.

Riverside House

- 8.63 THE results show that that 50 (62%) of the 81 windows assessed meet BRE VSC guidelines. If the ADF measure is used 100% of the rooms meet the BRE guidelines. APSH results show that all principle living rooms also meet BRE guidance.

Flynn Court, Grieg House, Port East Building

- 8.64 The results shown compliance with BRE VSC targets levels and APSH, which is acceptable.

Conclusion

- 8.65 In overall terms the results shown that in terms of day lighting there will be failures against BRE VSC standards. In some cases, particularly Matthew House, Riverside and Mary Jones House, the impact would affect a large proportion of the windows assessed and the effect of this is likely to be noticeable to the occupiers of these properties. However, it is also noted that the majority of these failures occur in the 20 – 30% range (against the recommended limit of 20%).

- 8.66 There will also be some significant impacts in terms of loss of sunlight, with occupiers of Riverside House being the most significantly affected.

- 8.67 It is noted that the Council's Environmental Health Officer has raised concerns about the impact of the development in terms of loss of daylight and sunlight to neighbouring properties. However, in the role of local planning authority Members must consider whether the severity of the impact is so significant that a refusal could be substantiated.

- 8.68 In making the Officer recommendation, careful consideration has been given to the context of the application site. It is well recognised that BRE standards must be applied flexibly, as the legitimate expectation of light-levels in a low rise suburban town would have to differ from those in a densely built-up area. The site is undoubtedly located in an area where large-scale development is expected, and encouraged, by policy. It is inevitable that in many cases such buildings will have an impact on neighbouring amenity. The resulting light-levels to the properties affected are not untypical in an urban environment. On balance the impact on the amenity of the occupiers is not considered so significant as to warrant the refusal of the application and is acceptable.

Overshadowing of amenity spaces

- 8.69 The Environmental Statement has considered whether the development is likely to have a significant overshadowing impact on West India Dock North, the pedestrian area to the east of the site or on gardens serving 10 – 18 Garfield Street.



8.70 BRE guidelines state that no more than 40% (minimum level), and preferably no more than 25% (recommended) of any space should be left in permanent shadow.

8.71 The table below shows the amount of existing and proposed permanent overshadowing.

	Existing	Proposed
Dock	23.66%	23.66%
Pedestrian Area	0.75%	10.87%
Garden 1	32.42%	32.64%
Garden 2	19.74%	19.74%
Garden 3	21.00%	21.21%

8.72 The table shows that, with the exception of the pedestrian area, there will be relatively little additional permanent overshadowing and the resultant levels are acceptable in terms of BRE guidance.

8.73 The proposed building will also have an impact in terms of transitory overshadowing as the sun moves through the day. In this case the relatively slim profile of the tower means that the shadow cast will pass quickly. The gardens to the north will not be overshadowed for more than an additional 1.5 hours each day on any one point throughout the year.

8.74 The objection raised by the Museum of London in relation to overshadowing of the dockside area has been noted. It is recognised that the dockside will suffer increased overshadowing in the late afternoon. However, the level of permanent overshadowing is not excessive in relation to BRE guidelines and is considered acceptable.

#### Privacy

8.75 The development is far enough away from neighbouring properties for there to be no significant impacts in terms of potential overlooking or loss of privacy.

#### Solar Glare

8.76 This has been assessed and is acceptable.

#### Noise and Vibration

8.77 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.

8.78 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments. Policy DEV2 seeks to preserve the amenity of neighbouring occupiers.

8.79 The submitted Environmental Statement includes a consideration of the potential impact of noise and disturbance on future and neighbouring occupiers. Subject to the imposition of conditions covering noise from future air conditioning plant, hours of opening of commercial (A1-A5) units, details of plant and fume extraction equipment, Construction Management Plan and details of mitigation for ground bourn noise and vibration, the development would

be acceptable.

#### Microclimate

- 8.80 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building. The assessment concludes that any increased wind flow is unlikely to be significant and can be mitigated for during the detailed design stage. Officers are satisfied that this matter can be suitably addressed during the discharge of landscaping conditions.

#### **Other Planning Issues**

##### Air Quality

- 8.81 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. The submitted Environmental Statement includes an assessment of the impact of the development on Air Quality.
- 8.82 The study concludes that during the construction phases the development may have some adverse impacts in terms of the generation of dust emissions. It is considered that this matter can be controlled via an appropriate construction management plan. This would be required by condition. Once completed the development is unlikely to generate any significant emissions. The Council's Air Quality Officer reviewed the submitted information and is satisfied that, subject to conditions, the development is acceptable.

##### S106 Agreement

- 8.83 Planning obligations have been agreed with the developer to mitigate for the impacts of the development on local infrastructure. The contributions include a payment to provide off-site affordable housing, transport mitigation, open-space mitigation and employment and training initiatives.
- 8.84 Policy 6A.4 of the London Plan states that affordable housing and transport should be given the highest priority in planning obligations.
- 8.85 The Mayor has published Proposed London Plan Alterations. Policy 3C.12A of this documents seeks planning obligations Crossrail in view of it's strategic importance to London's economic development. Draft supplementary planning guidance has also been published which states that contributions should be sought in respect of office development in the northern part of the Isle of Dogs. The Mayor has indicated that a contribution of circa £5M should be made for Crossrail
- 8.86 A contribution pro-rata increase of the previous £3M towards the 3-car running upgrade of the DLR is also requested. As is a further £180k towards bus-route capacity improvements.
- 8.87 Officer's do not consider that a contribution towards the DLR upgrade can be justified given that these works are nearing completion.
- 8.88 An overall transportation contribution of £3, 581, 553 has been agreed with with the Developer. Given the weight that can be given to affordable to emerging policy, and the fact that policy 6A.4 recognises that affordable housing is a planning obligation priority, Officer's consider that this is the maximum level of contribution that can be justified in this

instance. Consideration is also given to the fact that there is only a marginal increase in floorspace from the previous approval, which remains extant as a fall-back position for the developer.

In overall terms Officer's consider that the level of agreed financial contributions is appropriate and that they adequately mitigate for the impacts of the development.

#### Environmental Statement

- 8.89 The application was accompanied by a detailed Environmental Statement. The Council's independent consultants are satisfied that all environmental impacts, with the exception of air quality, have been satisfactorily assessed. The Council's Air Quality Officer has reviewed the submitted information in relation to Air Quality, and is satisfied that the development is acceptable.

#### Renewable Energy and Energy Efficiency

- 8.90 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 have similar aims to London Plan policy.

- 8.91 The application has been accompanied by an Energy Statement prepared by DSA Engineering. This details that the development would utilise a 240kW Fuel Cell to reduce the development's annual carbon emissions by 23%. The fuel cell would initially run on Natural Gas. If in the future the infrastructure to deliver Hydrogen fuel is available, the fuel cell could be switched over to increase the carbon saving to 37%. The submitted strategy also details that 17.6% of carbon dioxide emissions would be saved through further energy efficiency measures. Solar heating and PV panels are also proposed around the crown of the building to further enhance on-site energy generation.

- 8.92 The proposed Energy Strategy accords with London Plan policy targets and as such is acceptable.

#### Biodiversity

- 8.93 Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. Policy DEV12 seeks the provision of landscaping in new development, policy DEV15 seeks the retention of mature trees in development proposals. London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.

- 8.94 The existing site is largely hard-standing with some small planting beds around the boundary. There are mature Elm, Beech and Plane trees around the perimeter of the site. The proposal will include the removal of the shrub beds and six London Planes located between the development and West India Dock. These trees are not covered by Tree Preservation Orders.

- 8.95 There is limited opportunity to introduce replacement landscaping on the site, however the scheme does include the provision of a Green Wall and planters on high-level roof terraces. Bat and Bird boxes would also be introduced into the building cladding system. The agreed financial contribution towards local open-spaces would also allow the provision of additional habitat, which would improve biodiversity.

- 8.96 The development would not have any significant impacts on the Millwall and West India Dock 'Site of Borough Interest'. Conditions would be imposed on any permission to prevent

damage to trees during construction and to prevent light-spill onto the dock water.

#### Crossrail Tunnels

- 8.97 Tunnels required for the Crossrail route to Canary Wharf will pass directly under the application site, and are subject to safeguarding directions. The Applicant has held detailed discussions with Crossrail to ensure the building is compatible with the tunnels running underneath.
- 8.98 Crossrail have confirmed they have no objection to the development subject to a condition requiring the submission of additional detail on the type of foundations employed. Crossrail have also requested a condition to prevent certain construction works (primarily the foundation piling) taking place when the construction of Crossrail tunnels is underway. It is clearly advantageous to ensure that the development of the site and Crossrail do not take place at the same time. Suitable conditions would be imposed on any permission and these would ensure the development is acceptable in terms of policy to promote transport improvements.
- 8.99 Crossrail works in the vicinity of the site are scheduled for late spring/summer of 2012 and will take 2 – 3 weeks. To allow additional time for the proposed development and Crossrail to be properly coordinated the length of time to implement this permission would be extended from the normal 3 years to 5 years.

#### Flood Risk

- 8.100 Policy U3 of the UDP and policy DEV21 of the IPG state that the Council will seek appropriate flood protection where the redevelopment of existing developed area is permitted in areas at risk of flooding. Advice given in PPS25 is also relevant.
- 8.101 The site is located in an area with a high flood probability (Flood Risk Zone 3). The application was accompanied by a detailed Flood Risk Assessment. The local planning authority has carried out a sequential test to demonstrate that alternative site less at risk of flooding are not available.
- 8.102 The sequential test and Flood Risk Assessment have been reviewed by the Environment Agency. The Environment Agency are satisfied that, subject to the imposition of conditions requiring survey work of the dock wall and structural integrity of the basement, the development is acceptable in terms of flood risk. The proposed conditions would be imposed on any permission and with this safeguard the development would be acceptable in terms of relevant policy.

#### Archaeology

- 8.103 The application was accompanied by a desk-top assessment that considered the potential of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

#### Site Contamination

- 8.104 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officers who have concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and the mitigation. This would be secured by condition.

## **Conclusions**

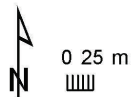
- 8.105 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the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

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# 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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Agenda Item number:	9.2
Reference number:	PA/08/02709 and PA/08/02710
Location:	Hertsmere House, 2 Hertsmere Road London E14
Proposal:	Demolition of existing building. Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

## 1. ADDITIONAL REPRESENTATIONS

- 1.1 A letter has been received from the Greater London Authority clarifying their position on the requested planning obligations for the development.
- 1.2 The letter requests that in in-line with London Plan policy 6A.4, and in the interests of securing sufficient developer contributions towards Crossrail, the preference is for the re-allocation of the previously agreed affordable housing contribution to Crossrail.
- 1.3 Planning obligations are considered at section 8.83 of the main committee report. It is noted that Adopted London Plan policy 6A.4 details the Mayor's priorities in planning obligations. It states that
- 'Affordable Housing and public transport improvements should generally be given the highest priority...'*
- 1.4 Emerging London Plan policies 3C.12A and draft supplementary planning guidance 'Use of planning obligations in the funding of Crossrail' are also relevant in detailing the approach taken to funding for Crossrail.
- 1.5 Officer's consider that the proposed S106 agreement (including a contribution of £1, 155, 340 towards off-site affordable housing and £3, 581, 663 to TfL for Transportation) provides an appropriate mix of contributions in-line with the two priorities identified in adopted London Plan policy 6A.4.

## 2 RECOMMENDATION

- 2.1 My recommendation is unchanged

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<b>Committee:</b> Strategic Development	<b>Date:</b> 4 <sup>th</sup> August 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.1
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Town Planning Application and Conservation Area Consent	
<b>Case Officer:</b> Richard Murrell		<b>Ref No:</b> PA/08/02709 and PA/08/0710 (CAC)	
		<b>Ward:</b> Millwall (February 2002 onwards)	

## 1. APPLICATION DETAILS

**Location:** Hertsmere House, 2 Hertsmere Road , London E14 4AB  
**Existing Use:** Office (Class B1 Use)  
**Proposal:** Demolition of existing building.  
Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

**Drawing Nos/Documents:** PA/08/02709  
A1/PL/000 REVA, A1/PL/001 REVC, A1/PL/002 REVA,  
A1/PL/003 REVB, A1/PL/004 REVA, A1/PL/005 REVB,  
A1/PL/007 REVA, A1/PL/008 REVA, A1/PL/019 REVA,  
A1/PL/021 REVB, A1/PL/028 REVA, A1/PL/029 REVA,  
A1/PL/030 REVB, A1/PL/031 REVA, A1/PL/032 REVA,  
A1/PL/033 REVB, A1/PL/034 REVA, A1/PL/046 REVA,  
A1/PL/047 REVA, A1/PL/048, A1/PL/049, A1/PL/056 REVA,  
A1/PL/057 REVA, A1/PL/058 REVA, A1/PL/059 REVA,  
A1/PL/060 REVA, A1/PL/062 REVB, A1/PL/063 REVB,  
A1/PL/064 REVB, A1/PL/065 REVB, A1/PL/066 REVA,  
A1/PL/067 REVA, A1/PL/068 REVA, A1/PL/069 REVA,  
A1/PL/070 REVA, A1/PL/071 REVA, A1/PL/072 REVA,  
A1/PL/073 REVA, A1/PL/074 REVB, A1/PL/075 REVB,  
A1/PL/076 REVA, A1/PL/080 REVA, A1/PL/081 REVA,  
A1/PL/082 REVA, A1/PL/083 REVA, A1/PL/085 REVA,  
A1/PL/086 REVA, A1/PL/087 REVA, A1/PL/088 REVA,  
A1/PL/090, A1/PL/091 REVB, A1/PL/092 REVB, A1/PL/093  
REVA, A1/PL/094 REVA, A1/PL/095 REVB, A1/PL/096 REVB,  
A1/PL/097 REVB, A1/PL/098 REVB, A1/PL/099 REVB,  
A1/PL/101 REVA, A1/PL/102 REVB, A1/PL/103 REVB,  
A1/PL/104 REVA, A1/PL/105 REVA, A1/PL/106 REVA,  
A1/PL/107 REVA, A1/PL/108 REVA, A1/PL/109 REVA,  
A1/PL/110 REVA, A1/PL/120 REVA, A1/PL/121 REVA,  
A1/PL/122 REVA and A1/PL/123 REVA.

PA/08/02710  
Site Location Plan and A1/PL/112A

- Environmental Statement and Further Information  
*Prepared by URS Corporation December 2008, March 2009  
and May 2009.*  
- Design and Access Statement  
*Prepared by Mark Weintraub Architecture & Design Dec. 2008*

- Planning Statement  
*prepared by GVA Grimley December 2008*
- Transport Assessment and Interim Travel Plan  
*prepared by Steer Davies Gleave dated December 2008*
- Sustainability Statement  
*Prepared by URS Corporation December 2008*
- Consultation Sweep-Up (including revised Energy Statement, Access Statement and Aerodrome Safeguarding Assessment)  
*Prepared by various authors. April 2009.*

**Applicant:** Commercial Estates Group for and on behalf of GMV Ten Ltd  
**Ownership:** Commercial Estates Group  
 EDF Energy  
**Historic Building:** Site in vicinity of Grade I and Grade II Listed buildings.  
**Conservation Area:** West India Dock

## 2. RECOMMENDATION

2.1 That the Committee resolve to **REFUSE** planning permission subject to:

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

For the following reasons:

1. The proposed development, by virtue of its design, scale and massing would detract from the setting of nearby Grade I and Grade II Listed buildings and would fail to preserve or enhance the character and appearance of the West India Quay Conservation Area and as such is contrary to policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
2. The proposed development would result in unacceptable loss of daylight and sunlight to nearby residential properties and as such is contrary to saved policies DEV1 and DEV2 of the adopted Tower Hamlets 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.

2.2 That the Committee resolve to **REFUSE** Conservation Area Consent for the following reason:

1. The proposed building, by virtue of its design, scale and massing would not represent a suitable replacement for the existing building. The proposed demolition of the existing office block on-site is therefore contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.

## 3 BACKGROUND

3.1 Applications for planning permission and conservation area consent were reported to Strategic Development Committee on 25<sup>th</sup> June 2009 with an Officer recommendation for approval.

- 3.2 Member's expressed concern over the design of the proposed building, the impact on the Conservation Area, the setting of adjacent Listed buildings, and on the impact on the amenity of neighbouring occupiers. Member's voted to defer making a decision to allow Officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision. The proposed reasons for refusal are set out at Section 2 of this report.
- 3.3 Member's also sought clarification on the views of English Heritage on the amended design of the tower, and clarification on the use of the proposed S106 financial contributions.
- 3.4 English Heritage have now sent an updated consultation response in relation to the amended plans that were submitted. The response states:-

'Our [English Heritage's] letter of 3 June 2003 which concerned the original proposal (ref: PA/03/0475) stated that it is *'our view that the form and design of the podium building is overburdened with dubious historical and architectural references and poorly integrated with its surroundings'*.

We note the revisions which have been made with regard to the podium elements. In our view, the simplification of the architectural language has gone some way to answering those particular concerns.

The original proposal was carefully considered by our London Advisory Committee following a site visit. Our comments with regard to its overall impact remain as expressed in our letter of 3 June 2003'

- 3.5 The original committee report included a proposed S106 contribution towards 'Transportation Improvements'. It was intended that this contribution would have been made to Transport for London for use to fund Crossrail.

#### Implication of decision

- 3.6 Following the refusal of the application there would be a number of possibilities open to the Applicant. These would include (though not be limited to):-
- i) Implementation of the previously approved planning permission (reference PA/03/00475);
  - ii) Resubmission of an amended scheme to overcome reasons for refusal;
  - iii) Lodge an appeal against the refusal of the scheme. The Council would vigorously defend any appeal against a refusal. It should be noted that following an appeal, the Secretary of State can make an award of costs if either party to the appeal has acted unreasonably.
- 3.7 Members are also advised that the Government is currently consulting on proposals to amend planning legislation to allow an application to be made to extend the time available to implement a planning permission. Such a provision may allow the Developer to extend the life of application reference PA/03/00475, which would otherwise expire in March 2010.

## **4.0 Conclusions**

All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent should be REFUSED for the reasons set out in the RECOMMENDATION at the beginning of this report.

## **5.0 APPENDICIES**

- 5.1 Appendix One - Original committee report to Members on 25<sup>th</sup> June 2009
- 5.2 Appendix Two – Addendum to main committee report to Members on 25<sup>th</sup> June 2009

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**SCHEDULE**

**Refusal of Full Planning Permission**

**Location:** Hertsmere House, 2 Hertsmere Road, London, E14 4AB

**Proposal:** Demolition of existing building. Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

**Date:**

**Reference:** PA/08/02709

**Application Received on:** 24 December, 2008  
**Application Registered on:** 24 December, 2008

**Drawings Submitted:**

**Registered Number:** PA/08/02709

**Applicant's Number:** A1/PL/000 REVA, A1/PL/001 REVC, A1/PL/002 REVA, A1/PL/003 REVB, A1/PL/004 REVA, A1/PL/005 REVB, A1/PL/007 REVA, A1/PL/008 REVA, A1/PL/019 REVA, A1/PL/021 REVB, A1/PL/028 REVA, A1/PL/029 REVA, A1/PL/030 REVB, A1/PL/031 REVA, A1/PL/032 REVA, A1/PL/033 REVB, A1/PL/034 REVA, A1/PL/046 REVA, A1/PL/047 REVA, A1/PL/048, A1/PL/049, A1/PL/056 REVA, A1/PL/057 REVA, A1/PL/058 REVA, A1/PL/059 REVA, A1/PL/060 REVA, A1/PL/062 REVB, A1/PL/063 REVB, A1/PL/064 REVB, A1/PL/065 REVB, A1/PL/066 REVA, A1/PL/067 REVA, A1/PL/068 REVA, A1/PL/069 REVA, A1/PL/070 REVA, A1/PL/071 REVA, A1/PL/072 REVA, A1/PL/073 REVA, A1/PL/074 REVB, A1/PL/075 REVB, A1/PL/076 REVA, A1/PL/080 REVA, A1/PL/081 REVA, A1/PL/082 REVA, A1/PL/083 REVA, A1/PL/085 REVA, A1/PL/086 REVA, A1/PL/087 REVA, A1/PL/088 REVA, A1/PL/090 REVA, A1/PL/091 REVB, A1/PL/092 REVB, A1/PL/093 REVA, A1/PL/094 REVB, A1/PL/095 REVB, A1/PL/096 REVB, A1/PL/097 REVB, A1/PL/098 REVB, A1/PL/099 REVB, A1/PL/101 REVA, A1/PL/102 REVB, A1/PL/103 REVB, A1/PL/104 REVB, A1/PL/105 REVA, A1/PL/106 REVA, A1/PL/107 REVA, A1/PL/108 REVA, A1/PL/109 REVA, A1/PL/110 REVA, A1/PL/120 REVA, A1/PL/121 REVA, A1/PL/122 REVA and A1/PL/123 REVA.

- Environmental Statement and Further Information  
Prepared by URS Corporation December 2008, March 2009 and May 2009.

DRAFT

- Design and Access Statement  
*Prepared by Mark Weintraub Architecture & Design  
Dec. 2008*
- Planning Statement  
*prepared by GVA Grimley December 2008*
- Transport Assessment and Interim Travel Plan  
*prepared by Steer Davies Gleave dated December  
2008*
- Sustainability Statement  
*Prepared by URS Corporation December 2008*
- Consultation Sweep-Up (including revised Energy  
Statement, Access Statement and Aerodrome  
Safeguarding Assessment)  
*Prepared by various authors. April 2009.*

### **Reasons for Refusal**

1. The proposed development, by virtue of its design, scale and massing would detract from the setting of nearby Grade I and Grade II listed buildings and would fail to preserve or enhance the character and appearance of the West India Quay Conservation Area and as such is contrary to policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
2. The proposed development would result in unacceptable loss of daylight to Matthew House, Riverside House and Mary Jones House and an unacceptable loss of sunlight to Riverside House and as such is contrary to saved policies DEV1 and DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the 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.



DRAFT

**Your ref:**  
**My ref:** PA/08/02710

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London  
W1J 8JR

**Planning (Listed Buildings and Conservation Areas) Act 1990**  
**Planning (Listed Buildings and Conservation Areas) Regulations 1992**

Dear Sir/Madam,

**REFUSAL OF CONSERVATION AREA CONSENT**

In accordance with the Act and Regulations mentioned above, Tower Hamlets Council as the Local Planning Authority hereby gives notice of its decision to **REFUSE** Conservation Area Consent for the works described in the schedule to this notice, and shown on the submitted plans and particulars.

Your attention is drawn to the following statement of applicants' rights arising from the refusal of conservation area consent or grant of consent subject to conditions.

**1) Appeals to the Secretary of State:** If the applicant is aggrieved by the decision of the local planning authority to refuse conservation area consent they may appeal to the Secretary of State for the Environment in accordance with Section 20 & 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN tel. 0117 372 6372). The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

**2) Purchase Notice:** If conservation area consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, they may serve on the Council of the London Borough of Tower Hamlets a purchase notice requiring that Council to purchase their interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**3) Compensation:** In certain circumstance, a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Yours faithfully,

**Owen Whalley**  
**Head of Planning and Building Control**

DRAFT

**SCHEDULE**

**Refusal of Conservation Area Consent**

**Location:** Hertsmere House, 2 Hertsmere Road, London, E14 4AB

**Proposal:** Demolition of existing building.

**Date:**

**Reference:** PA/08/02710

**Application Received on:** 24 December, 2008  
**Application Registered on:** 24 December, 2008

**Drawings Submitted:**

**Registered Number:** PA/08/02710

**Applicant's Number:** Site Location Plan and A1/PL/112A

**Reasons for Refusal**

1. The proposed building, by virtue of its design, scale and massing would not represent a suitable replacement for the existing building. The proposed demolition of the existing office block on-site is therefore contrary to the objectives of saved policy DEV28 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control.