

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 10 November 2009 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Shafiqul Haque Vice-Chair: Councillor Marc Francis	
Councillor Shahed Ali Councillor Alibor Choudhury Councillor Stephanie Eaton Councillor Rupert Eckhardt Councillor Rania Khan Councillor Shiria Khatun Councillor Dulal Uddin	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

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 10 November 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 23rd September 2009.

PAGE NUMBER	WARD(S) AFFECTED
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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**

6. DEFERRED ITEMS **17 - 18**

6 .1 307 Burdett Road, London E14 7DR **19 - 50** **Limehouse**

7. PLANNING APPLICATIONS FOR DECISION **51 - 52**

7 .1 News International Limited, 1 Virginia Street, London **53 - 114** **St Katharine's & Wapping Whitechapel**

7 .2 60 Commercial Road, London E1 1EP **115 - 140** **Whitechapel**

7 .3 122-126 Back Church Lane, London E1 1ND **141 - 160** **Whitechapel**

8. OTHER PLANNING MATTERS **161 - 162**

8 .1 32-42 Bethnal Green Road, London E1 **163 - 176** **Weavers**

8 .2 Hertsmere House, 2 Hertsmere Road, London E14 4AB **177 - 190** **Millwall**

8 .3 24 Narrow Street, London E14 - Local Government Ombudsman **191 - 214** **Limehouse**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

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

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

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

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 23 SEPTEMBER 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 (Vice-Chair)
Councillor Rania Khan
Councillor Shiria Khatun
Councillor Dulal Uddin
Councillor Tim Archer (Deputising for councillor Eckhardt)

Other Councillors Present:

Councillor Ahmed Hussain
Councillor Oliur Rahman

Officers Present:

Jerry Bell – (Interim Strategic Applications Manager)
Megan Crowe – (Legal Services Team Leader, Planning)
Stephen Irvine – (Development Control Manager)
Owen Whalley – (Service Head, Major Project Development,
Development & Renewal)
Paul Ward – (Senior Committee Officer)

At 7.05pm the Chair opened the meeting and moved that there be a ten minute prayer break. On a vote of 5 for, 2 against and 1 abstention the motion was carried. The meeting reconvened at 7.15pm.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillor Eckhardt.

2. DECLARATIONS OF INTEREST

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

Councillor	Item(s)	Type of Interest	Reason
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Shahed Ali	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Tim Archer	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Alibor Choudhury	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Stephanie Eaton	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Stephanie Eaton	7.1	Personal	Lives in consultation area. Partner part of Tower Hamlets Co-operative Party which objected to application.
Marc Francis	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Shafiqul Haque	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Shafiqul Haque	8.1	Personal	Ward Councillor.
Rania Khan	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Shiria Khatun	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Dulal Uddin	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Dulal Uddin	7.1	Personal	Ward Councillor.
Ahmed Hussain	6.1	Personal	Ward Councillor.
Oliur Rahman	6.1, 6.2, 7.1, 8.1 and 8.2	Personal	Correspondence received from concerned parties.
Oliur Rahman	7.1	Personal	Ward Councillor

Councillor Khan asked that it be noted that she was verbally abused by some members of the public present at the meeting for taking a prayer break. She considered that this was disrespectful to her as a Councillor and also as a Muslim.

3. UNRESTRICTED MINUTES

RESOLVED that the unrestricted minutes of the meeting held on 4th August 2009 be confirmed as a correct record of the proceedings.

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 hearing.

6. DEFERRED ITEMS

6.1 Eric & Treby Estates, Treby Street, Mile End, London

Mr Jerry Bell, Interim Strategic Applications Manager, introduced the report to Members and referred them to the further updated report tabled at the meeting. The application had been considered previously at the Strategic Development Committees held on 15th April, 13th May and 25th June 2009. Members had been minded to refuse the application due to loss of open space and therefore the report now detailed reasons for such a refusal of planning permission which would be subject to any direction from the Mayor of London.

Written representations had been received from local residents who considered that the reasons for refusal should also contain those made at the 13th May 2009 meeting of loss of car parking, especially disabled parking, the low number and percentage of social housing and design and amenity issues, and not just that of the 25th June 2009 meeting. However officers considered that it was best to refuse on one solid ground that had policy backing rather than dilute the case by adding the other three reasons as any reasons had to be vigorously defended by the Council in order to avoid any costs.

Councillors expressed the opinion that whilst the other three reasons may not be as robust to defend or fit exactly in line with policy, these should be added

to the officers reason for refusal. There were serious concerns, particularly that only 35% of the total habitable rooms would be for social housing.

However Councillor Francis considered that due to officers concerns that the other three reasons to refuse were weak and could affect the Committee chance of success in defending their decision to refuse, that the Committee should just refuse on the ground of loss of open space.

Councillor Archer stated that he wanted to **MOVE** an amendment to officers recommendations and include loss of car parking, especially disabled parking, the low number and percentage of social housing and design and amenity issues as part of the Committees reasons to refuse planning permission.

The Chair informed Councillor Archer that he should adhere to the Committees procedures and indicate when he wished to address the meeting, which should be through him as Chair of Strategic Development Committee.

At this point, 7.45pm the meeting adjourned and reconvened at 7.48pm.

The Chair asked if the amendment was seconded, which Councillor Eaton confirmed that she would second the amendment. Therefore on a vote of three for and two against, the amendment to officers recommendations was **AGREED**.

RESOLVED that 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 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 and Conservation Area Consent, be **REFUSED** subject to any direction from the Mayor for the following reasons:-

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;

The proposed development results in the loss of available parking spaces (especially disabled parking) across the estate contrary to the objectives of the London Plan (Consolidated with Alterations since 2004) 2008 policy 3C.23, which detail the Mayors car parking strategy and sets maximum car parking standards;

The scheme provides an unacceptably low proportion of affordable housing, particularly in the social rent tenure, contrary to the objectives of London Plan (Consolidated with Alterations since 2004) 2008 policies 3A.9 and 3A.10, which states that Boroughs should seek the maximum reasonable amount of affordable housing;

The design of the proposed buildings is unacceptable and would result in a proposal that is out of character with the surrounding occupiers and the scheme is therefore contrary to the objectives of policies DEV1 and Dev2 of the Councils Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Councils Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity; and

In the absence of an approved planning permission for the redevelopment of the site, the demolition of 1–14 Brookesley 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.

6.2 438-480 Mile End Road, London E1

Mr Stephen Irvine, Development Control Manager, introduced the report to Members and referred them to the further updated report tabled at the meeting. The application had been considered previously at the Strategic Development Committee held on 4th August 2009. Members had been minded to refuse the application and therefore the report now detailed reasons for such a refusal of planning permission, which would be subject to any direction from the Mayor of London.

In response to questions from Councillors Mr Irvine confirmed that officers had not included density of the development as a ground for refusal as the development concerned student accommodation and there were no specific policies on this, only residential density. However overall, officers did consider that the development was too large. Officers were aware that there were several other buildings for student accommodation in the area but once again this should not be considered as this would be difficult for officers to defend as a reason for refusal.

Councillor Uddin stated that new developments should be to provide much needed social housing to alleviate the pressures on the Councils lengthy housing waiting list rather than student accommodation.

RESOLVED that planning permission for the demolition of existing structures 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 REFUSED for the following reasons, subject to any direction from the mayor:-

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;

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:

- (d) Policy 4B.10 of The London Plan 2008 which requires development to suited to their wider context in terms of proportion and composition;
- (e) 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; and
- (f) 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.

7. PLANNING APPLICATIONS FOR DECISION

7.1 307 Burdett Road, London E14 7DR

Mr Jerry Bell informed Members that the application was for the demolition of the existing building, with 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. Officers were recommending that planning permission be granted subject to certain conditions.

The Chair asked those registered to speak in objection to the application to address the Committee.

Mr Tom Ridge stated that he was also speaking on behalf of residents of Charlesworth and Leybourne Houses. The site of the application was designed by the Office of Works when George Lansbury was in the 1929 to 1931 Labour Government and was the only building in Tower Hamlets directly associated with him and therefore considered a memorial to him.

He had previously requested in January 2007 and again in July 2008 that the buildings be locally listed and included in a conservation area. He had also requested that the buildings be part of the St. Anne's Church conservation area but this had not happened.

In relation to the application, there was a petition signed by 185 local residents in objection to the proposed development. There were also numerous historical societies and the Tower Hamlets Co-operative Party who objected to the application. English Heritage had written to the council in April 2009 supporting the placing of the site in a conservation area as this was an important London landmark and would make a positive contribution to the character of the area. He was aware that the Council would soon be considering creating a new conservation area of which the site would be a major part of.

Residents were extremely concerned by the high density of the development which was far above the London Plan and that the character of the building would not be in line with existing buildings in the area. Existing buildings would be overlooked by windows and balconies, including the communal garden and children's play area proposed for the top of the six storey block and sunlight/daylight in these existing buildings would be affected.

Residents were also concerned by the potential level of noise nuisance from the restaurant/bar and shops on the ground floor, as they would exacerbate the existing levels of noise, parking, traffic congestion and pollution already in Burdett Road. Also noise from mechanical plant to be used in the buildings would add to this.

The development would only provide 10% affordable housing which was only 2% above the minimum of 35% and therefore this lack of affordable housing did not justify the loss of such an historic local building. The building should be retained and locally protected and remain a memorial to George Lansbury and his campaign against poverty and unemployment.

The Chair asked the applicants or their representative to address the Committee.

Mr Mathew Mainwaring commented that he was the agent for the applicants. In relation to the design of the building the applicants had taken into consideration the character and height of other buildings in the local area.

Indeed, the Strategic Development Committee had granted planning permission to a similar building on the other side of the canal.

There had been discussions with the Councils Conservation Officer regarding retaining the existing building but due to English Heritage not listing the building and the Council not locally listing the building, the applicants had decided to apply for a completely new development. Whilst the applicants were aware that the site could one day be in a conservation area, at present it was not, though it was hoped that the development would add to any conservation area consent.

In relation to overlooking and noise nuisance, the nearest existing building to the development was 20 to 24 meters away which complied with policy. The proposed restaurant/bar and shops were a modest part of the scheme to compliment the residential aspect, for which the Environment Agency and British Waterways had been consulted and neither had any concerns, particularly as the café would be fronting the canal and provide a facility for those who used the canal and its tow path.

Mr Bell reported that a total of 1328 neighbouring properties within the area had been consulted. Five petitions and six individual objections to the development had been received. The main issues for the objectors were to retain the existing building due to its historical interest, the possible conservation area that may be there, the loss of office floor space, design issues, overlooking of existing buildings and lack of sunlight/daylight.

Whilst the existing building did have local historical interest English Heritage had not considered it of national interest and had therefore refused giving the building listed status, the area was currently not part of a conservation area this could not be taken into consideration when Members made their decision, there was sufficient office space vacant in Tower Hamlets so the loss of this for residential use could not be justified, the design was similar to another application recently granted in the area and the nearest building overlooked was 20 meters away which was two more meters than required by the Councils policy. It was accepted that two windows, one per unit, did overlook neighbouring buildings but this was considered a minor failure. The opening hours of the restaurant/bar and shops and mechanical plant used would be controlled to mitigate noise nuisance, with the development being car free which should not contribute to any existing parking issues in the area. Given that the amenity space of the development was also good officers were recommending granting planning permission.

Councillors stated that the building was of significant historic importance and that they had concerns with the scale, mass, design and material of the development. The amount of affordable units was only 17 which amounted to 30% of the residential mix as the 37% quoted was based on habitable room numbers. There were also serious concerns with the possible noise nuisance, the overlooking of existing buildings, the loss of sunlight/daylight on surrounding buildings, the inappropriate child play space which officers had accepted was slightly under that required, the calculation of how only eight

primary school places required a contribution which was considered inappropriate and the amount of amenity space. Therefore they were against the development.

At 8.37pm the meeting adjourned and reconvened at 7.41pm

The Chair advised that Councillors should be addressing the Committee through him as Chair by indicating their desire to speak rather than just speaking at any time. Members should not be stating their intention on how they would vote on an application until the appropriate time.

In response to questions from Councillors Mr Bell stated that as the building was not in a conservation area, the developers could demolish the building without consent from the Council. The contributions for eight primary school places was based on a calculation provided by Education and the contribution to the Primary Care Trust would all be capital even though they had requested a split between capital and revenue. The calculation of amenity space was not split between affordable and private housing.

Councillor Francis stated that whilst he also had concerns regarding the development, there was a great need for three and four bedroom affordable housing which this development could provide. Therefore the site should be developed for housing purposes rather than remain vacant as office space.

RESOLVED that the Officer recommendation to grant planning permission for the demolition of the existing building, with 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 be NOT ACCEPTED.

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

Inappropriate scale, mass, design and density of the development;

The impact of the development in terms of daylight and sunlight on surrounding buildings;

Inappropriate contributions towards education facilities;

The impact of noise nuisance caused by the development on the surrounding area; and

Inappropriate child play and amenity space; and

That the development did not comply with the appropriate affordable housing requirements.

In accordance with the Development Procedural Rules the application was DEFERRED to enable 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.

8. OTHER PLANNING MATTERS

8.1 St. Georges Estate, Cable Street, London E1

Mr Irvine introduced the report which sought a variation of the S106 Agreement for the planning permission granted on the 8th 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. The variation would increase the social housing aspect of the scheme from 31 to 54 residential units, with there now being no intermediate housing. Officers considered that the variation was in line with policies as it met the acute demand for social housing, addressed overcrowding, ensured the continuation of new housing schemes and did not affect intermediate housing in Tower Hamlets as this was sufficiently addressed on other developments in the Borough.

Councillor Ali stated that whilst he was for more social housing, he was concerned that this development was breaching conditions attached to the planning permission already granted and these and any conditions attached to this variation had to be enforced vigorously. He therefore **MOVED**, which was seconded by Councillor Archer, that the report be deferred to the next meeting.

On a vote of three for and six against, the motion was **NOT** carried.

In response to questions from Councillors, Mr Irvine confirmed that granting this variation did not set a precedent. Officers had been and were continuing to pursue breaches of conditions with the applicants. If the provision of social and intermediate housing proposed by this variation was part of the original planning application, officers would have recommended granting the application when it was first submitted to Committee for consideration.

Due to Members making party political statements and not addressing the Committee through the Chair, the Chair reminded Members that they should direct their comments on the report contents only, through him as Chair. If Members continued with this behaviour he would have no alternative but to report them to the monitoring officer.

On a vote of six for and one against it was: -

RESOLVED that a Deed of Variation of the S106 Agreement for the scheme that was granted planning permission on the 8th 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, be amended as follows and subject to the satisfaction of the Chief Legal Officer:-

- 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 x 1 bed; 79 x 2 bed; 22x 3 bed; 7 x 4 bed; 5 x 5 bed).

8.2 Hertsmere House, 2 Hertsmere Road, London E14 4AB

Mr Jerry Bell, Interim Strategic Applications Manager, reported that the applications for planning permission and conservation area consent had been considered previously at the Strategic Development Committees held on 25th June and 4th August 2009. Members had been minded to refuse the applications which were subject to any contrary direction from the Mayor of London. The Mayor had now considered the case and was 'taking over' the applications and would act as the local planning authority. The Mayor would determine the applications at a public hearing which was likely to take place in October 2009. Tower Hamlets Council had the opportunity to make representations at the hearing and would vigorously defend the decision of the Council.

The Chair reminded Members again that they should not be making party political statements and therefore Members should direct their comments on the report contents only, through him as Chair.

RESOLVED that the updated position on the progress of the application be noted.

The meeting ended at 9.12pm

Chair, Councillor Shafiqul Haque
Strategic Development Committee

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Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

Public speaking procedure adopted by this Committee:

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

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Agenda Item 6

Committee: Strategic Development	Date: 10 th November 2009	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
23/09/09	PA/09/00214	307 Burdett Road, London E14 7DR	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 floor space (Use Classes A1/A3 and A4) at ground floor level, cycle parking, amenity space and other associated works.	Committee indicated that it was minded to go against officers recommendations due to inappropriate scale, mass, design, density, contributions, child play and amenity space of the development, the impact of daylight, sunlight and noise nuisance on surrounding properties and that the development did not comply with the appropriate affordable housing requirements.

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/09/00214: 307 Burdett Road, London E14 7DR

- 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.

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

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: 10 th November 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Marie Joseph		Ref No: PA/09/00214	
		Ward(s): Limehouse	

1. APPLICATION DETAILS

Location:	Employment Benefit Office, 307 Burdett Road, E14 7DR
Existing Use:	Former Employment Benefit Office
Proposal:	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.
Drawing Nos:	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.
Associated Documents:	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 th January 2009. Toolkit Viability Report prepared by Savills dated 4 th February 2009. Daylight, Sunlight and Overshadowing Report prepared by GIA dated January 2009.
Applicant:	Trillium (Prime) Property Group Ltd
Owners:	Trillium (Prime) Property Group Ltd
Historic Building:	N/A
Conservation Area:	Limehouse Cut (designated on 7th October 2009)

2. RECOMMENDATION

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

A. Any direction by the Mayor of London.

For the following reasons:

1. The proposed development, by virtue of its inappropriate scale, massing, density and design would result in a built form out of keeping with the existing street scene which would fail to preserve or enhance the character and appearance of the Limehouse

- Cut Conservation Area. As such, the proposal would be contrary to Saved policies 4.1, 4B.12 of the London Plan (Consolidated with Alterations since 2004), saved policy DEV1 of the adopted Tower Hamlets Unitary Development Plan 1998, and policies DEV2 and CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure that development is appropriate in the locality and either preserves or enhances the Borough's Conservation Areas.
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.
 3. The contribution towards education is insufficient to mitigate against the impact of the development. As such, the proposal would be contrary to 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.
 4. The introduction of a new A3 or A4 use at this location on Burdett Road would have an unacceptable impact on neighbouring properties in terms of an unacceptable increase in late-night noise, disturbance and general activity in the locality. As such, the proposal would be contrary to the objectives of saved policies DEV2, DEV50 and S7 of the adopted Tower Hamlets Unitary Development Plan 1998, together with policy DEV1 and DEV10 of the Interim Planning Guidance (2007), which seek to safeguard the amenity of residential occupiers within the Borough and minimise noise disturbance.
 5. The child play space and amenity area in the development is inadequate and inappropriately located to meet the needs of future residents. As such, the proposal is contrary to Policy 3D.13 of the London Plan (2008), Policy DEV1 of the adopted UDP (1998) and policy DEV2 of the Interim Planning Guidance (2007), as well as supplementary planning Guidance: Providing for Children and Young People's Play and Informal Recreation published by the Mayor of London which seek to improve amenity and liveability for residents including children and young people.
 6. The proposed affordable housing provision is considered to be inadequate and contrary to policy 3A.9 and 3A.10 of the London Plan (2008) which sets the Mayor's strategic target of 50 percent of housing provision to be affordable.

3. BACKGROUND:

- 3.1 An application for planning permission was reported to Strategic Development Committee on 23rd September 2009 with an Officer recommendation for approval.
- 3.2 Member's expressed concern over the following:
 - I. Inappropriate scale, mass, design and density of the development;
 - II. The impact of the development in terms of daylight and sunlight on surrounding buildings;
 - III. Inappropriate contributions towards education facilities;
 - IV. The impact of noise nuisance caused by the commercial units within the development;
 - V. Inappropriate child play and amenity space; and
 - VI. That the development did not comply with the appropriate affordable housing

requirements.

- 3.3 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.

Implications of the decision

- 3.4 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. Resubmission of an amended scheme to overcome reasons for refusal;
 - II. 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.

4. CONSERVATION AREA DESIGNATION:

- 4.1 At Meeting of the Cabinet on 7th October 2009, the designation of the Limehouse Cut Conservation Area was agreed. The site is located in the newly designated Conservation Area.
- 4.2 Members should note that this designation is a material consideration as the planning application is yet to be determined. Therefore, relevant policies have been included within the reasons for refusal set out within Section 2 of this report.

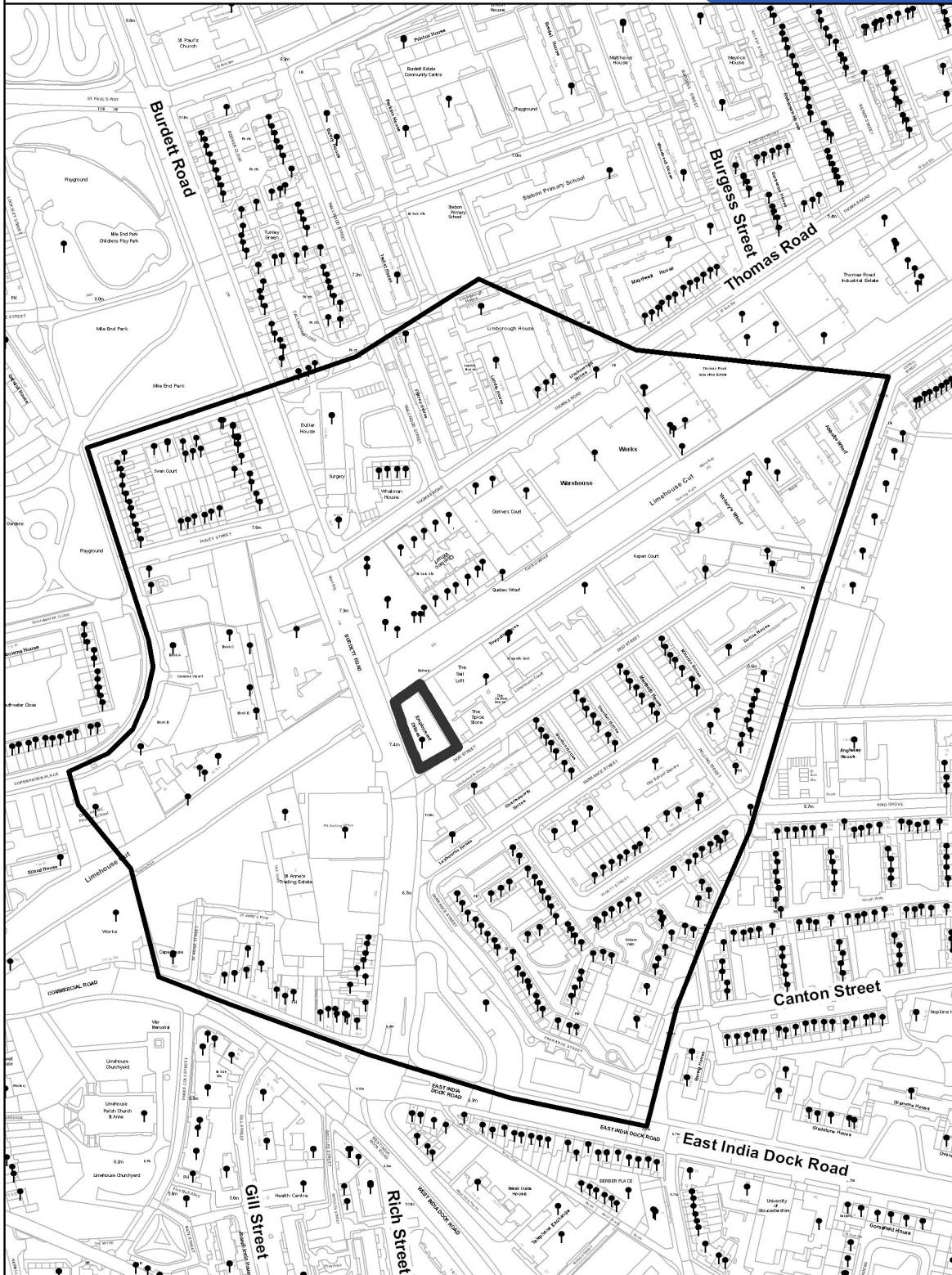
5. CONCLUSION:

All other 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.

6. APPENDICES:


- 6.1 Appendix 1 - Original committee report to Members on 23rd September 2009
- 6.2 Appendix 2 – Addendum to main committee report to Members on 23rd September 2009


Planning Application Site Map



 Planning Application Site Boundary

 Land Parcel Address

 Consultation Area

0 30 m




1:3,500

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

Appendix 1

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

1. APPLICATION DETAILS

Location:	Employment Benefit Office, 307 Burdett Road, E14 7DR
Existing Use:	Former Employment Benefit Office
Proposal:	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.
Drawing Nos:	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.
Associated Documents:	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 th January 2009. Toolkit Viability Report prepared by Savills dated 4 th February 2009. Daylight, Sunlight and Overshadowing Report prepared by GIA dated January 2009.
Applicant:	Trillium (Prime) Property Group Ltd
Owners:	Trillium (Prime) Property Group Ltd
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (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 cranes or scaffolding
- 3) Additional Permission required for extraction to A3/4 unit

That if by 27th 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 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 CO₂ 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 6th 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 20th 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 17th 2008 and was subsequently followed with a report on the buildings on January 20th 2009.
- 8.4 A letter was received by both the Council's Conservation Department and the case officer on April 3rd 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

	Private	Intermediate	Social Rented
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)	
Total Number of Units	56		
Total Number of Affordable Units	17		
Total Number of Habitable Rooms	164		

- 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: 6th 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 20th 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 2nd and 3rd 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.

Appendix 2

Agenda Item number:	7.1
Reference number:	PA/09/00214
Location:	307 Burdett Road,
Proposal:	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 and lower ground floor level, cycle parking, amenity space and other associated works.

1. ADDITIONAL REPRESENTATIONS

- 1.1 Two letters have been received from one member of the public dated September 9th and September 12th 2009.
- 1.2 The letter dated September 9th 2009 raises concerns in relation to:
 - a) The scale, mass and design of the proposal
 - b) Housing need and affordability
 - c) The impact of the proposal on neighbouring residential occupants
 - d) Energy efficiency
 - e) Respecting London's Built Heritage
- 1.3 The letter dated September 12th 2009 contains the concerns raised above and also supports the site being incorporated into a conservation area and that the application should be deferred until the cabinet has considered this proposal.
- 1.4 The applicant has also confirmed that they are willing to consider the principle of providing a car club parking space on site subject to a cost appraisal.

2 ALTERATIONS

- 2.1 It is noted by the officer that the committee date shown on the report reads "4th August 2009". This is incorrect and should read 23rd September 2009.

3 RECOMMENDATION

- 3.1 My recommendation is unchanged

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Agenda Item 7

Committee: Strategic Development	Date: 10 th November 2009	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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.

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

Committee: Strategic Development	Date: 10 November 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/09/00548 & PA/09/00549	
		Ward(s): St Katherines's and Wapping	

1. APPLICATION DETAILS

Location: News International Limited Site, 1 Virginia Street, London

Existing Use: Newspaper printing (removed in April 2008) and associated journalism offices (still in use).

Proposal: Full Planning Permission
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.

Listed Building Consent
Works of alteration to the Grade II listed building, both internally and externally to include the continued use of the building as offices, plant and amenity areas ancillary to the main print works building; introduction of a new Class A use and Class D1 (museum) use at the eastern end of the building. Landscaping and other works of making good both internally and externally.

Drawing Nos: 445 GA 01 01 rev B; 445 GA 01 02 rev B; 445 GA 01 03 rev B; 445 GA 01 04 rev F; 445 GA 01 06 rev. E; 445 GA 09 01 rev. D; 445 GA 09 19 rev. E; 445 GA 09 20 rev. E; 445 GA 09 21 rev. D; 445 GA 09 23 rev. B; 445 GA 09 24 rev. B; 445 GA 09 25 rev. B; 445 GA 09 26 rev. B; 445 GA 09 27 rev. B; 445 GA 09 28 rev. B; 445 GA 09 29 rev. B; 445 GA 09 30 rev. / ; 445 GA 09 39 rev. B; 445 GA 09 40 rev. C; 445 GA 09 41 rev. C; 445 GA 09 42 rev. C; 445 GA 09 43 rev. C; 445 GA 09 44 rev. B; 445 GA 09 51 rev. E; 445 GA 09 52 rev. C; 445 GA 09 53 rev. B; 445 GA 02 19 rev. H; 445 GA 02 20 rev. J; 445 GA 02 21 rev. E; 445 GA 02 23 rev. E; 445 GA 02 24 rev. E; 445 GA 02 25 rev. E; 445 GA 02 26 rev. E; 445 GA 02 27 rev. E; 445 GA 02 28 rev. E; 445 GA 02 29 rev. E; 445 GA 02 30 rev. E; 445 GA 03 09 rev. C; 445 GA 03 10 rev. D; 445 GA 03 13 rev. D; 445 GA 03 14 rev. E; 445 GA 03 16 rev. E; 445 GA 03 20 rev. A; 445 GA 04 01 rev. G; 445 GA 04 02 rev. D; 445 GA 04 04 rev. D; 445 GA 04 09 rev. A; 445 GA 04 11 rev. B; 445 GA 04 50 rev. B; 445 GA 04 51 rev. B; 445 GA 04 52 rev. B; 445 GA 04 53 rev. B; 445 GA 04 54 rev. B; 445 GA 04 55 rev. B.

Supporting Documents: Planning Statement
Design and Access Statement dated 3 April 2009
Planning Landscape Design Statement
Rum Warehouse Design Manual dated 3 April 2009 (Revised 09

October 2009)
Transport Assessment dated April 2009
Proposed Noise Emissions Limits Document dated January 2009
Biodiversity Statement dated February 2009
Planning Stage Energy and Water Statement dated April 2009
Sunlight, Daylight, Overshadowing, glare and light Pollution Analysis
report dated 2 April 2009
Consultation Statement
Eastern Access Review note dated 6 October 2009
Travel Plan Framework Rev C

Applicant: News International Limited
C/o DP9
100 Pall Mall
London
SW1Y 5QN

Owner: London Borough of Tower Hamlets
News International (Leaseholder)

Historic Building: Grade II Listed Rum Warehouse

Conservation Area: No

2. INTRODUCTION

- 2.1 This report is to be read in conjunction with the original report presented to the Committee on the 25th of June 2009 (appended to this report). The amended proposal should be looked at in the context of the entire scheme and not addressed in isolation.
- 2.2 The application was reported to Strategic Development Committee on 28 June 2009. Members indicated that they were minded to refuse planning permission for the following reasons:
- Impact on the Grade II Listed Building;
 - Impact on local residents;
 - Failure to meet the GLA guidelines on renewable energy;
 - Insufficient S.106 obligations – particularly the shuttle bus service.
- 2.3 Following the meeting, the applicant has sought to address the concerns raised by Members. The changes to the scheme are as follows:
- Retention of the Eastern end of the Grade II Listed Building (Rum Warehouse)
 - Movement of the proposed restaurant location from the southeast corner of the main building to the northeast corner, further from the southern boundary of the site.
 - Additional S106 obligations and contributions for transport, employment and education and community and leisure.
- 2.4 The following drawings, which were previously presented to the members have therefore been superseded and no longer should be considered as part of this application:
- 445 GA 01 04 rev. E; 445 GA 02 19 rev. G; 445 GA 02 20 rev. H; 445 GA 02 23 rev. D; 445 GA 02 24 rev. D; 445 GA 02 25 rev. D; 445 GA 02 26 rev. D; 445 GA 02 27 rev. D; 445 GA 02 28 rev. D; 445 GA 02 29 rev. D; 445 GA 02 30 rev. D; 445 GA 03 09 rev. B; 445 GA 03 10 rev. C; 445 GA 04 01 rev. F; 445 GA 04 02 rev. C; 445 GA 04 10 rev. A; 445 GA 04 11 rev. A and 445 GA 04 12 rev. A.
- 2.5 Public re-consultation on the amended plans has been undertaken. A total of 2143 neighbouring properties were notified about the application and invited to comment. Site notices were also placed on the site informing of the changes to the application.

2.6 Officers are of the view that the amendments address the concerns raised by Members.

3. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

3.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) which seeks to ensure this.
- The proposed office use would be, in principle, an acceptable land use, as it would retain the employment function of the site and would be in accordance with policies 3B.1 and 3B.2 of the London Plan 2008, policies ST15, ST17 and EMP1 of the UDP and policies CFR1, CP7, CP11 and EE2 of the IPG, which also seek to encourage office provision and local economy and job growth.
- It is considered that the retail component of the development, due to the location and relationship with Tobacco Dock, would be acceptable in terms of policies 3D.1 and 3D.3 of the London Plan 2008, policies ST34 and ST35 of the UDP and policies CFR1, CP15, CP17, RT3 and RT5 of the IPG, which seek to provide protect the role of town centres while appropriately locating evening and night-time uses as well as providing a range of shops for local users.
- The proposed community uses within the proposed development are acceptable in principle as they would be located in an area well located in relation to public transport and connected to a wide range of uses. The proposed community facilities would be in accordance with policy 3A.18 of the London Plan 2008 (Consolidated with Alterations since 2004) policies ST49, SCF8 and SCF11 of the Unitary Development Plan 1998 and policy SCF1 of the Interim Planning Guidance 2007, which seek to provide community facilities in areas well located and accessible and of high quality.
- The development's height, scale, bulk and design is acceptable and in line with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP4, DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed alterations to the listed building are considered acceptable due to the alterations ensuring the continued use, repair and maintenance of the remaining building. The proposal is therefore considered in accordance with PPG15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG, which seek to preserve and enhance the historic character, appearance and setting of the listed building.

- Sustainability matters, including energy, are acceptable. This is in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7 and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), these policies seek to promote sustainable development practices.
- The development will enhance the ecology and biodiversity of the area in accordance with policy 4D.14 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV61 of the Unitary Development Plan 1998 and CP31 of the Interim Planning Guidance (2007), which seek to protect and enhance all sites of importance for nature conservation.
- Contributions have been secured towards the provision of employment and training, highway improvements, public access improvements and public transport enhancement in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- Consideration has been given to the objections made to the scheme, but none of these are considered sufficient to outweigh the reasons for granting planning permission.

4. RECOMMENDATION

4.1 That the Committee resolve to **GRANT** planning permission for the amended scheme subject to:

- A. Any **direction** by **The Mayor**
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

Financial Contributions - updated

- A financial contribution of £50,000 for improvements to pedestrian environment on Dellow Street. The proposed works would involve the installation of improved lighting, improving the footway and installing CCTV.
- A financial contribution of £100,000 for improvements to Pennington Street pedestrian environment through traffic calming measures, including three speed tables and incorporating land provision for a TFL cycle hire scheme station, if required in future.
- A financial contribution of £100,000 towards Shadwell Stations public realm improvements programme in order to mitigate the impact on the public transport network.
- A financial contribution of up to £30,000 towards the upgrade of local bus stops to requisite standards.
- A financial contribution of £3,000 towards Travel Plan monitoring;
- A financial contribution of £75,000 towards the provision of the upkeep and/or delivery of enhanced leisure and community facilities in the immediate area.
- A financial contribution of £106 to change in the traffic management order and

associated costs to prohibit business parking permits to be issued (i.e. Car free)

Non-financial Contributions

- 24 public access through the site, with the exception that the public access on the northern east west link is restricted to hours of 08:00-20:00.
- 24 hour security, maintenance and management of the new public realm areas.
- Covenant by the owner that the use of the existing adjacent car park shall cease as ancillary to the permitted land use of the proposed development.
- Social compact obligation to commit skills (Education and Employment) offered by News International as per below:
 - News International would become an endorsing employer of the Diploma in Creative and Media, committing to participation on the course and 10 placements per annum (estimated cost of £10,000 each)
 - News International would offer 15 internships per annum (estimated cost of £8,000 each)
 - News International would offer 10 apprenticeships to be provided within the creative and media areas (estimated cost of £150,000 for salaries and another £30,000 per annum on training)
 - News International will offer 10 apprenticeships at any one time through their main contractors during construction.
 - News International will notify the skills match recruitment team for administration and sales jobs (c. 1,000 jobs).
- Operation of a shuttle bus service for employees between the site and Tower Hill tube station from 8am – 10am and 4:45pm and 8pm and destinations during lunch times;
- Provision of an additional shuttle bus, subject to monitoring and demand as identified in the Travel Plan. (Estimated to cost the purchase of a new bus [c.£100,000] and on going operating costs [up to £70,000 per annum]);
- Production and implementation of a Travel Plan;
- The provision of 10 staff pool bikes (estimated cost of approximately £10,000);
- Provision of staff cycle training.

4.2 That the Head of Planning and Building Control is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

Conditions (Planning Permission)

- 1) 3 year time period
- 2) External material samples
- 3) Detailed elevation drawings
- 4) Typical junction details and bay window details
- 5) Plant and Noise mitigation
- 6) Archaeology Assessment
- 7) Archaeology Recording
- 8) Petrol/oil filters

- 9) CCTV provision
- 10) Photovoltaics provision
- 11) Solar water heating provision
- 12) BREEAM reports
- 13) Landscaping details
- 14) Landscaping materials
- 15) Landscaping management plan
- 16) No Ivy on listed buildings
- 17) Signage strategy
- 18) CCHP connection provision details
- 19) 10% disabled parking
- 20) Cycle storage details
- 21) Fire fighting water supply details
- 22) Surface water drainage scheme
- 23) Construction Management Plan
- 24) Construction working hours
- 25) Construction noise levels
- 26) Electrical vehicle charging points
- 27) Schedule of highways works
- 28) Scheme for protective measures around trees
- 29) Ventilation and extraction system details
- 30) Cycle Parking Details
- 31) Hours of operation for retail
- 32) Removal of wall and provision of access links
- 33) Recording of the historic fabric to be removed
- 34) Structural report
- 36) Schedule of repair works
- 37) Details of repair and finish to wall
- 38) Details of new external alterations
- 40) Details of removal of gate pillar
- 41) Details of planting
- 42) Details of salvage and reuse
- 43) Use restriction on the roof garden
- 44) Delivery and servicing plan
- 45) Eastern vehicle entrance management plan
- 46) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives (Planning Permission)

- 1) S106 agreement
- 2) S278 agreement

4.3 That, if by 24th July 2009 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Planning and Building Control is delegated power to refuse planning permission.

4.4 That the Committee resolve to **GRANT** Listed Building Consent

4.5 That the Head of Planning and Building Control is delegated power to impose conditions [and informatives] on the Listed Building Consent to secure the following:

Conditions (Listed Building Consent)

- 1) Time period
- 2) In accordance with application PA/09/00548

- 3) Recording of the historic fabric to be removed
- 4) Structural report
- 5) Schedule of repair works
- 6) Details of repair and finish to walls
- 7) Details of new external alterations
- 8) Details of new pedestrian entrances
- 9) Details of removal of gate pillar
- 10) Details of planting
- 11) Details of internal alterations
- 12) Details of salvage and reuse
- 13) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

5. CONSULTATION RESPONSE

English Heritage

- 5.1 English Heritage's previous concerns centred on the proposed removal of the east end of the building. English Heritage warmly welcomes the decision to retain the east end of the Rum Warehouse.

Officer's Comments

- 5.2 The retention of the eastern end of the Rum Warehouse is also supported by the Council's Conservation Officers.

Greater London Authority

- 5.3 *Urban design and biodiversity:* the applicant has committed to revising the landscape proposals to reflect the findings of the biodiversity report. We are content for the Council to attach conditions as necessary to any planning consent to ensure compliance with London Plan policies 3D.14 and 4B.1 and enforce this through its review of the detailed landscape proposals when these are submitted.
- 5.4 *Climate change mitigation:* My colleagues have reviewed further work submitted in response to the Mayor's stage I comments on climate change mitigation and adaptation. They are satisfied with this, subject to the addition of satisfactory conditions to any planning consent: securing the implementation, operation and retention of the stated area of solar photovoltaics (743 sq.m.) and solar collectors (144 sq.m.); and the implementation of the water management strategy.
- 5.5 *Transport:* TfL has now accepted that commitments on the shuttle bus operation should address previous concerns about bus capacity.

LBTH Highways

- 5.6 LBTH Highways have reviewed the amended eastern vehicle entrance and have raised concerns with the narrowed vehicle entrance. However, they have stated that the conditioning of a management plan for the eastern entry and the traffic calming measures on Pennington Street, already secured through the S106 Heads of Terms, would aid to alleviate the concerns.

Officer's Comment

- 5.7 A condition of consent is recommended to require the submission and approval of a management plan for the eastern entrance. Given that the amended scheme would enable the retention of the listed building, on balance, with the proposed mitigation via a management plan and the suitable width for the pedestrian entrance the proposal is

considered acceptable.

6. ADDITIONAL LOCAL REPRESENTATION

6.1 Two additional letters of support have been received by Council since the report was presented to the Strategic Applications Committee on the 25th of June 2009.

6.2 A letter of support from owners of Tobacco Dock and various surrounding land holdings commented as follows:

- Urge Council to approve the proposal
- Firmly believe to provide a clear and settled framework for bring forward future development in the area
- The certainty that the remodelling of the New International site provides, along with the 4,300 jobs that are to be located adjoining Tobacco Dock, enables the company to consider the future of the Tobacco Dock and surrounding land. (*The Tobacco Dock development is currently dormant and has been for a considerable length of time.*)
- The proposals by News International (Re-location of main site access; Creation of a new attractive eastern entrance through the Rum Warehouse building; New public realm) are considered extremely positive moves that will be complementary and beneficial to the future planning of Tobacco Dock and other land holdings.
- The new east-west and north south public access routes across the site and the proposed public amenity at the eastern end of the site, such as restaurant and museum, cannot fail to draw significant pedestrian traffic to Tobacco Dock and thus enable it to realise its full, exciting potential.
- Should the proposals not be approved the renewed uncertainty which that brings associated with the future form and use of the News International Site is likely to require owners to think again regarding the programme and strategy for Tobacco Dock.

6.3 A letter of support from chairman of Telfords Yard Management Company Limited, which represents the interests of tenants, both residential and commercial, at Telfords Yard commented as follows:

- Currently the site creates a significant impediment to access between various parts of Wapping. The proposal to provide public access will enhance the location of Telfords Yard by providing connectivity with the area south of News International and to the west along Vaughan Way.
- The whole area will be significantly enhanced and have a new vibrancy with the creation of the media campus with increased employment and the provision of additional facilities, including retail uses.
- The landscaping of the lorry/car parking area to the west of Virginia Street will improve the aspect from Telfords Yard and tidy up the area generally which is at present unsightly.
- There has already been a noticeable reduction in traffic following the transfer of production facilities to News International's new facility in North London. The reduction in car parking spaces will further eliminate traffic noise created by vehicle traffic to the site.

6.4 A total of 2143 neighbouring properties were notified about the amendments to the application and invited to comment. Two further responses were received which commented as follows:

- I have a specific comment with respect to the use of the proposed roof garden. As the owner/occupant of a bedroom which is some 20 or 30 metres from the roof garden, I should like to propose a restriction such that the roof garden may not be used
 - (i) after 10.00pm on any day or
 - (ii) at weekends

- As a local resident I would very much support the News International Application. I think the plans would make good use of the available space, making it more attractive and should provide more employment opportunities, both of which would be beneficial to the local community and wider area.

Officers Comments

- 6.5 A condition of consent is recommended to be included on the Planning Permission, if approved, to restrict the use of the roof garden. It is considered by officers that this condition would restrict the use of the roof garden to 10pm, which would accord with the submitter's request.

7. MATERIAL PLANNING CONSIDERATIONS

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

- Principles of the Land Use
- Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
- Traffic and Servicing Issues
- Design and Layout of the Development
- Sustainability
- Planning Obligations

- 7.2 These matters are addressed in Section 8 and 9 of this report and in the original report presented to the Committee on the 25th of June 2009 (appended to this report). Both this report and the original report should be read in conjunction.

8. OFFICERS ADVICE FOLLOWING AMENDMENTS TO THE SCHEME

- 8.1 The amendments to the scheme are to be assessed under the reasons for refusal put forward by Members:

- Impact on the Grade II Listed Building;
- Impact on local residents;
- Failure to meet the GLA guidelines on renewable energy;
- Insufficient S.106 obligations – particularly the shuttle bus service.

Impact on the Grade II listed building

- 8.2 Following the deferral of the application and requests for reasons for refusal by Members at the 25th of June Committee, the applicant has amended the scheme in order to retain the portion of the listed building which was to be demolished in the original application.
- 8.3 The result of this amendment is that the alteration to the existing Listed Building is greatly reduced. The eastern end of the Rum Warehouse would now be retained, with the pedestrian access now being located adjacent to the vehicle entrance at the eastern end of the building. Works of enhancement and improvement will still be undertaken to the exterior and interior of the building.
- 8.4 The applicant has retained the museum use in the basement vaults in the basement area beneath the retained eastern end. However, entry to the basement level will now be facilitated internally. The retained eastern end of the listed building will provide additional retail floorspace at the ground level.
- 8.5 The proposed retention of the eastern end of the Rum Warehouse would not impact on the

amenity of the adjoining occupiers or the surrounding area. It would retain the current mass of building to the streetscape and would not be expected to result in any noise or privacy impacts that are not addressed in the original Committee Report.

- 8.6 English Heritage have now withdrawn their objection to the proposal and together with Council's Conservation Officer support the proposal subject appropriate conditions relating to the materials and detail of works.
- 8.7 Given that the scheme has been amended to reduce the impact on the listed building and that English Heritage have withdrawn their objection to the proposal, Officers do not consider that it would be reasonable to refuse the scheme on this ground.
- 8.8 In retaining the eastern end of the Rum Warehouse, changes have had to be made to the proposed pedestrian entrance at the eastern end of the site. The pedestrian entrance would now be located against the eastern elevation wall of the Rum Warehouse at the eastern end of the site. To facilitate an adequate width of footway for pedestrians the existing vehicle entrance would be narrowed.
- 8.9 The pedestrian access created would provide an acceptable width to cater for wheelchair users and people using push chairs and buggies.
- 8.10 The existing vehicle entrance historically catered for the lorries servicing the print works as well as servicing to Tobacco Dock. The entrance would retain ability for servicing to Tobacco Dock and would also be used to provide access to the disabled visitors parking and vehicle pick up drop off area.
- 8.11 The Highways Team have reviewed the amendments to the eastern vehicle entrance and have raised concerns with the narrowed eastern access. A condition of consent has been recommended in order to ensure that an acceptable management plan is implemented to alleviate the Highways Team's concerns and it is considered on balance, given that the scheme now retains the eastern end of the listed building while still providing an appropriate width of pedestrian access, that the amended scheme is acceptable.

Impact on local residents

- 8.12 The following changes have been made to address the concerns raised regarding amenity:
- The proposed restaurant has been relocated from the southeast corner of the main building to the northeast corner, further from the adjacent residential development.
 - The applicant has confirmed that they are accepting of a reasonable condition relating to the restriction of use of the roof terrace.
- 8.13 The distance between the development and affected properties is greater (at 20 metres) than the minimum separation distances (of 18 metres) in the Council's UDP. Unless there were specific and convincing reasons for seeking to apply a separation distance greater than the normal standard, it is Officers view that the Council would be at risk of having costs awarded against them in respect of this ground.
- 8.14 In terms of addressing the disruption from noise the applicant has amended the scheme to move the restaurant to the northern side of the main building. This would effectively move the servicing of the restaurant away from a location near the boundary. A condition of consent could be implemented restricting hours, access and location of servicing vehicles for the restaurant.
- 8.15 During the Committee of the 25th of June 2009, Members looked to address issues raised by a neighbouring resident regarding the hours of use of the roof garden by proposing an amendment which would have set a terminal hour for the roof use of the roof garden as

11pm. The applicant has confirmed that it is happy to agree a condition on hours of use of the roof garden.

- 8.16 The movement of the position of the proposed restaurant within the development has been undertaken to lessen the potential impact on the amenity of neighbouring occupiers. The movement from the southeast to the northeast corner of the main building would result in servicing being further from the boundary with the residential development to the south of the site. This would be expected to result in less potential of noise nuisance and be considered to be in accordance saved policies DEV2 and DEV50 of the Unitary Development Plan 1998 and policies DEV1 and DEV 10 of the Interim Planning Guidance 2007.
- 8.17 Due to the amendments to the scheme and the acceptance of a condition restricting the hours of operation of the roof garden, Officers do not consider it would be reasonable to refuse the scheme on this ground.

Failure to meet GLA's guidelines on renewable energy

- 8.18 Following, the initial Stage 1 representations made by the GLA, the applicant amended the scheme to provide an increased number of photovoltaic panels, in order to address the concerns raised by GLA's response to the initial proposal.
- 8.19 Following the Committee of the 25th of June 2009, Council officers have received further written response from the GLA confirming that their Stage 1 requirements have been addressed and with regards to climate change, stating:

"My colleagues have reviewed further work submitted in response to the Mayor's stage 1 comments on climate change mitigation and adaptation. They are satisfied with this, subject to the addition of satisfactory conditions to any planning consent: securing the implementation, operation and retention of the stated area of solar photovoltaics (743 sq.m.) and solar collectors (144 sq.m.); and the implementation of the water management strategy."

- 8.20 Thus with the GLA is not maintaining any objection on energy efficiency grounds in the context of the requirements of the London Plan, the Council will be vulnerable accordingly if they were to refuse the application on this ground. Having regard to the likely substance of the issue, in terms of the amount of evidence necessary to address it and the consequent use of inquiry time, if the objection on this grounds were not successful, there would be a risk that costs would be awarded the Council in respect of this ground, even if the appeal were dismissed on other grounds.
- 8.21 On the basis of the revised response from GLA, officers do not consider it would be reasonable to refuse the scheme on this ground.

Insufficient S106 obligations

- 8.22 Additional S106 commitments have been offered by the applicant in order to offset impacts of the proposed development.
- 8.23 The applicant has sought to address the Members concerns regarding the shuttle bus service by agreeing to an enhanced Travel Plan framework, which would ensure increased capacity as well as monitoring of the use of the shuttle bus service.
- 8.24 GLA and TFL are accepting of the enhanced provisions incorporated in the Travel Plan and have withdrawn there requirement for contributions towards an additional bus to be provided on the existing public bus route. The enhanced Travel Plan framework has been reviewed by Council's Strategic Transport Team who are also supportive of the proposals incorporated

and consider that it would effectively reduce the reliance on the public bus network.

8.25 In addition to the enhanced shuttle bus capacity and Travel Plan provisions the applicant has increase their S106 offer in terms of education and employment provisions and added an additional financial contribution to leisure and community facilities in the immediate area. The S106 offer for has been increased as follows:

- Provide an additional shuttle bus, subject to monitoring and demand. This is estimated to cost the purchase of a new bus (c.£100,000) and on going operating costs (up to £70,000 per annum);
- An increase in the placements for the Diploma in Creative and Media from 2 to 10 at an estimated cost of £10,000 each;
- An increase in the number of internships from 7 to 15 at an estimated cost of £8,000 each;
- 10 apprenticeships to be provided within the creative and media areas at an estimated cost of £150,000 for salaries and another £30,000 per annum on training;
- A further £3,000 towards Travel Plan monitoring;
- A further £7,000 towards staff cycle training;
- Funds allocated for the provision of 10 staff pool bikes at a cost of approximately £10,000.
- A financial contribution of £75,000 towards the provision of the upkeep and/or delivery of enhanced leisure and community facilities in the immediate area.

8.26 Officers believe the Council would not be justified in seeking to claim more in the way of section 106 contributions and the objection on the assumption that employees are not likely to use the shuttle bus is not a reason for objecting on grounds of insufficiency of contributions. Given the greatly enhanced offers by the applicant, Officers do not consider it would be reasonable to refuse the scheme on this ground.

9. LISTED BUILDING CONSIDERATION

9.1 Associated with the Planning Permission application is Listed Building Consent application. At the Strategic Development Committee on 25 June 2009 the application for Listed Building Consent was withdrawn from the agenda following the resolution to defer the Planning Permission application.

9.2 The amendments made to the application have significantly reduced the impact on the Listed Building. The amendments to retain the eastern end of the Rum Warehouse have lead to English Heritage withdrawing their objection to the granting of the Listed Building Consent.

9.3 Improvements and repairs to the building are seen by officers as a positive impact on the historic building that would seek to protect the building from deterioration. As detailed in the original committee report, a number of conditions are recommended to ensure the protection of the building and ensure that proposed repair and alteration works would not significantly impact on the special historic interest and character of the building.

9.4 The proposed condition relating to the details of the eastern elevation would no longer be required as the eastern end is now to be retained.

9. CONCLUSION

9.1 All other relevant policies and considerations have been taken into account. Planning Permission and Listed Building 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.

10. SITE PLAN AND CONSULTATION ZONE

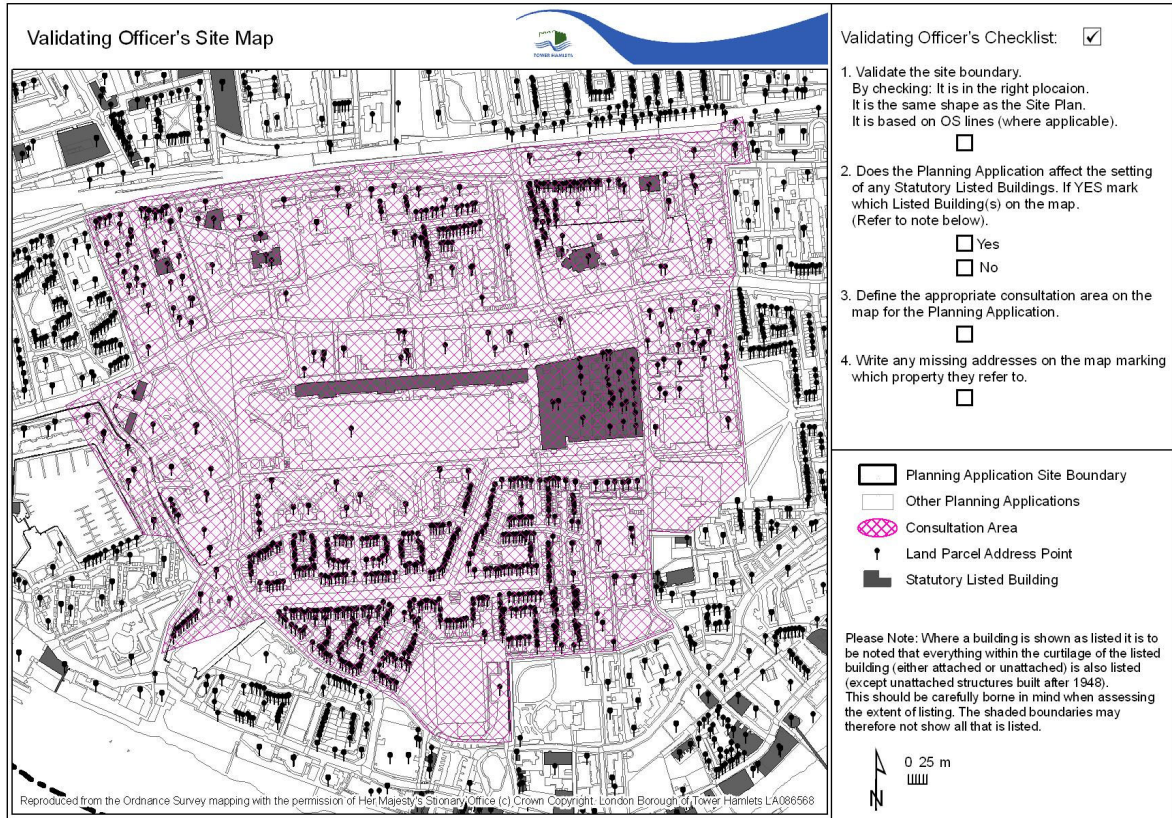


Figure 9.1 – Map showing site consultation zone

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Committee: Strategic Development	Date: 25 June 2009	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/09/0548 & PA/09/0549	
		Ward(s): St Katherines's and Wapping	

1. APPLICATION DETAILS

Location: News International Limited Site, 1 Virginia Street, London

Existing Use: Newspaper printing (removed in April 2008) and associated journalism offices (still in use).

Proposal: Full Planning Permission
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. All as shown on the plans and drawings proposed.

Listed Building Consent

Works of alteration to the Grade II listed building, both internally and externally.
Partial demolition at the eastern end of the building. Creation of a new pedestrian entrance from Pennington Street into a newly created entry plaza. New pedestrian entrance from the entry plaza to the lower ground floor and the structural vaults; Landscaping and other works of making good both internally and externally; continued use of the building as offices, plant and amenity areas ancillary to the main print works building; Introduction of new Class A use and Class D1(museum)use at the eastern end of the building; creation of new outdoor raised terrace at eastern end with steps down to entry plaza.

Drawing Nos: 445 GA 01 06 rev. E; 445 GA 09 01 rev. D; 445 GA 09 19 rev. E; 445 GA 09 20 rev. E; 445 GA 09 21 rev. D; 445 GA 09 23 rev. B; 445 GA 09 24 rev. B; 445 GA 09 25 rev. B; 445 GA 09 26 rev. B; 445 GA 09 27 rev. B; 445 GA 09 28 rev. B; 445 GA 09 29 rev. B; 445 GA 09 30 rev. / ; 445 GA 09 39 rev. B; 445 GA 09 40 rev. C; 445 GA 09 41 rev. C; 445 GA 09 42 rev. C; 445 GA 09 43 rev. C; 445 GA 09 44 rev. B; 445 GA 09 51 rev. E; 445 GA 09 52 rev. C; 445 GA 09 53 rev. B; 445 GA 01 04 rev. E; 445 GA 02 19 rev. G; 445 GA 02 20 rev. H; 445 GA 02 21 rev. E; 445 GA 02 23 rev. D; 445 GA 02 24 rev. D; 445 GA 02 25 rev. D; 445 GA 02 26 rev. D; 445 GA 02 27 rev. D; 445 GA 02 28 rev. D; 445 GA 02 29 rev. D; 445 GA 02 30 rev. D; 445 GA 03 09 rev. B; 445 GA 03 10 rev. C; 445 GA 03 13 rev. D; 445 GA 03 14 rev. E; 445 GA 03 16 rev. E; 445 GA 03 20 rev. A; 445 GA 04 01 rev. F; 445 GA 04 02 rev. C; 445 GA 04 04 rev. D; 445 GA 04 10 rev. A; 445 GA 04 11 rev. A; 445 GA 04 12 rev. A; 445 GA 04 50 rev. B; 445 GA 04 51 rev. B; 445 GA 04 52 rev. B; 445 GA 04 53 rev. B; 445 GA 04 54

rev. B; 445 GA 04 55 rev. B.

Supporting Documents: Planning Statement
Design and Access Statement dated 3 April 2009
Planning Landscape Design Statement
Rum Warehouse Design Manual dated 3 April 2009
Transport Assessment dated April 2009
Proposed Noise Emissions Limits Document dated January 2009
Biodiversity Statement dated February 2009
Planning Stage Energy and Water Statement dated April 2009
Sunlight, Daylight, Overshadowing, glare and light Pollution Analysis report dated 2 April 2009
Consultation Statement

Applicant: News International Limited
C/o DP9
100 Pall Mall
London
SW1Y 5QN

Owner: London Borough of Tower Hamlets
News International (Leaseholder)

Historic Building: Grade II Listed Rum Warehouse

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

Planning Permission

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

- The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) which seeks to ensure this.
- The proposed office use would be, in principle, an acceptable land use, as it would retain the employment function of the site and would be in accordance with policies 3B.1 and 3B.2 of the London Plan 2008, policies ST15, ST17 and EMP1 of the UDP and policies CFR1, CP7, CP11 and EE2 of the IPG, which also seek to encourage office provision and local economy and job growth.
- It is considered that the retail component of the development, due to the location and relationship with Tobacco Dock, would be acceptable in terms of policies 3D.1 and 3D.3 of the London Plan 2008, policies ST34 and ST35 of the UDP and policies CFR1, CP15, CP17, RT3 and RT5 of the IPG, which seek to provide protect the role of town centres while appropriately locating evening and night-time uses as well as providing a range of shops for local users.
- The proposed community uses within the proposed development are acceptable in principle as they would be located in an area well located in relation to public transport and connected to a wide range of uses. The proposed community facilities would be in

accordance with policy 3A.18 of the London Plan 2008 (Consolidated with Alterations since 2004) policies ST49, SCF8 and SCF11 of the Unitary Development Plan 1998 and policy SCF1 of the Interim Planning Guidance 2007, which seek to provide community facilities in areas well located and accessible and of high quality.

- The development's height, scale, bulk and design is acceptable and in line with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP4, DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed alterations to the listed building are considered on balance acceptable given the benefits of the scheme to the public, community and surrounding environment and due to the alterations ensuring the continued use, repair and maintenance of the remaining building. The proposal is therefore considered in accordance with PPG15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG, which seek to preserve and enhance the historic character, appearance and setting of the listed building.
- Sustainability matters, including energy, are acceptable. This is in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7 and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), these policies seek to promote sustainable development practices.
- The development will enhance the ecology and biodiversity of the area in accordance with policy 4D.14 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV61 of the Unitary Development Plan 1998 and CP31 of the Interim Planning Guidance (2007), which seek to protect and enhance all sites of importance for nature conservation.
- Contributions have been secured towards the provision of employment and training, highway improvements, public access improvements and public transport enhancement in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- Consideration has been given to the objections made to the scheme, but none of these are considered sufficient to outweigh the reasons for granting planning permission.

Listed Building Consent

2.2

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 proposed alterations to the listed building are considered on balance acceptable given the benefits of the scheme to the public, community and surrounding environment and due to the alterations ensuring the continued use, repair and maintenance of the

remaining building. The proposal is therefore considered in accordance with PPG15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG, which seek to preserve and enhance the historic character, appearance and setting of the listed building.

3. RECOMMENDATION

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

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

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

Financial Contributions

- A financial contribution of £50,000 for improvements to pedestrian environment on Dellow Street. The proposed works would involve the installation of improved lighting, improving the footway and installing CCTV.
- A financial contribution of £100,000 for improvements to Pennington Street pedestrian environment through traffic calming measures, including three speed tables and incorporating land provision for a TFL cycle hire scheme station, if required in future.
- A financial contribution of £100,000 towards Shadwell Stations public realm improvements programme in order to mitigate the impact on the public transport network.
- A financial contribution of up to £30,000 towards the upgrade of local bus stops to requisite standards.

Non-financial Contributions

- 24 public access through the site, with the exception that the public access on the northern east west link is restricted to hours of 08:00-20:00.
- 24 hour security, maintenance and management of the new public realm areas.
- Covenant by the owner that the use of the existing adjacent car park shall cease as ancillary to the permitted land use of the proposed development.
- Change in the traffic management order and associated costs to prohibit business parking permits to be issued (i.e. Car free)
- Social compact obligation to commit skills (Education and Employment) offered by News International as per below:
 - New International would become an endorsing employer of the Diploma in Creative and Media, committing to participation on the course and 2 placements per annum
 - New International would offer 7 internships per annum
 - News International will offer 10 apprenticeships at any one time through there main contractors during construction.
 - New International will notify the skills match recruitment team for

administration and sales jobs.

- Operation of a shuttle bus service for employees
- Production and implementation of a Travel Plan.

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

Conditions (Planning Permission)

- 1) 3 year time period
- 2) External material samples
- 3) Detailed elevation drawings
- 4) Typical junction details and bay window details
- 5) Plant and Noise mitigation
- 6) Archaeology Assessment
- 7) Archaeology Recording
- 8) Petrol/oil filters
- 9) CCTV provision
- 10) Photovoltaics provision
- 11) Solar water heating provision
- 12) BREEAM reports
- 13) Landscaping details
- 14) Landscaping materials
- 15) Landscaping management plan
- 16) No Ivy on listed buildings
- 17) Signage strategy
- 18) CCHP connection provision details
- 19) 10% disabled parking
- 20) Cycle storage details
- 21) Fire fighting water supply details
- 22) Surface water drainage scheme
- 23) Construction Management Plan
- 24) Construction working hours
- 25) Construction noise levels
- 26) Electrical vehicle charging points
- 27) Schedule of highways works
- 28) Scheme for protective measures around trees
- 29) Ventilation and extraction system details
- 30) Cycle Parking Details
- 31) Hours of operation for retail
- 32) Removal of wall and provision of access links
- 33) Recording of the historic fabric to be removed
- 34) Structural report
- 35) Details of eastern elevation of Rum Warehouse
- 36) Schedule of repair works
- 37) Details of repair and finish to wall
- 38) Details of new external alterations
- 39) Details of new pedestrian entrance
- 40) Details of removal of gate pillar
- 41) Details of planting
- 42) Details of salvage and reuse
- 43) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives (Planning Permission)

- 1) S106 agreement
- 2) S278 agreement

- 3.3 That, if by 24th July 2009 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.
- 3.4 That the Committee resolve to **GRANT** Listed Building Consent
- 3.5 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the Listed Building Consent to secure the following:

Conditions (Listed Building Consent)

- 1) Time period
- 2) In accordance with application PA/09/00548
- 3) Recording of the historic fabric to be removed
- 4) Structural report
- 5) Details of eastern elevation of Rum Warehouse
- 6) Schedule of repair works
- 7) Details of repair and finish to wall
- 8) Details of new external alterations
- 9) Details of new pedestrian entrance
- 10) Details of removal of gate pillar
- 11) Details of planting
- 12) Details of internal alterations
- 13) Details of salvage and reuse
- 14) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 Following the relocation of the News International printing presses to Broxbourne in April 2008, it is proposed that the current print works building (along with the adjacent Rum Warehouse) at Wapping is remodelled by News International into its UK headquarters. The proposal also envisages the co-location of various News Corporation brands' offices (such as My Space, Harper Collins, Fox and Dow Jones) within these premises. Around 4,300 employees are to be located on the Site.
- 4.2 The proposed development would see the existing main print works building comprehensively remodelled in order to convert it from the existing uses into a modern campus style office building. Associated with the remodelling of the main print works building would be alterations to the Grade II Listed Rum Warehouse building, the introduction of A1-A3 (retail/restaurant) and D1 (Non-residential Institution/museum) Uses, opening of public access through the site, extensive landscaping and reduction in vehicle parking spaces.
- 4.3 The relevant floorspaces associated with these proposals are:

<i>Use</i>	<i>Existing</i>	<i>Proposed</i>
A1 / A3	-	1,740 sqm
B1/B2	46,165 sqm	-

B1	52,075 sqm	85,824 sqm
D1	-	1,902 sqm
Car parking	3,600 sqm	9,129 sqm
<i>Total</i>	<i>101,840 sqm</i>	<i>98,595 sqm</i>

Table 4.1 – Floorspaces associated with the remodelling proposal.

4.4 The design for the proposed campus comprises the following works:

- New elevation designs for the former print works façades;
- Relocating the building’s main entrance to its eastern end;
- Creating new pedestrian access routes providing east-west and north-south permeability;
- Establishing a new publicly accessible piazza;
- Introducing considerable hard and soft landscaping; and
- Alterations to the Grade II listed Rum Warehouse.

4.5 Members of the public will be able to gain access to new routes through the Site, which will provide pedestrian and cycle links north-south and east-west through the site. A new and extensive piazza will connect the canal to Pennington Street and new public retail and public use facilities (within Use Classes A1, A3 and D1) are to be provided at the eastern end of the Site.

4.6 The level of car parking spaces is to be dramatically reduced from the current level of 596 to 271. The entirety of the car parking is to be located within the former print works building, thereby negating the requirement for the external car parking to the west.

4.7 Works to the Grade II Listed Warehouse will provide a new, semi-enclosed terrace area is to be the eastern end of the Site. The terrace will provide access into the Rum Warehouse and the rest of the Site as well as to allow an archway in the Pennington Street wall to be opened up as a pedestrian Site entrance. Part of the existing Warehouse building is to be given over to public uses e.g. restaurant, retail, and archive/museum in order that these currently private structures can be made available for public usage, particularly the basement vaults of the building.

4.8 Figure 4.1 below shows the proposed layout of the ground floor of the development following the remodelling of the existing development.

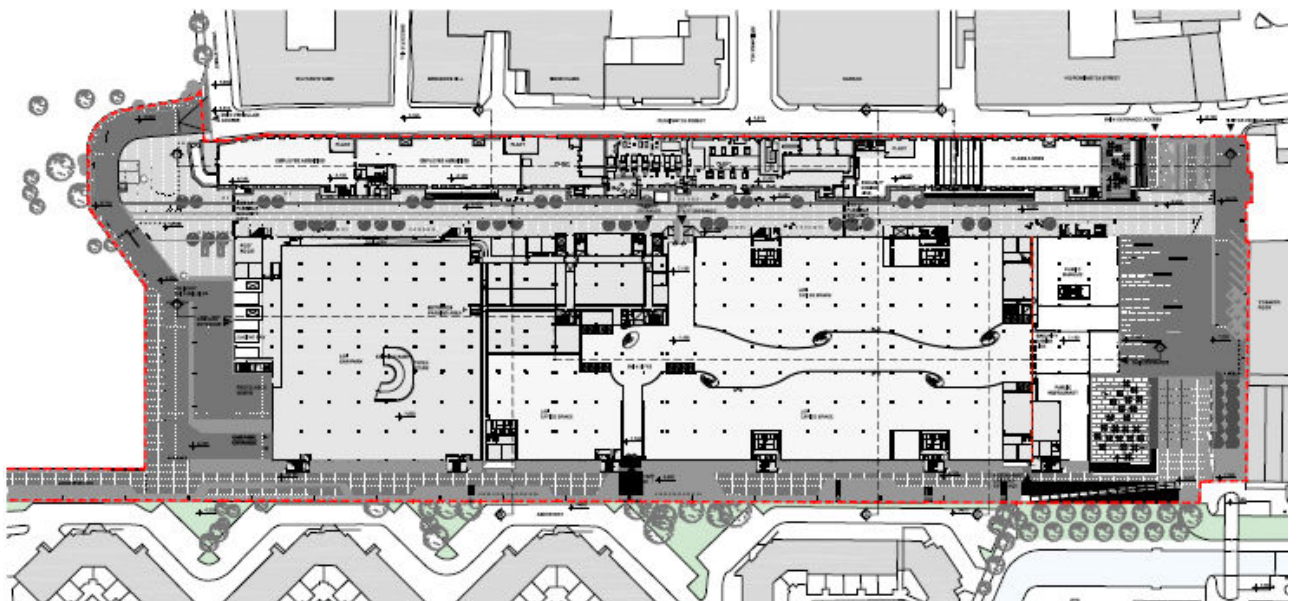


Figure 4.1 – Layout of the ground floor of the proposed remodelling proposal

Site and Surroundings

- 4.9 The subject site is approximately 4.3 hectares in area, bounded by Pennington Street and Virginia Street to the north, Vaughan Way and the existing car park to the west, Tobacco Dock to the east and the Quay 430 residential development to the south.
- 4.10 The site is currently occupied by the main print works building, which is a large seven storey building that formally housed the printing presses for News International and is still occupied by some of News International's offices. A Grade II listed building, which was formally a Rum Warehouse when the area was used as docks and has now been converted into offices and associated storage and plant space used by News International, is also located within the site adjacent the northern site boundary on the south side of Pennington Street. Figure 4.2 shows the existing layout of the site and its relationship with the immediate surrounds.

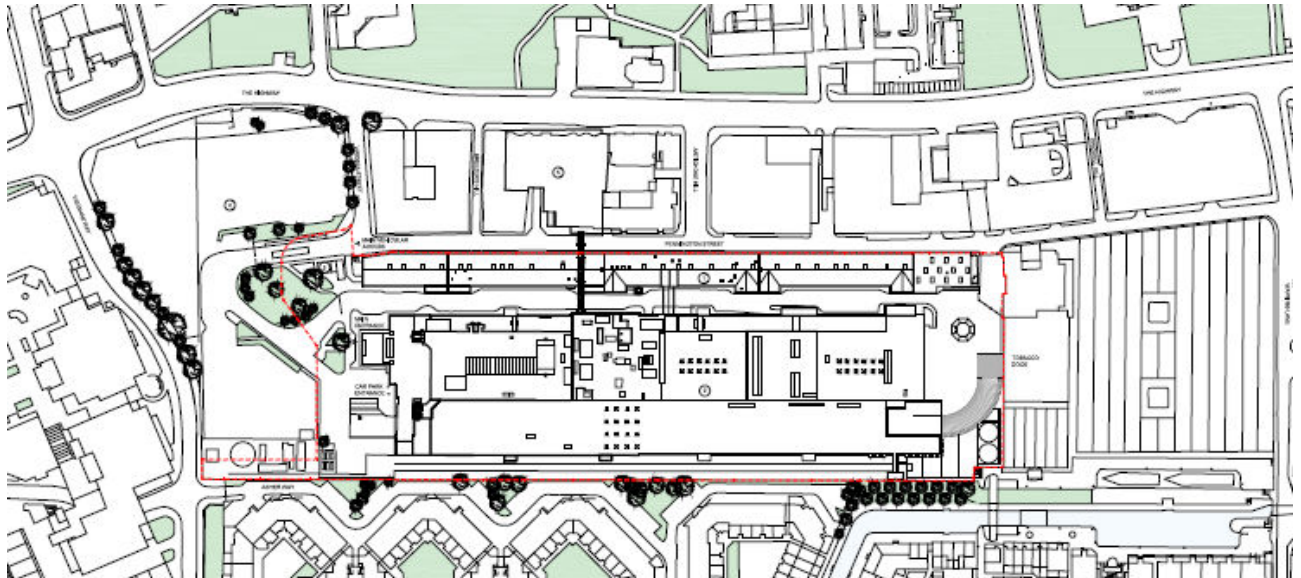


Figure 4.2 – Plan of the existing News International site and the immediately surrounding area

- 4.11 The current nature of the boundary treatments surrounding the site, as well as current security arrangements mean that there is no public access into or through the site.
- 4.12 To the north, between the Site and The Highway, are a range of residential and commercial buildings including Telfords Yard (six storeys), comprising former warehouses converted to apartments on the corner of Virginia Street and Pennington Street. To the east of Telfords Yard is a mixture of residential and commercial premises including the six storey offices of Times House fronting both The Highway and Pennington Street. Times House, in use by News International, currently has a pedestrian bridge connection to the print works building on the Site. Further east are businesses premises including a Saab dealership and Machine Mart fronting The Highway, warehouses and a recording studio on Pennington Street.
- 4.13 The Grade I listed Tobacco Dock lies immediately to the east of the Site. Tobacco Dock is a former warehouse which was converted into a shopping centre in the late 1980s but is now largely vacant and has been placed on English Heritage's "At Risk" register.
- 4.14 To the south of the Site is Quay 430 on Asher Way. This is a three to nine storey residential development comprising four buildings: Trade Winds Court; Spice Court; Leeward Court; and China Court. This development was completed in 1993 as part of the regeneration of the area initiated by the London Docklands Development Corporation.
- 4.15 To the west of the Site is a car park, which is part of the News International complex but does not form part of the application Site. Further to the west of the car park on the opposite side of Vaughan Way is the Thomas Moore Square complex comprising offices, retail units (including a Waitrose supermarket) and leisure facilities. This development rises 15 storeys at its highest point.

Relevant Planning History

- PA/02/01555 Erection of two buildings of 10 and 27 storeys to create 115,388 sqm floorspace for class B1 (Offices), 1,419 sqm A1 (shop), 913 sqm A3 (Café and Restaurant) and 1,200 sqm D1 (Assembly and Leisure), together with new access and servicing arrangements, car parking for up to 650 cars, lorry marshalling area and landscaping works.
Finally disposed of under Article 25(11) – 16/12/2009
- PA/04/00028 Retention of existing barbed wire fencing above boundary wall.
Permitted – 13/05/2005
- PA/99/01012 Retention of the roof top plant enclosure and the two existing standby generators.
Permitted – 11/01/2002
- PA/99/00157 Revised application for the retention of 17 satellite dishes on the roof top of the building.
Permitted – 20/03/2001
- PA/00/01343 Alteration and extension of existing security gatehouse at ground and first floor level.
Permitted – 04/12/2000
- PA/98/01166 Variation of Condition 1 of planning consent T93/238 to allow commencement of development not later than the expiration of ten years from the date of the original permission. Planning permission relating to erection of one 15 storey and 3 six storey buildings to provide office (class B1), retail (class A1 & A3) accommodation; construction of associated underground car, formation of new vehicular and pedestrian accesses and relocation of security building in conjunction with realignment of Virginia Street and alterations to Vaughan Way to form taxi drop off and associated landscaping works.
Permitted – 6/12/1998
- PA/98/01050 Erection of canopy over loading bay area.
Permitted – 23/10/1998
- PA/98/753 Erection of steel portal frame structure for noise reduction.
Permitted – 07/08/1998
- PA/97/1068 Application for variation of details relating to erection of approved pedestrian bridge between 2 Pennington Street and News International
Permitted – 23/02/1998
- WP/96/00175 Erection of pedestrian bridge between third floor of 2 Pennington Street and fourth floor of News International plant.

Permitted – 13/12/1996

WP/94/00017 Redevelopment by the erection of three 6 storey buildings each with roof level plant rooms, one with access point to pedestrian bridge linking News International premises, and one 15 storey building comprising office (B1), shop (A1), café and wine bar (A3) uses, with roof level plant rooms all with associated underground parking and service areas; construction of underground car park serving News International publishing works; formation of new vehicular and pedestrian accesses and relocation of security building in conjunction with realignment of Virginia St; alteration to Vaughan Way to form taxi “drop off”; and landscaping of site.

Permitted – 22/12/1994

PA/92/00524 Internal and external alterations involving demolition of existing western vehicle ramp; creation of new western elevation; addition of entrance, stair and lift tower; new plant room at roof level; formation of additional parking; editorial and publishing facilities and new ramp within existing building; new entrance canopy, alterations to vehicular access from Virginia St.

Permitted – 08/06/1992

WP/90/00090 Construction of western ramp on new alignment to replace existing.

Permitted – 06/09/1990

WP/90/00045 Erection of additional office accommodation at fifth and sixth floor level together with new stair lift tower on north elevation.

Permitted – 09/05/1990

PA/78/00853 South side of Pennington St within the former London Docks: Redevelopment of site and change of use of warehouse for use for newspaper publication and ancillary uses.

Permitted – 11/07/1979

PA/78/00852 South of Pennington St within former London Docks: Demolition of the five stacks, partial demolition of adjoining sheds and refurbishment of remaining sheds.

Listed Building Permitted – 05/04/1979

5. POLICY FRAMEWORK

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

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

2A.1	Sustainability Criteria
2A.7	Areas for Regeneration
3A.3	Maximising the Potential of Sites
3A.17	Addressing the Needs of London’s Diverse Population
3A.18	Protection and enhancement of Social Infrastructure and

	Community facilities
3A.26	Community Strategies
3A.27	Meeting Floor Targets
3A.28	Social and Economic Impact Assessments
3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3B.11	Improving Employment Opportunities for Londoners
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.12	New Cross-London Links within an Enhanced London National Rail Network
3C.13	Improved Underground and DLR services
3C.14	Enhanced Bus Priority, Tram and Bus Transit Schemes
3C.17	Tackling Congestion and Reducing Traffic
3C.19	Local Transport and Public Realm
3C.20	Improving Conditions for Buses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.11	Open Space Provision in DPDs
3D.14	Biodiversity and Nature Conservation
3D.15	Trees and Woodland
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources
4A.17	Water Quality
4A.19	Improving Air Quality
4A.20	Reducing Noise and Enhancing Soundscapes
4A.28	Construction, Excavation and Demolition Waste
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.10	Large-scale buildings – Design and Impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation
4B.13	Historic Conservation-led regeneration
4B.15	Archaeology
4C.1	The Strategic Importance of the Blue Ribbon Network

4C.3	The Natural Value of the Blue Ribbon Network
4C.4	Natural Landscape
4C.10	Increasing Sport and Leisure use on the Blue Ribbon Network
4C.11	Increasing Access Alongside and to the Blue Ribbon Network
4C.20	Development Adjacent to Canals

Unitary Development Plan 1998 (as saved September 2007)

Proposals:

FPA	Flood Protection Area
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Policies:

ST1	Effective and Fair Planning Service
ST15	Expansion and Diversification of Local Economy
ST17	High Quality Work Environments
ST28	Restrain Use of Private Cars
ST30	Improve Road Safety
ST34	Improved Provision of Shopping
ST35	Retention of Local Shops
ST43	Public Art
ST49	Social and Community Facilities
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Development
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV9	Minor Works
DEV12	Provision of Landscaping in Development
DEV15	Retention/Replacement of Mature Trees
DEV37	Alteration of Listed Buildings
DEV46	Protection of Waterway Corridors
DEV48	Strategic Riverside Walkways and New Development
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV 69	Efficient Use of Water
EMP1	Employment Uses
EMP3	Surplus Floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment and Employment Issues
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S7	Considerations for Development of Special Uses
SCF11	Meeting Places

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

Proposals:

CFAAP	City Fringe Area Action Plan
FRA	Flood Risk Area
CF20	Development Site CF20

Core Strategies:

CP 1	Creating Sustainable Communities
CP 2	Equality of Opportunity

CP 3	Sustainable Environment
CP 4	Good Design
CP 5	Supporting Infrastructure
CP 7	Job Creation and Growth
CP 8	Tower Hamlets' Global Financial and Business Centre and the Central Activities Zone
CP 11	Sites in Employment Use
CP 15	Provision of a Range of Shops
CP 16	Vitality and Viability of Town Centres
CP 17	Evening and Night-time Economy
CP 29	Improving Education and Skills
CP 30	Improving the Quality and Quantity of Open Spaces
CP 31	Biodiversity
CP 34	Green Chains
CP 36	The Water Environment and Waterside Walkways
CP 37	Flood Alleviation
CP 38	Energy Efficiency and Production of Renewable Energy
CP 39	Sustainable Waste Management
CP 40	A Sustainable Transport Network
CP 41	Integrating Development with Transport
CP 42	Streets for People
CP 43	Better Public Transport
CP 46	Accessible and Inclusive Environments
CP 47	Community Safety
CP 49	Historic Environment

Policies:

DEV 1	Amenity
DEV 2	Character and Design
DEV 3	Accessibility and inclusive Design
DEV 4	Safety and Security
DEV 5	Sustainable Design
DEV 6	Energy Efficiency and Renewable
DEV 7	Water Quality and Conservation
DEV 8	Sustainable Drainage
DEV 9	Sustainable Construction Materials
DEV 10	Disturbance from Noise Pollution
DEV 11	Air Pollution and Air Quality
DEV 12	Management of Demolition and Construction
DEV 13	Landscaping and Tree Preservation
DEV 14	Public Art
DEV 15	Waste and Recyclables Storage
DEV 16	Walking and Cycling Routes and Facilities
DEV 17	Transport Assessments
DEV 18	Travel Plans
DEV 19	Parking for Motor Vehicles
DEV 22	Contaminated Land
DEV 24	Accessible Amenities and Services
EE 2	Redevelopment/Change of Use of Employment Sites
RT 3	Shopping Provision Outside of Town Centres
RT 5	Evening and Night-time Economy
SCF 1	Social and Community Facilities
OSN 3	Blue Ribbon Network and the Thames Policy Area
CON 1	Listed Buildings
CFR 1	City Fringe Spatial Strategy
CFR 2	Transport and Movement
CFR 3	Health Provision
CFR 5	Open Space and Flooding

CFR 21	Employment Uses in Wapping Sub-Area
CFR 23	Retail and Leisure Uses in the Wapping Sub-Area
CFR 24	Design and Built Form in Wapping Sub-Area
CFR 25	Local Connectivity and Public Realm in Wapping Sub-Area
CFR 26	Site Allocations in Wapping Sub-Area

Supplementary Planning Guidance/Documents

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

Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPG 13	Transport
PPG 15	Planning and the Historic Environment
PPG 22	Renewable Energy
PPG 24	Planning and Noise

Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

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

LBTH Access Officer

- 6.2 Seating should be accessible seating through out the site, (i.e. seating with some elements that could function as arms and backs, not just slab seats.)
- 6.3 The latest's plans indicate a dominant use of hard landscaping particularly the route entering through the dock wall, passing through the eastern plaza to the canal side – this would be difficult to navigate with a visual impairment (very disorientating).
- 6.4 Excessive hard landscaping does not encourage recreational use. It has been proved that lack of quality green spaces are detrimental to mental health. This is a particular concern on the site, as there is no significant green space in the immediate location. Breaking up the vast areas of hard landscaping would allow the introduction of more quiet contemplative spaces – the pocket parks of the city of London are a good example of oasis' that function as breathing spaces.
- 6.5 A defined route that draws you through the site to the canal needs to be emphasised to improve wayfinding.
- 6.6 The ramp to the east which will connect the site with tobacco dock should be as shallow a gradient as possible and defined with in the space (i.e. extended to were the trees start and

flanked by those trees)

6.7 The ramp slicing through the steps adjoining the canal is acceptable if the point where the step meets the ramp is tonally/visually contrasting. That the steps around the seating area to the north of the slicing ramp seem excessive, this should be rethought, and be replaced with planting. The steps from the south of the terrace have potential for reduction as there is the canal side step seating.

6.8 Lift to rum warehouse is currently not obvious on entry to site this needs to be more integrated with stepped access. A platform lift within the canteen in this location is acceptable.

Officer's Comments

6.9 The application has identified the principle of the landscaping proposed as part of the development. It is recommended that a condition be included on the application to require details of the materials and provisions such as planting types and sizes, seating, lighting and rubbish bins. During assessment of these matters of detail matters such as ease of use for elderly and disabled will be addressed.

6.10 It is considered that the proposed landscaping does provide significant enhancements on the current open space access within the area, introducing a significant amount of new vegetation into the landscaping, in the form of trees and low planting. The proposed landscaping also opens links to the canal side and access to the associated open space and water areas. It is considered that the proposed landscaping is an acceptable balance of the need for an easily maintained public area and the introduction of vegetation and trees for shade.

6.11 Accessible access has been provided in the development for both the main building and the Rum Warehouse building. A condition could be included to ensure that appropriate signage is provided to make the location of the lift access easily identifiable.

LBTH Biodiversity Officer

6.12 No objections received

LBTH Ecology Officer

6.13 No objections received

LBTH Education

6.14 LBTH Education Team confirm that the employment and education offer by News International, outlined below, would be welcomed and would assist in providing local employment and education opportunities within the borough. Wording has been provided for the requirements to be included within a S106 legal agreement to ensure continued compliance with this provision.

- News International would become an endorsing employer of the Diploma in Creative and Media, committing to participation on the course and 2 placements per annum.
- News International would offer 7 internships per annum starting next summer.
- News International will offer 10 apprenticeships per annum through their main contractor.
- News International will use the skills match recruitment team for administration and sales jobs starting from Summer 09.

LBTH Energy Efficiency Unit

6.15 The development is required to comply with the policies set out in *The London Plan (2008)*

and the *Interim Planning Guidance (2007)*. The energy strategy submitted broadly follows the energy hierarchy set out in policy 4A.1 of The London Plan (2008).

- 6.16 An IES thermal model has been developed to establish the anticipated energy use. Energy efficiency measures are proposed for the development, improvement is being made to the building façade and energy efficiency measures are being incorporated. No information is given on the current lighting systems and if any improvements could be made.
- 6.17 There are currently 6 boilers in the boiler plant room with a total capacity of 15MW at MTHW, which have an operational lifetime of 15 years remaining. There are also 4 chillers which were installed in 1997 totalling 8MW of cooling capacity. This is very close to the new cooling load for the proposed building. It is noted there will be no benefit from installing a Combined Cooling / Heat and Power (CC/HP) plant. The applicant needs to demonstrate the design of the energy systems would allow for future connection to a district heating system in the vicinity especially the car park which is likely to be redeveloped in the near future.
- 6.18 A range of renewable energy technologies have been investigated to meet the 20% CO2 reduction from onsite renewable energy technologies. The applicant has identified 1,256 s.q.m of roof space available of which 50% could be utilised for photovoltaic panels. Currently only 144 m² of solar thermal panels are proposed, the current level of renewable energy incorporated in to the development is not acceptable and the applicant needs to demonstrate that the provision of renewable energy technologies have been maximised.
- 6.19 The applicant has included a water efficiency statement, however no sustainability statement has been included, during the pre-application discussions the applicant proposed that the development would achieve a BREEAM 'Excellent' rating. The BREEAM pre assessment should be included demonstrating the development is capable of achieving this.

Officer's Comments

- 6.20 The applicant has agreed to provide photovoltaic panels in order to maximise the renewable energy produced within the development. It is therefore considered that the renewable energies are maximised on site to an acceptable level. A Condition of consent is recommended to require the inclusion and operation of the photovoltaic panels if planning approval is approved.
- 6.21 It is recommended that a condition is included requiring that the developer submit for approval a BREEAM assessment prior to construction if approval of the planning permission is granted.
- 6.22 A further condition is recommended to be included, if approval is granted, requiring the applicant to submit details of how acceptable provision is made for the future provision of connection to a district heating scheme, should one become available.

LBTH Environmental Health

Noise and Vibration

- 6.23 The proposed noise emissions limits assessment by Arup Acoustics dated January 2009 has been reviewed, the contents only shows the lowest L90 at ground level to be 46 dB(A). There is no proposed plant noise levels mentioned in the report and there is no calculation undertaken/shown to ensure that BS4142 standard are met. Further details will be needed to satisfy EH, that all relevant residential sensitive facades are able to meet BS4142 criteria without causing noise nuisance.

Daylight/Sunlight

- 6.24 The daylight/sunlight report by Edmund Kirby in association with Waterslade dated April 2009, has been reviewed the contents of the report shows that the impact of the proposed scheme on the surrounding buildings and on itself appears minimal in terms of

daylight/sunlight and shadow analysis.

Officer's Comments

- 6.25 It is recommended that a condition of consent is included to ensure that noise calculations are provided to show that the development would acceptably meet BS4142.

LBTH Highways

Parking

- 6.26 The applicant is proposing a reduction in private car use by over 50% from 596 to 271 spaces. Although this is higher than our parking standard stipulated in our LDF but the impact on the road network is considerably reduced from the existing use.
- 6.27 A further reduction in the number of car spaces will be welcomed as this can be compensated with the introduction of a car club.
- 6.28 There are off street business permit bays on Pennington Street.

Disabled Parking

- 6.29 The applicant has indicated that they will be providing disabled parking at 10% of the total number of parking spaces required as part of this application. This level of parking provision would be acceptable.

Site Access

- 6.30 Accessibility to the site is averagely ok, with a public transport accessibility index (PTAL) of 3. It is located within easy walking distance to various London stations.

Site Servicing

- 6.31 All servicing activities will take place in a dedicated loading bay area within the site. The trip generation assessment carried out demonstrate that travel patterns for servicing vehicles associated with the remodelling will decrease in the peak hours compared to the printing press.
- 6.32 The proposed servicing arrangements are deemed acceptable in highways terms.

Cycle Parking

- 6.33 The applicant has included cycle parking facilities in a covered and secure location. This is also in line with council current policies and standards of 1 cycle space per 250 sqm of floor space. Cycle parking provision has also been made for visitors within the landscaping of the ground floor.

Traffic Generation

- 6.34 Vehicle trips associated with the proposed remodelling will decrease as a result of the decrease in parking levels within the site. The proposed remodelling will reduce the overall vehicular trips associated with the site from the existing use.
- 6.35 The proposal will also reduce the impact of heavy Lorries by improving on existing and recent deliveries patterns by accommodating all deliveries on site at all time and conventional office hours.

Public Transport Trip Generation

- 6.36 The impact on public transport as demonstrated in the transport assessment is considered to be an increased impact on the existing network.
- 6.37 The site has good connections to the local bus network and is within walking distance of Shadwell DLR station, Tower Hill LUL station, Tower Gateway DLR, Aldgate LUL station and

the Aldgate East LUL station.

- 6.38 The applicant is also proposing to operate a shuttle bus service for its employees, connecting its site with Tower Hill LUL station.

Pedestrians & Cycling

- 6.39 The site is also within walking distance to local amenities. The site is bounded by Pennington Street to the north, Tobacco Dock to the east, Asher Way to the south and Vaughan Way to the west. The proposal would improve pedestrian safety and local connectivity by providing new routes through the site.

- 6.40 The site is also well accessible to pedestrians and cyclist.

Section 106

- 6.41 Section 106 contributions will be required as per previous discussions.

Travel Plan

- 6.42 The applicant has provided some Travel Plan initiatives and Travel Plan framework which are measures that will be taken to encourage the use of more sustainable forms of transport. This will also ensure that the level of sustainable transport usage is maintained and encouraged through the use of the site.

Officer's Comments

- 6.43 A car club is not considered appropriate as the site is to be occupied primarily by an office building for one organisation, which has associated fleet vehicles.

- 6.44 The applicant has agreed to change the traffic management order to exempt the occupiers of the site from obtaining parking permits for the parking bays outside of the site, thereby minimising the impact on the parking in the area and vehicle usage. This will be included in the S106 legal agreement.

- 6.45 Conditions of consent are recommended to ensure that the provision of 10% of the parking is disabled parking and that details of cycle parking are provide in order to ensure that the arrangement is appropriate and functional.

- 6.46 The applicant currently runs a shuttle service between the site and Tower Hill. The applicant has offered to continue the service in order to avoid impacting on the local bus network and agreed to include the service in a S106 legal agreement to ensure operation continues throughout the use of the site by News International. The applicant has also agreed to financial contributions to TFL in order to improve the accessibility at local bus stops that have been identified as below standard and towards a scheme for improvement of the Shadwell Overground and DLR Stations public realm area in order to improve the public safety and interchange ability.

- 6.47 Overall these S106 contributions to improvement works for the public transport system and the provision of the shuttle service are considered to adequately mitigate against the proposed impacts on the public transport network.

LBTH Leisure Team

- 6.48 No objections received

LBTH Policy (Retail officer)

- 6.49 No objections received

LBTH Strategic Transport

- 6.50 Strategic Transport raises concerns over the conclusions of the Transport Assessment and the proposed trip generation of the development. Strategic Transport considers that the assumptions on routes made within the transport assessment result in a shift of journeys towards Tower Hill rather than alternative routes which would end at Shadwell.
- 6.51 Further details on the shuttle bus service to Tower Hill are requested.

Officer's Comments

- 6.52 The applicant has supplied additional information in the form of supplementary documents detailing the distribution of employees and why the assumptions made in the Transport Assessment have been made with regards to the use of different routes.
- 6.53 The Transport Assessment and supplementary information shows that the proposal will increase the use of all adjacent stations (Shadwell, Tower Hill and Wapping) and impact on the public transport network. Therefore in order to mitigate this impact the applicant has agreed to provide a financial contribution of £100,000 towards the public realm and associated interchange project at Shadwell DLR and Overground Stations, in order to mitigate the impacts. Council officers consider that this would adequately mitigate against the worst case impact on the network and would improve the public realm and safety of these stations and the interchange.
- 6.54 The applicant has supplied additional information on the frequency of the shuttle service and agreed to include it in a S106 legal agreement in order to ensure mitigation on the local bus network and avoid numerous employee trips on the local TFL buses. Furthermore they have agreed to up to a £30,000 financial contribution to improve local bus stops in order to bring them up to a requisite standard.

LBTH Waste Management

- 6.55 No objections received

British Waterways

- 6.56 British Waterways have no comments to make on the application.

English Heritage (Statutory)

- 6.57 Due to the constraints of the site, English Heritage agree that a separate pedestrian entrance would be necessary but could be formed with considerably less intervention with regard to the historic fabric than is the case with the current proposal which includes the removal of an area of vaults to form a level entrance to the site.
- 6.58 Whilst English Heritage can understand the desire to create a new entrance space or plaza such that it affords views over the site, this is not considered essential. The significant alteration of a listed building requires adequate justification, which English Heritage view as not having been provided.
- 6.59 The proposed partial demolition of the eastern end of the Rum Warehouse would reveal an existing internal fire wall which it is intended would form a new eastern elevation. Notwithstanding English Heritage opposition to the removal of historic fabric, exposing the raw firewall would, in the opinion of English Heritage, constitute an unsympathetic alteration to the exterior of the listed building and would detract from its existing architectural character which is characterised by robustly handled classical elements.

- 9.60 The Heritage Statement (page 17) indicates that 'The vaults of the London Dock were, when completed, one of the great architectural and engineering glories and wonders of the metropolis'. They remain, despite later subdivision, a magnificent series of spaces.
- 6.61 English Heritage would welcome moves to make the vaults more accessible to a wider public (such as the creation of a public archive or museum, as suggested) but this must be carefully balanced against the need to preserve historic fabric. The infilling, removal or alteration of at least seven bays of the vault could not, in the view of English Heritage, be considered a sympathetic or necessary alteration.
- 6.62 English Heritage have no objections to the wider aspects of this important proposal, including the remodelling and extension of the former printworks, but whilst English Heritage welcome works to restore the exterior of the Rum Warehouse and to undertake works such as the removal of later dividing walls within the vaults, they retain significant concerns with regard to the extent of the removal of historic fabric and the impact of the proposed subsequent remodelling on the historic character of the eastern end of the warehouse building. In the view of English Heritage, the eastern end of the warehouse is capable of adaptation to include a pedestrian entrance to the site, entrance to the vaults and retail spaces. English Heritage do not object to the planning application (except as it relates to the LBC) but urge that the listed building consent application is reconsidered at this stage.
- 6.63 Moving the entrance to the east has been seen as a means of encouraging rethinking with regard to the moribund Tobacco Dock complex. English Heritage support any efforts to breathe new life into Tobacco Dock but to date there does not appear to be any dialogue that has resulted in firm proposals with regard to the latter structure.

Officer's Comments

- 6.64 The proposal to move the main entrance of the development to the eastern end and the incorporation of public facilities, public links and retail in the eastern end of the development is considered an important feature of the development in that it provides a potential catalyst for the revitalisation of the currently vacant retail development within the adjacent Tobacco Dock building. Tobacco Dock is a Grade I listed building and due to its currently vacant state is listed on the buildings at risk register. It is considered by Council officers that the News International Development has the potential to revitalise Tobacco Dock and provide significant benefits to the community and ensure the survival of the Tobacco Dock development and its associated historic heritage.
- 6.65 Currently located at the eastern end of the subject site is the servicing entrance to Tobacco Dock. This Would create a conflict with potential pedestrian access and pedestrian links through the site if they were to share this access. The development solves this matter by separating the pedestrian access and the servicing and vehicle access.
- 6.66 The length of the Rum Warehouse and associated vista of the long wall along Pennington Street is considered one of the most important features of the Rum Warehouse. In order to retain this, the applicant proposes to make an opening in one of the decorative archways that is formed in the wall. This is considered to maintain the appearance of the length of the wall and also the character of the wall in that it does not create an alien opening in the structure.
- 6.67 Due to the variations in the level between the ground level of Pennington Street and the floor level of the Rum Warehouse, the pedestrian route into the site has required the demolition of at least some of the eastern end of the building.
- 6.68 It is considered that retention of the eastern end of the Rum Warehouse would impact on the quality of the entrance, the viability of the retail uses at the eastern end and the potential revitalisation of the adjacent Tobacco Dock.

- 6.69 While it is acknowledged that a portion of the historic vaults and the previously damaged eastern end is removed and there is an impact on the historic character of the building and area, the majority of the building remains. The proposal would open the vaults to the public and allow the continued use and retention of the building. Furthermore, the applicant is proposing to carry out restoration works on damaged areas of the remaining portion of the building.

English Heritage Greater London Archaeological Advisory Service

- 6.70 The development lies in an area of archaeological significance where important remains from the Roman period and those associated with post-medieval industrial use are known to exist. The proposed development may, therefore, affect remains of archaeological importance. It is advised that archaeological assessment and any necessary investigation should be undertaken in advance of development works. This should be secured a recommended by condition.
- 6.71 The Design and Access Statement correctly identifies the significance of the industrial heritage represented by the buildings on the site, not only the 19th Century Rum Warehouse but also the main building which played a historically important role in the transformation of England's newspaper industry. While the proposals intend to retain the building's industrial character in new design, some elements of the buildings' original fabric and designed function will be affected by the alterations. Preservation by record is required to mitigate the impact of proposed alterations. In accordance with PPG 15 it is recommended a condition of consent that applicant's arrange suitable recording of features that would be destroyed in the course of the works for which consent is being sort.

Officer's Comments

- 6.72 It is recommended that the conditions of consent and informatives recommended by Greater London Archaeological Advisory Service (GLAAS) are included on the planning permission if granted, in order to mitigate the impact of the development on the archaeological remains and matters of archaeological importance.

Environment Agency (Statutory)

- 6.73 The Environment Agency have no objection to the development subject to the inclusion of a recommended conditions relating to the requirement to submit details related to surface water drainage and minimisation of the discharge from the site.

Officer's Comments

- 6.74 It is recommended a condition of consent is in included as recommended if planning permission is approved.

Greater London Authority (Statutory)

- 6.75 London Plan policies on land use, design, inclusive access, biodiversity, climate change and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

Land Use

- 6.76 The proposal is consistent with London Plan polices 2A.5, 38.1, 3B.2, 5C.1 and 5C.3. London Plan polices 3B.1 and 3B.2 seek to support the aspect of London's world city role and London's continued economic development by seeking the provision of a variety of type, size and cost of business premises and office space to meet the needs of all sectors. Accordingly, the principle of the proposed remodelling and enhancement of the News International campus and the continuation of employment use on the site is consistent with the relevant policies of the London Plan and guidance given in the draft City Fringe Opportunity Area Planning Framework.

Urban Design and Built Heritage

- 6.77 The proposal is inconsistent with the requirements of London Plan Policy 4B.1 (as relate to biodiversity) but consistent with 4B.11 and 4B.13. The proposed layout would result in significant improvements to pedestrian permeability in the area by opening up new routes through the site. This in combination with the active uses and positions of entrances would animate the locality and improve passive surveillance, particularly around Wapping Canal and Tobacco Dock.
- 6.78 The proposal would not substantively change the existing form, scale and massing of the main building or the Rum Warehouse with the main changes focused on the eastern end where parts of the existing structures would be demolished to facilitate the creation of the plaza.
- 6.79 The most apparent external change to the building would be the alterations to the façade where the architect has proposed an intricate, layered cladding system. This would be a significant improvement on the appearance of the existing building. The proposed internal alterations would increase natural light and ventilation in the core of the main building and create a large area of flexible, accessible office space which is a positive aspect of the scheme.
- 6.70 The landscape and public realm proposals are on a whole well considered but should be developed in response to the biodiversity comments below.

Inclusive Access

- 6.81 The proposal is consistent with London Plan Policy 4B.6. The design and access statement and supporting plans demonstrate that inclusive design principles have informed all aspects of the proposed design.

Biodiversity

- 6.82 The proposal is inconsistent with London Plan Policy 3D.14. The application site is located within an Area of Deficiency in access to nature, as defined in the Improving Londoners' Access to Nature (London Plan Implementation Report). The landscape proposals offer the potential to enhance the biodiversity value of the site but at present the design appears to be principally driven by other considerations despite the supportive recommendations contained in the applicants Biodiversity Report.

Climate change

- 6.83 The proposed energy efficiency measures are welcomed but the applicant should address the questions raised above to confirm compliance with the London Plan. The applicant should also demonstrate that the proposed system would be capable of future connection to a district energy system in the area in line with the London Plan. The proposal should be revised to include greater photovoltaic panel coverage towards the target of 20% renewable energy generation on site. The application is inconsistent with London Plan policies 4A.1, 4A.6, and 4A.7.
- 6.84 The extensive improvements to the ventilation and cooling of the building, the living roof and landscaping proposals are all positive in this regard. The proposal would incorporate a significant area of living roofs except where plant and maintenance space prohibit this. The proposal would incorporate living roofs, which would reduce surface water run-off, and rainwater harvesting and would offer significant improvements on the existing situation. The water report submitted suggests a range of water efficiency measures that would or could be adopted in the scheme and the potential savings that would result. This is welcomed. The application is consistent with London Plan policies, 4A.10, 4A.11, 4A.14, and 4A.16.

Transport

- 6.85 To fully comply with London Plan policies 3C.1, 3C.3, 3C.20 and 3C.21 the development

should provide funding towards additional bus capacity and include measures to improve access to and from the site for pedestrians and public transport users. To comply with London Plan polices 3C.23 and 3C.17 the amount of car parking should be reduced in line with maximum standards in Annex 4 and a legal agreement should be drawn up to restrict future use of the surface car park. TfL welcomes proposals to improve Pennington Street and Dellow Street and to open up the public realm around the site which will help to achieve the aims of Policy 3C.18 and support Policy 3C.21. The proposals for cycle parking and a cycle hire facility are also welcomed and will support policy 3C.22. Submission of a more detailed Travel Plan as requested will help to achieve the objectives of Policy 3C.2

Officer's Comments

- 6.86 The proposal is considered to greatly enhance the existing biodiversity and habitat onsite. The proposal incorporates significant planting within the ground level landscaping as well as providing planting on the roof terrace. The Biodiversity strategy does include recommendations to include native species and further recommendations of the report could be included when submitting details of landscaping and the landscaping management plan as would be required by recommended conditions of consent.
- 6.87 The applicant has submitted additional information confirming the inclusion of Photovoltaics in order to maximise the renewable energy production onsite.
- 6.88 Agreement to provide substantial financial contributions to mitigate the impact of the development on public transport systems has been secured through the S106 legal agreement negotiations with the applicant. Contributions towards the improvements to the public realm and safety of the interchange have been offered as well as contributions to upgrade local bus stops where they are not to requisite standard.
- 6.89 Additionally the applicant has offered to include in a legal agreement the provision of an employee shuttle service in order to mitigate the impact on the local bus system.
- 6.90 Car parking is considered to be acceptably reduced within the proposed development. The reduction represents a loss of over 50% of the existing car parks on the site. This is considered to significantly reduce the potential vehicle usage and impact of the development on the highway network. Furthermore, the applicant has agreed to change the traffic management order to exclude occupiers and employees of the premises from obtaining parking permits (i.e. a car free agreement).

LFEP

- 6.91 With regards to Town and Country Planning, the Fire Authority needs to consider Access and Water Supplies, which are covered by Approved Document B (B5, 15, 16 & 17) and British Standard 9990. The documentation has been researched and no information directly related to Fire Service Access & Water Supplies has been provided. As such the Fire Authority is unable to make meaningful observations.
- 6.92 The Fire Authority is aware of the existing Fire Service Access & Water Supplies. Having noted the depth of the site as detailed in the site plans, it is imperative that information relating to any changes, as a result of the proposed development, is provided.

Officer's Comments

- 6.93 It is recommended a condition of consent is included if planning permission is approved to ensure that the water supplies for fire fighting purposes is adequate. This would require the submission and approval of details of the water supplies.

Metropolitan Police

- 6.94 Concerns about the security of the site at night, and there for the safety of the people who

may be using the development. There are parts of the proposed planting that completely obscure any form of surveillance, and there for at night will mask any criminal behaviour or anti-social behaviour. The opening up of the access onto the canal is likely to make existing canal users feel unsafe because of the possibility of additional users accessing from the NI site, and the potential for crime that may result in (at night/hours of darkness)

- 6.95 The ideas of having permeable access routes through the site are fully supported, though the fact it's a commercial site and not residential completely changes the way the workers can be used as a crime prevention tool. It is considered there is a need to find a way of securing the site at night. It's not possible to re-design buildings that are not being replaced, so it's not possible to make access routes through the site any wider, or more active. In fact the only thing making this scheme more user friendly and active will be how the public react to using it. It is suggested that during the day it will be well used by workers and public, but when the workers go home and the public have already used it and returned home themselves, there will be little use.

Officer's Comments

- 6.96 Gated communities do not promote social cohesion and are divisive in nature. This stance is supported in the London Plan and has been a consistent approach taken by Tower Hamlets in the past, supported by policy DEV3 of the IPG. Furthermore, gated communities will increase the perception of crime and by association, the fear of crime and anti-social behaviour. Whilst security concerns are relevant, they should not override this overarching principle and other measures should be employed to deal with those concerns. The applicant has agreed to 24 hour security of the public realm within the site which will be included in the S106 agreement. In addition the northern east-west link will be restricted access for employees only from 20:00 - 08:00 in order to give employees a secure way to leave the premises.

National Air Traffic Services Ltd.

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

National Grid (Statutory)

- 6.98 Nation Grid has no objection to the proposal.

Natural England (Statutory)

- 6.99 After careful consideration of the information provided it is Natural England's opinion that this proposal does not affect any priority areas for Natural England, therefore they do not object to the proposal.
- 6.100 The provision of Green Walls and the use of Native Planting species, as part of this application is welcomed and to be supported.
- 6.101 Although Natural England does not object to the proposal, they recommend that, should the Council be minded to grant permission for this application, Council secure, as appropriate, measures to enhance the natural environment in accordance with the planning guidance identified in the Consultation Documents from Ove Arup.

Officer's Comments

- 6.102 Conditions of consent and informatives are recommended to ensure the guidance and recommendations in the Arup Biodiversity Statement are incorporated within the development.

Thames Water Utilities Ltd. (Statutory)

Waste Comments

- 6.103 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- 6.104 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 6.105 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comments

- 6.106 On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to the above planning application.

Officer's Comments

- 6.107 It is recommended that a condition be included on the application to ensure that petrol/oil filters are connected to all drains where vehicle parking is permitted in order to prevent petrol/oil discharges entering local watercourses.

7. LOCAL REPRESENTATION

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

No of individual responses: 6 Objecting: 4 Supporting: 2

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

- Stephen and Maltilda Tennants Association
- South Quay Residents Association
- South Quay Estate
- Shearsmith House

- 7.3 The following issues were raised in representations:

- Disruptive construction impacts, including noise and vibrations, reducing the quality of life for residents and offering no great benefit to the area upon completion.
- The proposal to open the link to canal will allow increased numbers of users, which will pollute and litter the area currently enjoyed by local families.
- The works will increase car traffic in area despite the reduction in car parking spaces.
- The level difference and the stairs down to the canal will encourage loitering around the area at all levels and impact on privacy of nearby neighbours.
- Concern that the stairs to the canal will attract an element of anti-social behaviour to the area.
- Security plans may prove to be intrusive on privacy depending on their nature

- Waterman Way properties were not consulted prior to the application.
- Lack of cross section drawings showing relation of plaza to Waterman Way
- Concern that there will be a loss of privacy should the proposal include the use of the bridge over the canal.
- Will cause unwarranted intrusion and will create evening and night time noise pollution

7.4 The following supporting comments were raised in representations:

- Support improved links from the north of the site through the site to Wapping and Thomas Moore Square/St Katherine's Dock, which will reduce walking distances and times.
- Improved links will provide an alternative route with improved pedestrian environment away from the busy intersections and poor air quality of the highway.
- Support the developments requesting one of the retail spaces be made available for an Optician as there are no Optician's in Wapping area.

Officer's Comments

- 7.5 As stated in section 8 of this report, a number of legislative instruments control the impact of construction in order to minimise the impact on surrounding occupiers. However, it is recommended that a condition of consent regarding the submission of a Construction Management Plan for approval is included if planning permission is approved. This would ensure that matters related to construction, such as noise and vibration, as well as hours of construction, are adequately managed.
- 7.6 It is considered that the proposed development would provide a number of benefits to the area, including potentially revitalising Tobacco Dock shopping centre, employment and education opportunities secured under the S106 legal agreement and improved pedestrian and cycle links through the site.
- 7.7 The canal is already a publicly accessible area with a number of links from Vaughan Way and the surrounding residential developments through to Wapping Lane. While the proposed linkages through the site will increase accessibility to this public area, it should be noted that this is a public area for the enjoyment of the public and not a private area for use by residents only. Furthermore, the canal is identified in the IPG Proposals Map as a proposed cycle route, which the proposed linkages serve to enhance.
- 7.8 Gated communities do not promote social cohesion and are divisive in nature. This stance is supported in the London Plan and has been a consistent approach taken by Tower Hamlets in the past, supported by policy DEV3 of the IPG. Furthermore, gated communities will increase the perception of crime and by association, the fear of crime and anti-social behaviour. Whilst security concerns are relevant, they should not override this overarching principle and other measures should be employed to deal with those concerns.
- 7.9 With regards to privacy the proposed plaza will be approximately 18m from the houses of waterman way. The area between the proposed plaza and the existing houses is already a publicly accessible space with access along the side of the canal directly in front of the houses on Waterman Way. It is not considered that the proposal would significantly impact on the privacy of the residential developments in this area.
- 7.10 The applicant proposes as part of the S106 to provide security within the public realm area of the development. It is not considered that any security arrangements would impact on private residential developments outside of the site. CCTV arrangements could be condition if condition so as not to record on private dwellings or impact on the privacy of private spaces outside the development site.
- 7.11 The applicant has provided a transport assessment with the application that details the

development would not result in additional peak vehicle traffic, identifying a reduction in car trips of 73 during the morning peak hours and a reduction of 165 during the evening peak hours.

- 7.12 Extensive consultation was invited by the applicant prior to the application being submitted. Notwithstanding this, the required statutory consultation has been undertaken by the Council in response to the submission of the application, including letters to the properties within Waterman Way, site notices and notices within the local paper.
- 7.13 While a cross section has not been undertaken to the Waterman Way properties, a cross section drawing was produced through the site immediately to the west of the plaza stairs. This is considered to adequately show the relationship of the canal level to the site.
- 7.14 The existing bridge across the canal is not included within the application site and would not be affected by the proposed development.
- 7.15 The site is currently a 24 hour operation and formally when the printing press was operating from the site was subject to significant early morning and evening operations. However, it is recommended a condition is included if the application is permitted in order to restrict the hours of the A3 restaurant/café uses in order to minimise the late night noise associated with such activities.
- 7.16 It is not considered appropriate to condition the retail unit to be restricted to an Optician, however, it is considered that the proposals will serve to revitalise the adjacent shopping complex at Tobacco Docks, which should encourage a range of retail units servicing the local community.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principles of the Land Use
2. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
3. Traffic and Servicing Issues
4. Design and Layout of the Development
5. Sustainability
6. Planning Obligations

Principle of the Land Uses

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

Principle of Office Use

8.3 The London Plan 2008 sets out a number of policies which support the provision, increase and regeneration of office use within the Central Activities Zone and appropriate office locations in order to provide employment and economic opportunities. These policies are supported by UDP and IPG policies which also seek to encourage office provision and local economy and job growth.

8.4 While the News International Site sits just outside the Central Activity Zone, which has its boundary on Vaughan Way, it is an existing key employment site within the borough, adding significantly to the employment provision within Tower Hamlets. The site is currently occupied by the main print works building with office space in the upper levels, as well as

Rum Warehouse building, which also has a provision of existing office use. In April 2008 the relocation of the printing presses from the site to Broxbourne was completed, leaving the B2 Use of the site redundant. As a result the current proposal seeks to convert the main print works building to a primarily B1 Use.

- 8.5 The Town and Country Planning (General Permitted Development) Order 1995 provides express planning permission for a change from Class B2 to B1 Use. Therefore the use of the site for increased B1 Use is considered acceptable. While there is a slight reduction in the floorspace associated with the employment uses onsite, it is considered that the remodelling and modernisation of the building would significantly increase the usability of the building and therefore the efficiency of use of the site. This is reflected in the increase in employment proposed on the site, from the former circa 3000 to the proposed circa 4300 employees.
- 8.6 The proposed office use would be, in principle, an acceptable land use and would be in accordance with policies 3B.1 and 3B.2 of the London Plan 2008, policies ST15, ST17 and EMP1 of the UDP and policies CFR1, CP7, CP11 and EE2 of the IPG.

Principle of Retail

- 8.7 Policies 3D.1 and 3D.3 of the London Plan 2008, policies ST34 and ST35 of the UDP and policies CFR1, CP15, CP17, RT3 and RT5 of the IPG seek to provide protect the role of town centres while appropriately locating evening and night-time uses as well as providing a range of shops for local users.
- 8.8 The proposed development introduces 1740m² of A1-A3 Use, which the applicant has indicated is likely to consist of a restaurant and a café, both open to public use. The proposed redevelopment of the site will change the main entrance of the development to the eastern end of the site, adjacent Tobacco Dock. The proposed retail units will be located at the eastern end of the building fronting the new public plaza area.
- 8.9 Tobacco Dock is a retail shopping centre, which is currently unoccupied. It is a Grade I listed building and is on the Buildings at Risk Register. It is consider that change in the entrance location on the News International Site and the introduction of complementary retail uses, which would encourage evening and night-time activity in the area, will strengthen the existing retail element of Tobacco Dock and encourage the occupation and re-vitalisation of the currently empty development.
- 8.10 As such the retail component of the development is considered to contribute to the provision of facilities for local use, appropriately locate evening and night-time uses and encourage the viability and vitality of the existing retail provision in the area.
- 8.11 It is considered that the retail component of the development would be acceptable in terms of policies 3D.1 and 3D.3 of the London Plan 2008, policies ST34 and ST35 of the UDP and policies CFR1, CP15, CP17, RT3 and RT5 of the IPG.

Principle of community uses

- 8.12 London Plan 2008 policies 3A.17, 3A.18 and 3A.27, supported by policies ST49 and SCF11 of the UDP and policy SCF1 of the IPG, promote the provision of an appropriate range of community facilities to cater for the needs of London's diverse population.
- 8.13 The applicant is proposing to include 1902m² of D1 floorspace within the redeveloped main building and Rum Warehouse. It is currently proposed to have museum uses with the potential provision of a printing press and history about the newspaper industry as well as News International's archives. Given the good public transport links and the large residential population within the surrounding area that would be included in the catchment area for the

proposed facility, the proposed D1 Use is considered, to be in principle acceptable.

- 8.14 The proposed community facilities are considered to be in accordance with policies 3A.17, 3A.18 and 3A.27 of the London Plan 2008, policies ST49 and SCF11 of the UDP and policy SCF1 of the IPG.

Impact on the Amenity of Adjoining Occupiers and the Surrounding Area

Daylight and Sunlight

- 8.15 Policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy 4B.10 of the London plan require that developments preserve the amenity of the adjacent occupiers, including sunlight and daylight.
- 8.16 The applicant has provided a Daylight and Sunlight Report with their application outlining the daylight and sunlight received by the adjacent buildings. It has assessed the daylight and sunlight levels of the proposed development against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.17 The tests carried out by the applicant show that the daylight received by the habitable rooms of the residential buildings adjacent the development will meet or exceed the BRE guidelines for both Vertical Sky Component (VSC) and Average Daylight Factor (ADF), providing acceptable daylight levels to the current and future occupants of the adjacent developments.
- 8.18 The sunlight results generally meet the guidance level, though the submitted report has noted that there are six apertures where the Annual Probable Sunlight Hours (APSH) will not meet the guidelines. Five of these windows are located on the upper ground floor level of Telford's Yard and one is situated in 2 Pennington Street. The six windows will not experience any loss of sunlight during the summer months. However, they do experience a small loss during the winter months. 2 Pennington Street is not a residential development and therefore the impact would not impact on residential living conditions.
- 8.19 It is considered in terms of daylight and sunlight that on balance given the central city location the proposal would be generally in accordance with policy DEV2 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance 2007 and policy 4B.10 of the London plan.

Privacy

- 8.20 Issues of privacy/overlooking need to be considered in accordance with policy DEV2 of the Unitary Development Plan 1998 and policy DEV1 of the Interim Planning Guidance 2007, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.
- 8.21 As the site is currently occupied by the existing building, of which the upper floor of the main print works building is officers, it is not considered that the proposed remodelling would significantly impact on the privacy of neighbouring developments.
- 8.22 The Council's UDP states that new developments should be designed to ensure that there is sufficient privacy for residents and that a distance of about 18 meters between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. The remodelled main building would be a minimum of 20m from the adjacent residential buildings to the south and exceed 30m to the buildings to the north of the site.

8.23 Submissions have brought up the issue of privacy in relation to the new public open space and the opening of the link to the canal by removing a portion of wall. It is not considered that this would significantly impact on the privacy as the canal area is already publicly accessible.

8.24 It is therefore considered that the proposed development would be acceptable in terms of privacy and in accordance with policy DEV2 of the UDP and policy DEV1 of the IPG.

Noise and Vibration

8.25 In protecting the amenity of the surrounding area Policies DEV2 and DEV 50 of the UDP and policy DEV1 and DEV 10 of the IPG also require the noise and vibration nuisance from a development to be minimised.

8.26 No specific details of the proposed noise and vibration levels of plant or ventilation systems to the proposed development has been provided with the application, however it is considered that a condition of consent could ensure that details of the noise and vibration impacts of any proposed plant and ventilations systems would be submitted to Council for approval prior to installation. This would ensure that any acoustic attenuation required would be installed to mitigate the impact on the adjoining occupiers and surrounding area.

Odour & ventilation

8.27 The proposed development includes the introduction of 1740m² of retail floorspace, which is proposed to include A1-A3 uses. As such, there will potentially be a food cooking and associated odours being created within the development. Policy DEV 2 of the UDP and Policy DEV1 of the IPG require the mitigation of odours in order to protect amenities within the development and of the wider area.

8.28 In order to remove these odours from the development and create suitable internal amenity ventilation and extract systems would be required to be installed. This would potentially consist of general ventilation for units within the development, in order to provide fresh air into the development, and extract systems to the units with cooking facilities, in order to extract cooking odours.

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

Construction

8.30 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development, however these will be temporary in nature.

8.31 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.

8.32 It is therefore recommended that if approved a condition of consent is included, which would require the submission of a Construction Management Plan in order to ensure that the best practice examples are followed to avoid, remedy and mitigate the effects of construction.

8.33 There are also a number of existing mature trees on the site around the proposed

development and likely construction site. Officers consider that a condition should be imposed on any planning permission to protect the trees from construction impacts. This would include a requirement for protective fencing and prevention of the storage of materials under the canopy of the trees.

Vehicle Traffic Movements

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

Traffic and Servicing Issues

Trip Generation

- 8.37 Policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP and policies CP41, DEV17 and DEV19 of the IPG seek to restrain unnecessary trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 8.38 The applicant has provided a Transport Assessments detailing the proposed additional trip generation as a result of the proposal in comparison to when the site was in full operation, including the printing press, prior to April 2008. Table 8.1 shows the estimated increase across the different transport modes during the peak morning and evening hours.

Mode	07:00 - 08:00		08:00 - 09:00		09:00 - 10:00		16:00 - 17:00		17:00 - 18:00		18:00 - 19:00	
	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Car drivers	-23	-2	-32	-2	-9	-5	-12	-12	-20	-28	-57	-36
Bus	-4	0	-2	-1	23	5	9	12	3	19	-1	6
Car Passengers	-3	0	-2	0	20	4	8	11	3	16	-1	5
Motor Cycle	-2	0	-1	0	10	2	4	5	1	8	0	3
Pedal	-3	0	-2	0	17	4	6	9	2	14	0	4
Rail	-11	-1	-6	-2	70	16	27	37	10	58	-2	19
Taxi	-1	0	-1	0	7	1	3	4	1	5	0	2
LUL/DLR	-22	-3	-13	-3	140	31	53	74	21	115	-4	37
Walk	-7	-1	-4	-1	47	10	18	25	7	38	-1	12
Total	-75	-8	-63	-10	323	69	115	164	29	247	-66	52

Table 8.1 – Estimated trip generation

- 8.40 Table 8.1 shows that a significant number of trips generated from the development would be undertaken on the public transport network or by walking and also shows that there would be a significant reduction in the numbers of private vehicle movements. It is therefore considered that the trip generation would be in accordance with the aspirations of policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan 2008, policies ST28 and T16 of the UDP

and policies CP41, DEV17 and DEV19 of the IPG.

Parking

- 8.41 London Plan Policies 3C.17 and 3C.23 seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policies DEV17 and DEV19 of the IPG.
- 8.42 The proposed development seeks to provide 279 car parking spaces. Within the existing News International Site there are currently 596 car parking spaces, including the external car parking site that is outside the proposed application boundary. It is proposed that the 271 car parking spaces would be provided within an internal car park at the west end of the building and 8 vehicle parks including disabled spaces would be located in the pick-up/drop-off area to the western end of the development. In order to ensure that the parking spaces re-provided within the development are not in addition to the existing car park site it is considered that a S106 undertaking would be necessary to ensure that the car park site cannot be used for parking ancillary to the development. In such case it is considered that the vehicle parking associated with the development would be significantly reduced.
- 8.43 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 and 3C.23 of London Plan 2008 and policies DEV17 and DEV19 of the IPG. A S106 legal agreement should also be entered into so that the Traffic Management Order can be amended to exempt occupiers and employees of the development from obtaining parking permits. This will ensure no overflow parking on the road network.

Cycle Parking Facilities

- 8.44 Policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG seek to provide better facilities and a safer environment for cyclists.
- 8.45 The proposals within the remodelled development have included cycle parking facilities in a covered and secure location. This is also in line with council current policies and standards of 1 cycle space per 250m² of floor space. Cycle parking provision has also been made for visitors within the landscaping of the ground floor. A condition of consent is recommended to ensure the layout of the cycle storage is acceptable.
- 8.46 It is therefore considered that the proposed development would accord with policy 3C.22 of the London Plan 2008, policy ST30 of the UDP and policies CP40, CP42 and DEV16 of the IPG.

Deliveries and Servicing

- 8.47 Policies ST30 and T16 of the UDP and policy DEV17 of the IPG seek to provide adequate provision for the servicing and operation of developments while minimising the impact on the highway.
- 8.48 All servicing activities will take place in a dedicated loading bay area within the site. The trip generation assessment carried out demonstrate that travel patterns for servicing vehicles associated with the remodelling will decrease in the peak hours compared to the former printing press operation.
- 8.49 It is therefore considered that the proposed servicing arrangements are acceptable in terms of policies ST30 and T16 of the UDP and policy DEV17 of the IPG.

Public transport capacity

- 8.50 Policies 3C.1 and 3C.2 of the London Plan and policy CP41 of the IPG seek to integrate

development with transport and ensure that development is appropriate for the transport provision in the location.

- 8.51 The submitted Transport Assessment and supplementary transport information provided demonstrates that there will be approximately 447 additional AM peak hour trips and 312 PM peak hour trips by public transport, as a result of the proposed redevelopment and reoccupation of vacated Times House by a third party.
- 8.52 In order to mitigate the impacts on the public transport network the applicant has proposed the provision of financial contributions towards the improvement of the public transport network as well as provision of a shuttle service alternative to the public buses for the employees.
- 8.53 The applicant has agreed to provide a financial contribution of £100,000 towards the implementation of a scheme relating to the public realm and interchange around and between the Shadwell DLR and East London Line Overground Stations. The programmed scheme would increase the safety of the area for users, improve the surrounding public realm and improve the interchange between the stations.
- 8.54 The applicant has also carried out a survey of local bus stops servicing the area and has identified that there are two bus stops that do not meet the requisite standard. As such the applicant has offered to provide a financial contribution of up to £30,000 in order to fund works to improve the bus stops to the requisite standard.
- 8.55 Furthermore, in order to mitigate the impact on the local bus service the applicant has offered to include in a S106 legal agreement the provision of a shuttle bus service for employees. The shuttle bus service would operate between the News International site and Tower Hill Tube Station (Minories) from 8:00am – 10:00am and 4:45pm and 8:00pm weekdays. In addition to the morning and afternoon peak hour services the shuttle will provide transport to different locations, such as Canary Wharf and Isle of Dogs ASDA.
- 8.56 It is therefore considered that the proposed development through the financial contributions and the provision of a shuttle bus service for employees would adequately mitigate against the impact on the public transport network. It is therefore considered that the transport network has an appropriate capacity in the location for the proposed development, in accordance with policies 3C.1 and 3C.2 of the London Plan and policy CP41 of the IPG.

Highways Improvements

- 8.57 The submitted Transport Assessment and supplementary transport information provided demonstrates that vehicle trips associated with the proposed development will decrease from the levels associated with the printing press operation. The capacity of the local highway network is therefore anticipated to increase and no highway impact is expected as a result of the remodelled site.
- 8.58 However, the proposed redevelopment of the New International site will enable an increase in the number of employees on the site and the introduced public uses will also increase the visitors to the site. Policies 3C.21 and 3C.22 of the London Plan and policies CP42 and DEV16 of the IPG seek to improve walking and cycling conditions.
- 8.59 A number of the additional employees and visitors will access the site via the pedestrian route from the Shadwell Overground and DLR stations. The pedestrian environment of Dellow Street on the route between the News International Site and the Shadwell Overground and DLR stations is considered poor and requires works to upgrade it. The applicant has therefore agreed to a financial contribution of £50,000 for improvements to pedestrian environment on Dellow Street. The proposed works would involve the installation of improved lighting, improving the footway and installing CCTV.

- 8.60 The proposed changes of the main entrance from the western end of the site to the eastern end of the site mean that pedestrians accessing the site will be required to walk along Pennington Street. Pennington Street has a very poor pedestrian environment, due to narrow footways and fast vehicle movements. It is also used as a 'rat-run' by traffic avoiding the queues on The Highway, which further reduces the quality of the environment.
- 8.61 In order to improve the safety of the pedestrian environment along Pennington Street the Council considered that appropriate traffic calming measures should be installed to slow traffic. While there is currently some traffic calming measures, these are ineffective due to the poor design. The applicant has agreed to a financial contribution of £100,000 towards the installation of these traffic calming measures, which would include the installation of three speed tables to slow traffic. Council officers considered that the traffic Calming measures on Pennington Street can also include provision of land for a TFL cycle hire station, which has been requested by TLF be made available as part of the development.
- 8.62 It is therefore considered that the proposed development would improve the pedestrian and cycling environment in the surrounding area and would adequately meet policies 3C.21 and 3C.22 of the London Plan and policies CP42 and DEV16 of the IPG.

Sight lines/Access

- 8.63 The proposed access and egress points for the development are existing vehicle entry and exit point. The proposals do not significantly alter these provisions and would not result in any buildings or other development that would be considered to impact on sightlines of vehicles exiting the site.
- 8.64 The parking and servicing provisions allow for sufficient manoeuvring space to allow vehicles to enter and exit the site in forward gear, ensuring there is no need for vehicles to reverse onto the highway.
- 8.65 Council's Highways department have reviewed the application and made no objection to the proposed manoeuvring, sightlines or access points. It is therefore considered that the proposed development, in terms of sight lines and vehicle access would not cause unacceptable safety concerns to pedestrians or the highway network.

Design and Layout of the Development

- 8.66 The site is one of the largest potential development sites in London. The scale of the proposal allows it to become a major urban landmark and influence the wider area. The overall site dimensions are approximately 350m x 115m. The main printworks building alone is 280m x 72m and the Rum Warehouse is of a similar length. With such a large development site, there is a real opportunity to change the nature of the area and potentially provide a catalyst for regeneration of the area, in particular rejuvenate Tobacco Dock and create new job opportunities.
- 8.67 The ambition of News International is to create a world class headquarters with leading edge technology, sustainable practices, and ongoing engagement with the wider public, while retaining the industrial heritage of the Main Building and the historic dock heritage of the Rum Warehouse. With print production moved off site to Broxbourne, the Main Building and Rum Warehouse are both under-utilized industrial structures. News' corporate sustainable vision has driven design consideration towards, where practically possible, low energy, naturally ventilated office spaces, maximising natural daylight to the working areas.
- 8.68 Sustainability is a key feature of the new proposal. The scheme will reuse the existing structural framework and foundations, and retain elements of the existing facade. This allows the interior to retain the dramatic proportions of its industrial past, as well as reducing the

amount of energy and resources involved in the demolition of an existing structure and consequent new build.

Mass and Scale

- 8.69 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment, high quality in design and protect the amenity of the surrounding environment and occupiers.
- 8.70 The proposed remodelling of the existing buildings has minimal impact on the scale of the existing building. The Rum Warehouse building is reduced in size with the demolition of a small portion of the eastern end and the proposed alterations to the main building result in a reduction in the floorspace of the development. Overall given the scale of the existing buildings the mass and scale changes from the proposed development are negligible.
- 8.71 Overall it is considered that the scale and massing of the building is appropriate as it has not been significantly altered in terms of height and scale corresponds to the existing character of the area. It is considered that in terms of scale and mass the proposal is in accordance with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG.

Appearance and Materials

Main Building

- 8.72 The proposal comprises of the remodelling and refurbishment of the existing Main Building, which is comprised of a brick faced 'podium' envelope and perimeter escape stairs, with brick or concrete formed bases. The existing facade is punctuated by a series of protruding escape stair cores, interrupting the otherwise well proportioned dimensions of the existing building.
- 8.73 To mitigate the rhythm of these interrupting cores, the façade is proposed to be reworked as a series of overlapping and shifting horizontal bands that are intended to evoke the energy and iconography of the print works. Rather than a conventional curtain walling system, these proposals are considered more in character with the heritage of the area's industrial past.
- 8.74 Current knowledge of the construction of the facade and structural frame has guided the proposals. The aim has been to retain as much of the existing brickwork as possible. Panels are proposed to be removed to meet the daylighting and ventilation requirements for the building. The angular definitions of these proposed openings are created by inserting new metal cladding on a simple rail system, which frames the new glazed areas. This is considered to break down the monotony of the original singular facade, introducing a more human scale and in turn generating more transparency and porosity.
- 8.75 Shifting the scale of the facade at ground level also addresses the vast difference in scale between the Rum Warehouse and the Main Building and thereby enhancing the setting of the listed Rum Warehouse building. The existing metal panel cladding to the upper office levels is proposed to be replaced with a new high performance glazed façade in order to support the desire for a naturally ventilated, mixed mode mechanical system. These glazed upper floors are proposed to be set back from the footprint of the building. This is shown in figure 8.1 below

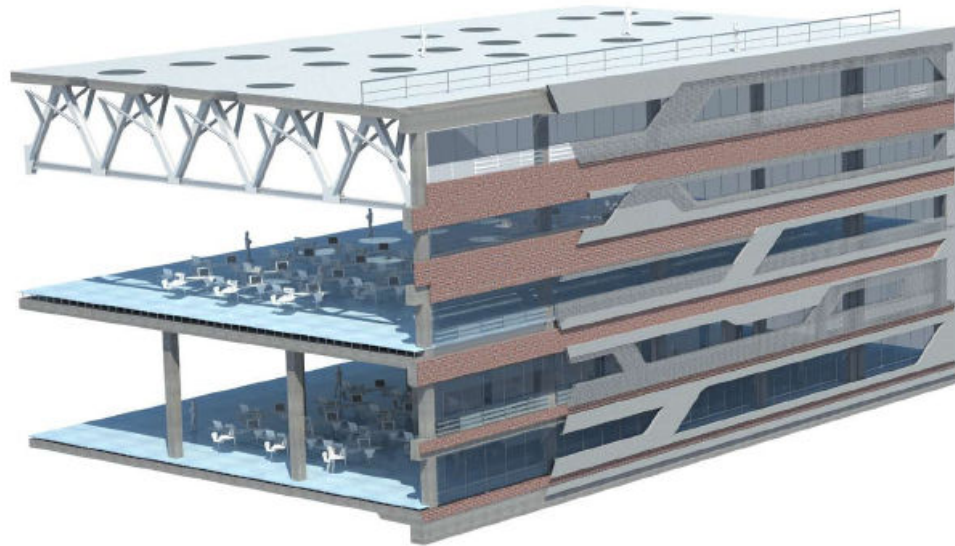


Figure 8.1 – Façade perspective

- 8.76 The proposed atria are currently proposed to be glazed with ETFE roofs in order to support a coordinated natural daylight, ventilation and fire strategy. Circular, glazed, roof lights are also proposed to be provided to the southern garden terrace.
- 8.77 The proposed remodelling of the main building is considered to be highly creative and subject to recommended conditions relating to the quality of materials and external cladding would be considered to be acceptable in terms of policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG.
- 8.78 Research for appropriate cladding materials and technologies is ongoing and therefore, while the approach to the materials is acceptable in principle it is recommended conditions are included on the planning permission if approved to ensure an acceptable quality, colour and range of materials are utilised in the development.

Rum Warehouse

- 8.79 The approach to the upgrade and refurbishment of the Grade II listed Rum Warehouse building is to highlight and maintain its industrial heritage, while providing modernisation to allow for better use of the building.
- 8.80 The Rum Warehouse can be considered as a historic example of a similar building type to the current Main Building – a utilitarian building converted for modern use. The proposals seek to re-engage the public to the building's unique heritage and fabric. The proposals therefore seek to:
- Reveal its exceptional underground vault network by providing new public access and transparency into the vaults and through the creation of a publicly accessible museum within the vaults.
 - Create greater public access to the site by opening up the space between the Rum Warehouse and
 - Tobacco Dock. This means alterations to the eastern end of the Rum Warehouse.
 - Repair the existing built fabric as needed and upgrade of external doors, fire escapes, etc.
 - Upgrade public and Client user access provision to meet statutory requirements
 - Enliven safe routes to generate activity and passive surveillance.
 - Maintain its warehouse character and industrial heritage
- 8.81 With the exception of the works to the eastern end of the works to the external of the Rum Warehouse are primarily related to the restoration of the historical façade and compliance

with access and security requirements. Discussion on the acceptability of the alterations to the eastern end of the Rum Warehouse is presented below in relation to the impact on the historic structure.

- 8.82 With the exclusion of the alterations to the eastern end of the Rum Warehouse the proposed alterations to the Rum Warehouse, being alterations for access and security requirements and the repair and restoration of the historical façade is considered acceptable in terms of policies B.1, 4B.2 and 4B.10 of the London Plan 2008, policies DEV1, DEV2 and DEV3 of the UDP and policies CP4, DEV1 and DEV2 of the IPG. It is again recommend that conditions of consent are implemented to ensure the quality of materials. Further conditions are also recommended below in relation to the listed building consent and how the works are undertaken.

Impact on Conservation and Heritage Values

- 8.83 PPG 15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG seek to preserve the historic assets of the city.
- 8.84 The proposal to move the main entrance of the development to the eastern end and the incorporation of public facilities, public links and retail in the eastern end of the development is considered an important feature of the development in that it provides a potential catalyst for the revitalisation of the currently vacant retail development within the adjacent Tobacco Dock building.
- 8.85 Tobacco Dock is a Grade I listed building and due to its currently vacant state is listed on the buildings at risk register. It is considered by Council officers that the News International Development has the potential to revitalise Tobacco Dock and provide significant benefits to the community and ensure the survival of the Tobacco Dock development and its associated historic heritage.
- 8.86 Currently located at the eastern end of the subject site is the servicing entrance to Tobacco Dock. This Would create a conflict with potential pedestrian access and pedestrian links through the site if they were to share this access. The development solves this matter by separating the pedestrian access and the servicing and vehicle access.
- 8.87 The length of the Rum Warehouse and associated vista of the long wall along Pennington Street is considered one of the most important features of the Rum Warehouse. In order to retain this, the applicant proposes to make an opening in one of the decorative archways that is formed in the wall. This is considered to maintain the appearance of the length of the wall and also the character of the wall in that it does not create an alien opening in the structure.
- 8.88 Due to the variations in the level between the ground level of Pennington Street and the floor level of the Rum Warehouse, the pedestrian route into the site has required the demolition of at least some of the eastern end of the building.
- 8.89 It is considered that retention of the eastern end of the Rum Warehouse would impact on the quality of the entrance, the viability of the retail uses at the eastern end and the potential revitalisation of the adjacent Tobacco Dock.
- 8.90 While it is acknowledged that a portion of the historic vaults and the previously damaged eastern end is removed and there is an impact on the historic character of the building and area, the majority of the building remains. The proposal would open the vaults to the public and allow the continued use and retention of the building. Furthermore, the applicant is proposing to carry out restoration works on damaged areas of the remaining portion of the building.
- 8.91 The principle of the proposed alterations to the listed building is considered on balance

acceptable due to the benefits that the proposed development creates to the public, community and surrounding environment and due to the alterations ensuring the continued use, repair and maintenance of the remaining building.

8.92 However the level of detail provided in the application is not adequate to ensure that the proposed works will be undertaken in a manner that results in the impact on the historic character of the building and area being minimised. It is therefore recommended that a number of conditions are included on the listed building consent, if approved, requiring the submission and approval of particulars/details, in order to avoid unnecessary damage to the Listed Building.

8.93 Conditions are recommended covering the following matters:

- Protection of the historic fabric of the building during demolition.
- Full recording of the fabric removed as a result of the LBC
- A structural report to confirm the stability of the warehouse wall exposed as a result of demolitions to the rear to be submitted prior to works commencing on site. The report should include details of any remedial works proposed.
- With regard to the eastern elevation, full details of the elevation shall be submitted for approval prior to the commencement of works. This should include details of the cleaning and finishing of the firewall to be exposed and any additional structural bracing required. Full details of satisfactory designs for the new glazing at terrace level and basement level, details of the terrace, its structure, access to it and the balustrading around the terrace to be included.
- A schedule of works detailing the repairs required.
- Details of the proposed repair and finish to the south side of the existing wall to Pennington Street to be exposed as a result of the proposals.
- Full details of new external alterations to include, new windows, modifications to the entrances, new entries and landings, and the introduction of railings. This should encompass a schedule of works detailing the repair of the existing fabric.
- Full details of the new pedestrian entrance to be constructed through from Pennington Street to the new courtyard.
- Full details of the proposed vehicle access and gate at the Eastern end of the warehouse to include the finish to the existing Rum Warehouse Dock Wall, where the gate pier is to be removed.
- Details of the planting of the exposed northern wall of the warehouse to be submitted for approval to ensure that the planting proposed does not damage the historic brickwork.
- Full details of internal alterations to include details of structural interventions, new fabric to be introduced, internal finishes and fixings.
- Details of the salvage and reuse of existing original features and materials to include bricks, windows etc to be removed as a result of implementation of the consent.
- New signage.

8.94 It is considered with the imposition of the appropriate conditions the development would be in accordance with PPG15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG.

Public Access

8.95 Policies 3C.21, 3C.22 and 4C.11 of the London Plan and policies CP42, CP46, DEV3 and DEV16 of the IPG promote the improved walking and cycling links and a more accessible environment.

8.96 New public pedestrian and cycle access links will be created by the remodelling and opening up of the site. This will provide access north-south through the site at the eastern end, enabling people to walk directly from Pennington Street through the plaza at the eastern end down to the canal. East-west links, along the southern boundary of the site and between the main building and the Rum Warehouse will connect with a north-south link at the western end of the building and give access to Vaughan Way in the southwest corner of the site, or Virginia Street at the northwest corner of the site. The links are shown in figure 8.2 below.

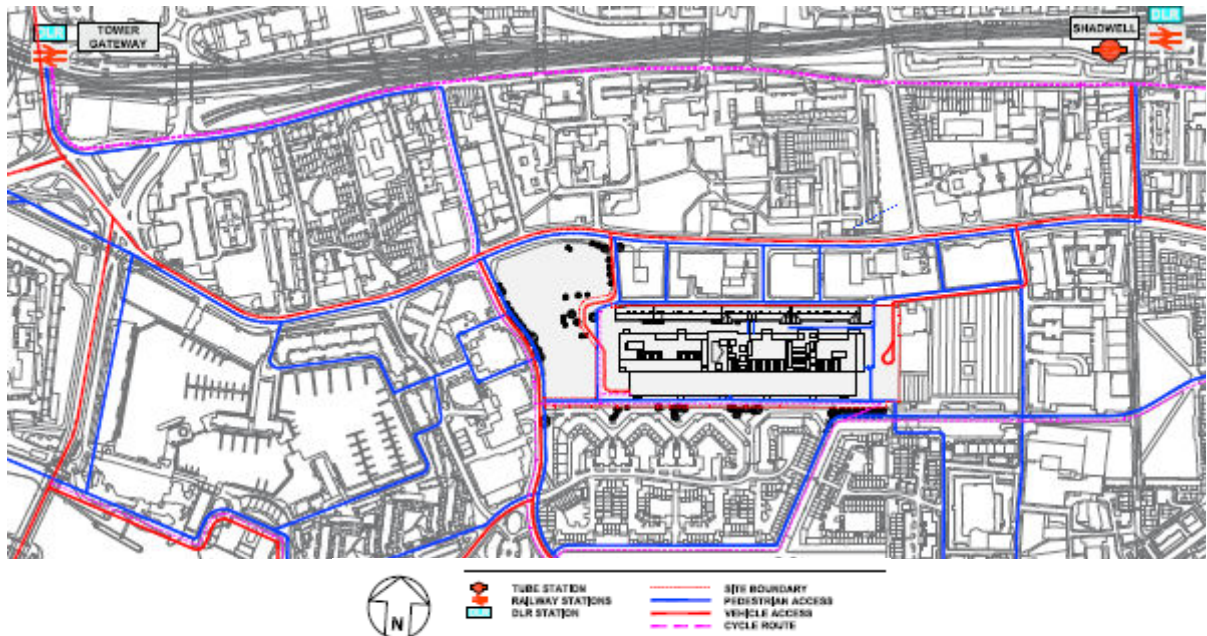


Figure 8.2 – Pedestrian and vehicle access plan

8.97 Currently there is a wall preventing access to the canal from the News International Site, which is proposed to be removed as part of the development, and security gates on all other entrances to the site. The creation of the public access links through the site, is considered by officers, important to achieving the desired permeability of the site and contribute to a more efficient pedestrian and cycle network. As such it is recommended that a condition of consent be included, if the planning permission is approved, requiring the removal of the wall and the establishment of the public access links. This would ensure the provisions are made as part of the development.

8.98 Furthermore, it has been agreed with the applicant to include in the Section 106 legal agreement a clause protecting the public access, requiring 24 Public access through the site, with the exception that the public access on the northern east west link is restricted to hours of 08:00-20:00 for security reasons.

8.99 It is noted that 3 objections have been received that mention late night or anti-social behaviour as a result of opening the development up to the public. It is considered that gating developments prevents integration of the community and social cohesion and creates a fear of crime and anti-social behavior. Whilst security concerns are relevant, they should

not override the overarching principles of accessibility and other measures should be employed to deal with those concerns.

External Amenity Space

- 8.100 Policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policy DEV12 of the UDP and policies CP4, CP30 and DEV13 of IPG promote the good design of public places and the provision of green spaces.
- 8.101 The proposed development will provide a significant amount of publicly accessible open space within the site, including an approximately 21m x 45m entrance piazza. The open spaces also provide links through the development. The open space provide is proposed to be well landscaped for its proposed function, including seats, resting places and trees for shading and softening the large areas.
- 8.102 As well as providing open space on-site, the proposal open links onto the open spaces along the canal. As a result the piazza is extended into a significant area of open space. The public access to the areas will be secured within a S106 agreement, which will also include 24 hour security of the site.
- 8.103 It is considered that the provision of the publicly accessible open space and the associated links are a significant gain to the community as a result of the development and would be in accordance with policies 3D.8, 4B.1, 4B.2 and 4B.3 of the London Plan 2008, policy DEV12 of the UDP and policies CP4, CP30 and DEV13 of IPG.

Wind Micro-Environment

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

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

- 8.105 As previously stated the scale of the buildings is not significantly altered. It is therefore considered that the development would not lead to a significant change in the wind micro-environment.
- 8.106 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate wind conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 and policy DEV1 of the IPG.

Landscaping

- 8.107 Landscaping is used to enhance the aesthetics and amenity of the public realm and outdoor spaces within and surrounding developments. In addition, appropriate landscaping can provide enhancements to the biodiversity and natural habitats within the area.
- 8.108 The applicant has submitted plans showing a general landscaping strategy for the entire site,

providing detail on the landscaping improvements proposed.

- 8.109 The landscape and public realm is an integral part of this scheme, as previously private areas are now proposed to be publicly accessible. The landscaping will facilitate the transition between the massive scales of the buildings to the more human scale experience.
- 8.110 The main entry plaza is proposed as an urban scaled piazza, bringing together the Rum Warehouse, the Main Building, Tobacco Dock, and the canal. A continuous hard surface is proposed, navigating the level changes from Pennington Street down to canal level. A series of ramps, steps and platforms allow for gathering spaces, an outdoor dining space for the restaurant, as well as an integrated vehicle drop off. The eastern end of the Rum Warehouse will be altered to create the separate pedestrian entrance but will provide an outdoor terrace and steps down to reveal the previously hidden historic vault network. Small clusters of trees and plantings screen the existing shared vehicular access to site and the Tobacco Dock servicing area. At the southern end, a series of steps down to the canal create a new public link to the existing open space network along the canal.
- 8.111 While the eastern entry plaza runs north - south from the canal to Pennington Street, it is proposed a new publicly accessible pedestrian route will be created along the southern edge of the site and run from the plaza to Vaughan Way at the far western edge of the site. Again, hard surfacing is proposed to be utilised for pedestrians and required Emergency vehicle access. A continuous promenade of pleached trees is proposed to provide both sun protection and a softened edge in front of the existing boundary wall, which is retained to preserve the privacy of the adjacent residential development. Planting along the edge of the building will provide privacy screening to the ground floor offices. The surfacing patterns relate to the rhythm of the facade patterning.
- 8.112 The proposed northern access route is proposed to be landscaped as a pedestrian streetscape with hard surfacing, seating amenities and planted trees. The linear paving patterns are considered to complement the alignment with the existing buildings. Hard surfacing is provided to allow for required emergency vehicle access.
- 8.113 The proposed western access route connects Virginia Street to the Northern and Southern access routes. A transitional plaza with shared hard surfacing allows for the turning of occasional vehicles within this zone and helps terminate this end of the northern access route. Safe pedestrian crossings allow for pedestrians to continue southward and connect to the proposed southern access route. As the northern route is directly adjacent to the redundant car park site, a temporary planted edge is proposed.
- 8.114 A 250m long roof garden will provide further employee amenity on the southern side of the main building with smaller terraces on the northern side simply landscaped in hard surfacing and planters.
- 8.115 The concepts of the landscaping proposals are considered acceptable. The landscaping is considered to enhance the setting of the listed Rum Warehouse building and that of the Grade I listed Tobacco Dock on the adjacent site. However, it is noted that the landscape plans propose the use of Ivy as a wall cover over the existing Rum Warehouse and Tobacco Dock warehouse. Given that these are listed buildings this aspect of the landscape plan is resisted and it is recommended a condition of consent be imposed on the planning permission if approved to ensure that Ivy is not grown on the listed buildings.
- 8.116 It is also recommended that a condition is imposed on the application to ensure that the proposed landscaping is of an acceptable level and quality to ensure the amenity of the publicly accessible areas and the development as a whole.
- 8.117 Furthermore, it is recommended that a condition be imposed to require a landscape management plan in order to ensure that the landscaping is maintained to an acceptable

level to ensure the quality and appearance of the landscaping.

- 8.118 Subject to conditions it is considered the proposed landscaping for the development would be in accordance with policy DEV12 of the UDP, policies DEV1, DEV2 and Dev 13 of the IPG and policies 4A.11, 4B.1 and 4B.10 of the London Plan 2008.

Views

- 8.119 Policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG protect strategic views of the city and locally important views of the townscape.
- 8.120 The site does fall within a designated Strategic View Consultation Area under the London Plan 2008. The proposed remodelling is not considered to significantly alter the height of mass of the existing building and therefore it is not considered to significantly impact on any wider townscape views.
- 8.121 The proposal is therefore considered in accordance with policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, policy DEV8 of the UDP and policies CP50 and CON5 of the IPG

Access

- 8.122 The proposed development is fully accessible to mobility impaired persons. Lifts, signage, accessible WC's and disabled parking are all provided for both employee areas and for public access areas. The Council's Access Officer has raised some concerns with the details of the landscaping, which it is considered can be addressed through the recommended landscaping details condition, if planning permission is approved.
- 8.123 It is therefore considered that the access for mobility impaired persons is acceptable and would be in accordance with policy ST12 of the Unitary Development Plan 1998, policies CP46 and DEV3 of the Interim Planning Guidance 2007 and policy 4B.5 of the London Plan 2008

Waste Storage

- 8.124 The proposed development includes provision for onsite central waste storage room for the storage of waste. The site also has provision for onsite servicing. It is therefore not considered that the proposed development will result in any impact on the amenity of the area or the highway network as a result of the waste production or storage during occupation and operation.

Sustainability

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

Energy

- 8.126 The applicant has provided an Energy Statement with the application, detailing the estimated energy usage, energy efficiency and what renewable energy provisions have been provided within the development.

- 8.127 PPS22 seeks to require the inclusion of renewable technology and energy efficiency within developments, as do policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008 and policies CP38 and DEV6 of the IPG, unless it can be demonstrated that the provision is not feasible.
- 8.128 The proposed development is remodelling of the existing building and therefore has significant environment and sustainability gains by reducing the amount of energy used in completely demolishing the existing structure and rebuilding an entirely new building on the site.
- 8.129 The Energy Statement shows that large carbon savings can be made by the remodelling, in relation to the former operation of the building in its full capacity as print works. Due to the nature of the scheme the largest and most cost effective carbon savings are to be made by increased energy efficiency in the existing buildings.
- 8.130 The existing building was constructed in the 1980's for a mix of B1 and B2 use. This has been compared with the proposal for the remodelled building to provide office facilities. In terms of annual carbon emission savings the proposed development will save approximately 1170 tonnes of CO₂ per annum over the baseline 2006 building. This equates to a 24% saving.
- 8.131 The majority of the CO₂ savings are the result of a number of improvements and sustainability measures that are included in the design of the remodelled building.
- 8.132 The carbon saving results of the proposed energy efficiency and renewable energy measures, in comparison to the existing building during the printing press operation are shown in figure 8.3 below.

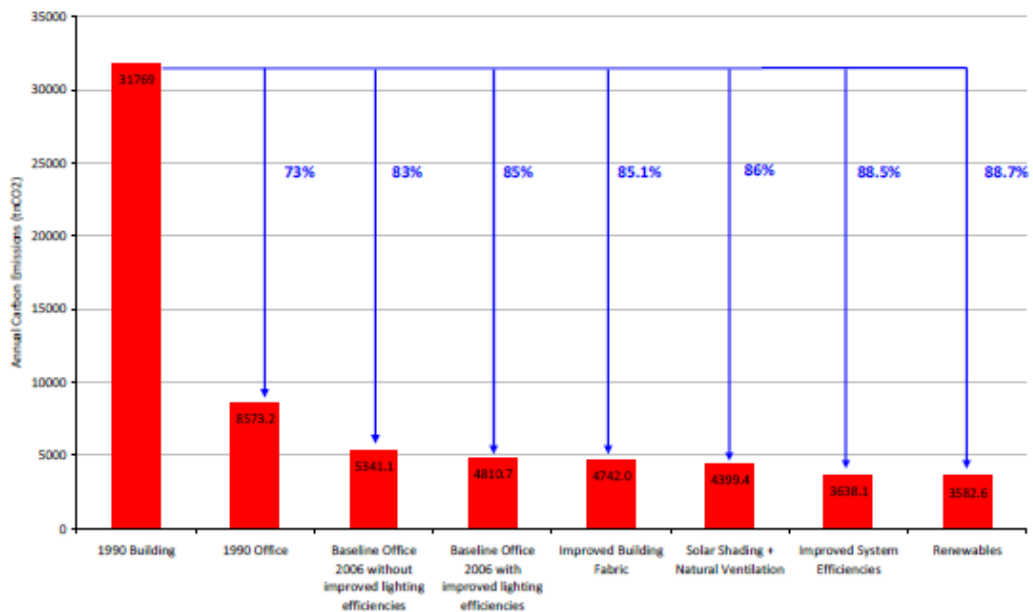


Figure 8.3 – Proposed Carbon Emission Savings

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

heating into the scheme. Hot water services would be provided to all sanitary fittings and kitchen appliances via 2 pipe system with circulation pump. According to the energy statement, the current hot water demand estimation would be met at approximately 14% of annual energy demand, providing that there will be approximately 144m² of evacuated tube panels installed. This will require 280m² of roof area and could save around 10,100m³ of natural gas and avoid 21.5 tonnes of CO₂ emissions per annum.

- 8.135 The applicant has also agreed to install photovoltaic panels on the roof of the main building. There are two areas currently identified on the roof that could accommodate Photovoltaic arrays facing due south at an 11° incline. The west side area provision is 1068m² and the east side area provision is 418 m², giving a total of 1486 m². The energy generated from the total installation would be in the order of 81,345 kWh per annum and would be rated at 95 kW_p. If a carbon dioxide factor of 0.422 kgCO₂/kWh is used, this equates to a saving in carbon dioxide of circa 34 tonnes per annum.
- 8.136 The provision of solar water heating and the inclusion of photovoltaic panels are considered to maximise the renewable energy production onsite. While the provision does not equate to 20% of the total energy usage as requested by London plan policy, the applicant has provided an analysis of other renewable energy measure which shows that these are not feasible.
- 8.137 CCHP has also been investigated as a measure to reduce the energy demand and CO₂ emissions resulting from the development but is considered that, due to the existing efficiency and life expectancy of the existing boiler and cooling system the installation of a combined heat and power or combined cooling heat and power system at this time may not achieve significantly greater carbon savings unless this served a wider area. However, it is recommended that a condition be included if planning permission is granted to ensure that the design of the energy systems would allow for future connection to a district energy system in the area and neighbouring sites (including the adjacent car park site which is likely to be redeveloped in the near future).
- 8.138 It is therefore considered that the proposed energy strategy represents an acceptable carbon emissions saving and that the proposed development is considered to accord to policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008 and policy CP38 of the IPG.

Biodiversity

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

Water

Flood Risk, Water run-off and Waste Water

- 8.143 The proposed development is located adjacent a canal and a small portion of the site is located within the flood risk area identified on the Council's Proposals Maps of the IPG. The proposed development will incorporate significant hard surface areas but would also include roof gardens, rainwater harvesting and areas of soft landscaping.
- 8.144 Due to the inclusion of the roof gardens, rainwater harvesting and soft landscaping the area of hard surfacing onsite is reduced from the existing levels and the likely runoff from the development will be reduced. The Environment Agency has reviewed the application and request a condition relating to details of surface water runoff and the use of sustainable urban drainage techniques is included on the permission.
- 8.145 Subject to imposing the recommended conditions it is considered that the proposed development would adequately mitigate against flood risk, water run-off and waste water generation.

Water use

- 8.146 The applicant has provided details of the proposed water usage and how it is proposed to be reduced. A number of low water usage devices are proposed to be included within the development in order to reduce water usage. It is recommended a condition of consent relating to a BREEAM assessment should be included on the consent to ensure that the development is required to maximise the sustainability, including the reduction of water usage, if the application is approved.
- 8.147 Subject to the recommended conditions, the proposed development is considered in accordance with policies, DEV69, U3 of the Unitary Development Plan 1998, policies CP37, DEV7, DEV 8 and DEV21 of the IPG and policies 4A.12, 4A.13, 4A.14 and 4A.16 of the London Plan 2008.

Construction Waste and Recycling

- 8.148 Policy 4A.28 of the London Plan 2008 and policy CP39 of the IPG require developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.149 By remodelling the buildings the applicant has already gone some way to minimising the waste that would have been produced in a complete rebuild of the development. However, no Site Waste Management Plan for the development detailing that they will follow the principles of the waste hierarchy and reduce, reuse and recycle has been provided.
- 8.150 As such, a condition of consent is recommended to require a Site Waste Management Plan to be submitted detailing the particulars in relation to the development to ensure that the development is implemented in accordance with the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.151 If development is undertaken in accordance with an appropriate Site Waste Management Plan the development would be considered to be in accordance with policy CP39 (Sustainable Waste Management) of the IPG and policy 4A.28 (Construction, excavation and demolition waste) of the London Plan 2008.

Planning Obligations

- 8.152 Policy DEV 4 of the UDP and policy IMP1 of the IPG state that the Council will seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.

8.153 The applicant has agreed to the following being included in a Section 106 to ensure mitigation of the proposed development:

- A financial contribution of £50,000 for improvements to pedestrian environment on Dellow Street. The proposed works would involve the installation of improved lighting, improving the footway and installing CCTV.
- A financial contribution of £100,000 for improvements to Pennington Street pedestrian environment through traffic calming measures, including three speed tables and incorporating land provision for a TFL cycle hire scheme station, if required in future.
- A financial contribution of £100,000 towards Shadwell Stations public realm improvements programme in order to mitigate the impact on the public transport network.
- A financial contribution of up to £30,000 towards the upgrade of local bus stops to requisite standards.
- 24 public access through the site, with the exception that the public access on the northern east west link is restricted to hours of 08:00-20:00.
- 24 hour security, maintenance and management of the new public realm areas.
- Covenant by the owner that the use of the existing adjacent car park shall cease as ancillary to the permitted land use of the proposed development.
- Change in the traffic management order and associated costs to prohibit business parking permits to be issued (i.e. Car free)
- Social compact obligation to commit skills (Education and Employment) offered by News International as per below:
 - New International would become an endorsing employer of the Diploma in Creative and Media, committing to participation on the course and 2 placements per annum
 - New International would offer 7 internships per annum
 - News International will offer 10 apprenticeships at any one time through there main contractors during construction.
 - New International will notify the skills match recruitment team for administration and sales jobs.
- A shuttle bus service for employees between the News International site and Tower Hill Tube Station (Minories) from 8:00am – 10:00am and 4:45pm and 8:00pm and the News International Site and various destinations during lunch times.
- Production and implementation of a Travel Plan.

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

Conclusions

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

RECOMMENDATION at the beginning of this report.

Site Plan and Consultation Zone

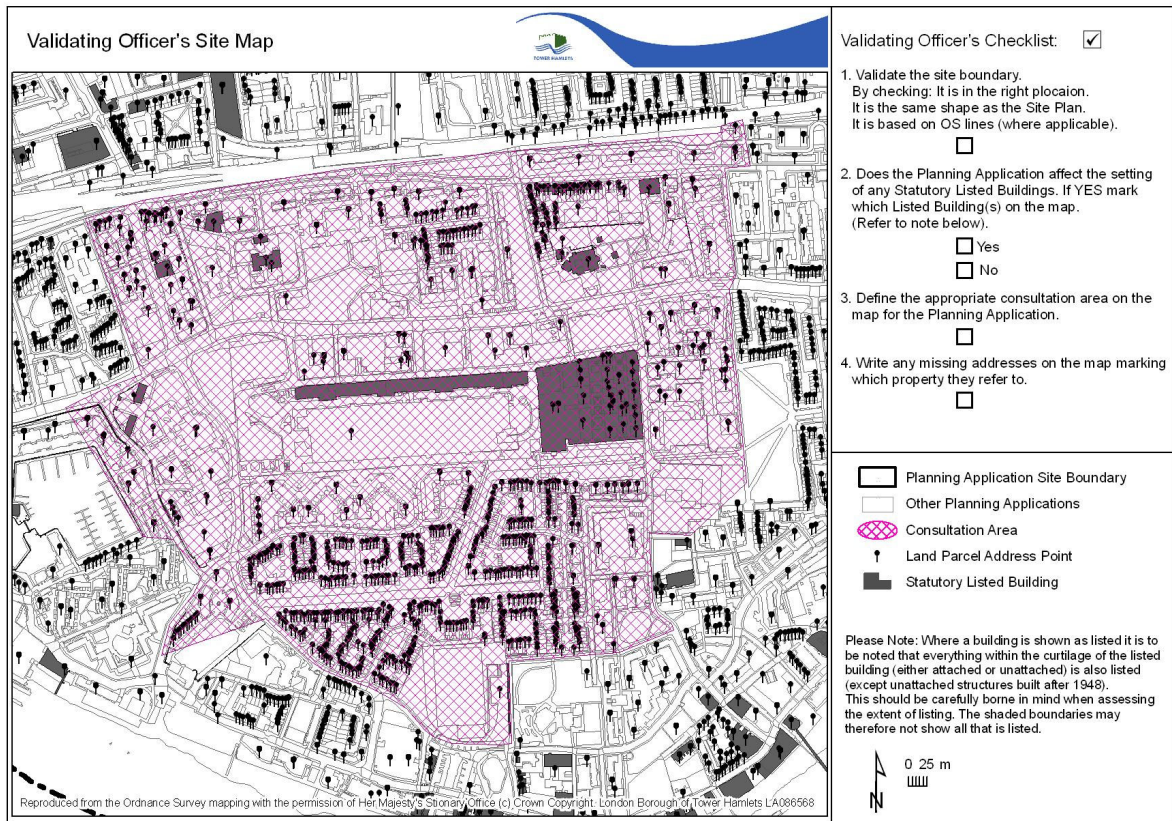


Figure 8.4 – Map showing site consultation zone

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Agenda Item 7.2

Committee: Strategic Development	Date: 10 th November 2009	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Richard Murrell	Ref No: PA/09/01198
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: Jobcentre Plus, 60 Commercial Road, London E1 1LP
Existing Use: Job Centre Plus (Use Class A2/B1)
Proposal: Demolition of existing building and erection of a 21 storey building plus basement to provide retail/commercial/community unit (Use Class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works.

Drawing Nos/Documents:

Drawing Numbers

596_PL_CR_000, 596_PL_CR_001 REVA, 596_PL_CR_099 REVA, 596_PL_CR_100 REVA, 596_PL_CR_101 REVA, 596_PL_CR_102 REVA, 596_PL_CR_103, 596_PL_CR_104, 596_PL_CR_106, 596_PL_CR_110 REVA, 596_PL_CR_111 REVA, 596_PL_CR_120 REVA, 596_PL_CR_121 REVA, 596_PL_CR_125, 596_PL_CR_131 REVA, 596_PL_CR_132, 596_PL_CR_133 REVA, 596_PL_CR_134 REVA, 596_PL_CR_135 REVA, 596_PL_136, 596_PL_CR_150 and 596_PL_CR_151

Documentation

Design and Access Statement (dated July 2009)
Design and Access Statement: Supplementary Document (dated September 2009)
Impact Statement (dated July 2009)
Impact Statement Addendum (dated September 2009)

Applicant: Palaville Ltd
Ownership: Palaville Ltd
Historic Building: No
Conservation Area: No

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:

- 2.2 The loss of the site for office use is considered acceptable given the re-provision of higher quality office floorspace at a nearby site, the benefits of providing student accommodation to support London Metropolitan University, and the improvements to the built environment from the development as a whole. The development is therefore considered to accord with the aims of London Plan policies 5G.3 and 3B.2, Unitary Development Plan 1998 policies ST17, CAZ1, EMP1 and EMP3 and Interim Planning Guidance (2007) policies CP7, CP8, CP11 and EE2, which seek to retain viable employment sites.
- 2.3 The provision of student accommodation, and ancillary facilities, in this location is acceptable given the proximity to the London Metropolitan University campus and the excellent public transport links. The development will support the improvement and expansion of higher educational facilities and is acceptable in terms of London Plan (2008) policies 3A.1 and 3A.25; Unitary Development Plan 1998 policies ST25, ST45, ST46 and HSG14; and Interim Planning Guidance (2007) policy CP24, which encourage the provision of education facilities and special needs housing at accessible locations.
- 2.4 The new building in terms of height, scale, design and appearance is acceptable in line with policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12, 4B.14 and 4B.16 of The London Plan 2008, policies DEV1, DEV2 and DEV3 of the Unitary Development Plan 1998 and policies C48, DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance 2007 which seek to ensure development is of a high quality design.
- 2.5 The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy, increased sense of enclosure or increased disturbance is acceptable given the urban context of the site and as such accords with policies DEV1 and DEV2 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.6 Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and accord 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.
- 2.7 Sustainability and renewable energy matters are appropriately addressed and accord with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the Interim Planning Guidance 2007, which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation and sustainable construction materials.
- 2.8 Contributions have been secured towards projects in the Aldgate Masterplan area, highway improvements and bus capacity enhancements. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 A. Any **direction** by **The Mayor**

3.3 B. The prior completion of a **legal agreement (covering both this development and the linked development at 122 Back Church Lane)** to secure the following planning obligations:

- a) A financial contribution of £222, 230 towards community projects in the Aldgate Masterplan Area
- b) A financial contribution of £131, 100 to LBTH Highways
- c) A financial contribution of £100, 000 to TfL for Highway works
- d) A financial contribution of £109, 000 towards Bus Capacity enhancements
- e) Completion of linked development at 122 Back Church Lane prior to occupation of 60 Commercial Road
- f) Commitment to use local labour in construction
- g) Commitment to implement Student Management Plan
- h) Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- i) TV/Radio Reception Monitoring
- j) 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
- 2) Building constructed in accordance with approved plans

Details of the following to be submitted and approved prior to commencement:-

- 3) Programme of archaeological investigation
- 4) Contaminated Land Survey
- 5) Construction Management Plan
- 6) Code of Construction Practice
- 7) Sample of all external facing materials / sample board / Mock up typical bay
- 8) Detail of landscaping scheme to include hard and soft finishes, planting, external lighting, CCTV and future management arrangements
- 9) Further Energy Study to include feasibility of linking to 122 Back Church Lane. Implementation and retention of approved study.
- 10) Amending Travel Plan including details for monitoring uptake of cycle stands. Provision of all approved measures including cycle parking prior to occupation
- 11) Enter into S278 Agreement

Prior to occupation:-

- 12) Implementation and retention of measures in wind assessment
- 13) Implementation and retention of measures in air quality assessment
- 14) Implementation and retention of measures in noise assessment
- 15) Implementation and retention of measure in Service Management Plan
- 16) BREAM assessment demonstrating that the development achieves a minimum 'Excellent' rating
- 17) Prior to occupation of commercial unit written approval from LPA for hours of operation. No deviation from approved hours unless otherwise agreed in

writing.

- 18) No installation of extraction / air conditioning plant to ground floor student café without prior approval of LPA.
- 19) No installation of extraction / air conditioning plant to ground floor commercial unit without prior approval of LPA.

Compliance:-

- 20) Removal of PD rights to erect fencing along South boundary
- 21) Retention of shop-front display in commercial unit. No installation roller shutters
- 22) Retention of privacy screening around high-level terraces. Restriction on use of terraces to hours of 8.00am to 10.00pm on any-day.
- 23) Restriction of hours of construction.
- 24) Restriction of hours of piling
- 25) Height not to exceed that shown on plans (including cranes for construction) unless further consultation with London City Airport.
- 26) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 **Informatives**

- 1) Thames Water Comments
- 2) Contact LBTH Building Control
- 3) Contact LBTH Highways
- 4) 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.

4. **PROPOSAL AND LOCATION DETAILS**

Background

- 4.1 This planning application is linked to an associated planning application at 122 Back Church Lane (reference PA/09/1199). This application is also before Members for a decision.
- 4.2 The applications are linked because this application proposes the demolition of the existing building at 60 Commercial Road. This building currently provides 1987 square metres of B1 office floorspace. The application proposes to replace the building on 60 Commercial Road with student accommodation. To replace the lost floorspace, the linked application seeks planning permission for the demolition and re-build of an existing office building at 122 Back Church Lane. The resulting office building at Back Church Lane would re-provide sufficient floorspace to replace that lost at 60 Commercial Road and at 122 Back Church Lane – ensuring that overall there is no unacceptable loss of employment floorspace.
- 4.3 It therefore follows that the grant of permission for the development at 60 Commercial Road is dependent on the grant of planning permission for the development at 122 Back Church Lane.

Proposal

- 4.4 The application proposes the demolition of the existing building on-site and the erection of a replacement building. The proposed building would have a 38.4m frontage along

Commercial Road. It has a stepped form, rising from 6 storey high (18.2m) to 10 storey (29.2m) to 21 storey (59.25), then back down to 11 storey high (31.95m) adjacent to Back Church Lane.

- 4.5 The upper floors of the building would provide student accommodation. In total 442 student bedrooms are proposed. Of these 22 (5%) are wheelchair accessible. A further 5% are capable of being fitted out for wheelchair use. The study units vary in size from 16.2 square metres for a single studio to 31.5 square metres for a twin studio. The units include a living/sleeping area, a workspace, a cooking area and a separate bathroom.
- 4.6 The ground floor would comprise a reception/communal area and café for the student accommodation. A commercial unit 205 square metre (flexible use classes A1/A2/A3/A4/B1 or D1) would be provided fronting Commercial Road.
- 4.7 A gym, laundry and communal study area would be provided on the first floor. An outdoor terrace would be provided at the 10th floor. The 21st floor would provide a lounge area, external terrace and plant room.
- 4.8 The basement would provide additional plant room.
- 4.9 To the South (rear) of the site the scheme would include an area of open-space and a secure cycle parking area.
- 4.10 The scheme provides two disabled parking spaces accessed from Back Church Lane. The cycle parking area is sufficient in size to accommodate 111 bicycles, with the space to increase this to 222 if demand requires.
- 4.11 The scheme incorporates a Combined Heat and Power System, a green roof, a brown roof and photovoltaic panels.

Site and Surroundings

- 4.12 The application site occupies an area of 0.12 hectares. It is located on the southern side of Commercial Road at the junction with Back Church Lane. The site is currently occupied by the 6 storey Job Centre Plus. The building is of late 20 century construction and has no particular architectural merit. The ground and first floor of the building are accessible to visiting members of the public (Use Class A2). The upper floors are used to provide back office support for the centre's operations (Use Class B1). The building fronts Commercial Road and has a return frontage along Back Church Lane.
- 4.13 To the rear (south) of the site there is a green-link running from Gower's Walk to Back Church Lane. Further to the south on the West side of Back Church Lane there is a 4 storey block of residential properties. On the East side of Back Church Lane there is the 6 storey Gem House, and further to the South, a school.
- 4.14 To the East of the site is the 12 storey (39.73m high) residential block of 80 Commercial Road. To the West of the site is the recently completed residential development at 54 – 58 Commercial Road. This building varies in height with two tower elements rising to 40.51m and 51.82m high – with the higher tower adjacent to the application site.
- 4.15 The site is located opposite the London Metropolitan University (Art, Media and Design) building.
- 4.16 The site is located in an area with very good access to public transport. It has a Public Transport Accessibility Level (PTAL) of 6a. The site is approximately 470m from Aldgate East Underground Station. Frequent bus services pass along Commercial Road.

- 4.17 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone and is within an Area of Archaeological Importance. In the Council's Interim Planning Guidance the site is located in the City Fringe Area Action Plan. The site also falls within the boundary of the Aldgate Masterplan, and in this plan the area to the South of the site is identified as open space.
- 4.18 Commercial Road forms part of Transport for London's Strategic Road Network.
- 4.19 The site is not located within a Conservation area, nor is it immediately adjacent to any Listed Buildings. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II) and 40 Gower's Walk (Grade II).
- 4.20 In longer views the site forms part of the background to the Tower of London.

Relevant Planning History

4.21 The following planning decisions are relevant to the application:

PA/08/2321 Request for Screening Opinion as to whether redevelopment to provide a 19 storey building comprising 18 floors of student accommodation over retail/commercial use at ground and basement level requires an Environmental Impact Assessment.

The Council determined on the 19th November 2008 that an Environmental Impact Assessment was not required.

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:		Central Activities Zone
		Area Archaeological Importance
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
	ST23	To ensure high standard of new housing
	ST25	To ensure new housing served by infrastructure
	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
	DEV43	Protection of Archaeological Heritage

DEV44	Preservation of Archaeological remains
DEV50	Noise
DEV51	Soil Tests
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Water Resources
CAZ1	Location of Central London Core Activities
EMP1	Encouraging Employment
EMP3	Office floorspace
HSG14	Special Needs Housing
HSG16	Housing Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Improve quality safety and convenience pedestrians
T26	Promoting of Waterways for Freight
S7	Special Uses
S11	Roller Shutters

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:	City Fringe Area Action Plan
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
	CP16 Vitality of Town Centres
	CP24 Special Needs Housing
	CP25 Housing Amenity Space
	CP29 Improving Education and Skills
	CP30 Improving Open-spaces
	CP31 Biodiversity
	CP38 Energy Efficiency and Production of Renewable Energy
	CP39 Sustainable Waste Management
	CP40 A sustainable transport network
	CP41 Integrating Development with Transport
	CP42 Streets for People
	CP46 Accessible 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
	DEV9 Sustainable Construction Materials
	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
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
RT5	Evening and Night-time economy
CON1	Listed Buildings
CON2	Conservation Areas
CON3	Protection of World Heritage Sites
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views
CFR1	City Fringe Spatial Strategy
CFR4	Educational provision
CFR6	Infrastructure and Services
CFR9	Employment uses in Aldgate
CFR12	Design and Built Form in Aldgate
-	Aldgate Masterplan

5.4 Core Strategy 2025 Development Plan Document

Aldgate Vision: Priorities and Principles

5.5 Spatial Development Strategy for Greater London (London Plan)

1.1	London in its global context
2A.1	Sustainability Criteria
2A.4	Central Activities Zone
3A.13	Special needs housing
3A.25	Higher education
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.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.8	Realising value of open-space
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.11	Living Roofs
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
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.2	Priorities in Central Activities Zone
5G.3	Central Activities: Offices

5.6 Government Planning Policy Guidance/Statements

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

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

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

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:

LBTH Highways

- 6.2**
- The subject site is in an area with excellent access to public transport, which can accommodate the additional persons trips.
 - Impact on highway & public transport network acceptable.
 - Provision of 2 disabled car parking spaces acceptable
 - Details of cycle parking should be submitted for approval.
 - Servicing and Refuse collection from Back Church Lane acceptable.
 - Service Management Plan requested.
 - Section 106 Agreement
 - o Car – Free Agreement
 - o Financial contribution of £131, 1000 to pay for improvement works comprising:-
 - Two speed tables to calm traffic on Back Church Lane
 - Widen footpath on western side Back Church Lane
 - New Gullies on Back Church Lane
 - Resurfacing Back Church Lane on approach to Commercial Road
 - Reconstruction footway outside Harry Gosling Primary School

- Section 278 Agreement for highway improvements necessary to serve development

- No objections subject to recommended conditions and contributions

6.3 Officer comment:

The Developer has agreed to the requested financial contribution. These matters are considered in more detail under the Transport section of this report.

LBTH Environmental Health (Contaminated Land)

- 6.4 - The site is located in an area that has been subjected to former industrial uses. A condition is requested to ensure developer carries out a site investigation to investigate this and remediate as necessary.

6.5 Officer comment:

A suitable condition would be imposed on any permission.

LBTH Environmental Health (Noise and Vibration)

- 6.6 - No comments

LBTH Environmental Health (Daylight and Sunlight)

- 6.7 - The submitted Daylight / Sunlight Report has been reviewed. It is noted that the separation distance between Tower 17 and 60 Commercial Road has been increased from 5.6m to 12.9m, whilst the distance between Tower 17 and Tower 13 of 52 – 58 Commercial Road is 7.4m.
- The main concern is the impact of 60 Commercial Road on Tower 17 (52-58 Commercial Road) from 1st floor to 10th floor in terms of VSC, NSL and ADF while Sunlight shows some impact from 5th Floor to 10th floor in terms of APSH.
 - With the increase in separation distance, the proposed scheme is much better than the previous scheme.
 - The Shadow analysis is acceptable, no obvious impact on amenity space.
 - The Consultant/Agent has also sited the severe impact between Tower 17 and 13 which been approved by the Council also the Consultant sited an appeal case in Chelsea of a similar situation which was approved by the Inspector and the Secretary of State.
 - EH cannot recommend a refusal
 -

6.8 Officer comment:

This matter is discussed under the amenity section of the report.

Commission for Architecture and the Built Environment

- 6.9 - Applaud high design aspirations
- Commend active frontage to Commercial Road and rear communal area that will animate linear park to the south
 - Building massing skilfully handled
 - For cladding approach to be successful a high degree of control in relation to building junctions and shifts in façade plane required.

6.10 Officer Comment:

Design is considered under main issues

English Heritage (Statutory Consultee)

- 6.11 - No objection on grounds of setting of the Tower of London World Heritage Site in

view LVMF 25A.2.

- Little assessment undertaken with regard to the impact on surrounding historic environment.
- Encourage applicants to consider reducing height of building. Additional information and rendered views should be provided.

6.12 Officer Comment

Design is discussed under main issues.

English Heritage- Archaeological Division (Statutory Consultee)

- 6.13 - Site located in area with high potential for archaeological remains. Recommend condition to secure a programme of architectural work.

6.14 Officer Comment

A suitable condition would be imposed on any permission.

Greater London Authority (Statutory Consultee)

- 6.16 Stage One response received. Following discussions with Applicant additional comments have been received from the GLA case officer:-

- Scheme will result in loss of office use in Central Activities. Updated GLA Officer view considers that change of use likely to be acceptable.
- Scheme is consistent in townscape terms with Commercial Road.
- Concerns over impact on open-space to rear. Updated GLA officer view considers that this is acceptable in strategic terms and that conditions should be imposed to ensure quality and permeability of space.
- Noted that the Mayor had a particular concern with the existing view 25A.2, which is amended under the draft LVMF but still carries weight. In the view of the GLA case officer, the impact on the draft views does not raise strategic concerns.
- Scheme follows London Plan energy hierarchy. No renewable energy measures included and further information and revisions requested. Updated GLA Officer view considers that the incorporation of PV cells is welcome and consistent with policy 4A.1 and 7 of the London Plan in principle.
 - o Conditions requested to present finding of study into supply of energy to Back Church Lane site.
 - o Condition requested to ensure detailed design is 'district heating ready'.
- Support car-free development.
- S106 Financial Contributions towards bus capacity enhancement and local pedestrian/cycle environment improvements requested.
- Travel plan requested.
- Construction Logistics Plan and Service Management Plan requested.

6.17 Officer Comment

Additional information was submitted following the stage one response in relation to the Energy Strategy and Strategic views. Negotiations have also taken place between the Applicant and TfL over the level of financial contributions requested. LBTH Officer's are satisfied that the matters addressed in the GLA stage one report have been addressed, and that the scheme is now compliant with the London Plan.

Health and Safety Executive

- 6.18 - Site falls outside revised safeguarding zone.

6.19 Officer comment:

- The Council's consultation system will be updated. No further consideration of the proximity of the site to sites for the storage of explosives is required.

London Fire and Civil Defence Authority (Statutory Consultee)

- 6.20 - Provision of water supplies for Fire Service likely to be adequate. Ground floor plan indicates access for brigade unlikely to be problematic.

London City Airport

- 6.21 - No safeguarding objection subject to condition requiring additional consultation if construction method requires crange of scaffolding that extends above the height of the building.

6.22 Officer comment: A suitable condition would be imposed on any permission.

Thames Water (Statutory Consultee)

- 6.23 - No objection in terms of sewage / water infrastructure.

National Air Traffic Services (Statutory Consultee)

- 6.24 - No safeguarding objection

Transport for London (Statutory Consultee)

- 6.25 - Satisfied with Transport Assessment methodology
- Financial contributions requested:
 - o £109, 350 Bus service capacity enhancements
 - o £100, 000 to fund dropped kerbs, contribute to wider pooled fund for works at the Commercial Road / Allie Street junction and a possible new crossing facility on Commercial Road.
 - Cycle parking should be provided at rate of one stand per student
 - Travel Plan / Service and Delivery Plans should be secured by condition

6.26 Officer Comment

The Developer has agreed to the financial contributions. Conditions would require the provision of cycle parking, travel plans and service delivery plans.

7. LOCAL REPRESENTATION

- 7.1 A total of 340 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. Site notices were also posted.
- 7.2 It should be noted that the building adjacent to the site, at 52 – 58 Commercial Road, is only just being completed. The Council does not have postal address details for this building, and it is unknown whether the flats are yet occupied. To ensure residents / potential residents of these properties are aware of this planning application a site notice was displayed directly outside of the main entrance.
- 7.3 Following the submission of revised plans an additional round of neighbour consultation took place on 7th October 2009.
- 7.4 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.5 No of individual responses: 3 Objecting:3 Supporting: 0

7.6 The following groups / organisations were also consulted regarding the proposals.

- London Metropolitan University: No comments received.

7.7 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:

- No demand for student accommodation
- High density of student accommodation in area / coming on stream including units recently constructed at 52 – 58 Commercial Road and 100 Middlesex Street.
- CABE review recommended
- Loss of light / overshadowing
- Increase in traffic pollution / vehicles on Back Church Lane.
- Increase in antisocial behaviour
- No demand for street-level units
- Improvements should be made at street-level along back Church Lane.
- Building too high, should not be taller than neighbours

7.8 Officer Comment:

The issues raised are discussed under the main issues section of the report.

7.9 The following issues were also raised that are not planning matters.

- Financial arrangements of developer.
- Covenants on land
- Impact of current financial crises on scheme's future
- Impact of job centre moving to 122 Back Church Lane. (*Officer comment: In is understood the job centre lease expires in March 2012. Re-locating the job centre does not form part of this proposal*)

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
3. Transport and Highways
4. Amenity
5. Other issues

Land Use

8.1 The application proposes the demolition of 60 Commercial Road. This building is currently used to provide a 'Job Centre Plus'. The centre provides employment services to members of the visiting public on the ground and first floors (993 square metres GEA – Use Class A2). The upper floors provide back-office support and not generally accessed by the public (1987 square metres – Use Class B1).

8.2 The proposed uses include 8, 815 NIA square metres (442 bedrooms) of student accommodation and a 205 square metre flexible use commercial unit.

8.3 The application is linked with planning application reference (PA/09/01199) that seeks to re-provide office floorspace on a nearby site. This scheme would provide a total of 3, 177

GEA square metres of B1 Office Space.

- 8.4 The application site is located in the designated Central Activities Zone. The site also falls within the City Fringe Area Action Plan and the Aldgate Masterplan.
- 8.5 Strategic London Plan policy 5G.3 recognises the Central Activities Zone as the country's most important strategic office location. London Plan policy 3B.2 seeks the renovation and renewal of existing office stock, and requires Borough's to promote the provision of additional space and the rejuvenation of existing office space in the Central Activity Zone.
- 8.6 Saved UDP policy CAZ1 states that a balance of uses of a scale and type compatible with fostering London's role as a financial, commercial, tourist and cultural centre will normally be permitted in the Central Activities Zone.
- 8.7 In the City Fringe Area Action Plan, policy CFR1 seeks to protect viable employment sites and policy CFR9 states that employment uses are supported as the dominant use. Policy CFR1 and CFR4 also promote the expansion of London Metropolitan University and support the consolidation of educational uses around Aldgate.
- 8.8 Saved UDP policy ST17 seeks to promote and maintain high quality work environments in order to attract investment. Saved Policy EMP1 seeks to encourage employment growth through the redevelopment and upgrading of sites already in employment uses. Saved policy EMP3 relates specifically to proposals for the change of office floorspace to non-B1 use classes.
- 8.9 Interim Planning Guidance policy CP7 seeks to retain and promote a wide range of spaces for different types of employment uses. It also notes that the Council will support the improvement and expansion of higher education facilities around London Metropolitan University in Aldgate. Policy CP8 states that new housing may be appropriate in the CAZ where it does not replace viable employment sites. CP11 and EE2 seek to protect viable employment uses and resist the loss of employment floorspace.
- 8.20 The thrust of these policies is to presume against i) the loss of office/employment floorspace *per se*, and ii) in particular the loss of office floorspace to other uses in the Central Activity Zone. However, weight must also be given to policy objectives to promote Aldgate as an area for educational uses.
- 8.21 The proposal site and the linked site are both suitable for office use. The application will lead to the loss of one site from office use, and the more efficient use of the other.
- 8.22 Officers consider that the acceptability of the scheme is dependent on two factors. Firstly, whether the proposed re-provision of office floorspace at Back Church Lane provides appropriate mitigation for the loss of 60 Commercial Road; and secondly whether the benefits of allowing the scheme at 60 Commercial Road outweigh the loss of this site for office use. The assessment of the second issue therefore needs to consider the need to provide student accommodation at this location.
- Re-provision of office floorspace at 122 Back Church Lane
- 8.23 The existing building at 122 Back Church Lane 'Gem House' provides 952 GEA square metres of B1 floorspace. The proposed redevelopment of this building would create 3, 177 GEA square metres of B1 floorspace i.e. a net gain of 2225 GEA square metres.
- 8.24 As existing 60 Commercial Road provides 1987 GEA square metres of B1 floorspace. The redevelopment of the Back Church Lane site will therefore re-provide 238 squares more B1 floorspace than is lost.

- 8.25 In terms of floorspace the scheme does not re-provide the existing A2 floorspace at 60 Commercial Road. However, it is recognised that the new B1 floorspace is likely to have a higher employment density than the floorspace lost, which results in acceptable mitigation for the loss of employment floorspace.
- 8.26 The scheme would provide a significant benefit in that the replacement office floorspace would be of high quality and fit for modern business use, which would contribute to the future success of the CAZ.

Provision of student accommodation

- 8.27 London Plan policy 3A.13 and saved UDP policy HSG14 recognise that student accommodation is a form of specialised housing. Saved UDP policy HSG14 states that the Council will seek to encourage the provision of new housing to meet the needs of students.
- 8.28 London Plan policy 3A.25 supports the provision of student housing to ensure that the needs of the education sector are addressed. London Plan Policy 3A.8 recognises that purpose built student housing adds to the overall supply of housing and may reduce pressure on the existing supply of market and affordable housing.
- 8.29 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. It notes that the East London sub-region accommodates five higher education institutions and over 44, 000 students (12% of the London total), and encourages the provision of academic facilities and student housing.
- 8.30 Interim Planning Guidance policy CP24 seeks to promote specialist housing by focusing purpose built student housing within 5 minutes walking distance of the London Metropolitan University campus at Aldgate.
- 8.31 Policy CFR1 and CFR9 of the City Fringe Area Action Plan encourage the provision of educational facilities around Aldgate to support London Metropolitan University. Policy CFR1 specifically promotes the provision of a small quantity of student accommodation in close proximity to London Metropolitan University at Aldgate.
- 8.32 The site is very well located to provide student accommodation. It is located within a short walking distance of London Metropolitan Aldgate and City Campus, and has very good transport links for those studying at other institutions. The site is located on a busy thoroughfare, which would mean that late-night activity / increase in general activity can be accommodated without significant prejudice to residential amenity.
- 8.33 The provision of student accommodation would help to support London Metropolitan University and the educational role of Aldgate, which is recognised as a policy objective. Officer's therefore consider that the provision of student accommodation will meet an identified need, which in turns helps to provide a justification for the loss of the office site.

Provision of commercial unit

- 8.34 The application also proposes a small (205 GEA square metre) commercial unit on the ground floor. The unit would front Commercial Road. The unit would receive a flexible permission for use within Classes A1 (Retail Shops), A2 (Financial/Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments), B1 (Business) or D1 (Non-residential institutions).
- 8.35 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.

- 8.36 The unit would add activity to the Commercial Road frontage and would contribute to employment in the area. In principle there is no objection to the proposed uses given the location of the site on a main thoroughfare, and it accords with the objectives of policies DEV3 and S7. 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.

Conclusion:

- 8.37 Officer's are satisfied that the approach taken by the linked applications achieves a good overall planning outcome. The developments will not result in the actual net loss of any office floorspace. The office floorspace that is re-provided at the Back Church Lane site would be of high quality and would contribute to the attractiveness of the Central Activities Zone.
- 8.38 There is an identified need for student accommodation to support the Borough's universities. The application site is a good location for student accommodation given the close proximity to London Metropolitan University and the very good public transport links in the area. It is also noted that Commercial Road is a busy thoroughfare where issues of late-night activity / disturbance of residents are less likely to be noticeable than in quieter locations.
- 8.39 Furthermore, consideration is also given to the design quality of the scheme, and the improvements that will be made to the public realm in the area, which accord with overarching policies that seek to improve the quality of the built environment in the Borough.
- 8.40 In overall land-use terms the scheme is therefore considered acceptable.

Design

Height, Mass, Scale and Appearance

- 8.41 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.
- 8.42 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.
- 8.43 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.
- 8.44 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.

- 8.45 Policy CFR12 states that high quality tall buildings will be focused around the existing Aldgate Union, and that building heights throughout the sub-area should respect and complement the central cluster. The Aldgate Masterplan states that tall buildings will also be appropriate in certain locations outside the gyratory area where they play a role in design terms to mark street junctions, arrival points or assist with legibility, but they must be subservient to the building heights within the gyratory. The tallest building at the Aldgate gyratory is consented at 102m high.

Impact on Listed Buildings

- 8.46 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'. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II) and 40 Gower's Walk (Grade II).

Protected Views

- 8.47 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.
- 8.48 The proposed building fall does not sit in any protected vistas. However, it is near the background assessment area for the Tower of London. Consideration therefore needs to be given to the impact on protected views from City Hall towards the Tower of London (LVMF views 25A.1 and 25A.2).

Assessment

- 8.49 The existing building on-site has no particular merit and redevelopment of the site offers the opportunity to deliver significant improvements to the Borough's built environment. When assessed against relevant tall building and design policy it is considered that:-
- The design of the building responds well to the context of the site and follows a similar podium and tower form as the adjoining development at 52 – 54 Commercial Road. The height and scale of the building is acceptable given the precedent set by the neighbouring development and the general mass of buildings along Commercial Road.
 - The building has a striking and attractive design that will add much needed architectural quality to this section of Commercial Road. The proposed façade system and choice of materials reflects the residential character of the building.
 - The building will animate and enliven the green-link running along the south boundary of the site by incorporating active uses and a colonnade at ground floor level. This would contribute significantly to the future success of this link by increasing footfall and promoting natural surveillance.
 - The application has been accompanied by visual material which demonstrates that the the building will achieve the highest design standards. The verified views demonstrate that the development would not have an adverse impact on strategic or local views or on the setting of the Tower of London.

- The proposed student rooms would offer a good standard of accommodation with well sized study rooms ranging from 16 to 31.5 squares. The building would make good provision of ancillary facilities including a study area, laundry, café, amenity terraces and a gym.
 - The building includes the provision of 22 (5%) wheelchair accessible study rooms in accordance policies promoting accessibility.
 - The building would meet BREEAM 'Excellent' sustainability standards and would be designed to deliver a 29% carbon saving over baseline requirements.
 - 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. Conditions would secure adequate mitigation to ensure future occupants do not suffer from excessive noise or exposure to air pollution.
 - The site is located in an area with excellent access to public transport and the scheme provides adequate mitigation for additional impacts on transport infrastructure. The scheme promotes permeability by improving the quality of the green-link running to the south of the development.
 - 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). London City Airport have confirmed that there is no safeguarding objection to the proposal.
- 8.50 The building is considered to meet the requirements for a tall building and the proposal accords with relevant design policy.

Transport and Highways

- 8.51 The site falls in an area with excellent access to public transport (PTAL 6a). It is within easy walking distance of Aldgate (9 minutes), Aldgate East (6 minutes) and Whitechapel (11 minutes) stations. There are also frequent bus routes operating on along Commercial Road and Whitechapel Road. Commercial Road is a TfL 'Red-Route' and Back Church Lane is identified as a 'route on quieter roads' for cyclists.
- 5.52 The existing building on-site has 8 off-street staff car-parking spaces accessed from Back Church Lane. There is also an existing servicing bay outside the building on Commercial Road.
- 8.53 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.
- 8.54 The application has been accompanied by a detailed Transport Assessment and Travel

Plan Framework. 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.

- 8.55 The proposed student accommodation and commercial unit would be accessed by pedestrians from Commercial Road.
- 8.56 Two disabled parking spaces would be provided for the student accommodation on Back Church Lane. The developer would enter into a legal agreement to ensure that students are not eligible for on-street parking permits. This is acceptable in terms of policy.
- 8.57 A secure cycle parking store would be provided at the rear of the site. This would be accessed from Back Church Lane. Policy requires the provision of 1 cycle space per two students. The developer has suggested from their experience that this is an over-provision. It is therefore proposed that the store will initially provide space for 111 cycles. There is space available for this to be increased to 222 cycles should demand exist. A condition would require the submission of an amended travel plan which should incorporate monitoring arrangements to ensure the enlargement of the store as required. The development would therefore accord with the requirements of London Plan policy 3C.22 and IPG policy CP40.

Servicing

- 8.58 The Transport Assessment estimates that the commercial unit would generate 3, and the student accommodation 6, service vehicle movements a day. It is expected that deliveries would be made in rigid vehicles up to 10m in length. These servicing arrangements could be accommodated in the existing service bay located outside the site on Commercial Road.
- 8.59 The travel plan details the steps that would be undertaken to avoid congestion during the student moving-in process at the start of the academic year. This includes the allocation of a date and time for arrival, which would allow the distribution of vehicle movements over a period of time. To avoid disruption to Commercial Road it is envisaged that cars and taxis dropping off new arrivals will access the site from Back Church Lane. Additional staff would be located to assist loading/unloading and to ensure vehicles do not block the highway.
- 8.60 The Council's Highway Section and Transport for London are satisfied that the proposed arrangements are satisfactory.

Mitigation for additional pressure on transport infrastructure

- 8.61 The site is located in a sustainable location and the development (and the linked development at Back Church Lane) is likely to result in a significant increase in walking, cycling and bus trips in the area.
- 8.62 The Council's Highways Section have identified works that need to be carried out in the vicinity to improve the highway network to be able to safely accommodate these additional trips. The works include:
 - Two speed tables to calm traffic on Back Church Lane
 - Widen footpath on western side Back Church Lane
 - New Gullies on Back Church Lane
 - Resurfacing Back Church Lane on approach to Commercial Road
 - Reconstruction footway outside Harry Gosling Primary School

- 8.63 The Developer has agreed to a financial contribution of £131, 1000 to pay for the costs of these improvement works.
- 8.64 Transport for London have also identified deficiencies in their highway network in the vicinity of the site. This includes a requirement for the installation and improvements of dropped kerbs and tactile paving. TfL have also highlighted the installation of pedestrian signals and streetscape improvements at the Commercial Road / Allie Street junction as a priority. In the longer term TfL are also considering the feasibility of introducing an additional crossing point on Commercial Road to the West of Back Church Lane.
- 8.65 The Developer has agreed to a financial contribution of £100, 000 to fully fund the dropped kerbs and to contribute to a wider fund (pooled with contributions from other developments) for the other studies and works.
- 8.66 The scheme is also likely to result in additional pressure on bus services in the area. To mitigate for this impact a contribution of £109, 350 has been agreed with the Developer to fund bus capacity enhancements.
- 8.67 With the proposed mitigation, and the imposition of conditions requiring the submission and implementation of a travel plan, a construction logistics plan and a delivery and servicing plan, the development would be acceptable.

Amenity

Sunlight, Daylight and Overshadowing

- 8.68 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.
- 8.69 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.70 The application has been accompanied by a Daylight/Sunlight/Overshadowing Assessment that considers of the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The study takes into account the cumulative impact of the development at 122 Back Church Lane. 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 – 34 Morrison Building,
 - 37 The Dryden Building,
 - 80 Commercial Road, and
 - 52 – 58 Commercial Road.

Impact on residential properties

Sunlight

- 8.71 BRE guidance states that a window facing within 90 degrees of due south should receive adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.72 The submitted assessment concludes that only 2 windows would not meet the BRE criteria for sunlight in both winter and annually. These windows are located on the 6th and 7th floor of 52 – 58 Commercial Road and serve kitchen/livingrooms. A further 10 windows on

other neighbouring buildings would only meet the BRE criteria for either winter hours or annual hours.

Daylight

- 8.73 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests.
- 8.74 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 be at least 27%, or should not be less than 20% of 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 room surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

1 – 34 Morrison Building

- 8.75 The assessment considers the impact on a ground floor bedroom window. The results show that in the existing and proposed situation the room does not meet BRE recommended VSC levels. The window does receive adequate light if the ADF assessment is used. The NSL test is passed in the existing situation, but not in the proposed.

Dryden Building

- 8.76 The assessment considers the impact on bedroom and living windows. The results show that of the nine windows assessed 4 do not currently meet BRE VSC in the existing situation. All would fail in the resultant situation. If the ADF test is employed, all rooms pass in both the existing and resultant situations. One window currently fails the NSL test, and in the resultant situation 7 windows fail.

80 Commercial Road

- 8.77 The study assesses the impact of the scheme on the windows serving a living room at first floor level. The results show that in the existing and proposed situation the BRE VSC test is not passed. However, both the ADF and NSL tests are passed, with the NSL actually improving.

52 – 58 Commercial Road

- 8.78 The study includes an assessment of the impact on the east block, known as Tower 17, of 52 – 58 Commercial Road. This block has windows serving habitable rooms in the flank elevation facing the application site. The scheme was amended during the course of the application to increase the separation distance between this building and the development to a generous 12.9 metres.
- 8.79 The results of the study show that of the 25 windows tested 2 currently fail BRE VSC targets. After the development 23 windows would fail on the VSC measure. Currently 24 of the windows pass the ADF target, which falls to 14 after the development. If the NSL test is applied, one room fails in the existing situation and 17 after the development.

Conclusion

- 8.80 The submitted assessment has considered the impact of the development on the 'worst-case' windows i.e. those closest to the development. Windows further away would receive a lesser impact. In overall terms the results shown that in terms of day lighting there will be failures against BRE standards. In some cases 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, the Councils specialised Environmental Health Officer has reviewed the study and does not recommend that the scheme should be refused.

- 8.81 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 located in an area where large-scale development is expected. The resulting light-levels to the properties affected are not untypical in an urban environment and the impact is considered acceptable.

Overshadowing of amenity spaces

- 8.82 The development would not have any significant overshadowing effect on amenity open-space located to the South including the green-link, the Harry Gosling Primary School or nearby tennis courts to the South-west.

Privacy

- 8.83 The development does not include any windows in the west elevation which ensures that there is no issue of over-looking into the habitable room windows on the east flank of 52 – 58 Commercial Road. A condition would ensure the retention of suitable privacy screening to ensure that overlooking is not possible from any of the high-level terrace areas. The distance to neighbouring properties in other directions is sufficient to ensure that, in an urban context, there is no significant loss of privacy to other nearby residential properties.

Sense of enclosure

- 8.84 The scheme incorporates a generous separation distance of 12.9m from the adjoining development at 52 – 58 Commercial Road. Distances to other nearby properties are also considered sufficient to prevent any unacceptable increase in sense of enclosure.

Noise and Vibration

- 8.85 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.
- 8.86 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.
- 8.87 The application has been accompanied by an Environmental Noise and Vibration Assessment. The study notes that the main source of noise is traffic on Commercial Road. The study did not find any significant sources of vibration.
- 8.88 The study recommends the use of appropriately specified glazing and ventilation to ensure that noise levels in rooms do not exceed recommended levels. The study also notes that unscreened roof-top plant will achieve a noise level 10db below prevailing background noise levels, which accords with policy.
- 8.89 The study does not include an assessment of potential noise / vibration associated with any extraction equipment that might be required for the ground floor commercial unit or student café. This detail would be required by condition prior to the installation of any necessary equipment.

- 8.90 With the imposition of suitable conditions the development would accord with relevant policy in relation to these issues.

Microclimate

- 8.91 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 notes in some locations likely wind-speeds exceed recommendations for target usage. This includes wind-speeds in the green walk to the rear of the development that are more appropriate in the summer for standing/walking rather than sitting. However, this can be mitigated for by suitable detailed design including planting / screening. This, and other required mitigation, described in the report would be required by condition and with this safeguard the development is acceptable.

Other Planning Issues

Planning Obligations

- 8.92 Saved Policy DEV4 of the UDP and policy IMP1 of the Interim Planning Guidance state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.
- 8.93 To mitigate for the impact of this development, and the linked development at 122 Back Church Lane, on local infrastructure and community facilities the following contributions have been agreed.
- £222, 230 Contribution towards community projects in the Aldgate Masterplan Area.
 - £131, 100 LBTH Highways Contribution
 - o Two speed tables to calm traffic on Back Church Lane
 - o Widen footpath on western side Back Church Lane
 - o New Gullies on Back Church Lane
 - o Resurfacing Back Church Lane on approach to Commercial Road
 - o Reconstruction footway outside Harry Gosling Primary School
 - £100, 000 TfL Highways Contribution
 - o Installation of dropped kerbs and tactile paving
 - o Fund towards pedestrian signals and streetscape improvements at Commercial Road/Allie Street junction and feasibility of introducing an additional crossing point on Commercial Road to the West of Back Church Lane.
 - £109, 000 Bus Capacity Enhancement Contribution
- 8.94 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.

Air Quality

- 8.95 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 application includes an air quality assessment. This notes that the site is located in an Air Quality Management Area and that Nitrogen Dioxide levels on the Commercial Road frontage exceed objective values.
- 8.96 The study recommends mitigation measures including the use of positive venting with

sealed front windows to prevent future occupants being exposed to high pollution levels. Mitigation would also be required to prevent adverse impacts on local air quality during the construction phase. Once completed the building would have no significant impacts on air quality.

- 8.97 Conditions would be imposed on any permission requiring the implementation of the mitigation measures outlined in the submitted air quality assessment, and with this safeguard the development would accord with relevant policy.

Renewable Energy and Energy Efficiency

- 8.98 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.3 seeks to ensure developments meet the highest standards of design and construction. Policy 4A.6 seeks to ensure that where a CHP system is proposed consideration is given to extend the scheme beyond the site boundaries. 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.

- 8.99 The application has been accompanied by an Energy Statement and a Sustainability Statement. The statement has been reviewed following the concerns expressed by the GLA in their Stage I comments.

- 8.100 The revised statement notes that the building will make use of passive measures to reduce energy demand. The energy demand will be met using a gas fired Combined Heat and Power system. Photovoltaic cells have also been introduced to provide a source of on-site renewable energy. The technologies employed will result in 29% carbon savings over the standard baseline.

- 8.101 The design of the scheme would facilitate connection to a district heating system should one become available in the City Fringe Area. In response to GLA comments the Applicant has confirmed that further study work will be undertaken to ascertain if it is possible to link the CHP system at this site with the proposed development at Back Church Lane, and to carry this out if feasible. The completion of this study would be required by condition to ensure compliance with London Plan policy 4A.6.

- 8.102 The sustainability study states that the building will be constructed to BREEAM 'Excellent' standard.

- 8.103 The implementation of the measures outlined in the submitted study, including the need for a further assessment of the possibility of creating a link to the scheme at Back Church Lane, would be required by condition to ensure full compliance with relevant policy.

Biodiversity

- 8.104 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; London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.

- 8.105 The existing site provides no significant wildlife habitat. The proposal would incorporate a green roof at the 6th floor, and a brown roof on the 21st floor. Landscaping would also be introduced on the amenity terraces, and more importantly to the rear of the site. The proposal will increase the amount of available wildlife habitat on the site and is acceptable.

Archaeology

- 8.106 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.

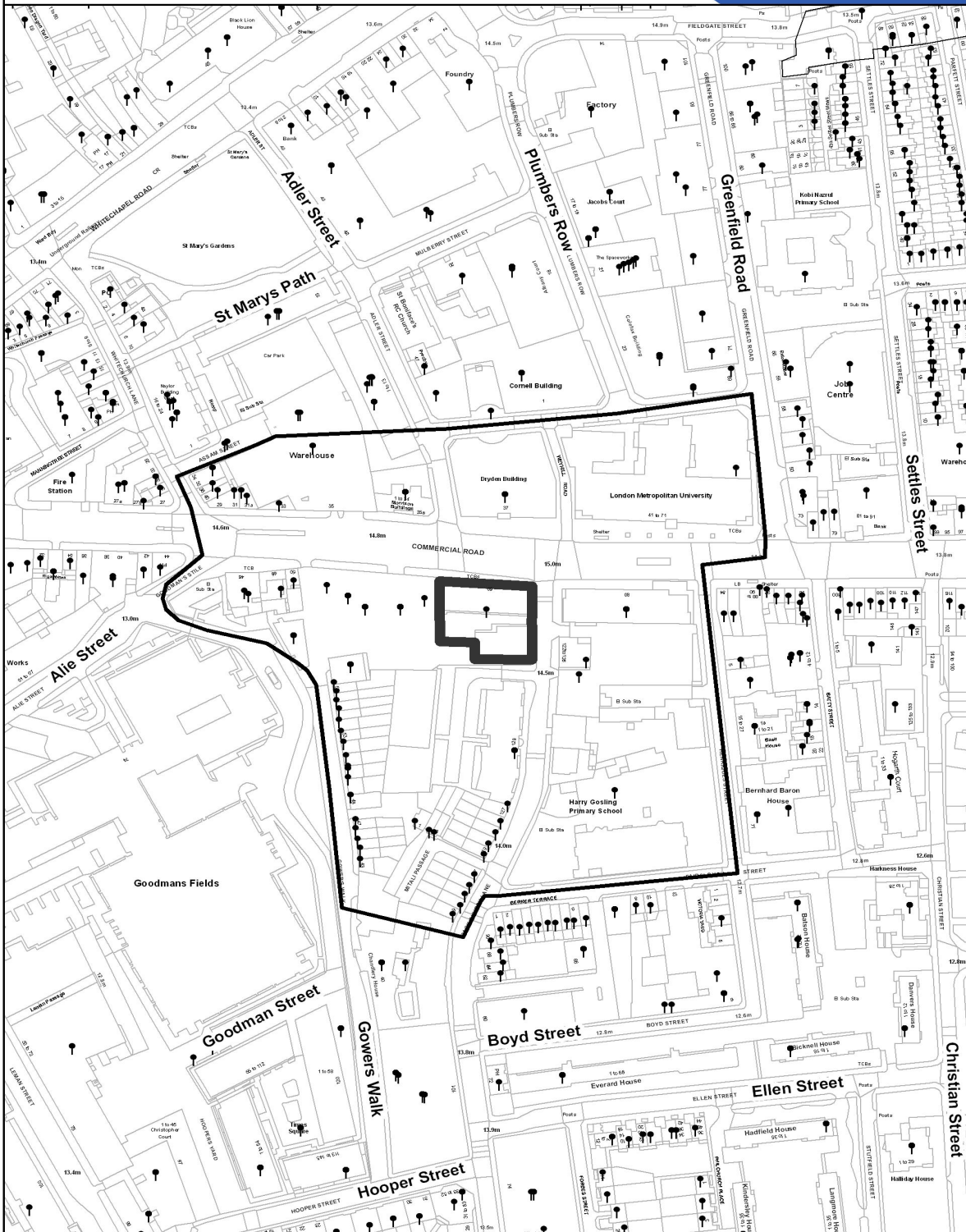
Site Contamination

- 8.107 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


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

Planning Application Site Map




 Planning Application Site Boundary

 Land Parcel Address

 Consultation Area

0 30 m




1:2,500

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

Agenda Item 7.3

Committee: Strategic Development	Date: 10 th November 2009	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Richard Murrell	Ref No: PA/09/01199
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	Gem House, 122 -126 Back Church Lane, London, E1 1ND
Existing Use:	Office (use class B1)
Proposal:	Demolition of existing building and erection of a six storey building for business use (Use Class B1) and ancillary floorspace together with associated servicing, landscaping and other incidental works.
Drawing Nos/Documents:	<u>Drawing Numbers</u> 596_PL_BCL_000, 596_PL_BCL_001, 596_PL_BCL_099, 596_PL_BCL_100, 596_PL_BCL_101, 596_PL_BCL_102, 596_PL_BCL_103, 596_PL_BCL_104, 596_PL_BCL_105, 596_PL_BCL_106, 596_PL_BCL_111, 596_PL_BCL_112, 596_PL_BCL_113, 596_PL_BCL_114 and 596_PL_BCL_120
	<u>Documentation</u> Design and Access Statement (dated July 2009) Design and Access Statement: Supplementary Document (dated September 2009) Impact Statement (dated July 2009)
Applicant:	Palaville Ltd
Ownership:	Palaville Ltd
Historic Building:	No
Conservation Area:	No

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:
- 2.2 The proposed redevelopment will provide high quality modern office floorspace, it will facilitate the associated scheme at 60 Commercial Road and will promote the success of the Central Activities Zone in accordance with the requirements of London Plan policies 5G.3 and 3B.2, Unitary Development Plan 1998 policies ST17, CAZ1 and EMP1 Interim Planning Guidance (2007) policies CP7, CP8, CP11 and EE2, which seek to promote office uses in the central activity zone and encourage the improvement of work environments.
- 2.3 The new building in terms of height, scale, design and appearance is acceptable in line with policies 4B.1 and 4B.8 of The London Plan 2008, policies DEV1 and DEV2 of the Unitary

Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance 2007 which seek to ensure development is of a high quality design.

- 2.4 The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy, increased sense of enclosure or increased disturbance is acceptable given the urban context of the site and as such accords with policies DEV1 and DEV2 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.5 Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and accord 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.
- 2.6 Sustainability and renewable energy matters are appropriately addressed and accord with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the Interim Planning Guidance 2007, which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation and sustainable construction materials.
- 2.7 Contributions have been secured towards projects in the Aldgate Masterplan area, highway improvements and bus capacity enhancements. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 A. Any **direction** by **The Mayor**
- 3.3 B. The prior completion of a **legal agreement (covering both this development and the linked development at 122 Back Church Lane)** to secure the following planning obligations:
 - a) A financial contribution of £222, 230 towards community projects in the Aldgate Masterplan Area
 - b) A financial contribution of £131, 100 to LBTH Highways
 - c) A financial contribution of £100, 000 to TfL for Highway works
 - d) A financial contribution of £109, 000 towards Bus Capacity enhancements
 - e) Completion of linked development at 122 Back Church Lane prior to occupation of 60 Commercial Road
 - f) Commitment to use local labour in construction
 - g) Commitment to implement Student Management Plan
 - h) Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
 - i) TV/Radio Reception Monitoring
 - j) 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
- 2) Building constructed in accordance with approved plans

Details of the following to be submitted and approved prior to commencement:-

- 3) Programme of archaeological investigation
- 4) Contaminated Land Survey
- 5) Construction Management Plan
- 6) Code of Construction Practice
- 7) Sample of all external facing materials
- 8) Detail of landscaping scheme to include hard and soft finishes, external lighting and CCTV.
- 9) Further Energy Study to include feasibility of linking to 60 Commercial Road. Implementation and retention of approved study.
- 10) Amended details of cycle storage moving store to ground floor level.
- 11) Air quality assessment including biomass emissions
- 12) Details of privacy screens to prevent overlooking to 80 Commercial Road from North elevation and overlooking from terraces
- 13) Travel Plan
- 14) Enter into S278 Agreement
- 15) Implementation and retention of measures in wind assessment
- 16) Implementation and retention of measure in Service Management Plan
- 17) BREAM assessment demonstrating that the development achieves a minimum 'Excellent' rating
- 18) No installation roller shutters
- 19) Restriction on use of terraces to hours of 8.00am to 9.00pm on any-day.
- 20) Restriction of hours of construction.
- 21) Restriction of hours of piling
- 22) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 Informatives

- 1) Thames Water Comments
- 2) Contact LBTH Building Control
- 3) Contact LBTH Highways
- 4) 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.

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 This planning application is linked to an associated planning application at 60 Commercial Road (reference PA/09/1198), and as such has been reported to Members for a decision.
- 4.2 The applications are linked because the scheme at 60 Commercial proposes the demolition of the existing building on-site, which currently provides 1987 square metres of B1 office floorspace, and the erection of a new building providing student accommodation. To replace the lost office floorspace, this application proposes the demolition and re-build of the existing office building at 122 Back Church Lane. The resulting office building at Back Church Lane would re-provide sufficient floorspace to replace that lost at 60 Commercial Road and at 122 Back Church Lane – ensuring that overall there is no unacceptable loss of employment floorspace.
- 4.3 It therefore follows that the grant of permission for the development at 60 Commercial Road is dependent on the grant of planning permission for the development at 122 Back Church Lane.

Proposal

- 4.4 The application proposes the demolition of the existing 6 storey building on-site and the erection of a replacement building. The proposed building would have a 35m frontage along Back Church Lane. The building would have a stepped form, falling in height from 21.5m to 14.8m to 7.8m high down Back Church Lane. Terrace areas would be provided on the south elevation at 2nd and 4th floor level.
- 4.5 The building would provide 3177 GEA square metres of office floorspace (Use Class B1) over 6 floors. The floorspace could be arranged flexibly to allow up to 4 different tenants per floor.
- 4.6 In addition to office space the ground floor would provide a reception area, refuse store and plant room. The existing basement would be retained and used to provide 12 cycle storage space and additional plant space.
- 4.7 The building would be accessed and serviced from Back Church Lane. No car-parking is proposed.
- 4.8 The building incorporates a biomass boiler and a brown roof.

Site and Surroundings

- 4.9 The application site occupies an area of 0.1 hectares and is rectangular in shape. It is located on the East side of Back Church Lane. The building is of late 20 century construction. The building is 5 storeys (20.1m) high. The building currently provides 952 GEA metres square of office floorspace (use class B1). The building only occupies part of the site, with the remainder providing 12 off-street car-parking spaces.
- 4.10 To the North of the site is the 12 storey (37.2m high at boundary with 126 Back Church Lane) residential block of 80 Commercial Road. This has windows serving habitable rooms in the south elevation. To the South of the site is the Harry Gosling Primary School, and beyond this residential properties. To the West of the site is the 4 storey residential block at 129 Back Church Lane. To the east is an area of surface car-parking.
- 4.11 The site is located in an area with very good access to public transport. It has a Public

Transport Accessibility Level (PTAL) of 6a. The site is approximately 470m from Aldgate East Underground Station. Frequent bus services pass along Commercial Road.

4.12 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone and is within an Area of Archaeological Importance. In the Council's Interim Planning Guidance the site is located in the City Fringe Area Action Plan. The site also falls within the boundary of the Aldgate Masterplan.

4.13 The site is not located within a Conservation area, nor is it immediately adjacent to any Listed Buildings. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II) and 40 Gower's Walk (Grade II).

Relevant Planning History

4.14 The following planning decisions are relevant to the application:

PA/08/2322 Request for Screening Opinion as to whether redevelopment to provide a five storey building comprising business use (Use Class B1) requires an Environmental Impact Assessment.

The Council determined on the 19th November 2008 that an Environmental Impact Assessment was not required.

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:		Central Activities Zone
		Area Archaeological Importance
Policies:	ST1	Addressing needs of all residents
	ST17	To promote high quality work environments
	ST28	Restrain unnecessary use of private cars
	ST30	To improve safety for all road users
	ST35	To retain reasonable range local shops
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological remains
	DEV50	Noise
	DEV51	Soil Tests
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Water Resources
	CAZ1	Location of Central London Core Activities
	EMP1	Encouraging Employment
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T19	Improve quality safety and convenience pedestrians

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:	City Fringe Area Action Plan
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
	CP30 Improving Open-spaces
	CP31 Biodiversity
	CP38 Energy Efficiency and Production of Renewable Energy
	CP39 Sustainable Waste Management
	CP40 A sustainable transport network
	CP41 Integrating Development with Transport
	CP42 Streets for People
	CP46 Accessible Environments
Policies:	DEV1 Amenity
	DEV2 Character & Design
	DEV3 Accessibility & Inclusive Design
	DEV4 Safety & Security
	DEV5 Sustainable Design
	DEV6 Energy Efficiency & Renewable Energy
	DEV7 Sustainable Drainage
	DEV9 Sustainable Construction Materials
	DEV10 Disturbance from Noise Pollution
	DEV11 Air Pollution
	DEV12 Management of Construction
	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
	EE2 Redevelopment /Change of Use of Employment Sites
	RT4 Retail Development
	RT5 Evening and Night-time economy
	CON4 Archaeology and Ancient Monuments
	CON5 Protection and Management of Important Views
	CFR1 City Fringe Spatial Strategy
	CFR6 Infrastructure and Services
	CFR9 Employment uses in Aldgate
	CFR12 Design and Built Form in Aldgate
	- Aldgate Masterplan

5.4 Core Strategy 2025 Development Plan Document

Aldgate Vision: Priorities and Principles

5.5 Spatial Development Strategy for Greater London (London Plan)

1.1	London in its global context
2A.1	Sustainability Criteria

2A.4	Central Activities Zone
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.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.8	Realising value of open-space
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.11	Living Roofs
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.15	Archaeology
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.2	Priorities in Central Activities Zone
5G.3	Central Activities: Offices

5.6 Government Planning Policy Guidance/Statements

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

5.7 Community Plan

The following Community Plan objectives relate to the application:

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

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:

LBTH Highways

- 6.2 - The subject site is in an area with excellent access to public transport, which can accommodate the additional persons trips.

- Impact on highway & public transport network acceptable.
- No parking proposed which is acceptable.
- Details of access to cycle parking should be submitted for approval.
- Servicing and Refuse collection from Back Church Lane acceptable.
- Service Management Plan requested.
- Section 106 Agreement
 - o Car – Free Agreement
 - o Financial contribution of £131, 1000 to pay for improvement works comprising:-
 - Two speed tables to calm traffic on Back Church Lane
 - Widen footpath on western side Back Church Lane
 - New Gullies on Back Church Lane
 - Resurfacing Back Church Lane on approach to Commercial Road
 - Reconstruction footway outside Harry Gosling Primary School
 - o Section 278 Agreement for highway improvements necessary to serve development
- No objections subject to recommended conditions, contributions and informatives.

6.3 Officer comment:

The Developer has agreed to the requested financial contribution. These matters are considered in more detail under the Transport section of this report.

LBTH Environmental Health (Contaminated Land)

- 6.4 - The site is located in an area that has been subjected to former industrial uses. A condition is requested to ensure developer carries out a site investigation to investigate this and remediate as necessary.

6.5 Officer comment:

A suitable condition would be imposed on any permission.

LBTH Environmental Health (Noise and Vibration)

- 6.6 - No comments

LBTH Environmental Health (Daylight and Sunlight)

- 6.7 - Submitted report shows marginal impact on 80 Commercial Road and 129 Back Church Lane in terms of VSC, NSL, ADF and APSH.
 - No shadow impact on surrounding residential properties.
 - Environmental Health cannot recommend refusal.

6.8 Officer comment:

This matter is discussed under the amenity section of the report.

English Heritage- Archaeological Division (Statutory Consultee)

- 6.8 - Site located in area with high potential for archaeological remains. Recommend condition to secure a programme of architectural work.

6.9 Officer Comment

A suitable condition would be imposed on any permission.

Health and Safety Executive

- 6.10 - Site falls outside of zone of revised safeguarding zone.

6.11 Officer comment:

- The Council's consultation system will be updated. No further consideration of the proximity of the site to sites for the storage of explosives is required.

London Fire and Civil Defence Authority (Statutory Consultee)

- 6.12 - Provision of water supplies for Fire Service likely to be adequate. Plans indicate access for brigade unlikely to be problematic.

7. LOCAL REPRESENTATION

- 7.1 A total of 241 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. Site notices were also posted.
- 7.2 Following the submission of additional information a further round of neighbour consultation took place on 7th October 2009.
- 7.3 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:
- 7.4 No of individual responses: 1 Objecting:1 Supporting: 0
- 7.5 The following issues were raised in the individual representation that are material to the determination of the application, and they are addressed in the next section of this report:
- Scheme is only required to support development at 60 Commercial Road – which has also been objected to.
 - Daylight / Sunlight study inadequate
 - Loss of light / overshadowing / increased sense enclosure
 - Increase in traffic pollution / vehicles on Back Church Lane.
 - Improvements should be made at street-level along back Church Lane.

7.6 Officer Comment:

The issues raised are discussed under the main issues section of the report.

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
3. Transport and Highways
4. Amenity
5. Other issues

Land Use

- 8.2 The application proposes the demolition of 122 Back Church Lane. This building currently provides 952 GEA square metres of office floorspace (Use Class B1). The application proposes the erection of a new office building that will provide 3177 square metres of office floorspace (Use Class B1). This represents an uplift in floorspace on the site of 2225 square metres.

- 8.3 The additional floorspace is being provided to replace that lost at 60 Commercial Road. The merit of this approach to floorspace re-provision is discussed in more depth under the associated committee report for the linked planning application reference PA/09/1198). This report considers the acceptability of providing office floorspace at this location.

Principle of provision office floorspace

- 8.4 The application site is located in the designated Central Activities Zone. The site also falls within the City Fringe Area Action Plan and the Aldgate Masterplan.
- 8.5 Strategic London Plan policy 5G.3 recognises the Central Activities Zone as the country's most important strategic office location. London Plan policy 3B.2 seeks the renovation and renewal of existing office stock, and requires Borough's to promote the provision of additional space and the rejuvenation of existing office space in the Central Activity Zone.
- 8.6 Saved UDP policy CAZ1 states that a balance of uses of a scale and type compatible with fostering London's role as a financial, commercial, tourist and cultural centre will normally be permitted in the Central Activities Zone.
- 8.7 In the City Fringe Area Action Plan, policy CFR1 seeks to protect viable employment sites and policy CFR9 states that employment uses are supported as the dominant use.
- 8.8 Saved UDP policy ST17 seeks to promote and maintain high quality work environments in order to attract investment. Saved Policy EMP1 seeks to encourage employment growth through the redevelopment and upgrading of sites already in employment uses.
- 8.9 Interim Planning Guidance policy CP7 seeks to retain and promote a wide range of spaces for different types of employment uses. CP11 and EE2 seek to protect viable employment uses and resist the loss of employment floorspace.
- 8.10 The scheme would provide high-quality modern office space in an attractive building. The scheme would re-provide more office floorspace than is lost, and as such is acceptable in terms of land-use policy.

Design

Height, Mass, Scale and Appearance

- 8.11 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 f the UDP.
- 8.12 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.
- 8.13 Policy CFR12 in the City Fringe Area Action Plan states that building heights throughout the sub-area should respect and complement the central cluster.
- 8.14 The proposed building is rectangular in shape. It would have an approximately 35m long frontage along Back Church Lane and would be approximately 16.1m deep. It would largely cover the application site. The building would have a stepped design falling from 6 storey to 4 storey to 2 storey.
- 8.15 At 6 storeys and with a stepped design to reduce mass, the scale of the building is appropriate given the size of the site and the height of the neighbouring buildings. The

building successfully manages the transition from large buildings fronting Commercial Road to smaller scale buildings further to the South.

- 8.16 The building has an attractive modern design incorporating a ribbon-like brick band running through the façade. This sets the building apart from other more non-descript office blocks in the area, helping to create a sense of local distinctiveness. The glazed areas promote activity at street-level, and the terrace areas make good use of the site's southern aspect.
- 8.17 In overall terms the building is considered appropriate in terms of scale, bulk, use of materials and design. It is sensitive to the characteristics of site and would provide good quality office accommodation for future occupiers and would accord with relevant design policy.

Impact on Listed Buildings

- 8.18 The scheme would have no significant impacts on the setting of Conservation Areas or Listed Buildings.

Transport and Highways

- 8.19 The site falls in an area with excellent access to public transport (PTAL 6a). It is within easy walking distance of Aldgate (9 minutes), Aldgate East (6 minutes) and Whitechapel (11 minutes) stations. There are also frequent bus routes operating on along Commercial Road and Whitechapel Road. Commercial Road is a TfL 'Red-Route' and Back Church Lane is identified as a 'route on quieter roads' for cyclists.
- 5.20 The existing building on-site has 12 off-street staff car-parking spaces accessed from Back Church Lane.
- 8.21 National guidance on transport provision is given in PPG13: Transport. London Plan polices 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.
- 8.22 The application has been accompanied by a detailed Transport Assessment and Travel Plan Framework. 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 the development at 60 Commercial Road.
- 8.23 The proposed building would not provide any car-parking spaces. It is proposed that the building would be serviced from Back Church Lane. The use is estimated to produce eight service / delivery trips a day. These trips would be managed to avoid the beginning and end of the school day when there is increased activity due to the neighbouring primary school. This would be secured via condition requiring compliance with a service management plan.
- 8.24 The Council's Highway Section and Transport for London are satisfied that the proposed arrangements are satisfactory.
- 8.25 Interim Planning Policy requires the provision of 1 cycle space for 250 square metres of

office floorspace. This equates to a requirement to provide 12 spaces. The submitted plans show the provision of a cycle store in the basement. This would not be particularly convenient to use, and a condition would require the submission of detail of an amended store located at ground floor level. With the imposition of this condition the development would be acceptable in terms of London Plan policy 3C.22 and IPG policy CP40.

Mitigation for additional pressure on transport infrastructure

- 8.26 The impact of the development on local transport infrastructure has been assessed on the basis of the combined impact of the development with the linked development at 60 Commercial Road.
- 8.27 These sites are located in a sustainable location and the development (and the linked development at Back Church Lane) is likely to result in a significant increase in walking, cycling and bus trips in the area.
- 8.28 The Council's Highways Section have identified works that need to be carried out in the vicinity to improve the highway network to be able to safely accommodate these additional trips. The works include:
- Two speed tables to calm traffic on Back Church Lane
 - Widen footpath on western side Back Church Lane
 - New Gullies on Back Church Lane
 - Resurfacing Back Church Lane on approach to Commercial Road
 - Reconstruction footway outside Harry Gosling Primary School
- 8.29 The Developer has agreed to a financial contribution of £131, 1000 to pay for the costs of these improvement works.
- 8.30 Transport for London have also identified deficiencies in their highway network in the vicinity of the site. This includes a requirement for the installation and improvements of dropped kerbs and tactile paving. TfL have also highlighted the installation of pedestrian signals and streetscape improvements at the Commercial Road / Allie Street junction as a priority. In the longer term TfL are also considering the feasibility of introducing an additional crossing point on Commercial Road to the West of Back Church Lane.
- 8.31 The Developer has agreed to a financial contribution of £100, 000 to fully fund the dropped kerbs and to contribute to a wider fund (pooled with contributions from other developments) for the other studies and works.
- 8.32 The scheme is also likely to result in additional pressure on bus services in the area. To mitigate for this impact a contribution of £109, 350 has been agreed with the Developer to fund bus capacity enhancements.
- 8.33 With the proposed mitigation, and the imposition of conditions requiring the submission and implementation of a travel plan, a construction logistics plan and a delivery and servicing plan, the development would be acceptable.

Amenity

Sunlight, Daylight and Overshadowing

- 8.34 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.

Daylight:

- 8.35 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 be at least 27%, or should not be less than 20% of 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 room surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).
- 8.36 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.37 The application has been accompanied by a Daylight/Sunlight/Overshadowing Assessment that considers the impact of the proposal on neighbouring properties. The study takes into account the cumulative impact of the development at 60 Commercial Road.
- 8.38 The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 80 Commercial Road, first floor level
 - 129 Back Church Lane, ground to third floor level

80 Commercial Road

- 8.39 This building is located directly to the North of the application site. The building is in residential use (with the exception of the commercial use ground floor), and there are windows serving living and bedrooms in the south elevation facing the application site.
- 8.40 A distance of 6.9m to 10.9m separates the existing building at 126 Back Church Lane from 80 Commercial Road. The proposed building would be between 6.9m and 7.3m from 80 Commercial Road. The proposed building would also be higher than the existing building, with the increase in height varying given the variation in height of the existing building.
- 8.41 The results show that in the case of the six of the seven windows assessed the resultant VSC level is not less than 20% of the former value, the other window very marginally exceeds the recommended target with a reduction of 22%.

129 Back Church Lane, ground to third floor level

- 8.42 This building is located to the south-west of the application. The building is 4-storey in height and has windows serving habitable room windows in the west elevation. There are no windows in the North elevation. The submitted assessment considers the impact on the 16 'worst-case' windows closest to the application site.
- 8.43 The study shows that all the windows tested meet BRE VSC guidelines in the existing situation. The development would result in 7 windows failing the BRE VSC test, though one of these is a very marginal failure in the case of a window that receives 20.3% less daylight (over the standard of 20%). The results of the ADF test show that 8 windows fail in the resultant situation, and the NSL test shows 7 failures in the resultant situation.
- 8.44 When considering the impact of the proposal on this building consideration has been given to the fact that the part of the application site opposite the building is currently used for car-parking. As such the flats at 129 Back Church Lane benefit from an unusually open aspect for a urban location - with correspondingly good VSC/NSL levels.

8.45 Conclusion

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 located in an area where large-scale development is expected. The levels of losses are considered marginal, and the resulting light-levels to the properties affected are not untypical in an urban environment and the impact is considered acceptable.

Sunlight:

8.46 BRE guidance states that a window facing within 90 degrees of due south should receive adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.

8.47 The submitted study shows that assessed windows at 129 Back Church Lane and 80 Commercial Road will continue to receive sunlight in excess of BRE requirements after the development.

Overshadowing of amenity spaces

8.48 The development would not have any significant overshadowing effect on amenity open-space, including the Harry Gosling Primary School, located to the South.

Privacy

8.49 There is potential for overlooking from windows in the North elevation of the proposed building into habitable room windows on the South elevation of 80 Commercial Road. At the closest, the window to window distance here is 6.9m. To prevent any loss of privacy, a condition would require the submission and installation of screening / use of obscured glazing. With this safeguard there would be no unreasonable loss of privacy.

8.50 There would also be some potential for overlooking from the terrace areas across Back Church Lane to 129 Back Church Lane. Again, a condition would ensure the installation and retention of suitable privacy screens to prevent unreasonable overlooking.

Sense of enclosure

8.51 At its highest the existing building is 20.1m high and the proposed building is 21.5m high. The main impact, in terms of increased sense of enclosure, would be on 80 Commercial Road. Though the overall height of the building only increase slightly, the mass of building at this height close to the boundary with no.80 does increase more significantly. However, given the size of the existing building, it is not considered that the increase in height or bulk would result in any unacceptable increase in sense of enclosure. Further to the South along Back Church Lane any increase in enclosure is ameliorated by the stepped design of the building, and the open-space link on the west side of the road.

Noise and Vibration

8.52 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.

8.53 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.

- 8.54 The proposed use is unlikely to generate any significant sources of noise. A condition would be placed on any permission to restrict the use of the outdoor terrace areas to 8.00am to 9.00pm. With this safeguard there would be no adverse impacts in terms of noise, vibration or disturbance.
- 8.55 The application has been accompanied by an Environmental Noise and Vibration Assessment. The study notes that the main source of noise is traffic on Commercial Road. The study did not find any significant sources of vibration.
- 8.56 The study recommends the use of appropriately specified glazing and ventilation to ensure that noise levels in rooms do not exceed recommended levels. The study also notes that unscreened roof-top plant will achieve a noise level 10db below prevailing background noise levels, which accords with policy.

Microclimate

- 8.57 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 notes wind-speeds on the proposed terraces are likely to exceed recommendations for target usage. However, this can be mitigated for by suitable detailed design including planting / screening. This, and other required mitigation, described in the report would be required by condition and with this safeguard the development is acceptable.

Other Planning Issues

Planning Obligations

- 8.58 Saved Policy DEV4 of the UDP and policy IMP1 of the Interim Planning Guidance state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.
- 8.59 To mitigate for the impact of this development, and the linked development at 60 Commercial Road, on local infrastructure and community facilities the following contributions have been agreed.
- £222, 230 Contribution towards community projects in the Aldgate Masterplan Area.
 - £131, 100 LBTH Highways Contribution
 - o Two speed tables to calm traffic on Back Church Lane
 - o Widen footpath on western side Back Church Lane
 - o New Gullies on Back Church Lane
 - o Resurfacing Back Church Lane on approach to Commercial Road
 - o Reconstruction footway outside Harry Gosling Primary School
 - £100, 000 TfL Highways Contribution
 - o Installation of dropped kerbs and tactile paving
 - o Fund towards pedestrian signals and streetscape improvements at Commercial Road/Allie Street junction and feasibility of introducing an additional crossing point on Commercial Road to the West of Back Church Lane.
 - £109, 000 Bus Capacity Enhancement Contribution
- 8.60 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.

Air Quality

- 8.61 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.
- 8.62 Conditions would require the submission and implementation of a construction management plan. This would ensure that adequate mitigation is made for any localised impacts on air quality. A condition would also require submission of detail in relation to extract arrangements and emissions from the proposed biomass boiler. With these safeguards the development would not have any significant adverse impacts on air quality, and the development is acceptable.

Renewable Energy and Energy Efficiency

- 8.63 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.3 seeks to ensure developments meet the highest standards of design and construction. Policy 4A.6 seeks to ensure that where a CHP system is proposed consideration is given to extend the scheme beyond the site boundaries. 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.
- 8.64 The application has been accompanied by an Energy Statement and a Sustainability Statement. The statements detail that the building would make use of sustainable design techniques to minimise carbon emissions. The building would be constructed to achieve BREAM 'Excellent' standards. A biomass boiler would be installed to generate 20% of the predicted energy demand on-site from renewable sources. The proposed measures would create a carbon saving of 28% above baseline standards.
- 8.65 A condition would require the implementation of the proposed measures, and for a further study to be carried to determine if it is feasible to link to the CHP system at 60 Commercial Road. With the imposition of these conditions the scheme would be acceptable.

Biodiversity

- 8.66 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; London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.
- 8.67 The existing site provides no significant wildlife habitat. The proposal would incorporate a brown roof and landscaping on the roof terraces would also introduce additional habitat. The overall impact on biodiversity is likely to be beneficial and therefore acceptable.

Archaeology

- 8.68 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

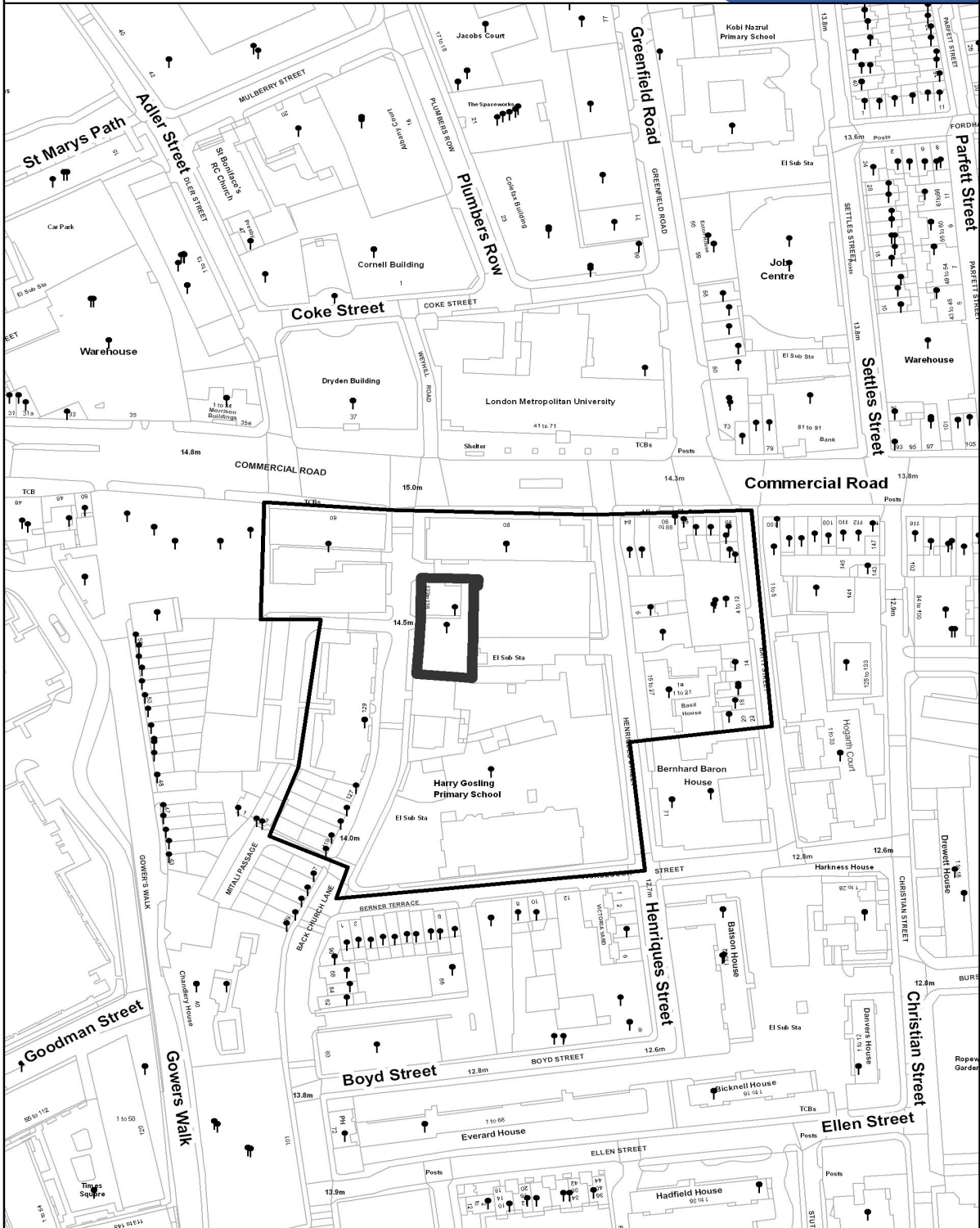
- 8.69 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to



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

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

Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area

 Land Parcel Address



1:2,000

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 Copy right. London Borough of Tower Hamlets LA100019288

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Agenda Item 8

Committee: Strategic Development	Date: 10 th November 2009	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): 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.

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

Committee: Strategic Development	Date: 10 th November 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal Case Officer: Shay Bugler		Title: Variation of existing s106 Agreement Ref No: PA/09/1350 Ward(s): Weavers	

1. APPLICATION DETAILS

- 1.1 **Location:** 32-42 Bethnal Green Road, London, E1
- 1.2 **Existing Use:** Industrial
- 1.3 **Proposal:**
- Variation of the S106 Agreement for the scheme granted on the 21st May 2008 (PA/07/2193) for the demolition of existing building and erection of two buildings ranging from 4 to 25 storeys in height to provide 3,434 sqm of commercial floorspace within use class A1, A2, A3, A4, B1, B8, D1 & D2 and 360 residential units (comprising of 32 x studios, 135 x 1 bed, 116 x 2 bed, 65 x 3 bed, 7 x 4 bed, 5 x 5 bed), to amend the tenure and mix of residential units as follows:
- Reduction in the number of market housing from 259 to 257 residential units
 - Reduction in the number of shared ownership units from 29 to 9
 - Increase in the number of social rented units from 72 to 94 residential units
- The overall number of residential units remains at 360 units. The proposed new residential mix comprises of 19 x studios, 147 x 1 bed, 117 x 2 bed, 65 x 3 bed, 7 x 4 bed and 5 x 5 bed.
- 1.4 **Drawing Nos:** PL 102 Rev B; PL 103 Rev C; PL 104 Rev D; PL 105 Rev D; PL 106 Rev D; PL 107 Rev D; PL 108 Rev D; PL 109 Rev C; PL 110 Rev C; PL 111 Rev C; PL 112 Rev C; PL 113 Rev C; PL 114 Rev C; PL 115 Rev C; PL 116 Rev C; PL 117 Rev C; PL 118 Rev C; PL 119 Rev C; PL120 Rev C; PL121 Rev B;
- 1.5 **Supporting Documents** Letter from CMA Planning dated 17th April 2009
- 1.6 **Applicant:** Bishopsgate Apartments LLP (which is 50% owned by Telford Homes Plc and 50% owned by Geninvest, a subsidiary of Genesis Housing Group).
- 1.7 **Owner:** Bishopsgate Apartments LLP (which is 50% owned by Telford Homes Plc and 50% owned by Geninvest, a subsidiary of Genesis Housing Group).

1.8 **Historic Building:** N/A

1.9 **Conservation Area:** Adjacent to Fournier Street and Boundary Estate Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- 2.2
- In light of the acute need for social rented housing within the borough, the proposal provides an acceptable amount of affordable housing and 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/07/2193 on the 21st May 2008 for the demolition of the existing building and erection of two buildings ranging from 4 to 25 storeys in height to provide 3,434 sqm of commercial floorspace within use class A1, A2, A3, A4, B1, B8, D1 & D2 and 360 residential units (comprising of 32 x studios, 135 x 1 bed, 116 x 2 bed, 65 x 3 bed, 7 x 4 bed, 5 x 5 bed)

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

		Social Rented			Intermediate			Private Sale		
Unit ze	Total units	Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	32	0	0	0	0	0	25	32	12.3	25
1 bed	135	20	28	20	8	27.5	25	107	41.3	25
2 bed	116	19	26.3	35	8	27.5	25	89	34.3	25
3 bed	65	21	29	30	13	45	25	31	12	25
4 bed	7	7	10	10	0	0		0	0	
5 bed	5	5	5.5	5	0	0		0	0	
Total	360	72		100	29	100	100	259	100	100

Table 1: Dwelling and tenure mix as approved under ref PA/07/2193 dated 21st May 2008

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

- Reduction in the number of market housing from 259 to 257 residential units
- Reduction in the number of shared ownership units from 29 to 9
- Increase in the number of social rented units from 72 to 94 residential units

The overall number of residential units remains at 360 units. The proposed new residential mix comprises of 19 x studios, 147 x 1 bed, 117 x 2 bed, 65 x 3 bed, 7 x 4 bed and 5 x 5 bed.

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

Unit ze	Total units	Social Rented			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
Studio	19	0	0	0	0	0	25	19	7.3	25
1 bed	147	26	28	20	9	100	25	112	43.6	25
2 bed	117	23	24.5	35	0	0	25	94	36.5	25
3 bed	65	33	35	30	0	0	25	32	12.45	25
4 bed	7	7	7.2	10	0	0	0	0	0	
5 bed	5	5	5.3	5	0	0	0	0	0	
Total	360	94	100	100	9	100	100	257	100	100

Table 2: Proposed amendments to the tenure and dwelling mix

4.5 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/07/2193) and is materially different to the one approved earlier by members of the Strategic Development Committee.

4.6 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.

4.7 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
	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
Overcrowding Reduction Strategy
Strategic Housing Market and needs Assessment dated August 2009

6. LOCAL REPRESENTATION

6.1 A total of 651 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 East End Life and 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: 4	Supporting: 0
Petitions	Objecting: 0	Supporting: 0

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

6.2 The proposal will have an adverse impact on the amenity of surrounding residential properties in terms of loss of light, shadowing and "the loss of the main market site of Brick Lane".

(Officers comment: Amenity issues were considered in the original permission ref PA/07/2193. The proposed design of the scheme has remained unaltered. The proposal relates solely to alterations to the tenure and dwelling mix. As such, all other planning issues are not material planning considerations to the application).

6.4 One local residents objects " to any development on the site, until such time the emergency services are satisfied"

(Officers comment: The applicant is required to liaise direct with LBTH Building Control team on emergency and security matters to ensure this matter to ensure that the development appropriately satisfies Building Control regulations).

- 6.5 The density of the proposed development is too high and unjustified.

(Officers comment: The principle of the proposed residential density on this site was approved under planning reference PA/07/2193. The number of units remains at 360 units, whilst the number of habitable rooms increases from 987 to 1001. This is considered to be acceptable).

- 6.6 "While the area needs more housing it is a very retrograde step to re-introduce the concept of the residential tower block and to cram so many dwellings in such a small space. The impact of such a high building in the primary residential neighbourhood would also be very detrimental".

(Officers comment: The proposed height, scale and bulk of the development and its associated impacts have already been considered and approved under planning ref; PA/07/2193 dated 21st May 2008 and remains unaltered in this application. These matters are not relevant to this application and as such are not material planning considerations).

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 and dwelling mix in comparison to the approved tenure mix

- 7.2 As noted in section 4.1 of the report, planning permission (PA/07/2193) was approved on the 21st May 2008 for demolition of existing building and erection of two buildings ranging from 4 to 25 storeys in height to provide 3,434 sqm of commercial floorspace within use class A1, A2, A3, A4, B1, B8, D1 & 02 and 360 residential units (comprising of 32 x studios, 135 x 1 bed, 116 x 2 bed, 65 x 3 bed, 7 x 4 bed, 5 x 5 bed), car parking, bicycle parking, refuse /recycling facilities, access, public amenity space and new public space.
- 7.3 The proposal seeks to amend the dwelling and tenure split within:
- a) The approved market units
 - b) The approved intermediate units
 - c) The approved social rented units

Proposed amendments to market units

- 7.4 Planning permission was approved for 259 residential units in the market tenure (ref; PA/07/2193). It is now proposed to reduce the number of market housing from 259 to 257 units.
This will result in the following::
- The number of studio units will be reduced from 32 to 19 units.

- The number of one bed units will be increased from 107 to 112 units.
- The number of two bed units will be increased from 89 to 94 units.

7.5 Although the proposal results in a loss of market units, the number of habitable room's increases from 637 to 653. As a result, the number of 1 and 2 bed units increases. This is supported by officers as it is considered that 1 and 2 bed unit's offer a better form and quality of accommodation to studio units.

Proposed amendment to the affordable housing provision

7.6 The proposal alters the approved tenure and dwelling mix in both the intermediate and social rented units

Intermediate units

7.7 Planning permission was approved for 29 residential units in the intermediate tenure under planning ref; PA/07/2193). The approved dwelling mix is illustrated in table 1 in section 4.2 of the report. The proposal would result in the reduction of shared ownership units from 29 to 9 units. The number of habitable rooms is also reduced from 92 to 18 units. This would result in the following:

- The number of one bed units will increase from 8 to 9 units
- The number of two bed units will decrease from 8 to 0 units
- The number of 3 bed units will decrease from 13 to 0 units

7.8 The reduction in the overall number of intermediate units is considered acceptable as there is adequate provision of intermediate housing within the borough. This is explained further in sections 7.35-7.47 of the report.

Affordable social rent

7.9 Planning permission was approved for 72 residential units under planning ref; PA/07/2193. The approved dwelling mix is illustrated in table 1 in section 4.2 of the report. The proposal would result in an increase in residential units from 72 to 94 residential units. The number of habitable rooms is also increased from 258 to 330 rooms.

- The number of one bed units increases from 20 to 26 units
- The number of two bed units increases from 19 to 23 units
- The number of three bed units increases from 21 to 33 units
- The number of four bed units remains at 7 units
- The number of five bed units remains at 5 units.

7.10 The increase in the provision of affordable rent units is supported by officers as it addresses:

- a): The acute need for social rented housing within the Borough
- b): overcrowding of dwellings within the Borough

7.11 This is examined further in sections 7.17-7.34 of the report.

Implications to proposed amendments to the overall housing provision.

- 7.11 Overall the number of units remains at 360, although the number of habitable rooms increases from 987 to 1001. The increases in habitable rooms is supported by officers as it offers better quality accommodation overall.
- 7.12 The overall provision of family units is maintained at 77 units. In addition, the breakdown of 3 bed, 4 bed and 5 bed units remains the same as was approved on the 21st May 2008 under planning reference PA/07/2193.
- 7.13 Whilst the overall family provision is maintained, the number of much needed and sought after family units within the social rented element is increased by 12 units. This is welcomed by officers.
- 7.14 This scheme continues to provide 35% affordable housing in accordance which policy CP22 of the Interim Planning Guidance (Oct 2007) which seeks to secure a minimum of 35% affordable housing on site. Therefore the quantum of affordable housing is not a consideration in this application.
- 7.15 The approved tenure split within the new build affordable housing provision is 74/26 (social rented: intermediate) by habitable rooms. This was broadly in accordance with Policy 3A.9 of the London Plan which seeks to secure a 70% social rented and 30% intermediate unit split.
- 7.16 The proposed tenure split (by habitable room) provides 95% social rented housing and 5% intermediate housing within the affordable housing provision. Although the proposal does not strictly accord with the aspirations of policy 3A.9 of the London Plan and policy CP22 of the Interim Planning Guidance, it should considered against recent detailed evidence based Housing studies specific to London Borough of Tower Hamlets, which identify 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
 - Overcrowding Reduction Strategy

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

- 7.17 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.
- 7.18 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"*
- 7.19 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.

7.20 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.

7.21 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.

7.22

Stock size	Waiting list (HSSA) *		Social Turnover ***		Stock Demand 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

7.23 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”

7.24 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”.

7.25 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

7.26 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
- Overcrowding Reduction Strategy 2009-12

7.27 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

7.28 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.

7.29 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 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”.

7.30 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.

7.31 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.

7.32 Specifically, looking at overcrowded households:

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

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

7.33 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.

7.34 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) Overcrowding Reduction Strategy 2009-2012

The existing and forecast supply of intermediate housing within the Borough

7.35 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.

7.36 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%.

7.37		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

7.38 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.

7.39		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

7.40 Therefore, it is evident that there is adequate provision for intermediate housing in the Borough. Notwithstanding, the proposal provides 9 intermediate units which is considered acceptable. The reduced provision of new intermediate units on this site 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.

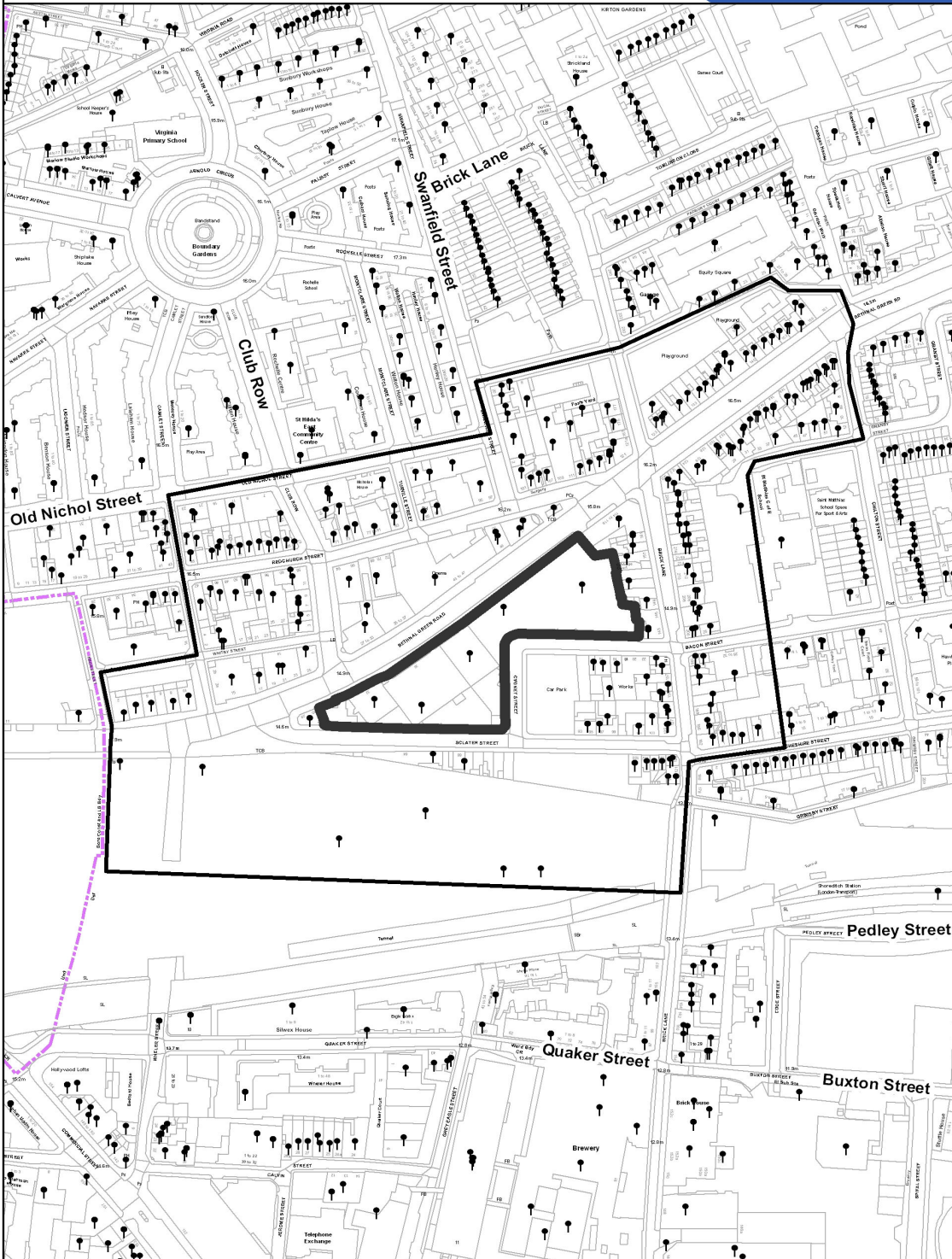
7.41 In assessing the subject proposal, one of the key issues to consider is the overall deliverability of the scheme during the economic downturn, and in turn the deliverability of much needed affordable housing on this site.

- 7.42 Since the application was approved on the 21st May 2008, the change in the economic climate has become increasingly evident. As a response to the downturn in market conditions, the applicant applied for funding from the Homes & Communities Agency (HCA) based on a tenure mix of 94 (26 x 1 bed; 23 x 2 bed; 33 x 3 bed; 7 x 4 bed; 5 x 5 bed) units for general needs rent and 9 (9 x 1 bed) units for intermediate tenure. This mix was considered more viable in the current climate where sales of shared ownership units have declined due to the difficult market conditions.
- 7.43 The bid for grant funding was made by the applicant after the S106 Agreement was signed. LBTH officers were consulted by the Homes & Communities Agency and confirmed their support for the grant application on condition that a deed of variation to the S106 was agreed. The HCA approved the bid on the 25th August 2009. In order to release the HCA funding, the applicant is required to agree this deed of variation and 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. The applicant has stated that the development would not be viable if it used the consented scheme mix.
- 7.44 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 additional homes provided) and National Indicator 155 (number of affordable homes delivered).
- 7.45 In summary, the composition of housing (including the affordable component) at 32-42 Bethnal Green Road 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.
- 7.46 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 95% social rented and 5% intermediate units, 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.
- 7.47 Officers consider that the applicant's proposal to vary the s106 Agreement in order to provide 95% affordable social rented units and 5% intermediate 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
 - Overcrowding Reduction Strategy dated 2009
 - 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



Land Parcel Address



Consultation Area



1:3,000

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 8.2

Committee: Strategic Development	Date: 10 th November 2009	Classification: Unrestricted	Agenda Item No:
Report of: Director of Development and Renewal	Title: Town Planning Application and Conservation Area Consent		
Case Officer: Richard Murrell	Ref No: PA/08/02709 and PA/08/0710 (CAC)		
		Ward: 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.
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 Members on the decision made by the Mayor of London in relation to these applications.

3 Background

- 3.1 At Strategic Development Committee on 4th August 2009 Members resolved to refuse planning permission and Conservation Area Consent for the 'Columbus Tower' development. Following referral the Mayor of London exercised his powers under the Town and Country Planning (Mayor of London) Order 2008 and took over the planning applications.
- 3.2 Officers' for the Greater London Authority published a report recommending that the applications be approved. The Mayor held a Representation Hearing on 7th October 2009 at which the applications were determined.
- 3.3 The Hearing was attended by representatives from Development and Renewal and the Legal Section. The Development Control Manager spoke on behalf of the Council. He objected to the grant of planning permission and defended the reasons for refusal given by Members.
- 3.4 Objectors to the scheme, a ward Member, and the Applicant also made representations at the Hearing.

4 Decision of the Mayor

- 4.1 Following the Hearing the Mayor resolved that he agreed with the recommendation made in the GLA officer's report and granted planning permission and Conservation Area Consent. A copy of the Mayor's draft decision notice is included at appendix one.
- 4.2 The application was approved subject conditions and a S106 Agreement. The S106 included the following obligations:-
- £1,155,340 towards the provision of off-site affordable housing.
 - £4,000,000 towards Crossrail works.
 - £180,000 towards bus capacity improvements.
 - £332,756 towards local employment and training initiatives.
 - £433,252 for improvements to local parks, open spaces and public realm.
 - Travel Plan, Construction Logistics Plan and Delivery & Servicing Plan
 - Publicly accessible pavilion and upper floor restaurant and bar.
 - TV and radio reception monitoring.
- 4.3 The financial contributions towards off-site affordable housing, local employment and improvements to local parks would be made to Tower Hamlets. The Crossrail and bus capacity contributions would be made to the Greater London Authority.
- 4.4 It is understood that the formal decision notices will be issued in the near future once the GLA has finalised the wordings of the legal agreement and conditions.

Development & Environment Directorate

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Our ref: PDU/2350/06
Date:

Mr J Carter
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LONDON W1J 8JR

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

Application No: PA/08/02709

Applicant: Commercial Estates Group for and on Behalf of GMV Ten Ltd

GRANT OF FULL PLANNING PERMISSION SUBJECT TO PRIOR WRITTEN CONCLUSION OF A SECTION 106 AGREEMENT

The Mayor of London, as the Local Planning Authority, hereby grants planning permission for the following development, in accordance with the terms of the above mentioned application (which expression shall include the drawings and other documents submitted therewith):

Demolition of existing building. Erection of 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 classes D2) with basement, parking, servicing and associated plant, storage and landscaping (maximum height 242 AOD).

At: Hertsmere House, 2 Hertsmere Road, London E14 4AB

Subject to the following conditions and reasons for conditions: -

- The development hereby permitted shall be built out in accordance with the details as shown on the plans listed below:
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 REV A, A1/PL/083 REVA, A1/PL/085 REVA, A1/PL/086 REVA, A1/PL/087 REVA, A1/PL/088 REVA, A1/PL/090 REV A, 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 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 & A1/PL/123 REVA.

Reason: So that the development is carried out as permitted

- The development hereby permitted shall be begun before the expiration of five years from the date of this permission

Reason: As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions.

- Building, engineering or other operations including demolition in pursuance of this permission shall be carried out only between the hours of 8am and 6pm Mondays to Fridays and between the hours of 8am and 1 pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of the area.

- Any hammer driven or impact breaking out of material carried out in pursuance of this permission shall not be carried out other than between the hours of 8am and 6pm Mondays to Fridays and shall not take place at any time on Saturdays, Sundays or Public Holidays unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of the area.

- The hours of operation of the ground floor commercial floorspace (Class A1, A2, A3, A4, B1, D2) hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the relevant premises and shall not operate other than in accordance with the agreed hours unless agreed in writing by the local planning authority.

Reason: To protect the amenities of future occupiers and the surrounding area

- The buildings hereby permitted shall not be occupied until the relevant stage of construction has been completed in accordance with the submitted drawings as detailed by this notice and reserved matters approved.

Reason: To ensure that the external appearance of the building is implemented in accordance with the submitted drawings and application documentations, given that the appearance and design of the building were an important factor in the decision to grant approval.

- Prior to implementation, full particulars of the following shall be submitted to and approved in writing by the local planning authority prior to the relevant stage of construction commencing (other than the construction of a below grade guide wall and excavation of trenches for services and other introductory works) and the development shall not be carried out otherwise than in accordance with the particulars so approved:

- the design and external appearance of the building(s);

- the materials to be used on the external faces of the building;
- details of fenestration systems, including the exact rake between the tinted and clear glazing;
- drawings showing the architectural treatment of the roof form in relation to the lift overrun;
- details of how the glazing in the top 162.7m of the building will avoid usage of reflective coatings containing a metal base, to reduce reflectiveness for airport safety purposes;
- details of methods proposed to break up the regularity of the top 41.7m of the surface to assist in minimizing the total reflections from the building.
- provision of 1:20 scale sample of materials

Reason: The particulars reserved are considered to be material to the acceptability of the development hereby approved and the local planning authority wishes to ensure that the details of the development are satisfactory

- Prior to commencement of the development hereby permitted, a detailed scheme for hard and soft landscaping including details of replacement trees (the scheme to be in accordance with the Tower Hamlets Council's Biodiversity Action Plan) shall be submitted to the local planning authority for approval and thereafter to be carried out in accordance with the approved plans.

Reason: To contribute to the biodiversity and visual amenity of the area.

- Prior to commencement of development, a wind study should be submitted to and approved in writing by the LPA. The study should include the assessment of appropriate screening measures at pedestrian level for location 20 to ensure that wind levels are acceptable. The study shall be implemented as approved prior to occupation.

Reason: To mitigate any impacts from wind.

- The car parking and motorcycle parking shall be provided on site in accordance with the approved drawings and shall not be increased beyond the approved 75 car parking spaces and 42 motorcycle spaces.

Reason: To ensure that the development complies with regional and local policies for sustainable transport

- Full details of car parking allocation for the various mix of uses (with not more than 50 of the spaces to be allocated for employment uses and a minimum of 5 spaces to be provided as electric car charging points) within the development hereby permitted shall be submitted to and approved by the local planning authority prior to commencement of the development and thereafter implemented in accordance with the approved details.

Reason: To ensure that the proposed number of car parking spaces are allocated accordingly across all uses to comply with regional and local planning policy.

- Full details of the 168 secure cycle spaces including associated storage and washing facilities within the development hereby permitted shall be submitted to and approved by the local planning authority prior to commencement of the development and thereafter shall be implemented in accordance with approved details.

Reason: To enhance the amenity for future occupiers of the development and to improve the cycle environment.

- Full details of access for disabled people in compliance with Unitary Development Plan Policy DEV1 and Planning Standard No.5 shall be submitted to and approved in writing by the local planning authority before the development is commenced other than construction of a below grade guide wall and excavation of trenches for services other than introductory works and the development shall be completed in accordance with the details so approved.
Reason: To ensure adequate access to the building for disabled people.
- A minimum of 5% of the hotel rooms and serviced apartments as shown on the approved drawings shall be built out as wheelchair accessible rooms prior to occupation of the development and thereafter shall be retained as wheelchair accessible rooms.
Reason: To ensure adequate access to the building for disabled people.
- No development shall take place until the developer has prepared and submitted to the local planning authority a programme in accordance with a written scheme and programme of investigation and archaeological work.. The development shall only take place in accordance with the detailed scheme submitted to and approved by the local planning authority, pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.
Reason: To safeguard the heritage of the borough providing an adequate opportunity to archeologically investigate and excavate buried remains on this site before ground-works are carried out.
- The existing ground level adjacent to the river dock wall shall not be altered nor shall the river dock wall be subjected to any additional horizontal or vertical loading, either temporary or permanent.
Reason: To maintain the integrity of the river dock wall.
- Prior to commencement of the development a survey (including intrusive investigation / testing) of the dock wall adjacent to the site, to establish the landward extent, structural integrity and stability of the wall, shall be carried out and the detail of the survey shall be submitted to and approved by the local planning authority.
Reason: To establish the condition of the existing river wall to both inform the assessment of needed remedial/replacement works and the detailed design for any construction close to the river wall. The scope and details of this survey shall be agreed with the Environment Agency prior to commencement.
- The development shall not be commenced until a scheme based on the findings of condition 17 detailing works to bring the river wall up to the design life of the development has been submitted to and approved by the local planning authority in writing. Thereafter the approved works shall be carried out by the developer in accordance with an agreed timetable.
Reason: To protect the development from flooding
- Prior to the commencement of the development, a method statement demonstrating how the development will avoid adversely affecting the structural integrity of the listed dock wall shall be submitted to and approved by the local planning authority in writing. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
Reason: The construction phase of the proposed development poses significant risk to its structural integrity of the dock wall.

- Prior to commencement of the development works calculations demonstrating the structural integrity of the basement must be submitted to and agreed in writing with the local planning authority. These calculations must ensure that the basement roof is designed to support the tracking of plan vehicles required for any future repairs on the dock walls and ensure that the basement wall is designed to protect the development to withstand water pressures to at least the Statutory Defence Level of 5.23m AOD.
Reason: To protect the development from flooding

- Piling or any other foundation design using penetrative methods shall not be permitted other than with express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site may be contaminated and the construction depth of piling is likely to extend into the Thanet Sand, which is hydraulic connection to the major aquifer in the Chalk. The construction of boreholes will provide a pathway for contaminated material in the minor aquifer at the surface to migrate into the major aquifer in the underlying chalk.

- Prior to the commencement of development other than construction of a below grade guide wall and excavation of trenches for services other than introductory works, a scheme limiting any light spill from external artificial lighting into the dock shall be submitted to the local planning authority for approval. The location and direction of external artificial lights should be such that the lighting levels within 5 metres of the top bank of the dock are maintained at the background levels. The Environment Agency considers background levels to be a Lux level 0-2.

Reason: To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the dock.

- Development of the site shall not begin until a scheme has been submitted to the local planning authority for written approval. The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed. Details of the scheme should include:
 - A 'desk study report' documenting the history of the site.
 - A proposal to undertake an intrusive investigation at the site based on the findings of the desk study.
 - A 'site investigation report' to investigate and identify potential contamination.
 - A risk assessment of the site.
 - Proposals for any necessary remedial works to contain, treat or remove any contamination.

Where remediation is required, it shall be carried out before the site is occupied and a certificate or validation report stating that remediation has been completed as agreed with the local planning authority must also be prepared by a suitably qualified person and submitted to the local planning authority for written approval. Occupation of the site must not occur until the certificate or validation report has been approved by the local planning authority.

Reason: To ensure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of the following policy in the London Borough of Tower Hamlets Unitary Development Plan (adopted December

1998). DEV51 Contaminated Land”

- During any demolition and subsequent building operations carried out in pursuance of this permission, wheel cleaning equipment shall be maintained at all vehicle exits to the site and shall be used to prevent the carriage of mud and other materials onto the adjoining highways.
Reason: To safeguard the amenities of adjoining occupiers and to ensure the safe flow of traffic along adjoining highways.
- Ramp access to basement areas should be provided through the use of a semi-automatic signalling system in accordance with the Method Statement for the proposed management regime and ramp controls, as submitted by the applicant on as Appendix 12 to letter dated 20 August 2003.
Reason: To ensure the safety of all vehicles entering and exiting the site.
- Details of the means of ventilation to the premises shall be submitted to and approved by the local planning authority before the use hereby permitted commences and the use shall take place only with the benefit of ventilation.
Reason: To safeguard the amenities of neighbouring occupiers.
- The refuse stores shall be provided in accordance with the approved drawings prior to the occupation of the development and thereafter shall be made permanently available for the occupiers of the buildings.
Reason: In compliance with the Council's policies seeking to protect amenity and ensure adequate provision for the storage of refuse.
- A recycling plan indicating the measures to be taken for the storage and collection of refuse to be recycled, shall be submitted to and approved in writing by the local authority before development is commenced other than construction of a below grade guide wall and excavation of trenches for services other than introductory works.
Reason: To encourage the recycling of waste and to provide adequate provision for the storage of this waste prior to collection in accordance with Council's policies.
- Details on the external lighting and security measures proposed shall be submitted to and approved in writing by the local planning authority prior to the commencement of development (other than the construction of a below grade guide wall and excavation of trenches for services and other introductory works) and the development shall be completed in accordance with the particulars so approved.
Reason: To ensure safety for pedestrians and vehicles in and around the proposed development.
- The uses hereby permitted shall not commence other than construction of a below grade guide wall and excavation of trenches for services other than introductory works until the building has been insulated in accordance with details, which shall be submitted to and approved by the local planning authority so as to ensure that noise from operations conducted on the premises, including the future installation of any equipment for A3 and A5 uses, is not audible above the ambient noise level of the surrounding area. Tower Hamlets Policy is for noise levels to be 10 decibels below current background levels.
Reason: To safeguard the amenities of neighbouring occupiers and to minimise the potential noise impacts.

- In accordance with recommendations made by the London Fire & Emergency Planning Authority, an evacuation plan should be prepared and submitted to the local planning authority for approval prior to the commencement of the development (other than the construction of a below grade guide wall and excavation of trenches for services and other introductory works).

Reason: To ensure the safety of future occupiers of the building.
- Detailed design of the elevations shall include the full details of the bat and bird boxes to be provided, shall be submitted to the Council in writing for approval prior to the commencement of the development other than construction of a below grade guide wall and excavation of trenches for services other than introductory works and thereafter should be provided and retained as approved.

Reason: To provide suitable nesting locations for local bird life.
- When the design studies for the crown of the building are complete, the full technical requirement for Peregrine Falcon nesting boxes should be integrated into the design and coordinated with the requirements of the buildings services and access equipment. Details to be submitted to the local planning authority and the CAA in writing for approval prior to the commencement of the construction of the crown of the building.

Reason: To provide suitable nesting locations for local bird life.
- Full details of the green wall, as shown on the approved plans, shall be submitted for approval to the local planning authority prior to the commencement of the development other than construction of a below grade guide wall and excavation of trenches for services other than introductory works and thereafter should be provided and retained as approved.

Reason: To improve visual amenity, biodiversity and mitigate the impacts of climate change.
- Groundwater monitoring to be undertaken during the detailed geotechnical exploration to determine the contamination source of hydrocarbon. Additional gas monitoring also to be undertaken. These investigations should be fully monitored and reported to the local planning authority for their assessment, prior to the commencement of development.

Reason: To identify and mitigate any site contamination.
- The development hereby permitted shall be carried out to include the measures and technologies indicated in the energy strategy accompanying the application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the environmental impacts of the development are acceptable
- No development shall take place until the applicant has provided to the Local Planning Authority for approval an independently verified BREEAM pre-assessment report that demonstrates how a minimum 'Very Good' rating will be achieved, unless otherwise agreed with the local planning authority. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met, prior to the first occupation of the development.

Reason: To ensure the development meets wider objectives of energy efficiency in new building design and construction.
- Development should not be commenced until: impact studies of the air quality have been submitted to, and approved in writing by, the local planning authority. This shall include

detail on measure to mitigate dust impacts during construction and with detail on the chimneystack heights. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To safeguard the amenities of neighbouring occupiers and to minimise the potential air quality impacts.

- Prior to occupation of the hotel a heating network of sufficient capacity to supply the whole development with heating, hot water and ventilation, either by external district heating system or by a single energy centre incorporating Combined heat and Power technology with a capacity of at least 200 kilowatt electricity, shall be secured or provided and prior to implementation the developer shall submit detailed plans to the local planning authority of the proposed heating network for its approval (in consultation with the Greater London Authority). The approved scheme shall then be provided in accordance with these details and thereafter shall be retained and used for energy supply for so long as the development remains in existence.

Reason: To reduce carbon emissions

- Aviation warning light shall be provided as required by Article 133 of UK Air Navigation Order

Reason: For aviation safety

- The developer shall give 90 days prior written notice to the local planning authority of its intention to commence the demolition works and site clearance and 180 days prior written notice to the local planning authority of its intention to commence piling. Within 28 days of the receipt of such a prior written notice, the local authority may issue a counter notice to the developer prohibiting the commencement of the Foundation Works during any period when the construction of the Crossrail structures and tunnels are in progress or is scheduled to commence.

Reason: To ensure the delivery and construction of Crossrail

- In the event that the Crossrail tunnels are constructed before substantive works are commenced on the construction of the approved basement, Construction work (other than the construction of a below grade guide wall and excavation of trenches for services and other introductory works to a maximum depth of 9m below grade) shall not begin until detailed design and method statements for all of the ground floor structures, foundations, basements and other structures, including demolition of the existing building, the programming and excavation of both temporary and permanent piling works below ground level (the Foundation Works) and measures for the mitigation of the effects of noise and vibration arising from the use of the running tunnels have been submitted to and approved in writing by the local planning authority. All such works that form part of the design and method statements shall be completed before any part of the building is occupied and the development shall be completed in accordance with the particulars so approved.

Reasons: To ensure the delivery and construction of Crossrail.

- The construction of the surface water drainage system shall be carried out in accordance with the details to be submitted to and approved in writing by the local planning authority prior to the commencement of development (other than the construction of a below grade guide wall and excavation of trenches for services and other introductory works).

Reason: To prevent pollution of groundwater and ensure appropriate drainage

- Development should not be commenced until: impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.
- Prior to implementation full details of the engineering of the foundations, basement and ground level shall be submitted for approval to the local planning authority (in consultation with the Environment Agency).
Reason: To ensure the integrity of the dock wall
- Barges should be utilised, where appropriate, to reduce the impacts of construction traffic, however given the use of the Dock area by the Museum in Docklands for a floating exhibition, the programme for the movement of barges in and out of the Dock should be coordinated with Museum in Docklands and detailed in the Code of Construction Practice, as required by the Section 106 agreement.
Reason: To minimise the impact of construction traffic, whilst minimising impact on the Museum in Dockland Floating Exhibition.
- Works to be undertaken at the detailed design stage to ensure that potentially unfavourable impacts to the Museum in Docklands regarding water table are controlled. Mitigation measures to be submitted to Council for approval prior to the commencement of the development (other than the construction of a below grade guide wall and excavation of trenches for services and other introductory works). Practicable and appropriate mitigation shall be undertaken during these introductory works to ensure that potentially unfavourable impacts to the Museum in Docklands are controlled to the satisfaction of the local planning authority.
Reason: To safeguard the Museum.
- The maximum duration of occupation in serviced accommodation as shown on the approved drawings shall be no more than 90 consecutive days.
Reason: To ensure that the purpose of serviced accommodation is maintained

In granting permission the local planning authority had regard to the following:

1 The Mayor, acting as the local planning authority, has considered the particular circumstance of these applications against national, regional and local planning policy, relevant supplementary planning guidance and any material planning considerations. He has also had regard to the Tower Hamlets Development Control Committee report of 4 August 2009 and draft reasons for refusal. He has found this application acceptable in planning policy terms for the following reasons:

- The application proposes an acceptable quantum and mix of uses on an underutilised site in the economic cluster of Canary Wharf, which is located in the northern part of the Isle of Dogs Opportunity Area. This application helps facilitate London's continued attractiveness as an international business location. The scheme accords with London Plan policy 2A.5, 3B.1, 3B.2, 3B.3, 3D.7, 5C.1 and 5G.3. At the local level the scheme accords with policies ART7, DEV3 and CAZ1 of Tower Hamlets saved UDP (1998), and policies CP8, CP13 and EE4 of Tower Hamlets Interim Planning Guidance (IPG) Core Strategy (2007), and policies IOD13 and IOD15 of the IPG Isle of Dogs Area Action Plan.

- A financial contribution has been secured towards the provision of off-site affordable housing in lieu of the absence of any on-site affordable housing. This is in line with London Plan policy 5G.3, which identifies Canary Wharf as an area where an off-site provision of housing should be accepted, as on-site housing could compromise the broader objectives of sustaining important clusters of business activities.
- Transport matters, including parking, access and servicing, are acceptable and accord with London Plan policies 3C.1, 3C.22, 3C.23 and 3C.25 and local policies ST34, T16 and T19 of Tower Hamlets UDP (1998) and policies DEV17, DEV18 and DEV19 of the Council's IPG (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- This application will increase trip generation both to this site and within Canary Wharf; to mitigate any transport capacity impacts appropriate financial contributions have been secured to assist the delivery of Crossrail and bus capacity improvements. These contributions have been secured in line with London Plan policies 3C.2, 3C.9, 3C.12 and 6A.4 and emerging London Plan policies 3C.12A and the London Plan draft Supplementary Planning Guidance on the 'Use of planning obligations in the funding of Crossrail'.
- The building achieves a high quality design that complements the existing buildings in Canary Wharf. The building would provide a striking addition to the London skyline. The height, scale, bulk and the open spaces around the base of the building accord with the design policies set out in chapter 4B of the London Plan and with Tower Hamlets saved (1998) UDP policies DEV1, and DEV2 and Tower Hamlets IPG (2007) policies CP48, DEV1, DEV2, DEV3, CP46, DEV27 and IOD16.
- The introduction of a tall building onto this site in Canary Wharf would continue to preserve the existing character of the West India Dock conservation area and the setting of the various listed buildings within it, whilst the demolition of the existing Hertsmere House office building and its replacement with a building of high quality design will serve to enhance this conservation area. This accords with London Plan policies 4B.11, 4B.12 and 4B.13 and with Tower Hamlets saved UDP (1998) policies DEV27 and DEV28 and with Tower Hamlets IPG (2007) policies CON1 and CON2.
- The introduction of a 63-storey building onto this site will serve to expand the existing cluster of tall buildings at Canary Wharf and will have an impact on views to and from the area. However, the building will be seen as a slender and moderate addition to this existing and growing cluster that is consistent with the character of the area. The proposal accords with London Plan policies 4B.16, 4B.17 and 4B.18, with London Plan supplementary planning guidance on the 'London View Management Framework' and with Tower Hamlets IPG (2007) policies CP48, CP50, CON3 and CON5.
- The application proposes the development of a fully accessible building, with sufficient wheelchair accessible hotel rooms, serviced apartments and blue badge car parking. The inclusive design and access arrangements for this application accord with London Plan policies 3D.7 and Tower Hamlets IPG (2007) policies CP.13
- The application will result in some impacts on daylight and sunlight in the surrounding area, given the small-scale nature of these impacts along with the context of the surrounding area, these impacts are acceptable and are in line with London Plan policy 4B.10, Tower Hamlets UDP (1998) saved policies DEV2 and IPG (2007) policies DEV1 and DEV27 and broadly in line with the guidance set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight – A guide for good practice, 1991'.

- The energy strategy for this application has been prepared in line with the Mayor's energy hierarchy, London Plan policies 4A.1 to 4A.19 and with Tower Hamlets IPG (2007) policies CP28, DEV5 and DEV6, and is acceptable.
- The environmental impacts of this development are acceptable and are in line with London Plan policies 4B.15, 4A.33, 4B.10, 4A.14, 4C.11, 4A.12, 3D.14, 4A.20 and 4A.19 and with Tower Hamlets IPG (2007) policies DEV5 to DEV9.
- 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, London Plan policy 6A.4 and Tower Hamlets UDP (1998) saved policy DEV4 and Tower Hamlets IPG (2007) policy IMP1, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- There are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

Informatives:

- This permission does not imply approval of any entertainments licensing requirements of the licensing authority. Further advice should be sought from the Council's Licensing Section.
- Arrangements should be made to ensure that no surface water from the proposed development would drain onto the public highway.
- If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Borough Council and Highway Authority at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Applications for such a crossing should be made to the Council's Highways Development Services, Southern Grove, London, E3.
- Having regard to the environment of the locality and the prominence of the site, a sympathetic and high standard of design is appropriate and expected by the local planning authority.
- The applicant must ensure that building foundations abutting areas to be landscaped are suitably designed to enable tree planting to be carried out in accordance with the landscaping scheme.
- During the course of site works and until the completion of the development a notice board should be affixed on the hoarding of the site in a prominent position specifying the name, address and telephone of the contractor including an emergency number. This is to allow direct communication between the Council and contractor in respect of vandalism, outbreak of fire etc., as well as ensuring the appropriate and expeditious discharge of the conditions of the planning permission.
- The applicant's attention is drawn to the requirements of the Control of Pollution Act 1974, Section 13, and is advised that adequate storage facilities for refuse must be provided.
- Crossrail Limited (25 Canada Square, Canary Wharf, London E14 5LQ, telephone 020 3229 9100) has indicated its preparedness to provide guidelines in relation to the proposed location of the cross rail structures and tunnels, ground movement arising from the construction of the

running tunnels, and noise vibration arising from the use of running tunnels. Applicants are encouraged to discuss the guidelines with the Cross Rail Engineer in the course of preparing detailed design and method statements.

- Construction cranes should make every effort not to penetrate above 245 metres AOD. All contractors should be aware of the height limitation and the construction process should proceed in consultation with London City Airport.
- Movement of construction traffic via West Ferry Road, West Ferry Circus and Hertsmere Road should be restricted. Traffic management details will be included in the Code of Construction Practice for the development of the site.
- There are public sewers crossing this site, and no building works will be permitted within three metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Water's assets be required, the applicant should contact Thames Water Developer Services.
- Thames Water recommends that petrol / oil interceptors be fitted in all car parking areas. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. In line with best practice for the disposal of fats, oils and grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel is recommended. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

Signed

Giles Dolphin

Assistant Director Planning

Notes:

This is a planning permission only. It does not convey any approval or consent that may be required under Building Regulations or any other enactment.

Further to the guidance set out in paragraph 5.38 of the GOL Circular 1/2008 the Mayor has agreed with Tower Hamlets Council that Tower Hamlets Council will be responsible for decision on all subsequent approval of details pursuant to conditions set out in this decision notice.

Agenda Item 8.3

Committee: Strategic Development Committee	Date: 10 November 2009	Classification: Unrestricted	Report No:	Agenda Item:
Report of: Monitoring Officer Originating officer(s) Isabella Freeman Assistant Chief Executive (Legal Services)		Title: Local Government Ombudsman – Findings Against the Council Wards Affected: Limehouse		

1. SUMMARY

- 1.1 To consider the report and findings of the Local Government Ombudsman in respect of Investigation No. 08 002 912 concerning maladministration causing injustice resulting from the grant of Planning Permission by the Council.

2. RECOMMENDATIONS

Committee is recommended to:-

- 2.1 Note the report and finding of maladministration against the authority by the Local Government Ombudsman in respect of the investigation attached to this report
- 2.2 Note the assurance from the Service Head Planning and Building Control that action has already been taken by the department to ensure that the problems which led to the maladministration do not occur again

3. BACKGROUND

- 3.1 Attached as Appendix A is a copy of the Ombudsman's report on an investigation into Complaint No. 08 002 912 concerning the allegation that the Council failed to properly advertise a planning application it received for a property next to their home, denying them the opportunity to object to the works. It was further complained that the Council did not consider the application properly and granted Planning Permission even though it contravened its adopted policy.
- 3.2 Paragraphs 33 to 43 summarise the findings of the Ombudsman and recommends the remedy for the injustice caused to the complainants.

4. BODY OF REPORT

- 4.1 The complainants live at 24 Narrow Street which is a converted warehouse overlooking the Thames. A planning application was made for the erection of two balconies on the riverside elevation of buildings next to their home. The complainants complain that they were not notified about this Planning Application and did not find out about it until work started on the balconies. They state that had they been informed they would have objected to the Planning Application.
- 4.2 The complainants also claim that the Council did not consider the loss of amenity they would suffer by having their living room overlooked by their neighbours standing on the new balcony. They believe that if the Council had properly considered how they would be overlooked Planning Permission would not have been granted.
- 4.3 The Council received a Planning Application for works to be carried out to adjoining properties in July 2005. The location of the works was described in the Planning Application as Flats 2A and 3A, 18-22 Narrow Street London. On its internal documentation, the Council entered the location of the works as Flat 3A 18 Narrow Street. The site map filed with the Planning Application papers showed the correct address for the works, 18-22 Narrow Street. It would however appear that every document the Council subsequently generated with regard to the Planning Application showed the incorrect address of Flat 3A 18 Narrow Street. This would make it appear that the development was on a different level not adjacent to the complainant.
- 4.4 In accordance with standard practice for Planning Applications the Council notified nearby properties about the proposal. It would appear that because of the error in recording the address of the works neighbours would not have appreciated that they would be affected. A number of local residents have stated that they did not get any notice even though the Council's records indicate they would have been sent to them.
- 4.5 Internal documents produced by the Council in respect of the Planning Application show the incorrect address and this would confirm the fact that notification letters would have had an incorrect address.
- 4.6 When dealing with Planning Applications the Council has adopted in accordance with best practice a procedure called Fast Track for dealing with applications for minor matters. It is normally used when there are no major planning considerations involved. This Planning Application fell within the range of matters covered by this procedure and was used. The report indicated that the application was acceptable because other flats in the block (including the complainant) have balconies. Council policy is to encourage balconies as they

provide additional amenity space for flat dwellers and the borough is short of amenity space.

- 4.7 Planning Permission was granted on 12th September 2005 and was issued with the incorrect address, Flat 3A 18 Narrow Street. Work on the construction of the new balcony did not commence until 2008 and the complainants only discovered matters when they returned from holiday in February 2008.
- 4.8 The complainants contacted the Council and were initially advised that no Planning Permission had been given for works at 22 Narrow Street but subsequently it was confirmed by the Council confirmed that Planning Permission had in fact been given in September 2005. An officer from the Council's Enforcement team visited the premises in July 2008, at which time he was not aware that Planning Permission had been granted and wrongly expressed the view that there was a problem with overlooking. Later the same month the officer advised that no action would be taken as the balcony had been constructed in accordance with the Planning Permission granted.
- 4.9 The Council has accepted that the wrong address details were used when processing the Planning Application and generating notification letters. The planning officers are of the view that the balcony does not cause an unacceptable level of overlooking and had it received objections from the complainants it would still have granted Planning Permission.
- 4.10 In paragraphs 33 to 43 of his report the Ombudsman sets out his conclusions. In summary, he has found that the Council did make a mistake at the outset of the matter by using the wrong address to record the details of the Planning Application. He also concludes that it cannot be conclusively proved that the Council sent out notification letters or that they got to the intended recipients. The Ombudsman has been very harsh in this respect as the officers have confirmed that the system generates the letters so there is no reason to suspect they were not sent and delivered by post. The Council cannot send letters by registered delivery as it inconveniences people if they have to go and collect them.
- 4.11 The Ombudsman goes on to find that there is no evidence to support the Council's claim that a site inspection was carried out notwithstanding that the officer concerned confirmed that she did visit the property. The Ombudsman expresses concern about the content of the report prepared in respect of the Planning Application. He is of the view that greater detail should be contained in the report in respect of the planning issues, which are material to the application. This has since been rectified by the department . See paragraph 5 below.
- 4.12 The Ombudsman concludes that maladministration has occurred due to his perceived failings on the part of the Council.

5. REVISED PLANNING PROCEDURES

- 5.1 When a planning application is received it is registered and validated in accordance with accepted criteria, including verification of the description of development the address of the premises to which the application relates and the public consultation that will occur. When this case was considered, a Fast Track procedure was adopted as was considered appropriate for dealing with proposals which do not raise major planning issues. This was based on a template outlining those issues to which the Planning Case Officer should have regard in considering the planning application.
- 5.2 This procedure has been reviewed following the Ombudsman's investigation and a new, more comprehensive template has been introduced which ties in with the Council's computerised planning application processing system, Acolaid. A copy of the new template is appended to this report. Appendix B. The new template specifically requires the case Officer to consider and report on the nature of the advertising of the application. It is not practicable to change our existing postal consultation procedure, to ensure that proof of delivery of consultation letters is obtained. The volume of consultation letters generated within the department would make such a procedure prohibitive. The template also requires explicit referencing to the date of the posting of the site notice together with a photographic record of that event and the date that the site visit occurred. It is considered that with these changes, the concerns identified by the Ombudsman in his investigation of this case have been overcome.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 The costs of the compensation will be met from within the Directorate budget.

7. CONCURRENT REPORT OF THE MONITORING OFFICER (ASSISTANT CHIEF EXECUTIVE (LEGAL))

- 7.1 The powers of the Ombudsman concerning the outcome of investigations he has conducted are contained in sections 30, 31, 31A and 31B Local Government Act 1974(LGA 1974). It should be noted that any recommendation of the Ombudsman is not binding on a local authority. Where the Ombudsman reports that there has been maladministration, a failure in service or a failure to provide a service the report must be laid before the authority. The authority is under a duty to consider the report and within three months (or such longer period as the Ombudsman may agree in writing) to notify the Ombudsman of the action which the authority has taken or proposes to take.
- 7.2 If the Ombudsman does not receive the notification within the period allowed, or is not satisfied with the action taken or proposed, or does not within a further three months (or agreed longer period) receive confirmation that the proposed

action has been taken, he must make a further report setting out those facts and making recommendations. This also has to be considered by the authority.

- 7.3 If there is still no satisfactory response, the Ombudsman may require the authority to arrange for a statement outlining the position to be published in a local newspaper. The statement will consist of details of any action recommended by the Ombudsman in his further report which the authority have not taken, such supporting material as the Ombudsman may require and if the authority require a statement of the reasons for their having taken no action on, or not the action recommended in the report.
- 7.4 On the issue of what power, the Ombudsman had to recommend compensation for loss of value Members are advised that section 31(2B) LGA 1974 states that the Ombudsman may make recommendations, which in his opinion should be taken to remedy any injustice sustained by a person in consequence of maladministration. It would seem the Ombudsman has a wide discretion as to what he views are ways of remedying injustice. However, the authority does not have to agree all the recommendations. In this regard the Monitoring Officer does not consider that the authority should agree to the recommendation for loss of value to the property to be assessed for the overlooking. This would set a precedent that is unacceptable as it overturns planning policy and case law which does not hold planning officers responsible for mistakes in the procedure. The Council has responded to the Ombudsman in respect of compensation – see letter at Appendix C.
- 7.5 English law does not contain any express legal right that a person is entitled not to have their land overlooked by a neighbour. Under the Human Rights legislation there are a series of rights bundled together which have been given the common term 'rights relating to privacy'.
- 7.6 These 'rights' are more accurately described as a person's right to respect for their private life and family life, their home and their correspondence. The protection afforded is that there should be no interference by a public authority with these rights except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, or for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.
- 7.7 Confusion has arisen in public circles with the reference to respect for home. Put simply this right is a right to occupy and not to be expelled or evicted and peaceful enjoyment of a home. You will note it does not talk about not being overlooked.
- 7.8 In the Planning field a number of issues are taken into account when considering an application and one of those is the amenity of an individual. It is in this regard

that the Planning system talks about issues such as privacy and overlooking. What the Planning system accepts is that houses, flats and gardens tend to be all shapes and sizes, at different distances from, and in a unique orientation to, any neighbouring buildings. Due to these constraints, it has not been possible to devise any practical, reasonable and enforceable design guides, which would allow the full use of land whilst guaranteeing privacy for every householder.

- 7.9 In paragraph 39 of his report, the Ombudsman uses the sentence 'I do not accept that a neighbour has no right to privacy.' He goes on to quote a planning application the Council refused based on policy DEV2, causing loss of privacy to the neighbouring property. What the policy in question does is to try to indicate that new developments should be designed in such a way as to reduce inter visibility to an acceptable degree; it does not seek to prevent it completely.
- 7.10 Thus, there is no legal right to privacy in the context of not having one's property overlooked. The Planning system does try to minimise the impact of overlooking via the adoption of guidelines but does not prevent it. As stated above officers have confirmed that if the complainant's objection had been received the planning consent would still have been granted on the basis of amenity.
- 7.11 It is suggested that any concerns about privacy can be remedied through special treatment to be applied to the window which precludes looking in but allows clear views out.

8. HUMAN RIGHTS IMPLICATIONS

- 8.1. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights. Various convention rights are likely to be relevant to the Order, including:
- **Entitlement to a fair and public hearing** in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process.
 - **Peaceful enjoyment of possessions** (First Protocol Article 1). This right includes the right to peaceful enjoyment of property and is subject to the State's right to enforce such laws, as it deems necessary to control the use of property in accordance with the general interest.
 - **Right to life**, in respect of which the likely health impacts of the proposals, will need to be taken into account in evaluating the scheme (Convention Article 2).

8.2 The European Court has recognised that "*regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole*". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.

8.3 The Council is therefore required to consider whether its actions would infringe the human rights of anyone affected by the granting of Planning Permission. The Council must carefully consider the balance to be struck between individual rights and the wider public interest.

9. ONE TOWER HAMLETS CONSIDERATIONS

9.1 The consideration of this matter will contribute to One Tower Hamlets objectives. The three objectives are to reduce inequalities; ensure community cohesion; and, strengthen community leadership.

9.2 By having regard to the Ombudsman's report, the Council is demonstrating that it seeks to treat all citizens equally, that it wishes to ensure that any decisions it makes do not lead to disharmony and that it wishes to demonstrate effective leadership of the community.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 There are no sustainability issues arising from this to this report.

11. RISK MANAGEMENT IMPLICATIONS

11.1 The report from the Ombudsman highlights that unless the Council has in place high quality systems for managing the processing of Planning Applications errors can arise which give rise to adverse publicity and public perception of the ability of the Council to process such matters.

11.2 A further adverse impact is the financial implications arising from errors. As highlighted, in this case the Council can be recommended to pay compensation.

12. EFFICIENCY STATEMENT

12.1 No efficiency issues arise from this report.

Local Government Act, 1972 Section 100D (As amended) List of "Background Papers" used in the preparation of this report

Brief description of "back ground papers"	Name and telephone number of holder and address where open to inspection
Report of Local Government Ombudsman in to complaint No. 08 00 912 dated 14 th August 2009-10-29	Isabella Freeman London Borough of Tower Hamlets Town Hall Mulberry Place 5 Clove Crescent London E14 2BG 0207 364 4810

11. APPENDICES

Appendix A - Report of Local Government Ombudsman in to complaint No. 08 002 912 dated 14th August 2009

Appendix B -New Template for Fast Track Planning Reports

Appendix C - Council letter to Ombudsman in respect of compensation dated 30 October 2009.

Report

on an Investigation into
Complaint No 08 002 912 against the
London Borough of Tower Hamlets

6 August 2009

Investigation into Complaint No 08 002 912 Against the London Borough of Tower Hamlets

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Key to names used

Mr and Mrs Page	The Complainants
Officer A	An enforcement officer employed by the Council

Report Summary

Subject

Mr and Mrs Page (not their real names for legal reasons) complain that the London Borough of Tower Hamlets did not advertise a planning application it had received for development at a property next to their home, denying them the opportunity to object to the works. They further complain that the Council did not consider the application properly and granted consent for it even though it contravened its adopted policy.

Mr and Mrs Page suffered injustice through loss of amenity by overlooking and in the loss of value to their home.

Finding

Maladministration causing injustice.

Recommended remedy

The Local Government Ombudsman recommends that the Council pays the following compensation to the complainants in recognition of the injustice suffered.

A payment to reflect the disappointment felt by the complainants that their amenity had not been properly considered by the Council and to assist them in taking any measures they feel necessary to mitigate their loss of amenity	£1000
Time and trouble	£300
Loss of value of the complainants' property	to be determined by comparing the value of their property now with that if consent had been allowed for a balcony which did not allow overlooking of their living accommodation

In addition the Ombudsman recommends the Council takes the following steps to avoid further incidents:

- The council ensure that it has procedures which require the findings of a case officer's site visit to be fully recorded
- That the Case Officer's report on an application accurately describes the planning history of the site, the policies relevant to the application and the material planning matters which were considered in reaching the Officer's recommendation and the planning decision.

Introduction

1. Mr and Mrs Page live at 24 River Street in the London Borough of Tower Hamlets. Their home is a converted warehouse overlooking the River Thames. The living area of the property is open plan, and extends to the full width of the flat.
2. A planning application was made for the erection of two balconies on the river-front elevation of buildings next to their home. Mr and Mrs Page complain that they were not notified about this planning application and did not find out about it until work had started on the balconies. They say that if they had been notified when the planning application was under consideration by the Council they would have objected to it.
3. Mr and Mrs Page believe that the Council did not consider properly the loss of amenity they would suffer by having their living room overlooked by their neighbours standing on the new balcony. They believe that if the Council had properly considered how they would be overlooked, planning consent would not have been granted for the erection of the balconies as submitted.
4. For legal reasons¹ the names used in this report are not the names (apart from that of the authority concerned) of the people and places involved.

Legal and Administrative Background

5. In order that interested parties have an opportunity to comment on planning proposals, councils are required to publicise the applications they receive. In the case of minor developments the local planning authority has a duty to give publicity either by posting a site notice or by serving notice on adjoining owners or occupiers.
6. The Council's notification policy is that generally all neighbours who are considered to be immediately affected by a proposal are notified of an application by letter.
7. The law² requires councils to determine planning applications in accordance with the Local Development Plan unless the weight of other considerations tells against it. In addition to its planning policies, therefore, a council must take into account other material planning considerations before reaching a decision, including the impact on the amenity of neighbouring properties and objections by members of the public. Councils are required to reach a decision about planning applications on the balance of all these factors.

¹ Local Government Act 1974, Section 30(3)

² Town and Country Planning (General Development Procedure) Order 1995.

8. The Council's policy relevant to the complaint is Policy DEV2 of the adopted Unitary Development Plan (1998). This states:

All development should seek to ensure that adjoining buildings are not adversely affected by loss of privacy, or a material deterioration of their daylighting and sunlighting conditions.

Investigation

9. A planning application was made on the 20 July 2005 for work to be carried out at Flats 2A and 3A, 18-22 River Street, London. These properties are two converted warehouses, separated by an atrium. The work was described on the application form as
 - level 2: erection of balcony
 - level 3: erection of balcony and wintergarden
 - roof level: erection of movable sunshading screens.
10. The application was accompanied by an Ordnance Survey plan showing the properties 18-22 River Street surrounded by a thick black line.
11. The Council received the application on 21 July 2005 and completed what it refers to as a 'Reception Worksheet'. The location of the works was entered on the sheet as, 'Flat 3A, 18 River Street', and not 'Flats 2A and 3A, 18-22 River Street', as stated on the application form. The 'Validating Officers Site Map', filed with the papers, correctly shows the properties at 18-22 River Street edged in black.
12. My investigator, when he inspected the Council's files, found that once the application had been registered, every document created by the Council relating to the application showed the address incorrectly as 'Flat 3A, 18 River Street'.



13. The Case Officer wrote to the applicant's agent on 25 July 2005 asking for confirmation that the description of the proposed works was correct. The Agent replied on 1 August, confirming that the description of the works was correct. The Agent's letter was headed, in a bold typeface, 'Flat 3A, 18-22 River Street'.
14. The drawings submitted by the applicant clearly show that balconies were to be erected on 18 and 22 River Street. The elevation drawings show that the proposed balcony at 22 River Street was to be immediately adjacent to a window in the riverside elevation of 24 River Street, the home of the complainants.
15. The Council says that neighbours were notified about the planning application by post. The notification letter refers to development at Flat 3A, 18 River Street, not Flats 2A and 3A, 18-22 River Street', the actual location of the works.
16. The Council has provided a list of the properties it says were notified about the proposals. The Council has also confirmed that, in accordance with its normal notification procedure, a site notice was not displayed at, or near, the development.
17. The complainants say they received no notification of any works, either to 18 or 22 River Street. They have produced affidavits from the owners of twelve properties in River Street which were included in the Council's list of notified properties. Each of the statements affirms that no neighbour notification letter was received by the occupier of the property.
18. Even if neighbours had received notification letters, these would have given the wrong location for the development – Flat 3A, 18 River Street. Mr and Mrs Page live at 24 River Street and so are separated from the property at 18 River Street by the atrium and the property at 22 River Street. So, if they had received notification of the development as described by the Council, they would have believed the development was some 20 metres from their home and so would not have been concerned at being overlooked from a balcony.
19. There was one objection to the proposal and that was from a resident to the rear of, and some distance from, the development. His representation refers to development at '18 River Street'.
20. Internal consultation letters were sent to the Council's Environmental Health Department, and the Conservation and Urban Design Team. All consultation letters and responses referred to development at 'Flat 3A, 18 River Street', and not 'Flats 2A and 3A, 18-22 River Street'.
21. A 'Fast Track Report' was prepared by the Case Officer. In the report, the site is referred to as 'Flat 3A, 18 River Street'. The report contains a pre-printed line saying, "The application is acceptable in amenity terms because", followed by a hand written note, "other apartments have balconies / privacy as existing".
22. The report has a pre-printed heading, Recommendation: Approve/Refuse. Neither is marked.

23. The report records that one objection had been received.
24. The scheme was approved under delegated powers and a decision notice was issued on 12 September 2005 granting consent for development at 'Flat 3A, 18 River Street', and not 'Flats 2A and 3A, 18-22 River Street' as on the application.
25. Work on the balconies did not commence until 2008. The complainants say the first they knew about the proposals was when they returned from holiday in February 2008 and found work in progress at 22 River Street. They discovered a balcony was under construction approximately one metre from their living room window. They realised that anyone standing on the balcony would have an uninterrupted view across the whole of the living area of their home.
26. They asked the Council if consent had been obtained for the work and initially were told that no approval had been granted for 22 River Street. Subsequently the Council confirmed that consent had been granted for the work at 22 River Street in September 2005.



27. Mr and Mrs Page complained again when the balconies were completed. Officer A, from the Enforcement Team, visited the property in July 2008. At the time he inspected the property he was under the impression that no consent existed for the balcony that had been built. His written report on his visit states, "Having looked at the balcony (and not knowing the planning history) there did appear to be an overlooking issue if people stood right at the end of the balcony and if they turned around as they could then see into the lounge of 24 River Street."
28. On 21 July, Officer A confirmed that the Council could take no enforcement action with regard to the balconies as they had been built in accordance with the drawings approved by the consent granted in September 2005.
29. In November 2005, the Council considered an application for the erection of balconies at 26 River Street. This is the property on the other side of the complainants' home. These proposed balconies were further from the windows of Mr and Mrs Page's property than those which had been approved at 22 River Street.
30. The Council refused this application. The reason given for the refusal was as follows:

The proposed enlarged balconies would enable overlooking of the neighbouring properties Nos 24 and 28 River Street, resulting in a loss of privacy to the occupiers thereof. As such, the proposal is contrary to Policy DEV2 of the adopted London Borough of Tower Hamlets Unitary Development Plan (1998).
31. An amended application was submitted and approved in August 2006. The Case Officer's report on this amended scheme says that the proposals overcame the previous reasons for refusal because an obscure glazed screen had been introduced between 24 and 26 River Street, preventing direct views into the windows on the riverside elevation of number 24 River Street.

The Council's view

32. The Council accepts that the wrong address details were published in the notification letters sent to neighbours and that no details of a site visit were recorded. It remains of the view that the balcony does not cause an unacceptable level of overlooking. It believes that even if the complainants had been properly consulted and been able to make representations to the Council that the decision by the planning officer may have been the same. It says that there is no right to privacy or to a view

Conclusion

33. It appears that the Council made a mistake at the outset by registering the application as development at 18 River Street instead of 18-22 River Street as set out in the application and shown on the submitted drawings. All subsequent documentation, including internal and external consultation referred to this incorrect address.
34. The Council says that it sent out letters notifying neighbours that it was considering an application for development at 18 River Street. Twelve neighbours who should have received these notification letters have said they were not received. I cannot be sure if the Council sent out these notification letters or whether they may have been mislaid in the post. But even if the letters were sent and had been received by neighbours, the notification was for the wrong address, and so neighbours could not have come to a proper judgement of how what was proposed may affect them.
35. The Council says that an officer carried out a site inspection. It is not possible to view the southern elevation containing the proposed balconies except from a boat or from the opposite side of the river because the development has a river frontage and there is no riverside footpath. There is no record on the planning file that any visit took place and the Council has produced no evidence to support its assertion that a visit was made. An inspection could have taken place from the windows of 18 or 22 River Street, but there is no record that the Case Officer made an appointment with the occupiers of either of these flats to carry out an inspection from inside the properties.
36. I am satisfied that either no site visit was made, or the site visit failed to identify the proximity of the complainants' living room window to the proposed balcony.
37. I consider the Case Officer's report to be inadequate. It is my view that a case officer's report on an application which is to be considered under delegated authority should essentially be an abbreviated version of the report which would be put to a planning committee. It should contain as a minimum a description of the proposed development, a planning history of the site and a note of policies which are particularly relevant to the application under consideration. It should set out the material planning matters relevant to the application and the case officer's assessment of the proposals and recommendation. The report on this application did not contain this essential information.
38. I do not believe that a proper assessment of the loss of amenity by overlooking was carried out by the Case Officer. Because the development was wrongly registered as work to be carried out at 18 River Street, I cannot be sure that the Case Officer considered the proximity of the balconies on 22 River Street to the windows of the complainants' property at 24 River Street.

39. The Council says that it believes the new balcony at 22 River Street does not result in an unacceptable level of overlooking in “planning terms” and it says that a neighbour has no right to privacy or a view. I do not accept that a neighbour has no right to privacy. The Council refused a similar application for balconies at 26 River Street for that very reason – it contravened its policy DEV2, causing loss of privacy to the neighbouring property. Consent for the balcony on this property was only allowed once an opaque screen was incorporated into the design to protect the neighbours’ privacy.
40. I accept that this would not have been a satisfactory measure in this case as such a screen would have interfered with the complainants’ river views. But a possible solution was available. The Council could have negotiated with the applicant to shorten the proposed balcony so that its end was further from the complainants’ window. This would have allowed the applicant the amenity afforded by the balcony while protecting the privacy of the complainants.
41. I consider that these failings on the part of the Council amount to maladministration. Mr and Mrs Page suffered injustice through loss of amenity through overlooking, the loss of value of their property and the time and trouble they were put to in making their complaint to the Council and to me. To remedy that injustice the Council should compensate the complainants as follows:

A payment to reflect the disappointment felt by the complainants that their amenity had not been properly considered by the Council and to assist them in taking any measures they feel necessary to mitigate their loss of amenity	£1000
Time and trouble	£300
Loss of value of the complainants’ property	to be determined by comparing the value of their property now with that if consent had been allowed for a balcony which did not allow overlooking of their living accommodation

42. I note that the Council now uses a more comprehensive template when considering minor planning applications. Whilst I welcome this change I have seen no evidence that the current template provides sufficient information to allow officers with delegated authority to come to robust planning decisions.

43. The Council should therefore review its procedures with a view to ensuring that:
- a. evidence of site visits are saved on its files, either in the form of photographs or notes; and
 - b. The Case Officer's Report contains, as a minimum, a full description of the proposed development, the planning history of the site, the policies against which the development is to be considered, the assessment of material planning matters and the officer's recommendation.



Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London SW1P 4QP

6 August 2009

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**Development Decisions
Officer Report**

Delegated Report

File Reference: Needs to be brought through from
accolaid.
Case officer: As above
Date: As above
Deputy Team leader: _____
Manager: _____

PROPOSAL: (description needs to be brought through from accolaid)

CHECK LIST

Has statutory CONSULTATION and neighbour NOTIFICATION been properly carried out? Click and choose:
Has the application been properly ADVERTISED? Click and choose:

- the decision would not conform to the provisions of the Development Plan
- was accompanied by an EIA is a major/strategic development is of wide public interest
- would affect a public right of way affects a listed building affects a conservation area

Date of site notice:
(N.B Photograph attached on file)

Date of Site Visit:

Is the application subject to Referral to the MAYOR of London? Click and choose:

Is it necessary to consult Secretary of State before determining this application? Click and choose:

Circular 02/2009T&CP (Consultation) (England) Direction 2009

Do the matters considered in this report raise any unique HUMAN RIGHTS issues? Click and choose:

Special decision issuing instructions

[eg letter with decision notice, if not applicable click here and type "None"]

REPORT

RELEVANT PLANNING HISTORY

[click here and type text]

CONSULTATIONS

[click here and type text]

CONSULTATION RESPONSE

[click here and type text]

PLANNING POLICY

Unitary Development Plan 1998 (saved policies): **[click here and type text]**

Interim Planning Guidance (September 2007): **[click here and type text]**

Core Strategy (September 2009): **[click here and type text]**

Supplementary Planning Guidance: **[click here and type text]**

London Plan: **[click here and type text]**

Government Policy: **[click here and type text]**

MATERIAL PLANNING CONSIDERATIONS

[click here and type text]

OTHER MATERIAL CONSIDERATIONS

[click here and type text]

CONCLUSIONS

[click here and type text. NOTE - forms Summary of Reasons on decision notice]

Chief Executive's Office

Local Government Ombudsman
DX 149243 Victoria 13

Corporate Complaints

And by email to p.moriarty@lgo.org.uk

Town Hall
Mulberry Place
5 Clove Crescent
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E14 2BG

Mr Tony Redmond
Ombudsman

Tel: 020 7364 4162
Fax: 020 7364 4300
Email: ruth.dowden@towerhamlets.gov.uk

30 October 2009

www.towerhamlets.gov.uk

My Referece: L/OMB/1-31255625/RD
Your Ref: 08 002912/PBM
Enquiries to: Ruth Dowden

Dear Mr Redmond

Complaint by Mr & Mrs Lehmann of Flat 3, 24 Narrow Street London E14 8DQ

Further to your letter dated 6 August 2009, I am writing to provide you with the Council's considered response to the report on this case. Much of our position was set out in the letter previously sent to Paul Conroy [see attached] so I will not repeat the content here.

Detailed consideration has been given to the report and the issues raised therein. Nevertheless, and as set out in earlier correspondence, the Council does not believe that if appropriate consultation had taken place, the outcome would have been different in terms of planning permission.

Attached for your information is a report to be placed for consideration before the Strategic Development Committee on 10 November 2009. Mr & Mrs Lehmann have been provided with a copy of the report and informed of the meeting.

Balconies are commonplace on these riverside properties and the Council's policy is to encourage them because they add amenity in a flatted environment. As the Monitoring Officer pointed out to Paul, in our borough where there is a shortage of green space this is critical for our residents generally. In fact, Mr and Mrs Lehman benefit from one themselves.

On this particular site a screening option would have been unlikely to have been accepted due to the inevitable impact on views from both properties. However, window treatments may prove to be the best option. Such treatments allow an unimpeded view from inside the

property but prevent anyone outside from looking in, and can be achieved at relatively low cost.

In consideration of the remedy, it is the view of the Council that a window treatment would afford the privacy sought.

The Council has in exceptional cases considered payment for loss of opportunity and is willing to pay £500 in this case.

We would also agree to pay the suggested £300 for time and trouble.

Procedures have been improved to ensure that site visits are always recorded and, where appropriate, photographs retained on file. The revised case officer's report template is enclosed for your information.

Once Members have considered the attached report, the Monitoring Officer will provide a further update.

Yours sincerely

Ruth Dowden
Corporate Complaints Manager

Cc Kevan Collins – Chief Executive
Isabella Freeman - Assistant Chief Executive (Legal)
Aman Dalvi – Corporate Director (Development and Renewal)