

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Tuesday, 15 December 2009 at 7.00 p.m.

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## A G E N D A

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### VENUE

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

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

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

Councillor Abjol Miah, (Designated Deputy representing Councillor Dulal Uddin)

Councillor Harun Miah, (Designated Deputy representing Councillor Dulal Uddin)

Councillor Abdul Munim, (Designated Deputy representing Councillor Dulal Uddin)

Councillor Tim O'Flaherty, (Designated Deputy representing Councillor Stephanie Eaton)

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

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Paul Ward, Democratic Services, Tel: 020 7364 4207, E-mail: [paul.ward@towerhamlets.gov.uk](mailto:paul.ward@towerhamlets.gov.uk)

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

**Tuesday, 15 December 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 10<sup>th</sup> November 2009.

**PAGE  
NUMBER      WARD(S)  
AFFECTED**

**3 - 12**

**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. **13 - 14**

## **6. DEFERRED ITEMS 15 - 16**

**6 .1 Job Centre Plus, 60 Commercial Road, London E1 1LP 17 - 20 Whitechapel**

## **7. PLANNING APPLICATIONS FOR DECISION 21 - 22**

**7 .1 Eric and Treby Estates, Mile End, Treby Street, London 23 - 72 Mile End East**

**7 .2 40 Marsh Wall, London E14 9TP 73 - 100 Millwall**

**7 .3 Former Beagle House, Braham Street, London E1 8EP 101 - 134 Whitechapel**

**7 .4 Site at 438-490 Mile End Road, London E1 4PE 135 - 182 Mile End & Globe Town**

**7 .5 Former Goodmans Fields, 74 Alie Street & Land North of Hooper Street and East of 99 Leman Street, Hooper Street, London 183 - 236 Whitechapel**

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT TIME NOT SPECIFIED ON TUESDAY, 10 NOVEMBER 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 Marc Francis (Vice-Chair)

**Other Councillors Present:**

Nil

**Officers Present:**

Jerry Bell	– (Interim Strategic Applications Manager)
Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager)
Mario Leo	– (Head of Legal Services - Environment)
Rachel McConnell	– (Interim Applications Manager)
Devon Rollo	– Planning Officer
Owen Whalley	– (Head of Planning and Building Control, Development & Renewal)
Nadir Ahmed	– (Trainee Committee Officer)
Alan Ingram	– (Democratic Services)

**1. APOLOGIES FOR ABSENCE**

Apologies were received on behalf of Councillors Stephanie Eaton, Rania Khan, Shiria Khatun, Dulal Uddin and Denise Jones for lateness.

**2. DECLARATIONS OF INTEREST**

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

<b>Councillor</b>	<b>Item(s)</b>	<b>Type of Interest</b>	<b>Reason</b>
Alibor Choudhury	6.1, 7.1, 7.2, 7.3	Personal	Correspondence

			received from concerned parties.
Marc Francis	6.1	Personal	Correspondence received from concerned parties.
Shafiqul Haque	6.1, 7.1, 7.2, 7.3	Personal	Correspondence received from concerned parties. He was a Ward Member for the area of the application. He was a resident of the Ward wherein the application lay.
	7.1	Personal	
	7.2, 7.3	Personal	
Shahed Ali	7.2, 7.3	Personal	He was a Ward Member for the area of the application. Former pupil at a school close to the application sites.
	7.2, 7.3	Personal	

### 3. UNRESTRICTED MINUTES

**RESOLVED** that the unrestricted minutes of the meeting held on 23 September 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 meeting.



## 6. DEFERRED ITEMS

### 6.1 307 Burdett Road, London E14 7DR

Mr Jerry Bell, Interim Strategic Applications Manager, introduced the report, which set out suggested reasons for refusal of the planning application, based on concerns voiced by Members at the meeting held on 23 September 2009.

Members confirmed that the report adequately reflected the matters raised and, on a vote of three for and nil against (Councillor Shahed Ali having entered the meeting after consideration of the item had commenced), it was:-

**RESOLVED** that planning permission for the demolition of the existing building of the Former Benefit Office, 307 Burdett Road, London, E14 7DR, and 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 level, cycle parking, amenity space and other associated works be REFUSED subject to any direction from 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.

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

### **7.1 News International Limited, 1 Virginia Street, London**

Mr Owen Whalley, Service Head Major Projects Development, introduced the report setting out proposed amendments to the planning application and listed building consent for the News International Limited Site, following the refusal of the previous applications by the Committee on 25 June 2009.

Mr Tim Flood, a local resident, spoke in connections with objections he had raised on 25 June regarding the hours of service in the restaurant on the site and the use of the roof garden. He indicated that the restaurant was now proposed to be relocated from the south side of the development to the north side, which satisfactorily dealt with his first objection, and this could be withdrawn. He still felt concern about the adequacy of monitoring events on the roof garden and considered that all such use should cease at 11.00 p.m. each night.

Mr Matthew Gibbs, agent for the applicants, stated that Mr Flood's comments had been noted by the applicants and the restaurant had been relocated accordingly. He confirmed that the applicants did not object to use of the roof garden ceasing at 11.00 p.m. and this would only be used to hold social events in the summer months.

Mr Jerry Bell, Interim Strategic Applications Manager, detailed the amendments to the scheme and added that the application was being treated as a new item due to the nature of the alterations. Further public consultations

had been carried out and it was felt that the applicants had now dealt with the issues that had resulted in objections.

The application was now recommended for approval, as it provided employment and regeneration benefits to the area. Most of the proposals for the listed building had now been dropped and it would be retained with its current structure. English Heritage had withdrawn their objections. The proposals for increased use of solar panels had resulted in the withdrawal of the GLA objection and enhancement to the Shuttle bus service under S106 (which was supported by the Traffic Team) had led to TfL also withdrawing their objection. A further minor objection relating to a new vehicular entrance was now to be addressed by a traffic management plan that would be agreed with Highways Officers prior to commencement of the development.

There would be increases in financial contributions for educational internships and apprenticeships; a new public access and amenity space would be provided, along with access to the canalside to the rear of the site.

Further details of the scheme were set out in the supplemental report which was tabled at the meeting.

Members expressed satisfaction that the concerns previously raised had now been addressed and the Committee unanimously -

**RESOLVED:**

- (1) That planning permission be GRANTED for the amended scheme for remodelling the existing print works building at the News International Limited Site, 1 Virginia Street, London, and the adjoining Rum Warehouse building as a campus type office facility incorporating the creation of new retail space (A1-A3) and a 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 subject to the conditions and informatives set out in the report (as amended by the supplemental report tabled at the meeting) and subject to the following further condition:

- Use of the roof terrace to cease at 11.00 p.m. every day.

- (2) That Listed Building Consent be GRANTED subject to the conditions set out in the report.

**7.2 60 Commercial Road, London E1 1EP**

Following an introduction by Mr Owen Whalley, Service Head, Major Project Development, a detailed presentation was made by Ms Rachel McConnell,

Interim Applications Manager, of the application for planning permission for demolition of the existing building at Jobcentre Plus, 60 Commercial Road, London, E1 1LP 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.

The importance of accommodation for the education sector was recognised given that some 44,000 students attended five major higher education establishments in the Borough. Environmental impacts had been assessed and deemed satisfactory for an urban setting. S106 payments would also contribute to highways improvements and enhanced bus capacities.

Councillor Shahed Ali declared a personal interest in that he was a Ward Councillor and a former pupil of a school near the application site. He then put questions which were answered by Ms McConnell who indicated that:

- The application had to be considered in conjunction with item 7.3 on the current agenda and both would have to be granted planning permission before either could proceed.
- The terms GEA and GIA stood for 'gross external area' and 'gross internal area' respectively.
- There would be a net gain in floor space of some 2,225 sq.m.
- The gym facilities would be for student use only.
- Technical aspects had been reviewed by the Environmental Health Team who had confirmed these were acceptable.

In response to further questions from Members, Officers replied that:

- Public consultation had been grouped around both linked sites and there had been three responses to two rounds of consultation.
- The proposed building was of a very high quality and was sited within the Mayor's City Fringe, which was a designated area for tall buildings, and also the Aldgate Master Plan area. It was situated adjacent to another tall building and would sit well in the proposed location.
- S106 figures had been arrived at following consultations with the Highways Section and TfL.
- Leisure and culture would not comprise reasonable grounds on which to seek mitigation for additional burdens on the local infrastructure. However the proposed package contained mitigation measures and provided additional facilities for students. Nor was provision of affordable housing an acceptable requirement for the type of accommodation proposed.

On a vote of three for and 1 abstention, it was -

## **RESOLVED**

That the Officer recommendation to grant planning permission for the demolition of the existing building at Jobcentre Plus, 60 Commercial Road, London, E1 1LP, 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, be NOT ACCEPTED.

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

- The height and bulk of the proposed development in the context of surrounding buildings.
- Daylight and sunlight issues.
- Inappropriate S106 contributions

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.

### **7.3 122-126 Back Church Lane, London E1 1ND**

This application was withdrawn from the agenda as it was linked with the previous item.

## **8. OTHER PLANNING MATTERS**

### **8.1 32-42 Bethnal Green Road, London E1**

Mr Stephen Irvine, Development Control Manager, referred to the planning permission for the application that had been granted on 21 May 2008 and indicated that a S106 package had been developed which was now considered satisfactory, subject to the adoption of a suitable variation order.

Members considered that the increase in affordable housing and three bed units was now meant that the development was more in tune with the needs of the Borough's residents and it was unanimously -

**RESOLVED** that a Deed of Variation of the S106 Agreement for the scheme granted on 21<sup>st</sup> 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 sq.m of commercial floorspace within use class A1, A2, A3, A4, B1, B8, D1 & D2 and 360 residential units (comprising 32 x studios, 135 x 1 bed, 116 x 2 bed, 65 x 3 bed, 7 x 4 bed, 5 x 5 bed), be amended as follows and subject to the satisfaction of the Chief Legal Officer:

- 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 19 x studios, 147 x 1 bed, 117 x 2 bed, 65 x 3 bed, 7 x 4 bed and 5 x 5 bed.

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

Mr Owen Whalley, Service Head Major Project Development, introduced the report updating the Committee on the decision made by the Mayor of London to grant planning permission and Conservation Area consent for the demolition of the existing building a Hertsmere House, 2 Hertsmere Road, London, E14 4AB and the 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.

Mr S. Irvine, Development Control Manager, added that the application had been agreed by the Mayor as it had been considered that the benefits of the proposal outweighed Conservation Area concerns expressed by Members of the Committee. However, it was possible that the matter might be referred back to the Council in the event of any further design amendments.

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

## **8.3 24 Narrow Street, London E14 - Local Government Ombudsman**

Mr Mario Leo, Head of Legal Services (Environment) introduced the report concerning the finding by the Local Government Ombudsman of maladministration causing injustice resulting from the grant of planning permission by the Council. He explained the process for consideration of complaints of maladministration and indicated that, in this case, the complaint related to a failure to consult.

The Ombudsman had recommended a remedy of a payment to the complainants of £1,000 for disappointment in their amenity not being properly considered by the Council and £300 for time and trouble in pursuing the complaint, along with an unspecified amount for loss of value of their property. Officers had accepted some of the Ombudsman's findings but considered the figure of £1,000 to be excessive and proposed that a payment of £500 be made for this element of compensation plus the £300 for time and trouble. The offer had been notified to the Ombudsman under delegated authority. Following queries from Members, Mr Leo commented that the compensation was in line with payments made in other such cases and the report did not invite further offers.

**RESOLVED**

- (1) That the report and finding of maladministration against the authority by the Local Government Ombudsman in respect of the investigation attached to the report be noted.
- (2) That 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 be noted.
- (3) That a report be made to a future meeting of the Committee on the outcome of the compensation offer made by the Council.
- (4) That Councillor Marc Francis be informed of the amount of Officer time involved in dealing with this case.

The meeting terminated at 8.09 p.m.

The meeting ended at 8.09 p.m.

Chair, Councillor Shafiqul Haque  
Strategic Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

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

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

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# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
10/11/09	PA/09/01198	Jobcentre Plus, 60 Commercial Road, London E1 1LP	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.	Committee indicated that it was minded to go against officers recommendations due to the height and bulk of the proposed development in relation to the surrounding buildings, daylight and sunlight issues and inappropriate S106 contributions.

## 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/09/01198: Jobcentre Plus, 60 Commercial Road, London E1 1LP
- 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.

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**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

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application		
<b>Case Officer:</b> Richard Murrell	<b>Ref No:</b> PA/09/01198		
	<b>Ward:</b> Whitechapel (February 2002 onwards)		

## 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. RECOMMENDATION

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

A. Any direction by the Mayor of London.

For the following reasons:

1. The proposed development, by virtue of its excessive height and bulk, would appear out of character with the surrounding area. The proposal fails to relate to the scale of nearby buildings on Commercial Road and to the rear of the site on Back Church Lane. As a result, it is considered that the proposal would be out of keeping with the existing urban form. The proposal is therefore contrary to policies 4B.1, 4B.8, 4B.9,

and 4B.10 of The London Plan 2008, policies DEV1, DEV2 and DEV3 of the Unitary Development Plan 1998 and policies CP48, DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance 2007 which seek to ensure development is of appropriate design.

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 planning obligations are considered inadequate to mitigate against the impact of the development on community infrastructure and transport. As such, the proposal fails to comply with the requirements of Policy DEV4 of the adopted Tower Hamlets Unitary Development Plan 1998 which seeks to secure appropriate planning obligations which are reasonably related to the scale and nature of the proposed development and are necessary for the development to proceed.

### **3 BACKGROUND**

- 3.1 This application for planning permission was reported to Strategic Development Committee on 10<sup>th</sup> November 2009 with an Officer recommendation for approval.
- 3.2 Members' indicated that they were minded to refuse the planning application because of serious concerns over:
  - The height and bulk of the proposed development in the context of surrounding buildings.
  - Daylight and sunlight issues.
  - Inappropriate S106 contributions
- 3.3 Members' resolved to defer making a decision to allow Officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision. The proposed reasons for refusal are set out at Section 2 of this report.
- 3.4 This planning application is linked to an associated planning application at 122 Back Church Lane (reference PA/09/1199). The proposed office building at Back Church Lane is proposed to re-provide floorspace that would be lost at 60 Commercial Road and at 122 Back Church Lane.
- 3.5 The application at 122 Back Church Lane was withdrawn from the agenda at the Strategic Development Committee on 10<sup>th</sup> November 2009. This application will now be considered as a standalone scheme as the principle of the proposed office development on this site is not dependent on the development of 60 Commercial Road. Re-consultation will be carried out and the application will be determined in accordance with Council procedure. Given the scale of the proposal, it will not be brought back before the Strategic Development Committee for decision. It is noted that the applicant has advised that this scheme would be 'unviable on a standalone basis'.
- 3.6 Members are made aware of a revised section 106 package put forward by the applicant. The revised offer for the two sites is £940,000. The additional contribution is proposed to raise the 'community benefits package' from £222,230 to £600,000. Officers have not had sufficient time to consider whether this offer meets the tests set out in Circular 05/05 or whether there is a mechanism for this money to be spent. As such, Members are advised to consider the scheme on the basis of the offer put before them on 10<sup>th</sup> November 2009.

### Implications of the decision

- 3.6 Following the refusal of the application there would be a number of possibilities open to the Applicant. These would include (though not be limited to):-
- I. 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.

### **4.0 Conclusions**

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

### **5.0 APPENDICIES**

- 5.1 Appendix One - Committee Report to Members on 10<sup>th</sup> November 2009  
5.2 Appendix Two – Addendum Report to Members on 10<sup>th</sup> November 2009

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# Agenda Item 7

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

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

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

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

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

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

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

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

#### **5. RECOMMENDATION**

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

# Agenda Item 7.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Richard Murrell	<b>Title:</b> Town Planning Application  <b>Ref No:</b> PA/09/02065 (Planning Permission) PA/08/02066 (Conservation Area Consent)  <b>Ward:</b> Mile End East
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## 1. APPLICATION DETAILS

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

**Existing Use:** Housing estate

**Proposal:** PA/09/02065 (Full Planning Permission)  
Regeneration of Eric and Treby Estate comprising the refurbishment of existing buildings the demolition of 14 bed-sit units at 1-14 Brokesley Street and the erection of buildings between 1 and 7 storeys to provide 179 residential units (comprising: 19 x studio, 61 x 1 bed, 52 x 2 bed, 38 x 3 bed and 9 x 5 bed), two new community buildings of 310sq.m and 150sq.m, a new housing management office of 365sq.m and 251sq.m of commercial space and the introduction of an estate wide landscape improvement scheme.

PA/09/02066 (Conservation Area Consent)  
Demolition of 1-14 Brokesley Street

**Drawing Nos/Documents:** Drawing Numbers:

Site Wide:

F528/L/01, P0/01 REVG, P0/02, P03 REV C, P04 REVC, P05 REVG, P06 REVD, P07 REVB, P08 REVC, P09 REVD, P0/10 REVC, P011 REVC, P012 REVD, P014 REVC, P015 REVD, P016 REVD, P017 REVD, P018 REVD, P019 REVD, P020, P021, P022 REVC, P024, P025, P026 REVB, P027 REVB, P028 REVC, P029 REVC, P030 REVD, P031 REVC, P032 REVB, P033 REVC, P034 REVC.

Site 1

P1/01 REVC, P1/02 REVC, P1/03 REVD, P1/04 REVB, P1/05 REV C, P1/06 REVB, P1/07, P1/08, P1/09, P1/10.

Site 2

P2/01 REVE, P2/02 REVE, P2/03 REVD, P2/04 REVD, P2/05 REVD, P2/06 REVD, P2/07 REVE,

P2/08 REVC, P2/09 REVD, P2/10 REVD, P2/11 REVD, P2/12 REVC, P2/14 REVC, P2/15 REVA, P2/16 REVB, P2/17 REVB, P2/18 REVB, P2/19 REVB, P2/20.

Site 4

P4/01 REVC, P4/02 REVC, P4/03.

Site 6

P6/01 REVE, P6/03 REVB

Site 7

P7/01 REVG, P7/02 REVE, P7/03 REVF, P7/04 REVC

Site 8

P8/01 REVD, P8/02 REVD, P8/03 REVA

Site 9

P9/01 REVD, P9/02 REVC, P9/03

Site 10

P10/01 REVD, P10/02 REVC, P10/03 REVC, P10/04 REVA, P10/05 REVB, P10/06 REVB, P10/07

Site 11

P11/01 REVC, P11/02 REVD, P11/03 REVC, P11/04 REVD, P11/05 REVE, P11/06 REVD, P11/07 REVA, P11/08 REVB, P11/09 REVB, P11/10 REVA, P11/11 REVB

Site 12

P12/01 REVC, P12/02 REVC, P12/03 REVC, P12/04, P12/05, P12/06.

Site 13

P13/01 REVC, P13/02 REVC, P13/03 REVA.

Site 14

P14/01 REV C, P14/02 REV C, P14/03 REVA, P14/04 REVA.

Site 15

P15/01 REVD, P15/02 REVD, P15/03 REVD, P15/04 REVD, P15/05 REVD, P15/06 REVC, P15/07 REVD, P15/08 REVD, P15/10 REVA, P15/11 REVB, P15/12 REVB, P15/13 REVA.

Existing Services.

SERV/01, SERV/02, SERV/03, SERV/04, SERV/05, SERV/06, SERV/07, SERV/08, SERV/09.

Improvements and Repairs

R/01 REC, R/02 REVB, R/03 REVC, R/04 REVC, R/05 REVC, R/06 REVC, R/07 REVC, R/08 REVB, R/09 REVB, R/10 REV A, R/11 REVB, R/12 REVB, R/13

REVB, R/14 REVB, R/15 REVB, R/16 REVB, R/17 REVA, R/18 REVA, R/19 REVB, R/20 REVB, R/21 REVB, R/22 REVB, R/23 REVB, R/24 REVA, R/25 REVA, R/26 REVA, R/27 REVB, R/28 REVA.

Supporting Documents:

- Design, Access and Landscape Statement (and addendums)
- Planning and Regeneration Statement (Prepared by Leaside Regeneration dated October 2009)
- Conservation Statement (Prepared by Leaside Regeneration dated October 2009)
- Statement of Community Involvement (Prepared by Leaside Regeneration dated October 2009)
- Flood Risk Assessment (Prepared by Amec dated – October 2009).
- Phase 1 Desk Top Study Report (Prepared by Herts and Essex Site Investigations dated September 2008)
- Noise Assessment (Prepared by Enviros Consulting Limited. Cover letter dated October 2009)
- Report on the availability of Natural Daylighting and Sunlighting (Prepared by calfordseaden. Cover letter dated 8 October 2009).
- Transport Assessment (Prepared by Peter Brett Associates. Cover letter dated 12 October 2009)
- Energy Statement (Prepared by Whitecode Design Associates dated September 2009)
- Aborigicultural Impact Assessment (Prepared by D F Bionominque Ltd dated 10<sup>th</sup> September 2008, and addendum)
- Air Quality Assessment (Prepared by Enviros Consulting June 2008)
- Archaeological Assessment (prepared by Sutton Archaeological Services dated October 2009)

<b>Applicant:</b>	East End Homes Ltd.
<b>Ownership:</b>	Various
<b>Historic Building:</b>	Brokesley Street adjacent to London Hospital St Clements site
<b>Conservation Area:</b>	Tower Hamlets Cemetery Conservation Area. Ropery Street Conservation Area.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

### 2.1 PA/09/02065 – Full Planning Permission

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

- The proposal will facilitate estate wide improvements and bring existing homes up to

Decent Homes Plus standard to ensure that they are in a good state of repair. This is in accordance with the Mayor's Housing Supplementary Planning Guidance (November 2005) and Policy HSG5 in the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which support the principle of estate regeneration proposals.

- The proposal would result in an estate with a density of 414 habitable rooms per hectare, which is comfortably within limits set out in the London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004). The proposed development is considered to be sensitive to the context of the surrounding area, by reason of its site coverage, massing, scale and height. The development is therefore in accordance with Policy 3A.3 London Plan Spatial Development Strategy for Greater London (Consolidated with alterations since 2004) which seeks to ensure the maximum intensity of use compatible with local context.
- The proposal provides an acceptable amount of affordable housing (37.2% by habitable room) and mix of units overall. As such the proposal accords with the criteria set out in policies 3A.5 and 3A.9 of the London Plan (Consolidated with Alterations since 2004), policy HSG7 of the Council's Unitary Development Plan 1998 and policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure that new developments offer a range of housing choices.
- The proposed development would improve the overall quality of amenity space provision for existing and future residents. The development therefore accords with PPS3, policies 3A.6, 3D.13 and 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan 1998 and policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents.
- The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure buildings are of a high quality design and suitably located.
- The scale, design and detailed architectural design of buildings in, or near, Conservation Areas is considered sensitive to the character of these areas and as such accords with the requirements of saved policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 in the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.
- Transport matters, including parking, access and servicing are acceptable and in line with policies DEV1 and T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to ensure developments can be supported within the existing transport infrastructure.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given

the urban context of the development. As such, it accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.

- It is considered that, on balance the benefits of the scheme which will facilitate the upgrade of the estate, outweigh the shortfall in renewable energy provision. The proposal will make energy savings across the Eric and Treby Estate as a whole which is in accordance with the principles of Policy 4A.3 in the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to reduce carbon emissions.
- Planning contributions have been secured towards education and health care, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance (October 2007): Core Strategy and Development Control, which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

## 2.2 PA/09/02066 Conservation Area Consent

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

## 3. RECOMMENDATION

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

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

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

### Financial Contributions

- a) Provide a contribution of **£224, 122** towards the provision of future health and social care facilities.
- b) Provide a contribution of **£320, 892** towards the provision of primary school places.

### Non-financial Contributions

c) Affordable Housing (37.2%)

d) Clause requiring £7.9M (residual value after Stamp Duty Land Tax – SDLT) to be spent on the upgrade of the Eric and Treby Estate to bring existing units up to Decent Homes Plus Standard

e) Car Free Development for all new units

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

- g) Travel Plan to encourage sustainable travel to and from the development by residents.
  - h) Management plan for community centre and community use building.
  - i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- 3.4 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

**Conditions**

1. Time Limit
2. Compliance with approved plans
3. Contaminated land survey
4. Comprehensive Service/Delivery Strategy for all new and existing units
5. Construction Management Plan (including consideration of feasibility of access to Brokesley Street via St Clements Hospital).
6. Design and method statement for foundations to accommodate London Underground Tunnels
7. Water and sewerage infrastructure survey
8. Details refuse stores
9. Details cycle parking
10. Samples / pallet board of all external facing materials
11. Full details of landscaping specifying the use of native species
12. Noise mitigation measures for proposed flats fronting Burdett Road and Southern Grove.
13. Community Centre and community use building provided prior to occupation of 50% of units
14. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
15. Control of development works (restricted hours of use for hammer driven piling or impact breaking)
16. All residential accommodation to be completed to lifetimes homes standards
17. At least 10% of homes wheelchair accessible or easily adaptable
18. Energy Implementation Strategy for existing units and new build
19. Sustainable Homes Assessment - minimum Code 3
20. Water source control measures implemented in accordance with submitted Flood Risk Assessment
21. Scheme to dispose of foul and surface water
22. Remove PD rights for new houses in Brokesley Street
23. Restriction on hours of operation of ball court until 9.00pm
24. Detail of enlarged windows
25. Completion of ecological assessment of site
26. Obscure glazing to rear window of site 14
27. Details of scheme to provide on-site renewable energy.
28. Details of any fencing / boundary treatments prior to erection
29. Details of visibility splays for all new and amended entrances
30. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal



### **Informatives**

1. Contact Thames Water
2. Contact Building Control
3. S278 Highways Agreement
4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

### **Conditions**

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

3.7 That, if by 30<sup>th</sup> April 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

## **4 BACKGROUND**

A planning application (reference PA/08/2239) for the regeneration of the Eric and Treby Estate was reported to Strategic Development Committee on 23<sup>rd</sup> September 2009. Members' resolved to refuse the scheme. In accordance with Members' resolution, on 9<sup>th</sup> October 2009 planning permission was refused for the following reasons:-

1. The proposed development results in the net loss of publicly accessible open space to the detriment of the enjoyment of existing and future residents and the amenity of the area contrary to the objectives of London Plan (Consolidated with Alterations since 2004) policies 3A.6, 3D.13 and 4B.1, saved policy OS7 of the adopted Tower Hamlets Unitary Development Plan 1998 and policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to improve amenity and liveability for residents.
2. The proposed development results in the loss of available parking spaces (especially disabled parking) across the estate contrary to the objectives of London Plan (Consolidated with Alterations since 2004) 2008 policy 3C.23, which detail the Mayor's car parking strategy and sets maximum car-parking standards.
3. 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 Borough's should seek the maximum reasonable amount of affordable housing.
4. The design of the proposed buildings is unacceptable and would result in a proposal that is out of character with surrounding area. The buildings would have a detrimental impact on the amenities of neighbouring occupiers. The scheme is therefore contrary to the objectives of policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.

4.1 The associated application for Conservation Area Consent (reference PA/08/2240) was refused for the following reason:

1. 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.

4.2 This application is a resubmission of the previous scheme. The proposal has been amended in an attempt to overcome each of the reasons for refusal.

#### 4.3 Main Changes

The proposal is fully described and assessed in the following sections of this report, but for ease of reference the main differences between the previous and current scheme are outlined below:-

- 4.4 - Increase in proposed public open-space. The main changes are found in the open-space area behind the Tabernacle. This has been enlarged, and will be used in association with the proposed community use building at site 6. Additional open-space will also be provided on areas of existing hard-standing on the south edge of the courtyard areas west of Windermere House.
- 4.5 - Increase in number of affordable units from 48 units to 50 units (35% to 37.2% by habitable room)
- 4.6 - Amendments to elevation treatments of buildings 2A, 11 and 15.
- 4.7 - Incorporation of commercial space in place of residential at ground floor of building 7.
- 4.8 - Provision of new community use building at site 6.
- 4.9 - Increase in number of parking spaces from 91 to 95. An additional 13 spaces will be dedicated as disabled spaces (giving a total of 27 disabled spaces).
- 4.10 - Reduction overall number of units from 181 to 179.

## 5. PROPOSAL AND LOCATION DETAILS

### Proposal

5.1 The application seeks to facilitate the comprehensive regeneration of the Eric and Treby Estates. The proposal includes:-

- The demolition of 14 bed-sit units at 1 – 14 Brookesley Street;
- The erection of 12 buildings between 1 and 7 storeys in height;
- The provision of 179 new residential units comprising 19 x studio flats, 61 x 1 bed flats, 52 x 2 bed flats, 38 x 3 bed flats and 8 x 5 bed house and 1 x 5 bed flat;
- 37.2% of the new units will be designated as affordable housing (by habitable room);
- 100% of the new affordable units will be in the social rent tenure;

- Provision of new community centre (310 square metres) and external ball court at base of Ennerdale Tower;
  - Provision of new community use building (150 square metres) fronting Burdett Road;
  - The provision of a new management offices (365 square metres);
  - Provision of three commercial units fronting Burdett Road (total area 251 square metres) at the base of sites 7 and 8;
  - Provision of 95 car-parking spaces (including 13 dedicated wheelchair spaces);
  - Retention of 62 garages. Conversion of 11 garages to stores.
  - Introduction of estate-wide landscaping works
- 5.2 A full description of each new build site is given under the Design and Amenity Section of the report.
- 5.3 The application also proposes refurbishment and improvements works to the rest of the estate comprising:-
- Refurbishment of existing dwellings to Decent Homes Plus Standards
  - New entrance canopies to Ennerdale House, Wentworth Mews, Derwent House, Beckley House and 31 – 39 Brokesley Street
  - Installation of new stairways to Windermere House
  - Installation of new windows, cavity wall insulation, replacement cladding
  - Improvements to building entry points, rationalisation of entrances and provision of door entry systems
  - New lighting and signage
  - Improvements to refuse storage and disposal systems
  - Introduction of play facilities
  - Improvements to landscaping and walkways
- 5.4 During the course of the application changes were made to the proposal. These comprised:-
- Submission revised Archaeological Assessment (prepared by Sutton Archaeological Services dated October 2009, study revised to include Brokesley Street).
  - Submission revised air quality report (Prepared by Enviros Consulting June 2008), the new report analyses the correct site).
  - Amendment to building 6 to change material of north elevation from brick to white render. Amendment to building 7 to change from dark blue brick to lighter red brick (as shown on amended drawings F528/P6/01 REVE, F528/P7/03 REVF and F528/P7/01 REVG).
  - Submission of revised existing open-space plan (plan amended to remove area 8 from categorisation as existing open space. New drawing reference F528/P0/08 REVC).
- 5.5 The amendments are not considered to introduce substantive changes to the scheme, and it was not considered necessary to further consult residents.

### **Site and Surroundings**

- 5.6 The Eric and Treby Estate occupies an area of 5.8 hectares. The site is approximately rectangular in shape with the majority of the estate contained between Burdett Road and Southern Grove, with an extension to the East to include properties on Brokesley Street. The site is bisected by Hamlets Way.

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

## 6 POLICY FRAMEWORK

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

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

- |     |            |  |
|-----|------------|--|
| 6.2 | Proposals: | None   |
| 6.3 | Policies:  | ST1 Deliver and Implementation of Policy             |
|     |            | ST12 Cultural and Leisure Facilities                 |
|     |            | ST15 Encourage a Wide Range of Activities            |
|     |            | ST23 Quality of Housing Provision                    |
|     |            | ST25 Provision of Social and Physical Infrastructure |
|     |            | ST26 Protect existing residential accommodation      |
|     |            | ST28 Restrain Private Car                            |
|     |            | ST30 Safety and Movement of Road Users               |
|     |            | ST34 Provision of Quality Shopping                   |
|     |            | ST37 Improve of Local Environment                    |
|     |            | ST41 Provision of Adequate Space for Local Business  |
|     |            | ST43 Use of High Quality Art                         |
|     |            | ST49 Provision of Social and Community Facilities    |
|     |            | ST51 Public Utilities                                |
|     |            | DEV1 Design Requirements                             |
|     |            | DEV2 Environmental Requirements                      |
|     |            | DEV3 Mixed Use Development                           |
|     |            | DEV4 Planning Obligations                            |
|     |            | DEV9 Minor Works                                     |
|     |            | DEV12 Landscaping                                    |
|     |            | DEV15 Retention/Replacement of Mature Trees          |
|     |            | DEV27 Minor Alterations in Conservation Areas        |

DEV28	Proposals for Demolition in Conservation Areas
DEV30	Additional Roof Storeys
DEV50	Noise
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV63	Greenchains
S10	Shopfronts
EMP1	Employment Uses
EMP6	Employing Local People
EMP8	Small Businesses
HSG4	Loss of Housing
HSG7	Dwelling Mix
HSG13	Internal Standards for Residential Development
HSG15	Preserving Residential Character
HSG16	Amenity Space
T8	New Road
T10	Traffic Management
T16	Impact on Traffic
T18	Pedestrians
T21	Pedestrians
OS7	Loss of Open Space
OS9	Children's Play Space
OS13	Youth Provision
SCF11	Meeting Places

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

##### 6.4 Proposals:

6.5 Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling and Mix Type
	CP22	Affordable Housing
	CP23	Efficient Use and Retention of Existing Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP29	Improving Education and Skills
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Waste Management Plan
	CP40	Sustainable Transport Network
	CP41	Integrating Transport with Development
	CP42	Streets for People
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
6.6 Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design

DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Quality and Air Pollution
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclable Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capability of Utility Infrastructure
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
CON2	Conservation Areas
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG5	Estate Regeneration Schemes
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating the Provision of Affordable Housing
SCF1	Social and Community Facilities
OSN2	Open Space
PS1	Noise
PS2	Residential Water Refuse and Recycling Provision
PS3	Parking
PS4	Density Matrix
PS5	Lifetime Homes

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

- 6.7 Residential Space
- Designing Out Crime
- Landscape Requirements

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

- 6.8 2A.1 Sustainability Criteria
- 2A.2 Spatial Strategy for Development
- 2A.6 Areas for Intensification
- 2A.7 Areas for Regeneration
- 3A.1 Increasing London's Supply of Housing
- 3A.2 Borough Housing Targets
- 3A.3 Maximising the Potential of Sites
- 3A.5 Housing Choice
- 3A.6 Quality of New Housing Provision
- 3A.7 Large Residential Developments
- 3A.8 Definition of affordable Housing
- 3A.9 Affordable Housing Targets
- 3A.10 Negotiating Affordable Housing

3A.11	Affordable Housing Thresholds
3A.13	Special needs and Specialist Housing
3A.15	Loss of Housing and Affordable Housing
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of London's Infrastructure
3A.19	The Voluntary and Community Sector
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.3	Sustainable Transport in London
3C.14	Enhanced Bus Priority
3C.16	Road Scheme Proposals
3C.20	Improving Conditions for Buses
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.3	Maintaining and Improving Retail Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.11	Open Space Provision
3D.12	Open Space Strategies
3D.13	Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.1	Tackling Climate Change
4A.2	Mitigating Climate Change
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy; Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.12	Flooding
4A.13	Flood Risk Management
4A.16	Water Supplies and Resources
4A.18	Water Sewerage and Infrastructure
4A.19	Improving Air Quality
4A.20	Reducing Noise
4B.1	Design Principles for a Compact City
4B.3	Enhancing the Quality of the Public Realm
4B.4	London's Buildings: Retrofitting
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.9	Tall Buildings
4B.10	Large Scale Buildings

**Government Planning Policy Guidance/Statements**

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

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

## 7. CONSULTATION RESPONSE

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

7.2 The following were consulted regarding the application:

7.3 **LBTH Biodiversity / Arboriculture Officer:**

- No objections to proposals

7.4 **LBTH Cleansing**

- No objections (subject to confirmation from Highways section)

7.5 **LBTH Cultural Services**

Support estate regeneration programme. Note that scheme does not make adequate provision of new publicly accessible open-space for new residents. Request following financial contributions to mitigate for increased pressure on local resources:-

Increased use of open space - £119, 989

Leisure facilities - £111, 599

Library facilities - £28, 080

Cultural Services has no specific comments to make on the quality of the proposed child-play space.

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

7.6 **LBTH Crime Prevention Officer**

- Has had detailed discussions with Applicants regarding scheme and observations have been taken on board.
- Scheme has makings for great improvements to security and safety for existing residents/users, and new alike. Scheme will make the area safer against those wishing to mis-use it.
- Slight concerns over height of railings (for instance to rear of Ennerdale) doest give security to un-overlooked areas.

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

**LBTH Education**

7.7 Assessed scheme as requiring a contribution towards the provision of 26 additional primary



school places @ £12,342 = £320, 892.

The Education Service has no specific comments on the development regarding the provision of childplay space.

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

#### **LBTH Energy Efficiency**

- 7.8 - No comments received in relation to current scheme.

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

#### **London Fire and Emergency Planning Authority**

- 7.9 - Preliminary observation: Existing dry-riser inlet will need to be relocated. Ground floor plan A1/PL/003 would indicate that Brigade access should not be problematic.
- Fire Authority reserve right to make further observations at Building control consultation phase.

*(Officer comment: Objectors have made a number of comments about the adequacy of existing, and future, fire safety measures. Officers consider that these matters are adequately controlled under other legislation.)*

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

7.10

##### Historic Buildings and Areas Section

- Brokesley Street is situated within the Tower Hamlets Cemetery Conservation Area. The western side of the street is made up of Victorian terraced houses which stand in stark contrast to the post-war terraces of houses and flats on the eastern side of the street such as the existing nos. 1 to 14 Brokesley Street, the subject of this current Conservation Area Consent application.
- The Conservation Statement submitted with the application states that 'It is considered that the proposals will .... improve the vista when looking down the street, by providing a well designed elevation which echoes the principles of the Victorian terracing opposite ....'
- We [English Heritage] disagree with this statement. Whilst the height of the proposed replacement might be more in keeping with the substantial Victorian terraces, it appears to us that the proportions and form of the proposed terrace are radically different. The proposed terrace appears mean and sparsely detailed when compared with the handsome, richly detailed terrace opposite and the twin mid Victorian terraces which mark the entrance to Brokesley Street from Bow Road.
- You may wish to obtain large scale elevations of the proposed terrace, at this stage, so that a more informed assessment can be made.

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

##### Archaeology Section

- Reviewed submitted archaeology desk based assessment. Stated that proposals were unlikely to affect significant archaeological remains, and this

matter no longer need be a consideration in the determination of this application for planning consent.

*(Officer comment: These comments related to the updated strategy that included Brokesley Street).*

### **LBTH Environmental Health**

#### 7.11 Contamination

- At time of previous application the submitted Environmental Report was been reviewed. Additional sampling is required and confirmation of remediation measures proposed.

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

#### Daylight/Sunlight

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

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

#### Noise and Vibration

- At time of previous application it was noted that parts of site fall within Noise Exposure categories B and C. Noted detail of window glazing and ventilation systems required to ensure reasonable internal noise levels not compromised on facades facing roads.

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

#### Air Quality

- No comments received in relation to air quality study.

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

- 7.12
- No objection, subject to condition requiring compliance with surface water control measures outlined in submitted Flood Risk Assessment.

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

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

Stage One response received. The following conclusions were drawn:-

7.13

#### Affordable Housing:

- A more detailed assessment of the financial appraisal is required.

#### Energy:

- The application does not provide a complete assessment of the potential to include a communal energy system, and does not provide full information on the proposed photovoltaic panels.

#### Climate Change:

- The application provides limited information on the opportunities to include sustainable urban drainage techniques or living roofs.

Transport:

- The applicant has not provided sufficient improvements to pedestrian and cycle conditions in the nearby area, does not include a detailed travel plan or construction and logistics plan, does not include sufficient cycle parking, nor does it include sufficient servicing.

Conclusion

- On balance the proposal does not comply with the London Plan.

However the following changes might remedy the above-mentioned deficiencies.

Affordable Housing

- More detailed assessment will take place

Energy:

- Applicant required to assess potential of installing a communal heating system linking the proposed communal system with sites 11, 2a and 15. In addition the Applicant must also provide further information on the proposed photovoltaic panels.

Climate Change:

- The applicant must provide further information on the opportunities to include living roofs and sustainable urban drainage techniques.

Transport:

- Confirm existing and proposed levels of car-parking, should provide a financial contribution to street level improvements in the wider area, should provide sufficient cycle parking, should ensure off-site servicing for the commercial units, should provide a travel plan, a construction / delivery plan and a servicing plan.

*Officer comment: The issues raised are discussed in-depth in the appropriate sections of the report. On balance Officer's consider that in many cases the issues raised can be resolved via condition. In other cases, such as the lack of off-street servicing and lack of S106 contributions, Officer's consider that the overall benefits of the scheme outweigh the shortcomings.*

**LBTH Highways**

7.14

- Concerns and objections raised regarding servicing arrangements, in particular proposals to service sites from the road rather than on-site servicing.
- Highways would accept a condition is put in place to secure a Service Management Strategy be submitted to and approved in writing by the Local Planning Authority. This Strategy shall cover the site as a whole and shall be subject to public consultation.
- Highways does not consider this approach is ideal, as fundamental issues should be dealt with at the application stage.

*Officer comment: The issues raised are discussed in the main section of the report.*

**Natural England (Statutory Consultee)**

7.15

- No new comments have been received. The following issues were raised at the time of the previous application:-
- Recommend assessment of site ecology undertaken

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

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

**Olympic Delivery Authority (Statutory Consultee)**

No objection

**7.16 LBTH Primary Care Trust**

- 7.17
- At the time of the previous application a financial contribution to compensate for the additional burden on local health-care services was requested. A £783,042 revenue contribution and a £232, 125 capital contribution has been requested. No updated response has yet been received following the fall in numbers in the current scheme.

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

**Thames Water**

- 7.18
- No comments have been received in relation to the current scheme. At the time of the previous application it was noted that :-
  - Developers responsibility to ensure acceptable surface water drainage
  - Public sewers cross application site
  - Water supply infrastructure inadequate. Requested a condition requiring a Water Supply Infrastructure Assessment

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

**8. LOCAL REPRESENTATION**

8.1 A total of 1498 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications were also publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

8.2 No of individual responses: 51      Objecting: 51      Supporting: 0  
 No of petitions received: 6 (All in objection)  
 The following local groups/societies made representations:

8.3 The East London Baptist Church

- Objection to building on site 6.
- Proposal would block light to windows in south elevation, which serve a crèche

and rear hall. These have no other source of natural light. The use of dark brick exacerbates situation.

- Building would obscure views of large glazed windows on south elevation – an attractive feature.
- Building close to glazed window on boundary represents a fire risk
- Site 6 should be open-space not another community facility. No user has been identified for the facility.
- Objection to building on site 7. Light would be reduced to north elevation.
- Inclusion of retail units at ground floor level likely to cause traffic / pedestrian safety problems.
- Additional pressure on-street parking
- Telford Homes broken agreement not to build on site 6 (*Officer comment: This is not a planning matter.*)

8.4 *Officer comment: The planning issues raised are discussed in the main section of this report.*

#### 8.5 Mile End Residents Association

- Objected to applications.
- Scheme hasn't adequately addressed reasons for refusal, and new concerns identified.

New concerns:-

- Inadequate fire safety / emergency exits
- Waste collection arrangements for Ennerdale House
- Crime Prevention: Design creates areas that are more unsafe than existing open areas
- Scheme aggravates existing deficit in provision of local primary school places / S106 inadequate
- Boundaries blurred between offices and proposed community centre
- Brokesley Street is physically separate from estate, and should not be included in proposals.

Previous concerns not resolved:-

- Inadequate social housing
- Loss of open-space (objection to approach taken to definitions, poor quality of childplay space, loss of green links)
- Loss of light (objection regarding survey methodology and interpretation)
- Impact on Conservation Areas (demolition of buildings without consent. Impact of sites 10 and 15, Brokesley Street should be refurbished.)
- Poor communication / lack of consultation contrary to statement of community involvement, equal opportunities and discrimination. No additional consultation since previous application. No documentation supplied in community languages used on estate.
- Car-parking should be provided for new larger family homes.
- Lack of childplay space on Brokesley Street. Proposed housing should be redesigned to reduce size of private gardens to provide additional communal playspace and car-parking.
- Poor management / practice of Eastend Homes.
- Difficulty of construction on Brokesley Street. Condition requested to require works to access site via Clements Hospital.

8.6 *Officer comment: The planning issues raised are discussed in the report.*

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

#### 8.8 Land use and housing

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

#### 8.9 Design and Amenity

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

#### 8.10 Highways and parking

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

#### 8.11 Sustainability and Biodiversity

- Buildings should be refurbished, not demolished.
- Loss of trees should be resisted

#### 8.12 Crime and safety

- New buildings likely to attract vandalism and additional crime. New estate layout does not follow secure by design principles.

#### 8.13 Infrastructure Impacts

- Lack of healthcare and education resources. Insufficient capacity at local primary schools for additional children.
- Cumulative impacts with other estate regeneration projects / St Clements Hospital needs to be considered.
- Existing sewerage inadequate / Low Water Pressure

#### 8.14 Demolition

- Existing properties have been demolished without consent. *(Officer comment: It is noted that Eastend Homes did not follow the proper prior approval procedures in relation to the demolition of existing residential buildings. However, the prior approval system only allows control over the method of*

*demolition to preserve residential amenity. Officer's are satisfied that the site has been left in an appropriate condition. No further action will be taken in relation to this matter).*

8.15 Comments specifically in relation to Site 10

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

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

8.16 A petition containing 144 signatories (not all addresses given are Borough residents) from users of the East London Tabernacle. The issues raised are:-

- Sites 6 and 7 would block light to tabernacle and neighbouring residents.
- Insufficient replacement car-parking.
- Plans do not respond to need of community

8.17 A petition containing 53 signatories from residents of Beckley House and English Street. The issues raised include:-

- Proposals do not enhance conservation area
- Buildings should be removed to improve open-space.
- Building 15 should be reduced in height, not just amendments to exterior design.
- No effective re-consultation.
- Lack of primary school places

8.18 A petition containing 32 signatories from residents of Wentworth Mews and Eric Street. The issues raised include:-

- Buildings 7, 8 and 9 block light on both sides.
- Object to loss of 15 garages.
- Increased pressure on local schools.

8.19 A petition containing 84 signatories from residents of Ennerdale House. The issues raised include:-

- Design and layout same as previous refusal.
- No effective consultation before first or second submission.

- New build will reduce open-space.

8.20 A petition containing 26 signatories from residents of Loweswater House. The issues raised include:

- Scheme does not respond to reasons for refusal.
- Design and layout still the same.
- No effective consultation.
- Lack of primary school places.
- New build will reduce open space and reduce quality of life.

8.21 A petition containing 137 signatories from residents 'covering area immediately around Ennerdale House and Derwent House (sites 1, 2a and 2B). The issues raised include:-

- Site 2a should be removed.
- Too many buildings too close together
- Area too densely populated, especially with increase in development on eastern side of Southern Grove and Clements Hospital site.
- Good quality social/rented housing required, not luxury flat
- Loss of car-parking spaces.

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

- Laws prevent building on open space (*Officer comment: Planning issues associated with building on open-space are discussed under main issues. Compliance with other areas of legislation is not a planning matter.*)
- Likely increase in service charges for leaseholders (*Officer comment: This is a private matter between tenant and landlord.*)
- Scheme not viable in current market (*Officer comment: Not a planning matter*)

8.23 The following procedural issues were raised in representations, and are addressed below:

- The submitted drawings are inaccurate and do not correctly show extensions to the rear of 644 – 648 Mile End Road. (*Officer comment: The properties are not shown on the larger estatewide plans. However, they are shown on the more detailed plans for site 10. The submitted drawings are sufficient to allow a full assessment of this aspect of the proposal to be made.*)
- The submitted sunlight and daylight study is inaccurate (*Officer comment: The study has been reviewed by the Council's specialist Environment Health Officers who consider it acceptable.*)
- Inadequate consultation, Letters were not received. (*Officer comment: Records show that letters were dispatched. Site and Press Notices were also posted.*)
- Difficulty accessing internet drawings (*Officer comment: For the convenience of some residents plans are made available on the Tower Hamlets website. Hard copies of the documents are also available to view at the Council's offices.*)



- Consultation documentation not supplied in community languages. (*Officer comment: The planning section can provide translation assistance to those who need it.*)

## 9. MATERIAL PLANNING CONSIDERATIONS

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

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

### Principle of Estate Regeneration

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

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

9.4 As part of the Tower Hamlets Housing Choice Programme the Eric and Treby Estate was transferred to Eastend Homes in 2004. In order for Eastend Homes to facilitate the regeneration of the Eric and Treby Estate and bring the existing homes up to Decent Homes Plus standard, a comprehensive redevelopment is proposed.

9.5 The application includes the provision of additional housing in new blocks across the application site, which increases the housing density of the estate. The increase in density is required in order to generate sufficient value from market housing development to support the refurbishment of the existing dwellings, and the provision of new affordable housing. This accords with the requirements of IPG policy CP23, which seeks to improve all existing housing stock to a minimum of decent homes plus standard.

9.6 The application proposes the erection of 12 buildings providing 179 new residential units to facilitate the following estate regeneration improvements:-

Works	Cost (£)
New Kitchens	1,092,859
New Bathrooms	617,347
Central heating	1,140,975
Roof repairs	529,241
Thermal insulation improvement	1,697,086

Windows	448,169
Structural Repairs	465,320
Communal Area Improvements	258,949
Repair/Renew Entrance Doors	275,745
Balcony upgrading	414,960
Improvements to electrical and water services	1,947,596
Refuse Improvements	94,730
Environmental Works including Security/Lighting, Landscaping, Car Parking, Paving, Play equipment	2,209,296
New communal stairs and entrances including access control	270,000
Door Entry Systems Works	321,029
Repair/Renew Lifts	799,333
Total	12,582,633

The development would generate £7.9M towards these upgrade works.

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

### **Land Use**

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

#### Principle of additional housing

- 9.10 The application proposes 179 new units of accommodation in 12 new buildings. When taken into account with the loss of 29 existing units, this results in a net gain of 150 additional dwellings.
- 9.11 The provision of additional housing to facilitate the regeneration of the estate accords with the aims of London Plan Policy 3A.3 and IPG policies CP19 and CP20, which seek to maximise the supply of housing; and the aims of IPG policy CP23, which seeks to improve all existing housing stock to decent homes plus standard.

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

#### Principle of community centre, community building and offices

- 9.13 On the ground floor of site 1, the application proposes a new community centre (310 square metres, Use Class D1) and office space (365 square metres, Use Class B1). The centre would comprise a community hall, external ball court, meeting room and kitchen. The applicant has indicated that the office space would be used by Eastend Homes Housing Management Team.
- 9.14 The application also proposes a community use building (150 square metres, Use Class D1) at site 6. This site is located adjacent to the East London Tabernacle. The building would be used in conjunction with the amenity open-space area to the rear.
- 9.15 London Plan Policy 3A.18 requires that in areas of major development and regeneration, adequate facilities should be provided for social infrastructure and community facilities. Saved policy SCF11 of the UDP encourages the provision of new meeting places, policy

SCF1 in the IPG requires that consideration is given to the need for social and community facilities within redevelopment proposals.

- 9.16 There is currently no community centre on the estate. The proposed community centre, ball court and offices are well located around the base of a prominent estate building. The community use building at site would provide a useful additional facility, and would bring beneficial public use to the amenity space behind. A clause in the S106 agreement would require the submission of a management plan, which would ensure the provision, and retention, of these facilities to ensure that they benefit local residents. The proposed facilities would significantly improve the range of community facilities available to local residents, and are acceptable in land-use terms.

#### Principle of commercial space

- 9.17 The application proposes the introduction of two commercial units (total 251 square metres) on the ground floor of sites 7 and 8 (Use classes A1- Retail, A2-Financial/Professional Services or B1-Office).
- 9.18 These uses would provide active frontages to the Burdett Road. They would contribute to the mix of uses in the area and are acceptable in terms of saved UDP policy DEV3 and policy CP1 of the IPG - which seek to provide a range of uses in the local environment.

#### **Density**

- 9.19 London Plan policy 3A.3 links housing density to public transport availability which is expressed in a Public Transport Accessibility Level (PTAL). The site is located in an urban area and has a PTAL of 6a/6b. The London Plan states that the appropriate density for residential use should be within a range of 200-700 habitable rooms per hectare.
- 9.20 The existing estate has a density of 325 habitable rooms per hectares. The proposal would result in a scheme with a density of 414 habitable rooms per hectare.
- 9.21 The proposed density is within the range recommended in the London Plan. The density is considered appropriate in terms of local context, design principles, amenity impacts and infrastructure impacts. It is therefore considered acceptable in terms of London Plan policy 3A.3 and IPG policies CP20 and HSG1.

#### **Housing**

- 9.22 Interim Planning Guidance policy sets out the Council's objective to ensure that all residents in Tower Hamlets have access to decent homes in decent neighbourhoods, as part of an overall commitment to tackle social exclusion.
- 9.23 The application proposes the erection of 12 new buildings at various sites around the estate providing 179 new residential units. Taking into account the demolition of 29 existing units this would result in a net gain of 150 housing units. In total the application would provide 50 new units of affordable housing.

#### Principle of demolition of housing units

- 9.24 The proposals involves the demolition of 27 bedsits, two x one bed flats at 1-14 Brokesley Street, 106-128 Hamlets Way and 1-7 Burdett Road. It is noted that the demolition of buildings at 106 – 128 and Hamlets Way and 1 – 7 Burdett Road has already taken place.
- 9.25 The housing units lost are replaced with an additional number of better quality units and as

such there is no conflict with the objectives of UDP policy HSG4 and IPG policy CP23, which seeks to prevent the loss of housing.

- 9.26 The redevelopment of the sites at a higher density, with modern buildings incorporating sustainable design technologies also accords with the aims of over-arching sustainability objectives and IPG policy CP1.

#### Affordable Housing

- 9.27 Policy 3A.9 of the London Plan states that Boroughs should seek the maximum reasonable amount of affordable housing, taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Boroughs' own affordable housing targets. Interim Planning Guidance policies CP22 and HSG3 seek to achieve 50% affordable housing provision from all sources across the Borough, and specify that individual developments should provide a minimum of 35% affordable housing.
- 9.28 IPG Policy HSG5 relates specifically to estate regeneration schemes. It states that the Council may consider varying its requirements towards additional affordable housing where it can be demonstrated that the provision of market housing on the estate is necessary in order to cross subsidise the works being undertaken.
- 9.29 In total the scheme would provide 50 affordable units. This would equate to 41% of all of the habitable rooms proposed (210/512 habitable rooms). Taking the demolition of the bedsits into account the application provides 21 entirely new affordable housing units (179/481 net gain habitable rooms). This equates to 37.2% provision of affordable housing. It should be noted that the quality of the replacement units, which includes a range of dwelling sizes, exceeds that of the lost bed-sit units.
- 9.30 The application has been accompanied by a toolkit assessment which demonstrates that it would not be viable to provide any additional affordable housing. The scheme exceeds the 35% minimum affordable housing required by policy CP22 and is therefore acceptable.
- 9.31 It is noted that in this case the Applicant has not sought to make use of the provisions of HSG5 to allow a reduction in the level of affordable housing to facilitate estate regeneration cross subsidy.

#### Tenure Mix

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

#### Housing mix

- 9.34 London Plan policy 3A.5 promotes housing choice including the provision of a range of dwelling sizes. Unitary Development Plan policy HSG7 requires new housing schemes to provide a mix of unit sizes including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Policies CP21 and HSG2 in the IPG specify that a mix of unit sizes should be provided to reflect local need and to contribute to the creation of balanced and

sustainable communities. Policy HSG2 provides target percentages for dwelling sizes in affordable and market housing.

- 9.35 The application proposes the following mix of unit sizes for the new build. The target percentages given reflect those specified by IPG policy HSG2.

Unit Size	Total Units	Affordable: Social Rent			Market		
		Units	%	Target	Units	%	Target
Studio	19	0	0	0	19	15	25
1 bed	61	2	4	20	59	46	25
2 bed	52	13	26	35	39	30	25
3 bed	38	26	52	30	12	9	25
4 bed	0	0	0	10	0		
5 bed	9	9	18	5	0		
Totals	179	50	100	100	129		100

- 9.36 In the social rent tenure the application exceeds HSG2 targets for the provision of larger units with 70% of units having 3 or more bedrooms. In particular it is noted that the scheme includes the provision of eight 5 bedroom terraced dwelling houses, with generous gardens, which is a valued form of family accommodation that can be difficult to provide on other sites (one 5 bedroom flat is also provided).
- 9.37 In the market tenure only 9% of the units have 3 bedrooms, which is below the target of policy HSG2. However, given the high level of family provision in the social rent sector the overall housing mix responds well to local needs and is acceptable in terms of policy.
- 9.38 The range of housing types provided is considered to make good re-provision of the type of units lost through the demolition.

Standard of accommodation

- 9.39 UDP policy HSG13 requires all new development to provide adequate internal space. Supplementary planning guidance note 1: residential space sets minimum internal flat and room sizes.
- 9.40 The proposed flats are well laid out. Forty-four (44) of the 2b4p person units range in size from 65 – 69 square metres. This is slightly less than the 70 square metre minimum specified in SPGN1. However, the flats have a good layout and the overall standard of accommodation is considered acceptable. The Council’s Environmental Health Officer has raised concerns about the level of interior daylight for proposed new flats behind walkways on sites 2a and 15. To ensure these flats receive adequate light it is recommended that the size of the windows be increased to 1510mm x 1810mm. This would be secured by condition, and with this amendment the proposed flats would be acceptable.
- 9.41 The application has been accompanied by a Noise Survey which includes an assessment of whether the proposed flats would suffer from unreasonable levels of noise. This particularly relates to those flats located on Burdett Road and Southern Grove, as these roads generate greater levels of traffic noise. The study concludes that part of the development is located within Noise Exposure Contour C. In these locations planning permission should only be granted where alternative sites are not available, and where appropriate mitigation can be provided. Officers consider that there are no realistic alternative locations for additional housing and conditions can require the use of suitable
- 9.42

glazing to ensure internal noise levels are acceptable. With the imposition of conditions requiring appropriate survey work and mitigation measures the development would be acceptable.

#### Wheelchair and accessible accommodation

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

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

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

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

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

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

#### General design principles

9.48 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.

9.49 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site and that it should not result in overdevelopment or poor space standards.

9.50 Policy CP4 of the IPG seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.

9.51 Policy DEV4 in the IPG seeks to ensure safety and security in new development. This can be achieved by incorporating principles such as ensuring building entrances are visible, designing development to face the street with active frontages and by creating opportunities for natural surveillance of the public realm.

9.52 Some of the proposed buildings are significantly higher than neighbouring buildings. Therefore consideration has also been given to the requirements of IPG policy DEV27, which details specific criteria that are relevant to the assessment of tall buildings.

#### Impact on Conservation Areas

9.53 Parts of the Eric and Treby Estate fall within designated Conservation Areas. Brokesley Street is found towards the Western edge of the Tower Hamlets Cemetery Conservation Area. Proposed building 10 is located within this area. The Ropery Street Conservation is located towards the South West of the site. The boundary of this Conservation Area

extends south down the centre of Eric Street from Hamlets Way.

9.54 The application proposes the erection of a new building at site 10 and improvement works to 31 – 39 Brokesley Street, both of which are within the Tower Hamlets Cemetery Conservation Areas.

9.55 Building site 14 is located within the Ropery Street Conservation Area. Site 15 is located on the edge of the Ropery Street Conservation Area.

9.56 In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Planning Policy Guidance Note 15: Planning and the Historic Environment provides advice on the approach to development in Conservation Areas. This document includes the advice that new buildings need not copy their older neighbours in detail, as a variety of styles can add interest and form a harmonious group.

9.57 National guidance is carried through to the local level where IPG policy CON2, re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design.

9.58 UDP policy DEV28 sets criteria that must be taken into account when assessing proposal to demolish buildings in Conservation Areas.

#### Summary design issues

9.59 A detailed consideration of the design of each proposed building is given below. In overall terms the proposed buildings are considered to respond well to the constraints of each individual site, and provide a cohesive approach to the renewal of the estate. The landscaping works take the opportunity to improve the quality of the existing open-spaces and introduce dedicated areas of children's play-space.

9.60 In general the application has attempted to site buildings on redundant areas of surface parking and hard-standing. In some cases building does take place on existing open-space, and this issue is discussed in more detail under the amenity section of this report.

9.61 The larger buildings (sites 2, 15 and 11) would be sited along Hamlets Way. This is one of the wider roads which bisects the estate. Existing tall estate blocks including Ennerdale House and Beckely House are already located on this road and it is considered an appropriate location for larger scale buildings.

9.62 In more sensitive locations, such as those within Conservation Areas, the scale of buildings has been limited and a traditional design employed. The development of sites along Burdett Road would help to strengthen the street frontage and remove unsightly garages.

9.63 Outside of Conservation Areas the proposed buildings use common design themes and a consistent pallet of materials. This includes the use of brick, render, balcony systems and green-glazed bricks around entrance doors. The result helps to tie the estate buildings together helping to create a sense of place.

9.64 In overall terms the proposed buildings complement the existing buildings around the estate and, when combined with the landscaping works, will lead to a significant improvement in the quality of the local environment for residents.

#### Daylight and Sunlight

9.65 In terms of amenity, Policy DEV2 in the UDP 1998 and Policy DEV1 of the IPG seeks to ensure that development where possible, protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.

9.66 In accordance with BRE Guidance, a Daylighting and Sunlighting report was submitted with the application. The report calculates the Vertical Sky Component (VSC), Average Daylight Factor (ADF) and Sunlighting for adjoining properties.

9.67 The VSC quantifies the amount of skylight falling on a vertical wall or window. For a room with non-continuous obstructions there is the potential for good daylighting provided that the VSC, at the window position 2m above ground, is not less than the value for a continuous obstruction of altitude 25 degrees. This is equal to a VSC of 27%.

9.68 The VSC calculation can be related to the ADF which, in addition to the amount of skylight falling on a vertical wall or window, considers the interior daylighting of the building. The calculation takes into account the thickness of the glazing, size of the window, reflectance and total area of room surfaces.

9.69 Sunlighting has been measured using sunlight availability indicators or sunpath indicators. The British Standard recommends that at least 25% of annual probable sunlight hours be available at the reference point, including at least 5% of annual probable sunlight hours in the winter months.

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

#### Summary sunlight and daylight issues

9.71 The report demonstrates that there are some instances where the VSC is below the levels set out in the BRE guidance. 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 larger scale development is expected. The resulting daylight and sunlight levels to the properties affected are not untypical in an urban environment and the impact is considered acceptable.

9.72 The Council's Environmental Health Section has reviewed the Daylight and Sunlighting Report and considers that the report satisfactorily demonstrates that there will be no significant impact with regard to daylight/sunlight on existing residents.

#### Site specific design and amenity considerations

9.73 In total 12 new buildings are proposed. The main issues in relation to each of these buildings are considered in turn:-

##### Site 1

9.74 Site one is located at the junction of Southern Grove and Hamlets Way. It currently comprises grass open-space and an area of hard-standing (which used to be a playground). The site wraps around the foot of Ennerdale House – a 19 storey Tower, to the North is Derwent House – a 6 storey block.

9.75 The proposed building can be separated into two components. Firstly, a single storey component which wraps around the base of Ennerdale House. This will provide 365 square metres of office space. The applicant has indicated that this will be used by their housing management team.



9.76 The second component would be a four storey block fronting Southern Grove. The block is sited in-between Ennerdale House and Derwent House. It is linked to the single storey part of the building which provides the office space. Part of the ground floor of this building would be used to provide a community centre. The centre would comprise a 190 square metre main hall, an outside ball court and associated facilities. The housing offices, community centre and ball court would all be accessed via a shared entrance from Southern Grove.

9.77 The remainder of the ground floor of the block, and the upper floors, would provide 9 affordable housing units including one wheelchair maisonette with parking space.

9.78 In design terms the proposed building helps to create a strong frontage to Hamlets Way and Southern Grove, and encloses the areas of open-space to the rear. At a maximum of 4 storey the block relates well to the 6 storey Derwent House. In overall terms the design is considered acceptable.

9.79 In terms of amenity the main impact would be on the occupiers of flats in the South-east corner of Derwent House and the lower floors of Ennerdale House. The reductions in daylight and sunlight are considered acceptable in the urban context. Occupiers of neighbouring properties could suffer from noise and disturbance associated with the use of the external ball court. A condition would prevent the use of this facility after 9.00pm which would preserve residential amenity.

#### Site 2a –

9.80 Site 2 is located on the North side of Hamlets Way to the West of Ennerdale House. It currently comprises surface car-parking and hard-standing. Part of Derwent House runs North-South towards the application site. This part of Derwent House is 4 storey in height.

9.81 The application proposes a part 4, part 6 storey building. The building is arranged in an L-shape, with the longer 6 storey frontage to Hamlets Way and a shorter 4 storey return to the Derwent House spur. The building would provide 36 private flats. The building would enclose an area of public amenity space to the rear.

9.82 The building has simple rectangular form with one change in height which is comparable to existing buildings on the estate. The six storey height is considered acceptable along Hamlets Way, where larger buildings are appropriate. The building steps down to 4-storey in height to match the height of the Derwent House spur, which helps to tie the building into the existing streetscene. In design terms the building is considered acceptable.

9.83 Site 2a is sufficiently far from Derwent House (opposite to North) and Beckley House (to south) for there to be no significant impact in terms of loss of daylight or sunlight.

#### Site 2B

9.84 Site 2B comprises a raised pedestrian walkway linking Hamlets Way to Maplin Street. There are garages underneath the raised walkway. To the West is the 5 storey block of Windemere House. The ground floor of this block also comprises garages. The garages are accessed from Maplin Street. Currently a change in land-levels means that this access terminates in a dead-end at its southern-end. To the East is an area of open space used by residents of Derwent House, and then the 4 storey Derwent House block itself.

9.85 The application proposes the erection of 11 residential units in a block approximately following the line of the existing raised walkway. The block would be part 2 and part 4 storey. The scheme includes removing the existing dead-end to create a new 'street'

running from Hamlets Way to Maplin Street (this would be a shared pedestrian/vehicle surface. A barrier would prevent vehicles using the street as a through route).

9.86 The scale and bulk of the building is considered acceptable given the scale of the neighbouring buildings. The proposed residential units would be arranged so that they are accessed from the new street, with ground floor windows adding activity to an area that currently benefits from little natural surveillance. At first floor level the flats are arranged with habitable windows facing East, away Windemere House. This arrangement ensures that there is no loss of privacy to the occupiers of these properties.

9.87 In terms of loss of daylight and sunlight the proposed building would have some impact on the occupiers of Windemere House. However, there are no habitable rooms at ground floor level on this property, and the reductions to the first floor level are not excessive given the context of the application site.

(There is no site 3)

#### Site 4

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

9.89 The in-fill would make more beneficial use of the available space. There has been no objection to the loss of the pram stores. The proposed façade treatment complements that used on the existing building above, and in overall terms is acceptable. This proposed building has no impacts in terms of day lighting or sunlight.

(There is no site 5 )

#### Site 6

9.90 Site six comprises a single storey (max 4.3m) community use building. The building would comprise full-height glazing to the front and rear. The east elevation would be constructed from blue/black brick. The South elevation was amended to incorporate a white render finish. This was in response to the comments made by the East London Tabernacle. The existing sub-station on the site would remain. To the rear the site includes a patio/seating area, which helps the building to link into the public amenity-space to the rear.

9.91 The building is located to the South of the East London Tabernacle. This building has large windows in the south elevation. This windows provide light to function halls located at ground floor and basement levels. The rear part of building 6, opposite the Tabernacle windows, incorporates a sloping roof to reduce the height of the building adjacent to the boundary. The cut-away is such that impacts on the tabernacle, in terms of loss of light, are minimised.

9.92 Building 6 would reduce the visibility of the attractive glass windows in the south elevation of the Tabernacle. However, the window would still be visible, and the scheme would improve the wider Burdett Road streetscene by in-filling the current gaps. The overall impact on appearance is therefore considered acceptable.

#### 9.93 Site 7

Site 7 is rectangular in shape and fronts Burdett Road. It is located just to the North of the East London Tabernacle and to the South of flats 1 – 30 Wentworth Mews. The site was previously occupied by three single storey bungalows – which have now been demolished.

9.94 The application proposes a four storey block. The ground floor would provide two commercial units (Use Classes A1, A2 or B1). The upper floors would provide 6 affordable flats. The flats are arranged two per floor accessed from a central stairwell.

9.95 The scale and form of the block is appropriate in relation to the adjoining buildings. The building infills the existing gap in the frontage along Burdett Road and is acceptable in design terms. The south elevation of the building was slightly amended during the course

9.96 of the application to change the brick to a lighter red colour – rather than blue/black brick.

The main amenity impact would be on the occupiers of the flats in Wentworth Mews. Wentworth Mews has garages on the ground floor. At first floor level and above habitable room windows face the application site. The proposed building is located to the south of these windows and they will therefore suffer a loss of sunlight and daylight. However, a distance of 9.5m separates the proposed building from Wentworth Mews. This is considered sufficient to ensure that the occupiers of this property do not suffer from any unreasonable loss of light or outlook and is acceptable.

9.97

Windows serving offices are located in the North flank of the Tabernacle, facing the application site. These windows will experience some loss of light, however given the non-residential use and the location to the south of the proposed development there would not be any significant detrimental impact on the occupants.

9.98 Site 8  
Site 8 is rectangular in shape and is located at the junction of Burdett Road and Wentworth Mews. Flats 1-30 Wentworth Mews are located to the South of the site. Flat 1c Wentworth Mews is located on the opposite side of the Mews. The site currently comprises a surface parking court. There is a change in level of approximately 600mm between the site level and the Burdett Road pavement.

9.99 The application proposes a 4 storey block. The block would comprise a commercial unit on the ground floor (uses A1, A2 or B1) and 6 private residential units above. The residential unit and commercial units would be accessed from Burdett Road. The commercial unit would also have a service bay to the rear, which would be accessed from Wentworth

9.100 Mews.

In design terms the incorporation of a commercial unit helps to add activity to the Burdett Road / Wentworth Mews junction and complements the commercial units found on the ground floor of 1c Wentworth Mews. The block itself follows the style of block 7 and is considered to relate well to the neighbouring buildings and is acceptable.

9.101

The main impact of the proposal would be on the occupiers of the flats 1-30 Wentworth Mews, just to the South of the site. The ground floor of this building comprises garages. Upper floors are residential with windows serving habitable rooms facing the application site. These windows appear to serve kitchens and bedrooms. A distance of approximately 4m separates the proposed building from these windows.

9.102

Due to the orientation of the existing building these windows already receive little daylight or sunlight. The proposed building will cause a further reduction in available light, however with the exception of the kitchen window of 2 Wentworth Street all pass ADF targets. In an urban context the impact on amenity is acceptable. It is also noted that the occupiers of the flats will continue to enjoy light and outlook from living windows to the rear.

9.103 Site 9  
Site 9 is located at the junction of Eric Street and Wentworth Mews. The site is adjacent to

9.104 the Wentworth Arms public house, a three storey Victorian building. Coopers Court, an elderly peoples home, is located on the opposite side of Eric Street. The site is currently occupied by single storey garages that are accessed from Eric Street.

9.105 The application proposes a 4 storey building adjacent to the public house. The building would provide 4 affordable flats. The building would be flush with the building line of the public house along Eric Street, and would slightly higher in height. Large balconies would be provided on the SE corner of the upper floors introducing additional activity to a poorly overlooked corner of the estate. The building does appear large in relation to the modestly proportioned Wentworth Arms. However, there are relatively few viewing angles where this is noticeable and in overall terms the design makes good use of an area of dead space and is acceptable.

9.106 The proposed building is sufficiently far from neighbouring buildings for there to be no significant impacts in terms of loss of light or overshadowing. There are no windows in the flank walls of the Wentworth Arms Public House and any potential overlooking would be at an oblique angle and as such would not result in any significant loss of amenity.

#### Site 10

9.107 Site 10 comprises 1 – 14 Brookesley Street. This is a two storey block of flats that are currently vacant. The site is located within the Tower Hamlets Cemetery Conservation Area. The existing one-bed flats were constructed in the late 1950s in a style characteristic of this time. On the opposite side of Brookesley Street is an attractive terrace of Victorian dwellings. The Council's Conservation Appraisal notes that residential townscapes, including Brookesley Street, contribute to the character of the Conservation Area.

9.108 The application proposes replacing the existing flats with a terrace of 8 x 5 bedroom dwelling-houses with rear gardens. The dwellings would be in the social rent tenure.

9.109 Members will note from the Recommendation section of this report that they are asked to consider two separate matters in relation to the development on this site. Firstly, because the existing flats are located in a Conservation Area, Conservation Area Consent is required for their demolition. This consent is a stand-alone application (reference PA/09/02066), and its merits are considered below. Secondly, Members must consider whether the proposed terrace, which forms part of the larger estate regeneration planning application, is acceptable in terms of planning policy.

#### *Conservation Area Consent*

9.110 The existing flats are not considered to have any historical significance and do not make any significant positive contribution to the quality of the Conservation Area. Objectors have noted that they reflect the evolution of the character of the area, however Officers do not consider that on its own this warrant their retention. It is considered that the demolition of the flats, and the erection of a suitable replacement, would accord with the requirements of saved UDP policy DEV28 and IPG policy CON2, as it would improve the character of the conservation area.

9.111 A condition would be placed on any permission to ensure that the demolition of the flats was tied to the construction of a replacement building – to prevent an undeveloped site blighting the Conservation Area.

#### *Planning Permission for replacement terrace dwellings*

9.112 The proposed terrace would be three storey in height and would have a flat roof hidden behind a corniced parapet. The terrace would be constructed from yellow London stock brick with painted timber windows and cast-iron rainwater goods.

At the time of the previous application English Heritage also raised concerns about the proportions of the building and the relative lack of detailing. It is acknowledged that the proposed terrace does not slavishly replicate the form or rich architectural detailing seen on the Victorian dwellings opposite. However, it does not necessarily follow that the design is poor. The terrace would be a modern addition to the street and would be seen as such.

9.113

The parapet line of the proposed terrace is approximately 1m higher than the parapet (not the top of the ridge) of the Victorian dwellings opposite. From ground level this difference in height would not have any significant impact on streetscape views. The scheme would not harm the appearance of the terraces along the street and is acceptable in terms of saved UDP policy DEV30, which seeks to preserve rooflines of uniform character.

9.114

The use of traditional materials helps to tie the building into the historic character of the area and ensures that the terrace is a sensitive addition to the streetscene. In overall terms Officers' are satisfied that the proposed terrace will enhance the character and appearance of the Conservation Area and that it is acceptable in terms of relevant design policy.

9.115

The main amenity impacts from the proposal relate to potential loss of light, overshadowing and increased sense of enclosure. The proposal would have an impact on properties to North. This includes first floor flats at 642 – 648 Mile End Road. There are also residential flats located in a converted office/storage building located in the rear yard area of 642 – 648 Mile End Road.

9.116

These properties would suffer from a loss of daylight and available sunlight. However, on balance the impact does not significantly exceed the current situation and the impact is considered acceptable. The properties would also suffer a loss of outlook, however the impact is not considered unreasonable given the urban setting of the site.

9.117

The properties on the opposite side the road comprise 77 Brookesley – a converted warehouse and the terrace of 71 – 75 Brookesley, a terrace of dwellings. The submitted study shows that there will be little loss of daylight to these properties. There will be some loss of morning sunlight, however the effect would be transitory and on this basis is acceptable.

9.118

#### Site 11

Site 11 is located on the South side of the junction between Southern Grove and Hamlets Way. The site abuts Loweswater House, which is 7 storey in height. Ennerdale House is 19 storey in height and is located on the opposite side of Hamlets Way. To the West is the 11 storey Beckley House. The site currently comprises surface parking and open space. The boundary of the Tower Hamlets Cemetery Conservation Area runs along opposite side of Southern Grove to the East of the application site.

9.119

The application proposes the erection of 7 storey building. The building would have a rectangular footprint with the long edge providing a 28.6m frontage to Hamlets Way. The building would provide 27 private flats. The flats benefit from private balconies and access to a large communal roof terrace.

9.120

The main body of the building (excluding the lift core which projects above) is approximately 3.6m higher than the adjoining Loweswater House. The additional height is justified given the location on the building at the junction of two of the estate's larger roads. The longer frontage to Hamlets Way is well articulated with contrasting materials, windows and balconies helping to break up any appearance of bulk. The scale and design of the building sits well with the neighbouring Loweswater House, would preserve the setting of the Tower Hamlets Cemetery Area and is acceptable.

9.121

In terms of amenity impacts, it is noted that Loweswater House is located to the South of the development and as such would not suffer any loss of sunlight. West facing windows, at 90 degrees to the proposed building would lose some daylight. However, the losses do not result in ADF levels below BRE guidelines and the impact is therefore acceptable in an urban environment. The relatively oblique angle between proposed habitable room windows / balconies and Loweswater House ensures that there would be no significant loss of privacy for existing occupiers.

A distance of 20m separates Ennerdale House from the proposed building which is sufficient to ensure that there is no significant loss of light or loss of privacy implications.

#### 9.123 Site 12

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

The application proposes the erection of a 4 storey block providing 4 affordable flats. The dual aspect units would be arranged one per floor. The ground floor unit is a wheelchair unit and would have an associated car-port. The proposed building would be separated from the English Street block by the single storey substation.

In design terms the proposed building sits slightly forward of, and is slightly higher than, the existing English Street block. This adds a degree of visual variation along the length of street and helps the block to act as a terminating point to the streetscene. In overall terms the design is acceptable.

The main amenity impacts would be on the occupiers of the flats to the north-west of the development in Beckley House. Habitable room windows would suffer a loss of daylight however the resultant ADF values exceed BRE guide lines and are therefore considered acceptable. There would be some loss of sunlight to the private garden at the base of Beckley House and to balconies higher up. However, any impact would be limited to the morning hours and as such the overall impact on the amenity of the occupiers is considered acceptable. The rear windows of the proposed building have been angled to prevent overlooking back towards windows in the south wall of Beckley House preventing any significant loss of privacy.

#### 9.127 Site 13

Site 13 is located towards the northern end of English Street. It currently comprises single storey garages and hard-standing. To the North is the 4 storey block of 2 – 36 English Street, to the west the flank wall of 1 – 27 Treby Street and to the South the 3 storey 38 – 48 English Street. The application proposes a 4 storey block comprising 4 flats. The ground floor flat is a wheelchair unit with associated parking bay. The flats are arranged one per floor and have a single aspect over English Street.

In design terms the proposed block follows the building line and general scale of development along English Street which results in an acceptable appearance. When viewed in conjunction with site 12 the development will provide complementing 'bookends' to 2 – 36 English Street resulting in a consistent streetscene.

In terms of amenity the main impact will be on habitable room windows to the West. There would be a reduction in daylight however the resulting light-levels would not be untypical in an urban environment. There would be some loss of morning sunlight to the rear of 1 – 27 Treby Street, however, the impact is transitory and is therefore acceptable. The single

aspect over English Street prevents any loss of privacy to these occupiers.

9.130

Site 14

Site 14 comprises a vacant plot located at the corner of Ropery Street and Eric Street. Ropery Street comprises 2 storey Victorian terraces. The dwellings abutting the site on

9.131 Eric Street were constructed circa 1970s and are 3 storey in height.

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

9.132 character of the area.

The application proposes a part 2, part 3 storey block providing 4 social rent residential units. The design of the proposed corner building seeks to provide a link between the two styles of development that abut the site. Along Ropery Street the building would be 2 storey and would follow the style of the adjoining Victorian terrace. As the building nears the corner it rises to three storey to tie in with the established storey height along Eric

9.133 Street.

The building follows the scale of the adjoining properties, incorporates traditional design features and utilises appropriate materials. As such it is considered a sensitive addition to the terraced street-scene that enhances the character of the Ropery Street Conservation

9.134 Area and is acceptable.

The impact on neighbouring amenity in terms of potential loss light and overshadowing is considered acceptable given the urban context of the application site. A condition would ensure that the bathroom window in the East elevation is obscure glazed to prevent overlooking into the bedroom window of 1 Ropery Street and with this safeguard the potential impacts on privacy are acceptable.

9.135

Site 15

Site 15 is the area of land located at the junction of Eric Street and Hamlets Way. It was previously occupied by a two storey residential building with a large area of open-space in front. An objector has noted that the plot was also previously occupied by two attractive mature trees. The building has been demolished.

9.136

To the South of the site are two parallel 4 storey residential blocks, one of which fronts Eric Street and the other Treby Street. The area in-between these blocks are private gardens. Further to the North, on the opposite side of Hamlets Way, is another 4 storey residential block.

9.137

To the West, on the opposite side of Eric Street, is a two storey terrace of Victorian Dwellings. These dwellings are located in the Ropery Street Conservation Area, the boundary of which runs along the centre of Eric Street.

9.138

The application proposes a stepped building rising to a maximum of 6 storey along Hamlets Way. The building would provide 56 private residential units. The building would have an approximate U shape, with the higher and longer component fronting Hamlets Way and two arms returning to the South to meet the existing blocks on Eric and Treby Streets.

9.139

The building would be 4 storey in height adjacent to the existing 4 storey block fronting Eric Street. This portion of the development has a façade without any balconies and would be finished in a buff coloured brick. In terms of scale the proposal relates well to the existing development. The uncluttered design and materials ensure that the building is considered

to preserve the setting of the Ropery Street Conservation Area.

9.140

The height of the building steps up to a maximum of 6 storey along Hamlets Way. This is considered acceptable along Hamlets Way as this wider road can accommodate buildings of a larger scale. The frontage along Hamlets Way is well articulated which helps to reduce any impression of excessive bulk. The materials used will tie in well with the other new buildings further to the East. The final part of the building is the 5 storey arm returning to link the building to the existing 4 storey development on Treby Street. The centre of the U-shape is used to provide a communal garden area. In overall terms the design of the building is considered acceptable.

9.141

The main impact of the development would be potential loss of sunlight and daylight to properties on the opposite side of Hamlets Way, and properties on the opposite side of Eric Street. The submitted daylight study notes that while the levels of loss may be noticeable the resultant levels do not exceed BRE ADF guidelines, and in an urban context the impact is acceptable.

9.142

The distance and 'across the road' relationship ensures that neighbouring residents would not suffer from any unreasonable loss of privacy from windows on the building's frontages. To the rear overlooking would only be possible from relatively oblique angles, which would ensure that there was no direct overlooking into the rear rooms of 36 – 66 Eric Street or 2 – 32 Treby Street.

9.143 Other improvement works

The other estate-wide improvement works including new entrances, landscaping, installation of street furniture, street-lighting and cladding would all help to improve the appearance of the estate and are acceptable in design terms.

9.144

The introduction of new entrance to 31 – 39 Brokesley Street would help to announce the building on the street and would preserve the character of the Tower Hamlets Cemetery Conservation Area.

9.145

Design and amenity conclusion

Overall, the proposed buildings are considered acceptable in terms of design and amenity. The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1 of the London Plan, policies DEV1 and DEV2 of the UDP and policies DEV1, DEV2 and DEV27 of the IPG which seek to ensure buildings are of a high quality design and suitably located. The proposed buildings sensitively designed and are considered to enhance the character and appearance of the Ropery Street and Tower Hamlets Cemetery Conservation Areas.

9.146

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

**Amenity space**

9.147

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



The existing the estate has no dedicated areas of child-play space. The current areas of open grassland are ill defined and there is no demarcation to provide areas for the use of children of different ages, or for the exercise of dogs.

In terms of play provision the scheme would create:-

- An external ball court
- A community hall (which could be used for indoor sports)
- 5 areas of 'younger' child play-spaces.

The younger children play spaces would comprise safety surfacing and play equipment. They would be enclosed by railings and located in areas that are well overlooked from nearby dwellings.

The remaining open-areas would be contoured and re-landscaped. Mature trees would be retained and supplemented by additional shrub beds and wild-grass planting. Areas of path, pavement and benches would also be introduced to encourage residents of all ages to make use of the amenity space.

### **Estate-wide**

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

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

9.149 Private open space is defined as

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

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

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

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

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

9.154 Public Open Space

Quality, quantity and access to open space are key components to the delivery of sustainable communities. At the time of the previous application the estate was considered to have in the region of 10, 744 square metres of existing publicly accessible open-space.

9.155 The categorisation of some pieces of land as open-space, or otherwise, includes a degree of subjectivity. To be included as open-space the land should have some form of amenity value. Following observations made at the previous committee a small area (130 square metres) of grass to the South Ennerdale House has also been categorised as open-space.

9.156 Objectors have questioned why the rest of the paved area at the base of Ennerdale House is not included in the existing open-space figures. Officer's have not included this area as it is considered it functions more as circulation space, rather than amenity space.

9.157 The revised scheme makes the following alterations to public amenity space provision on the estate:-

		sqm
9.158	Deficit in open space at time of previous application	- 844
	Area of open-space to south side of Ennerdale House (additional area of open-space not identified at time of previous application)	- 130
	Area of existing open-space adjacent to Windermere House reduced by relocation of parking spaces moved from former hardstanding area behind East London Tabernacle Church.	- 198
	<b>Net loss to overcome</b>	<b>- 1172</b>
	Area of open-space gained adjacent to Windermere House by replacing hardstanding area with strengthened grass surface over fire access strip	+ 172
	Area of proposed green space to rear of East London tabernacle	+ 1120
	<b>Total</b>	<b>+ 1295</b>
	<b>Net Gain</b>	<b>(1295 – 1172) = 120 square metres</b>
	<b>OVERALL ESTATE TOTAL</b>	<b>11,192 square metres.</b>

9.159 The main difference in open-space provision between the previous and current scheme is the space behind the East London Tabernacle. This space is currently hardstanding, it suffers from a lack of natural surveillance and attracts anti-social behaviour. The previous application proposed that this space would be converted into a communal garden. The garden would have been gated-off for the exclusive use of residents of the adjoining blocks.

9.160 The current application would instead make this space (which would also be slightly

enlarged) a public garden. The garden would be managed in association with the new community use building at site 6. The garden would be open from dawn to dusk and would be accessible to members of the public. It is therefore considered that this space can be regarded as public open space.

- 9.161 Other changes to open-space provision are also proposed to the existing grass areas to the West of Windemere House, which are detailed in the table above. The application proposes the reconfiguration and upgrade of the open space throughout the estate. The definitions, and calculations, of the exact square meterage of open-space lost or gained from the development, can be disputed. Officers consider that the main issue is that the scheme will lead to a significant increase in the quality and usability of the open-space throughout the estate. The total area of open-space across the estate is approximately 11,192 square metres. This will be upgraded as part of the proposals, and will offer an acceptable level of overall provision for residents.

#### Child Play Space

- 9.162 London Plan Policy 3D.13 requires residential development to make provision for play and informal recreation, based on the expected child population. The Mayors Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation SPG sets a benchmark of 10sq.m of useable child play space to be provided per child. The guidance also notes that under 5 child play space should be provided on site. The Council's Interim Planning Guidance sets a standard of 3 square metres per child.
- 9.163 The Mayors SPG also states that child-play space should be calculated in addition to requirements for other forms of amenity space. In this case, given the restrictions in providing new open-space in a dense urban environment, the proposed childplay space has been provided as part of the quantum of communal / public open-spaces.
- 9.164 The existing estate currently has no dedicated areas of child play space. The application includes provision of playspace for the expected child yield for both the existing and proposed units of accommodation.
- 9.165 If the amount of play-space required is calculated using Tower Hamlets child-yield data, and the 3sqm standard, a total of 941 square metres of childplay space should be provided. If the GLA childyield data, and the GLA 10sqm per child standard is used a total of 5496 square metres should be provided. It should be noted that in policy terms it is only possible to insist on the provision of child-play space for the new components of the development.
- 9.166 The application proposes to create 2080 square metres of dedicated child-play space. This is an increase in the 960 square metres previously proposed. The spaces include a ball court and five play areas targeted for younger children. The increase in play-space has been created by defining more of the communal space as 'play-able' landscape, rather than formal areas of play equipment. The details of the playspace would be required as part of the landscaping condition.
- 9.167 The proposed playspace will provide dedicated facilities for children of a variety of ages and is considered acceptable.

#### Private amenity space

- 9.168 Policy HSG16 of the UDP requires the provision of adequate amenity space in new housing development. Interim Planning Guidance policy HSG7 sets specific minimum standards for housing developments based on the size of the proposed dwelling.
- 9.169 The application provides private amenity space in the form of balconies and terraces.

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

- 9.170 In some cases the proposed terraces are smaller than policy would require however in other places the standards are exceeded. For the most part this is a reflection of the trade-offs made when designing the building layouts. The private amenity space provided is considered acceptable.

Green Corridors:

- 9.171 The Council's Core Strategy: Development Plan document seeks to create green-links between existing open-spaces at Mile End Park and Tower Hamlets Cemetery. Objectors have noted that the proposed development would remove green spaces along Hamlets Way (which is one of the key East-West linkages between Mile End Park and Tower Hamlets Cemetery). Officers consider that the provision of estate-wide landscaping works, and the new area of public open space to the rear of the Tabernacle, will help to achieve more attractive East-West links, and there is no fundamental conflict with this policy objective.

**Parking and Highways**

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

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

Car Parking

- 9.174 There are currently 126 car-parking spaces and 150 garages located around the estate. The application proposes to retain 61 of the existing car-parking spaces, and to provide 34 additional spaces, giving a total of 95 spaces. Sixty-two of the garages would be retained, with 11 others converted to storage.

- 9.175 Of the 34 new spaces, 13 are covered spaces associated with the wheelchair accessible housing. This meets the 10% wheelchair standard space required by IPG policy DEV19. In response to the concerns about the level of disabled parking given as a reason for refusal of the previous application, a further 14 publicly accessible wheelchair spaces are also proposed.

- 9.176 The new residential units would be 'car-free' and occupiers would not be eligible to apply for Council issued car-parking permits.

- 9.177 The site is located in an area with a high PTAL level and the overall reduction in the amount of car-parking accords with sustainability objectives and as such is acceptable.

- 9.178 The submission of a complete Travel Plan would be secured in a S106 Agreement to ensure compliance with IPG policy DEV18.

Cycle Parking

- 9.179 London Plan policy 3C.22 and Interim Planning Guidance Policy DEV16 require the provision of adequate cycle parking for new residential development. The application

makes provision of cycle parking for all new residential blocks at a ratio of one stand per dwelling. The stands are located in communal stores, private sheds or stands in front of the property. Ideally all cycle stores should be located within buildings, however on some sites this has not proved possible due to site constraints. In overall terms the amount of cycle parking meets policy minimums and is considered acceptable.

- 9.180 Highways and TfL have requested additional detail of cycle storage for some sites, and for commercial uses. The detail of this would be secured by condition, and with this safeguard the development would accord with the above policies.
- 9.181 A clause in the travel plan would require the developer to monitor demand, and provide where feasible, cycle parking for existing estate residents.

#### Access, Servicing and Highway Safety

- 9.182 The application includes details of proposed refuse stores and servicing arrangements for new and existing dwellings. On the basis of the information submitted Highways officers have some concerns about the proposed servicing arrangements. There are particular concerns about the decision to service some of the sites from the road, rather than from the site itself. There are also concerns about the use of underground refuse storage silos. This is because these silos are emptied by a larger than usual lorry, which has an additional impact on highway.
- 9.183 Because of these difficulties it may be necessary to revert to traditional wheeled refuse containers – which would be stored in the buildings, and wheeled to the roadside as part of a managed process. If this approach is taken, the design of proposed buildings may need to be amended to accommodate larger refuse stores. If the development is to be serviced from the highway, rather than on-site, it may be necessary to make alterations/reductions to on-street parking arrangements.
- 9.184 It is considered that issues relating to servicing the development site can be adequately resolved by condition. The Council's Waste and Parking Sections would be consulted on any application to discharge the Waste/Servicing Strategy. As objections have been received in relation to the proposed refuse arrangements, the Council would also consult the public prior to making any amendments to these arrangements.
- 9.185 With the imposition of suitable conditions the impact on highway and pedestrian safety is considered to be acceptable in terms of saved policies T16, T18 and DEV55.

#### **Sustainability**

- 9.186 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG. In particular, policy DEV6 which requires that:
- 9.187 All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions; Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.
- 9.188 The application has been accompanied with a detailed Energy Strategy. This strategy details how insulation improvements to the existing dwellings can deliver a substantial carbon saving. The study also considers the feasibility of introducing a district heating system and on-site renewable energy technologies.
- 9.189

The study states that on-site renewable energy would be provided in the form of a 45kW PV array on un-shaded roofs. This would provide 4.7% savings on the new build carbon emissions.

9.190 The following feasibility reasons for not providing a district heating system have been provided by the applicant:

- Residents will remain in their homes whilst improvement works are carried out. The change from the current provision of individual boilers to a district heating system would be very disruptive.
- Some units have been purchased under the right to buy scheme and as such it would not be possible to require leaseholders to connect to the district heating scheme.
- The buildings are spread across the estate which would make the provision of a single district heating system difficult and costly to implement.

9.191 As a result of these constraints, the proposal seeks to make energy savings across the estate as a whole. The existing estate buildings are old and significant improvements to energy consumption can be made, for instance by introducing cavity insulation and installing new condensing boilers.

9.192 Overall, the refurbished scheme will achieve a total reduction in carbon emissions for the existing stock of 46.31%, a total reduction of 20% in the new build and a total reduction from the baseline (existing and new build) of 42%. There will be a reduction in carbon emissions from the estate in its present condition of 32%, despite the increase in number of housing units.

9.193 Officers consider that it is more cost effective investing in refurbishment to deliver a carbon reduction by upgrading the existing stock rather than installing additional amounts of costly renewable technologies. The alternative is that money spent on achieving Decent Homes Plus standard would instead be spent on renewable technology for the new build. There are larger carbon savings per pound for the refurbishment works than there are for the renewable elements.

9.194 The comments made in the GLA Stage One response have been noted. It is accepted that the proposal does not fully meet the Energy criteria set out in the London Plan. However, the scheme does include at least some renewable provision. The level of renewable provision is justified because in this case greater weight has been placed on policy objectives to provide affordable housing and to upgrade housing to Decent Homes Plus standards, and given the financial constraints of the scheme the proposal is acceptable.

#### Biodiversity and Trees

9.195 London Plan policy 3D.14 states that the planning of new development and regeneration should have regard to nature conservation and biodiversity, and opportunities should be taken to achieve positive gains for conservation through the form and design of development. Saved UPD policy DEV57 states that the Council will not permit developments that cause unjustifiable harm to designated sites of Nature Conservation Importance or Green Chains. Saved UDP policy DEV12 requires the provision of landscaping and policy DEV15 seeks the retention or replacement of mature trees.

9.196 Policy CP31 of the IPG states that the Council will seek to ensure the protection, conservation, enhancement, and effective management of the Borough's biodiversity.

9.197 Tower Hamlets Cemetery is designated as a Site of Metropolitan Importance for Nature Conservation. Mile End Park is a Site of Borough Importance. The scale of the development is such that the proposal would not have any significant adverse impacts on these designated areas.

9.198 The proposed landscaping works would improve the range of habitats around the estate which would promote biodiversity. At the time of the previous application Natural England commented on the scheme regarding the need for further ecological assessment, enhanced mitigation and financial contributions to improve the SINC have been considered. However, the submitted toolkit assessment has shown that additional contributions would be at the expense of other estate improvement works. It is considered that the proposed landscaping works provide sufficient biodiversity improvements and in this respect the proposal is acceptable.

9.199 The application has been accompanied with an Arboricultural Assessment. The assessment notes that there are 44 trees and one small group of False Acacias on the estate. The study notes that the scheme would involve the loss of 8 trees that would not otherwise be recommended to be felled. Two of these trees are considered to have moderate amenity value (category B), and the remainder are of low value (category C).

9.200 The scheme would include replacement landscaping. A condition would be imposed to ensure that the landscaping is of adequate quality, and that replacement tree planting is secured, to ensure compliance with the above policies.

#### Air Quality

9.201 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.

9.202 The application has been accompanied by an air quality assessment. This considers the likely impact of the construction phases of development. It is concluded that a Construction Management Plan could mitigate for any potential adverse impacts, for instance by ensuring that dust suppression measures are implemented. This would be secured by condition.

9.203 Once completed the development would be 'car-free' which would ensure that the scheme does not have any adverse impacts on air quality. The development is therefore considered to comply with relevant air quality policies.

#### Flood Risk

Interim Planning Guidance DEV21 seeks to ensure developments do not lead to increased risk from flooding. The site is located in Flood Risk Zone 1 (lowest risk) a Flood Risk Assessment has been submitted because the development site exceeds 1 hectare in size.

9.205 The submitted Flood Risk Assessment has been reviewed by the Environment Agency, who have raised no objection subject to the imposition of a condition relating to surface water drainage. A condition would be imposed on any permission and as such the development would be acceptable.

#### Site Contamination

In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by a Phase 1 Desk Based Assessment of Ground Conditions to assess whether the site is likely to be contaminated.

9.207 The study has been reviewed by the Council's Environmental Health Officer who has

concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and this, and any necessary mitigation, would be required by condition.

#### Archaeology:

- 9.208 The application was accompanied by a desk-top assessment that considered the potential of the site to house archaeological remains. An amended study was later submitted that enlarged the area covered to include Brokesley Street. English Heritage have commented that the potential for archaeological remains is low, and no further work is required. On this basis the Authority is satisfied that the development accords with saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

#### Impacts on local infrastructure and cumulative impacts

- 9.209 A toolkit has been submitted with the application. It compares the potential revenue from the site with the potential costs of the development. The figures input into the toolkit appear low in terms of market value. However, the developer costs are substantially lower than the standard toolkit values. Other costs are generally at the standard level or below and no exceptional developer's costs have been input into the toolkit.
- 9.210 The toolkit demonstrates the financial constraints of the scheme and shows that the scheme would generate 7.9M in cross-subsidy for the upgrade of the existing properties on the estate to Decent Homes Plus standard.
- 9.211 Any additional requirements such as increased s.106 contributions or the incorporation of additional renewable energy would have a direct negative impact on the funding available for the upgrade of the estate.
- 9.212 Overall, the scheme provides 37.2% affordable housing in accordance with Council policy and provides a comprehensive refurbishment of the existing estate to bring the existing homes up to Decent Homes Plus standard.

#### Education Infrastructure

- 9.213 The Council's Education Section have requested a contribution of £320, 892 towards the provision of additional primary school places, and this has been agreed with the Developer.
- 9.214 Objectors have made detailed comments about the availability of school places in the local area, and have questioned whether the additional children associated with the development can satisfactorily be accommodated.
- 9.215 These comments have been noted, however officers consider that the proposed contribution will mitigate for the impact of the development.

#### Healthcare Infrastructure

- 9.216 At the time of the previous application the local PCT requested a contribution of £224, 122 to mitigate for the pressure of the additional population on local healthcare resources. This has been agreed with developer. The contribution would adequately mitigate for the additional pressure of the development.

#### Cumulative impacts

- 9.217 Mitigation for other developments in the vicinity of the site is considered on a case by case basis and it is not considered that the cumulative impacts of these developments would result in any significant adverse impacts.

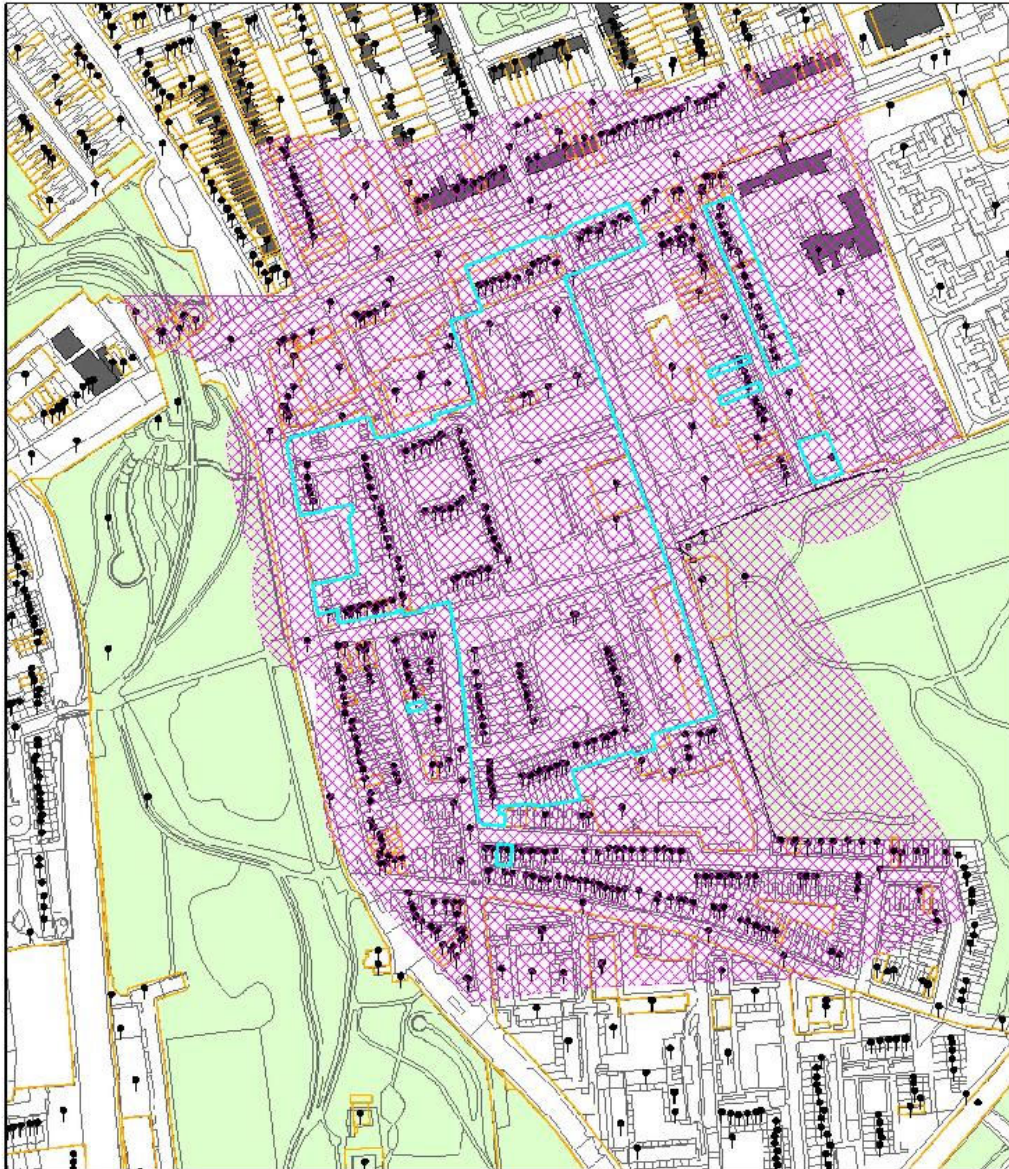


## **10 Conclusions**

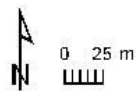
- 10.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

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# Planning Application Site Map



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



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. (c) Crown Copyright. London Borough of Tower Hamlets LA086538

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# Agenda Item 7.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.x
<b>Report</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Simon Ryan		<b>Ref No:</b> PA/09/01220	
		<b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

<b>Location:</b>	40 Marsh Wall
<b>Existing Use:</b>	Office building (Use Class B1)
<b>Proposal:</b>	Demolition of existing office building and erection of a 39-storey building (equivalent of 40 storeys on Manilla Street) with three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); together with rooftop plant and associated landscaping. The application also proposes the formation of a taxi drop-off point on Marsh Wall
<b>Drawing Nos:</b>	<ul style="list-style-type: none"> <li>• Drawing nos. 1065-PL-001-A, 1065-PL-098, 1065-PL-099, 1065-PL-100, 1065-PL-101, 1065-PL-102, 1065-PL-103, 1065-PL-104, 1065-PL-105, 1065-PL-106, 1065-PL-150, 1065-PL-160-A, 1065-PL-170-A, 1065-PL-200, 1065-PL-201, 1065-PL-202, 1065-PL-203, 1065-PL-210, 1065-PL-211, 1065-PL-220, 1065-PL-221, 1065-PL-223, 1065-PL-224, 1065-PL-225, 1065-PL-300, 1065-PL-301, 1065-PL-302, 1065-PL-303, 1065-PL-304, 1065-PL-310</li> <li>• Design and Access Statement</li> <li>• Planning Statement prepared by PC Planning &amp; Development Consultants</li> <li>• Sustainable Energy Strategy Report prepared by Mendick Waring Ltd</li> <li>• Draft Workplace Travel Plan prepared by JMP Consultants Ltd</li> <li>• Transport Assessment prepared by JMP Consultants Ltd</li> <li>• Employment Study prepared by Knight Frank</li> <li>• Hotel Demand Study prepared by Savills</li> <li>• Statement of Community Involvement prepared by Lexington Communications</li> <li>• Environmental Statement – Volume I prepared by URS</li> <li>• Environmental Statement – Volume II (Townscape &amp; Visual Assessment) prepared by URS</li> <li>• Environmental Statement – Volume III (Technical Appendices) prepared by URS</li> <li>• Environmental Statement – Non-Technical Summary prepared by URS</li> <li>• Informal Cumulative Assessment prepared by URS</li> </ul>
<b>Applicant:</b>	Marsh Wall Chelsea LLP
<b>Owner:</b>	<ul style="list-style-type: none"> <li>• Mr Kamruz, BAK Investments Ltd</li> </ul>

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Simon Ryan 020 7364 5009

- London Borough of Tower Hamlets (area of highway where taxi drop-off is proposed is LBTH controlled)

**Historic Building:** N/A

**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity by serving business tourism, and in this respect will support London's world city status. The serviced apartments will provide short-term accommodation for the international business sector. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), ART1 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policy IOD18 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's role as a leading centre of business activity within London.
  - The restaurant (Class A3), leisure facilities (Class D2), conference facilities (Use Class D1) and serviced office facilities (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1 and RT4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control and policies IOD18 and IOD20 of the Isle of Dogs Area Action Plan (2007), which seek to promote a diverse range of employment, retail and leisure uses in the Isle of Dogs, specifically within the Central sub-area.
  - The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
  - The development would form a positive addition to London's skyline, without causing detriment to local or long distance views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
  - The public amenity space at street level is considered to be inclusive to both local residents and workers, and also improves the permeability of the immediate area. As such, it complies with saved policy DEV1 of the UDP (1998) and policies DEV3 and DEV4 of the Interim Planning Guidance which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles. The provision of new public open space is also in compliance with policy IOD5 of the IPG (2007), which encourages opportunities to improve and add to the public open space network within the Isle of Dogs.
  - It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy

DEV2 of the Council's Unitary Development Plan (1998) which seeks to protect residential amenity.

- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Financial contributions have been secured towards the provision of transport infrastructure improvements; employment & training initiatives; public art; tourism and Olympic signage in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

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

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

#### Financial Contributions:

- a) Employment & Training – Provide **£204,558** towards improving access to employment for local residents
- b) Transport Infrastructure Improvements - **£859,300** comprising:
  - £786,300 towards highway improvements and footway reconstruction with York stone and granite sets on the south side of Marsh Wall, between the Millennium Quarter and Westferry Circus;
  - £20,000 towards the provision of TfL DAISY information boards;
  - £50,000 towards the re-provision of a bus stop; and
  - £3,000 towards the funding of Workplace Travel Plan monitoring
- c) Public Art - Provide **£35,000** towards public art within the local area. This is in line with contributions secured in the Millennium Quarter
- d) Tourism and Olympic Signage - Provide **£1,400** towards the installation of an Olympic sign and the provision of three new gates onto the Thames Path
- e) Open Space Provision – Provide **£40,260** towards the provision of open space in the Borough

#### Non-Financial Contributions:

- f) Car-free agreement
- g) TV reception monitoring
- h) Publicly accessible open space – To maintain access across the new public realm
- i) Code of Construction Practice - To mitigate against environmental impacts of construction
- j) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy

- k) Social Compact Obligation to Commit Skills - To provide training and skills development for local secondary school children, apprenticeships and developing employment linkages with the community for the duration of occupancy at the site
- l) Servicing Management Plan – To ensure servicing is undertaken in an appropriate manner
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: **£1,140,518**

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

### **Conditions**

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples / details / full particulars of materials, glazing, landscaping & external lighting
- 5) Submission of further details on plant, machinery and ventilation
- 6) Submission of details of external lift
- 7) Submission of a Servicing Management Plan
- 8) Submission of a Construction Management Plan
- 9) Submission of full Travel Plan
- 10) Details of heat distribution system to be submitted
- 11) Details of CHP system to be submitted
- 12) Details of and commitment to connection of scheme to the Barkantine district heating system
- 13) BREEAM “Excellent Standard”
- 14) Hotel Management Plan, ensuring the suites are managed as short term accommodation for a period no longer than 90 days;
- 15) A minimum of 10% of the hotel rooms and serviced apartments shall be designed to be wheelchair accessible
- 16) Construction Logistics Plan
- 17) Scheme of highway works (s278 agreement)
- 18) Development to be carried out in accordance with the approved Flood Risk Assessment and associated mitigation measures
- 19) Submission of groundwater contamination risk assessment
- 20) Piling only to be carried out with express written consent of LPA
- 21) Submission of scheme for disposal of foul and surface water
- 22) Submission of scheme for the protection and monitoring of groundwater
- 23) Reuse of materials from existing building
- 24) Submission of details of wildlife habitat measures on roof
- 25) Provision of a blue-badge disabled parking space
- 26) Taxi lay-by to be completed prior to the occupation of the building
- 27) Details of the highway works surrounding the site; and
- 28) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

- 1) Section 106 agreement required
- 2) Section 278 & 72 Highways agreements required
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows



- 4) Changes to the current licensing exemption on dewatering
- 5) Contact London City Airport regarding cranes and scaffolding
- 6) Contact LBTH Environmental Health
- 7) Contact Environment Agency
- 8) Section 61 Agreement (Control of Pollution Act 1974) required
- 9) Contact London Fire & Emergency Planning Authority
- 10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.3 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Head of Planning & Building Control is delegated power to refuse planning permission.

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

##### **Proposal**

- 4.1 The application proposes the demolition of the existing office building and the erection of a replacement 39-storey hotel building onto Marsh Wall, while on the Manilla Street frontage the proposed building is 40 storeys due to a level change across the site. The proposed building includes a recessed level of screened plant upon the roof.
- 4.2 The proposed building is described as a 'boutique hotel' and contains:
  - 305 hotel suites (Use Class C1) at second to thirty-first floor;
  - Restaurants/cafes/bars (Use Class A3/ A4) at podium ground, first, thirty-seven and thirty-eighth floor, totalling 1,088sq.m.;
  - Eight serviced offices (Use Class B1) at 32<sup>nd</sup> – 34<sup>th</sup> floor level totalling 787sq.m.;
  - Swimming pool, gym and spa (Use Class D2) at basement and 36<sup>th</sup> floor level;
  - A total of 454sq.m. of conference facilities (Use Class D1) together with bicycle storage, plant and ancillary hotel functions across a total of three basement levels
  - One disabled parking space accessed on Manilla Street, 8 visitor cycle stands at ground floor level and 30 cycle parking spaces at basement level
  - Provision of a new publicly accessible open space and hard/soft landscaping at street level. This is achieved by recessing the building line from Marsh Wall and Cuba Street together with cantilevering the building's façade. An external glass lift is integrated into the external works to provide inclusive public access between the podium level at Marsh Wall and the lower level at Cuba Street and Manilla Street
- 4.3 The proposed building is roughly rectangular at ground floor level and located within the south eastern portion of the site. An area of hard and soft landscaping sets the building away from Marsh Wall and Cuba Street. The building is cantilevered at third floor level and the form visibly changes again at 8<sup>th</sup> floor level to seemingly form a tower above a 9 storey podium building. The height of the proposed building is 127.15m AOD.
- 4.4 The submitted Hotel Demand Report details that the proposed hotel would be a high quality 'boutique hotel' which will add to the diverse room stock in the area. The report appends a letter of interest from the InterContinental Hotel Group operator.
- 4.5 The application also proposes the formation of a taxi drop off point on Marsh Wall.

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

- 4.6 The site is located within the northern part of the Isle of Dogs, on the western end of Marsh Wall. The site is roughly triangular in shape with its boundaries formed by Marsh Wall to the north, Cuba Street to the west and Manilla Street to the south. There is a level change between the north and the south of the site, with Cuba Street and Manilla Street accessed

via existing steps from Marsh Wall.

- 4.7 The site is occupied by a five storey (including ground and basement) office building with retail and professional services at ground floor level. The existing building occupies almost the whole site and was built in 1992 alongside an almost identical building upon the neighbouring site, 30 Marsh Wall. Between the two buildings are a set of public steps which provide a link between Marsh Wall and Manilla Street. The applicant details that the steps are in unknown third party ownership.
- 4.8 The prevailing land use to the north of the site towards Canary Wharf is dominated by mostly commercial and office buildings. Directly to the north and opposite the site is the 14-storey Britannia International Hotel and the Arrowhead Quay construction site – a commercial office development of 16-26 storeys (planning permission ref. PA/07/00347 dated 22<sup>nd</sup> August 2007).
- 4.9 The area to the south of Marsh Wall is characterised by a mix of residential, commercial and warehouse buildings. To the south-east of the site on Manilla Street is a row of low-rise industrial units and the North Pole public house, which has residential occupancy above. To the east of the site is a disused warehouse at 63-69 Manilla Street. This site has an extant planning permission for the erection of a part 4, part 7 and part 10 storey mixed use building consisting of office and retail floorspace with 11 residential units (planning permission reference PA/04/01847 granted on 1<sup>st</sup> May 2007).
- 4.11 To the west of the site on Cuba Street is Block Wharf, 7-storey residential block with commercial use at ground floor. Beyond Block Wharf lies a vacant site at 1-18 Cuba Street, on the land bounded by Cuba Street, Tobago Street and Manilla Street. This site is also directly to the south of the former site at 22-28 Marsh Wall, 2 Cuba Street and 17-23 Westferry Road, where the development of one building of 44 storeys, one building of 30 storeys and two buildings of 8-storeys to provide 802 dwellings together with retail, office, community uses and public spaces was granted under planning permission refs. PA/05/00052, PA/06/01439 and PA/07/02744. This development is nearing completion.
- 4.12 In terms of built heritage, the site does not fall within a conservation area, with the closest being the Narrow Street and West India Dock Conservation Areas some 650-750m to northwest and north respectively, and the Coldharbour Conservation Area approximately 1km to the east. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework (GLA, 2007).
- 4.13 The site has a good level of accessibility to public transport, with a Public Transport Access Level of 5 ('Very Good') where 1 represents the lowest and 6 the highest. The closest bus stop to the site is located directly upon the site's Marsh Wall frontage, which is served by the D8 bus service. A total of 4 other bus services operate within 400m of the site. Canary Wharf Underground station is located approximately 375m to the north, whilst Heron Quays and South Quay DLR stations are located approximately 280m to the north east and 400m to the east respectively. The site is also accessible via the Thames Clipper service from the Canary Wharf pier at Westferry Circus, approximately 560m to the north west, which operates every 20 minutes. The nearest Transport for London Road Network is the A1203, approximately 340 metres north west of the site.

### **Relevant Planning History**

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

ID/94/00135 Planning permission was granted by the London Docklands Development Corporation for the 'Formation of pedestrian steps between Marsh Wall and Cuba Street in conjunction with landscaping' on 3<sup>rd</sup> November 1994

PA/03/00547 Planning permission was granted on 10<sup>th</sup> June 2003 for the change of use of ground floor unit from use Class B1 (office) to use Class A2 (financial and professional services)

## 5. POLICY FRAMEWORK

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

### Unitary Development Plan

Proposals:		Flood Protection Area Central Area Zone
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV69	Water Resources
	EMP1	Encouraging New Employment Uses
	EMP6	Employing Local People
	CAZ1	Location of Central London Core Activities
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Routes
	S7	Restaurants
	ART7	Hotel Developments
	U2	Consultation Within Areas at Risk of Flooding
	U3	Flood Defences

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

Proposals:		Major Centre (borders) Flood Risk Area
Core Strategies:	IMP1	Planning Obligations
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP13	Hotels and Serviced Apartments
	CP15	Provision of a Range of Shops
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP33	Site of Nature Conservation Importance
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings

Policies:	CP49	Historic Environment
	CP50	Important Views
	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV27	Tall Buildings
	SCF1	Social and Community Facilities
	OSN3	Blue Ribbon Network
	CON1	Listed Buildings
	CON5	Protection and Management of Important Views
IOD2	Transport and movement	
IOD4	Education Provision	
IOD6	Water Space	
IOD7	Flooding	
IOD10	Infrastructure and services	
IOD18	Employment Uses in the Central sub-area	
IOD20	Retail and Leisure Uses in the Central sub-area	
IOD21	Design and Built Form in the Central sub-area	

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

2A.1	Sustainability Criteria
3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London's economy
3B.9	Tourism Industry
3B.11	Improving Employment Opportunities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.23	Parking strategy
3D.1	Supporting town centres
3D.3	Improving retail facilities
3D.7	Visitor Accommodation and Facilities
3D.14	Biodiversity and nature conservation
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power

4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s built heritage
4B.12	Heritage conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.11	Access alongside the Blue Ribbon Network
4C.13	Mooring Facilities on the Blue Ribbon Network
4C.23	Docks
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
6A.4	Planning Obligation Priorities

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

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

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

A better place for creating and sharing prosperity

A better place for learning, achievement and leisure

## **6. CONSULTATION RESPONSE**

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

### **LBTH Access to Employment**

- 6.2 A contribution from the developer is sought at a rate of £1 per square foot of commercial development (equates to **£204,558**). This sum will be apportioned to Skillsmatch, which acts as a broker between local jobseekers and employers with job opportunities. Where job seekers need additional skills, Skillsmatch plan, deliver and customise short term training to employer across industry sectors. (OFFICER COMMENT: The requested sum has been secured within the associated s106 agreement)

### **LBTH Communities, Leisure and Culture**

- 6.3 Cultural Services have requested s106 contributions towards leisure facilities and a £193,370 contribution towards open space provision in the Borough. (OFFICER COMMENT:

A Social Impact Obligation to Commit Skills has been secured within the s106 agreement to provide training and skills development for local secondary school children, apprenticeships and developing employment linkages with the community for the duration of occupancy at the site. With regard to open space provision, the requested figure is to be discounted by the amount of open space provided on site which is 589m<sup>2</sup>. Based on laying out costs for open space this equates to a discount of approximately £153,140 (£260/m<sup>2</sup> \* 589m<sup>2</sup>) (as set in News International and Wood Wharf approvals). Accordingly, a financial contribution of **£40,260** is requested)

#### **LBTH Energy Efficiency**

- 6.4 Consider that the proposed sustainable energy strategy is acceptable in principle, subject to the submission of further information upon the proposed decentralised energy system. (OFFICER COMMENT: Conditions have been attached to this effect)

#### **LBTH Environmental Health (Commercial Health & Safety)**

- 6.5 No objections raised.(OFFICER COMMENT: An informative has been added requesting the applicant to contact Environmental Health regarding matters relating to health and safety matters prior to implementation)

#### **LBTH Environmental Health (Contaminated Land)**

- 6.6 No objection subject to the attachment of appropriate conditions. (OFFICER COMMENT: This matter has been addressed in detail under the amenity section of this report).

#### **LBTH Environmental Health (Daylight & Sunlight)**

- 6.7 Consider that the impact of the development is acceptable and planning permission can be considered. (OFFICER COMMENT: This matter has been addressed in further detail under the amenity section of this report).

#### **LBTH Environmental Health (Noise and Vibration)**

- 6.8 No objections, subject to the attachment of appropriate conditions.

#### **LBTH Highways**

- 6.9 Highways considered the proposal to be acceptable in highways terms and the impact upon the highway and public transport network can be mitigated through s106 contributions, section 278 and 72 Highways agreements.
- 6.10 Parking and Disabled Parking: Highways have no objections to the development being car free. The proposed levels of cycle and disabled parking are acceptable.
- 6.11 Highway Impact and Trip Generation: The TRAVL database comparison sites used for the trip generation of the proposed development are satisfactory. The trips generated (persons and vehicles) demonstrate that the increase would not have an adverse impact on both the highway network and public transport which cannot be mitigated.
- 6.12 Drop Off & Pick Up: Drop off and pick up will take place on Marsh Wall. A lay-by would be provided on the southern side of Marsh Wall and will be positioned directly in front of the site, secured by way of section 278 & 72 Highways Agreements, which will also ensure that a footpath with a minimum width of 2 metres is maintained. The lay-by will not be for the sole use of 40 Marsh Wall since it would be constructed on the public highway. (OFFICER NOTE: A condition has been attached that requires the prior agreement of the necessary highways works. These are separate to the s106 contribution works, as detailed above)

- 6.13 Coach Parking: The LBTH Interim Planning Guidance requires 1 coach parking space per 100 hotel bedrooms. This has not been provided due to site constraints. The applicant has demonstrated that coach trips will be discouraged and clients will be encouraged to use executive coaches and mini-buses which can easily be accommodated on Cuba and Manilla Street. In the event that a large coach is used, the hotel operator will ensure a Banksman is available to oversee its activity on the highway. It was also demonstrated that such a 'boutique hotel' would be unlikely to generate such coach trips.
- 6.14 Servicing: This will take place off the highway through a servicing bay on Manilla Street. A Service Management Plan should be provided, as well as a Construction Management Plan. (OFFICER COMMENT: Conditions have been attached requiring the provision of a Servicing Management Plan and a Construction Management Plan prior to implementation).
- 6.15 Section 106 Contributions: Financial contributions are required towards footway reconstruction with granite kerbs and York stone paving and also carriageway resurfacing on southside of Marsh Wall between the Millennium Quarter and Westferry Circus. Grand total - **£786,300**. (OFFICER COMMENT: the requested contribution has been secured within the s106 agreement)

#### **LBTH Waste Policy & Development**

- 6.16 No comments received.

#### **British Broadcasting Corporation (BBC)**

- 6.17 No comments received.

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

- 6.18 CABE have commented that they cannot support the development proposal, which they feel has come forward prematurely in the absence of strategic policy guidance for the Marsh Wall area. In addition, it is not considered that the proposed scheme satisfies the stringent quality requirements that would be expected of a tall building in this location. Concerns were also raised due to an awkward internal layout and energy efficiency/sustainability  
(OFFICER COMMENT: The merits of the design, energy efficiency and sustainability are discussed in detail within the main body of this report, below. In summary, it is considered that the proposal satisfactorily addresses these issues and planning conditions have been attached to mitigate these concerns)

#### **EDF**

- 6.19 No objections.

#### **English Heritage (statutory consultee)**

- 6.20 No objections.

#### **English Heritage - Archaeology & Built Heritage (statutory consultee)**

- 6.21 No objections.

#### **Environment Agency (statutory consultee)**

- 6.22 No objections, subject to the attachment of a number of conditions relating to flood risk assessment, contamination, piling and protection of water quality. Informatives are also recommended regarding the protection of the aquatic environment, both groundwater and

surface water. (OFFICER COMMENT: Conditions and informatives have been attached accordingly).

#### **Greater London Authority (statutory consultee)**

- 6.23 The Mayor has indicated that the application proposal for the redevelopment of the site with a hotel-led mixed use scheme is generally acceptable in strategic planning terms and many of the elements of the proposal respond very well to London Plan policies. The proposed land uses are supported by the London Plan and the overall design of the building and the associated landscaping is considered to be sufficiently high.
- 6.24 However, before the application can be considered fully-compliant with the London Plan, the GLA have requested additional information and minor changes to the proposed scheme, including:
- Further information upon strategic views and the proposed building materials;
  - Further information regarding the adjacent stairs on the neighbouring site and the position of the proposed external lift;
  - Minor changes to improve accessibility including removal of the revolving door and alteration of parking arrangements;
  - Further information upon the proposed energy efficiency measures and sustainable urban drainage systems;
  - TfL have requested s106 obligations and financial contributions (including £50,000 towards the relocation of a bus stop and £20,000 for the incorporation of a DAISY board) and have asked the applicant to undertake a pedestrian crossing survey and provide a full travel plan;
  - TfL have also requested that where possible, the canal and river system should be used as the main mode of transporting construction/waste materials in and out of site.
- 6.25 (OFFICER COMMENT: These issues have been addressed in the body of the report below. In summary, the applicant has worked extensively with the GLA to address their concerns and it is understood that these issues have been adequately addressed. The requested s106 obligations are included, as detailed above)

#### **London Borough of Greenwich**

- 6.26 The LBG express concern on the excessive height and elevational treatment of the development and the detrimental impact it would have on panoramic views from General Wolfe Monument in Greenwich Park. LBG consider that the existing Docklands skyline gradually rises and falls from east to west and it is considered that the proposed development, by reason of its excessive height would significant disturb this arrangement. (OFFICER COMMENT: These issues have been addressed in the body of the report below. In summary, it is considered that the proposed building adheres to the IPG policy requirement for a tapering of heights from One Canada Square and does not appear unduly dominant from Greenwich Park)

#### **London City Airport (statutory consultee)**

- 6.27 No objections, subject to informative regarding the requirement for consultation upon the use of cranes and scaffolding during construction.

#### **London Fire and Emergency Planning Authority (statutory consultee)**

- 6.28 No objections, subject to the attachment of an informative.

#### **London Wildlife Trust**



6.29 No comment.

**London Underground (statutory consultee)**

6.30 No objections.

**Maritime Greenwich - World Heritage Site Coordinator**

6.31 Raise concern that the cluster of tall buildings at Canary Wharf may become a 'wall' of towers extending across the Isle of Dogs from one river bank to the other. The WHS co-ordinator also advises that the application site lies in a zone where a maximum height of 20 storeys is recommended, according to the Maritime Greenwich 'Important Views and Tall Buildings' paper. An objection is therefore raised on the basis that the proposal is too high and would adversely affect the view from the Wolfe statue in Greenwich Park. (OFFICER COMMENT: The height of the proposal is discussed in detail within the main body of the report, below. In summary, it is not considered that the proposal appears unduly dominant from Greenwich Park).

**National Air Traffic Services (NATS – statutory consultee)**

6.32 No comments received.

**Natural England (statutory consultee)**

6.33 Requested that brown roofs are provided in order to create habitats for protected Black Redstarts. (OFFICER COMMENT: A revised roof plan has been submitted by the applicant which incorporates a brown roof. A condition has also been attached which requires the applicant to submit details of ecological enhancements)

**Thames Water (statutory consultee)**

6.34 No comments.

**Transport for London (statutory consultee)**

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

**7. LOCAL REPRESENTATION**

7.1 A total of 460 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	4	Objecting:	4	Supporting:	0
No of petitions received:	0				

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

- The number of hotels in the area has destroyed the local character
- The proposed building will dramatically change the skyline of the area

- There is an over-concentration of hotels within the area
- The proposed development will not be accessible to local residents
- There are no benefits of the scheme to local residents
- The loss of the existing 'Office Angels' employment agency will be detrimental to local residents
- The area needs smaller homes for young couples and older people rather than hotels
- Marsh Wall is often partially blocked by coaches serving the International Hotel and this proposal will exacerbate existing traffic problems on Marsh Wall

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

- The existing International Hotel on Marsh Wall has had a number of fire alarm activations which has caused pedestrian congestion due to lack of appropriate assembly points
- Tall buildings are fire hazards (OFFICER COMMENT: These two points relate to matters which are controlled by Building Control legislation and are therefore not material planning considerations)

7.4 An additional letter has been received from Charles Russell LLP, who act on behalf of adjoining land owners. The letter states that their client owns various parcels of land at and around 40 Marsh Wall and is not convinced that the submitted red line site plan accurately represents the true ownership of the site. A copy of the letter was relayed to the applicant, who has since responded by providing a copy of the Land Registry title plan. The applicant states that the submitted site plan is accurate and the relevant additional landowners (the Council) have been notified. (OFFICER COMMENT: It is considered that the submitted site plan and signed Ownership Certificate are accurate).

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Employment
3. Design
4. Amenity
5. Highways & Transportation
6. Energy Efficiency
7. Other

### Land Use

8.2 The application proposes the demolition of the existing building which is used for office (Use Class B1) and professional services (Use Class A2) purposes and the erection of a hotel led, mixed-use development, together with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2), conference facilities (Use Class D1) and serviced offices (Use Class B1). The hotel is described as a five-star 'boutique hotel' comprising of 305 suites.

8.3 On a strategic level, the Isle of Dogs, in which the application site is located, is identified within the London Plan as an Opportunity Area within the North-East London sub region. Policy 5C.1 seeks to promote the sub-regions contribution to London's world city role, especially in relation to the Isle of Dogs.

8.4 According to the London Plan, tourism is seen as a key growth industry for London. To accommodate this growth, policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity

Areas as priority locations for new hotel accommodation and seeks to maximise densities. Policy 3D.7 also supports a wide range of tourist accommodation, such as serviced apartments.

- 8.5 According to policy ART7 and CAZ1 of the Unitary Development Plan (UDP), the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that large scale hotel developments and serviced apartments will be supported in areas of high public transport accessibility and close proximity to commercial development, such as the Canary Wharf major retail centre, business and conference facilities and public transport.
- 8.6 Policy IOD18 of the Isle of Dogs Area Action Plan (IDAAP) states that in areas to the north of Marsh Wall, employment uses which support the formation of a global and financial business centre on the Isle of Dogs, such as mixed-use hotel and serviced apartment developments, should be provided. In areas to the south of Marsh Wall, policy IOD18 states that the Council will support a diverse range of employment uses.
- 8.7 The Mayor's Stage I report states that:  
*"The proposal sits just outside the CAZ boundary but within a location that is very accessible to the commercial hub at Canary Wharf. There are also other hotels in the area and Canary Wharf is a recognised hotel location in London. Policy 5G.2 'Strategic priorities for the Central Activities Zone' lists the strategic priorities for the CAZ. These include business and retail uses that will enhance London's role in the world economy. Another strategic priority is to enhance and manage the role of the CAZ as the country's premier visitor location. The proposal for the hotel, although just outside the CAZ, will support this policy and enhance facilities for visitors to London".*
- 8.8 The report goes on to state:  
*"Similarly, the proposal will support policy 3D.7 'Visitor accommodation and facilities', which seeks to achieve a target of 40,000 net additional hotel rooms by 2026, and states that boroughs should focus strategically important new visitor provision within Opportunity Areas. This site is not within the Isle of Dogs Opportunity Area, but is on the boundary of it. Additionally, London Plan policy 3B.9 'Tourism Industry' seeks to enhance the quality and appeal of London's tourism offer. The principle of the proposed hotel is welcomed as it contributes towards the aims of policy 3B.9 through maximising opportunities arising from the Olympics and Paralympics Games to promote London's status and image as a leading world class city to an international audience*
- 8.9 The applicant has provided a hotel demand report which references the requirement of the Mayor of London's Hotel Demand Study (2006) for an average need of 2,800 hotel rooms per annum for the 10 year period between 2007 and 2016. The report highlights Tower Hamlets as an area for significant growth with 3,600 existing rooms and approximately 1,500 in the planning pipeline (including the application proposal) – representing around 6% of London's recognised supply, compared to the traditional West End's 72%.
- 8.10 The hotel demand report details five existing hotels within the surrounding area, which are all of 3-4 star rating, with up to a further 8 in the pipeline. The report concludes that there is room for a 5-star hotel of the quality proposed at this time, particularly given the site location and the ongoing commercial development of Canary Wharf Estate and nearby local attractions including Greenwich and the O2 Arena to fuel both significant employment and a profitable hotel operation.
- 8.11 The associated ancillary hotel facilities including restaurant/cafe, leisure facilities, conference facilities and serviced offices are all considered to be in accordance with the

abovementioned policy framework.

- 8.12 In conclusion, whilst the application proposal results in the loss of approximately 3,000 sq.m of office floorspace (discussed further within the employment section of the report, below), the provision of hotel accommodation with associated ancillary commercial facilities in this location is supported by the development plan.

### **Employment**

- 8.13 The application proposal would result in the loss of 3,017 sq.m of office (B1) floorspace. The existing number of employees within 40 Marsh Wall is detailed as 145 upon the application form, and the submitted hotel demand report estimates that approximately 190 full time jobs will be created by the proposal with an extra 20% during peak periods (up to 228 in total).
- 8.14 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floorspace. The following factors are taken into account by the Council:
- The length of time that surplus office floorspace has been vacant;
  - The level of vacant floorspace and unimplemented planning permissions for office floorspace in the surrounding area;
  - Whether the development would involve the loss of premises built to a standard which provides adequate loading and servicing facilities for the full range of B1 uses
- 8.15 Policy EE2 of IPG Core Strategy states that proposals that seek to reduce employment floor space may only be considered where
- The applicant has shown that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.
  - There is evidence that there is intensification of alternative employment uses on site
  - There is evidence that the possibility to reuse or redevelop the site for a similar or alternative business use, through active marketing, has been fully explored over a period of time or there is recent evidence that the site is suitable for ongoing employment use
- 8.16 The applicant has also produced an Employment Supply Study to justify the loss of office floorspace. The report states that the 40 Marsh Wall offers relatively poor quality office space in comparison with the newer buildings at Canary Wharf, with the location becoming less attractive due to several large developments in other areas of the Docklands, particularly those in North Quay where the new Crossrail station will be located and refurbishments in Canary Wharf. Furthermore, given that the office market in the Docklands is likely to be over supplied with an expected fall in demand for office space, any demand that there is will be focused around Canary Wharf rather than in the fringe locations such as Marsh Wall. The report also states that 40 Marsh Wall contains 3804 sq.m of B1 office floorspace, which presently accounts for 0.2% of total Docklands office stock, which itself is ever-increasing.
- 8.17 Whilst it is noted that the report does not go into the specific details of the current occupation levels of the building and the demand for cheaper 'fringe' buildings, it is considered that the report is largely indicative of the low level of occupier demand for outdated space such as 40 Marsh Wall. Furthermore, given the increase in employment as a result of the proposal together with the broad range of job opportunities provided, and given the ability to ensure the resultant jobs are maximised in a manner can benefit local residents via the s106 agreement, it is considered that the loss of employment space is justified in accordance with policies EMP3 of the UDP 1998 and EE2 of IPG Core Strategy.
- 8.18 Lastly, with regard to the objection raised on the grounds of the loss of the existing 'Office Angels' employment agency Use Class A2 (office) within 40 Marsh Wall, it should be noted that, as detailed above in section 3.1, the s106 agreement secures a financial contribution of £204,558 towards improving access to employment for local residents, which will be

apportioned to the Council's job brokerage service, Skillsmatch. Furthermore, the s106 agreement also secures an obligation for the promotion of employment of local people during and post construction which will also be facilitated by the Council's Skillsmatch service and also the Local Labour and Construction service.

## **Design**

- 8.19 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.20 Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 8.21 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.22 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.23 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.24 Policy IOD21 of the IODAAP (2007) states that the central sub-area will contain a mix of building heights which do not compete with the cluster of tall buildings in the Northern sub-area (i.e. the Canary Wharf cluster). In general, building heights will be higher in the north of the sub-area and reduce in height towards the southern parts. Building heights of new development must consider and respond to the close proximity of established residential areas nearby.

## Analysis

- 8.25 The application proposes the erection of a 39 storey building (40 storeys upon Manilla Street due to a level change across the site) with an area of hard and soft landscaping which sets the building away from Marsh Wall and Cuba Street. The height of the proposed building is 127.15m AOD.
- 8.26 The site is located upon a curve in Marsh Wall, creating a triangular site within close proximity of the 22 Marsh Wall and Arrowhead Quay development sites, as detailed above within section 4 of this report. The busy nature of the area, together with its close proximity to the Canary Wharf estate, has resulted in the emergence of an interesting cluster of tall buildings around the site.
- 8.27 The proposal was discussed at pre-application stage. The applicants have responded to all of the Council's Design Officer's comments and the result is a refined and well considered design which responds to surrounding consented buildings and context. There is a particular emphasis on high quality façade treatments and a quality public realm, with accessible and

active frontages to Marsh Wall, Cuba Street and Manilla Street.

- 8.28 Architecturally it is a visually distinctive building. The building is visually separated into two sections – a 9-storey plinth at the base and an interlocking 39/40 storey tower. The plinth is orientated to the east/west in order provide a better volumetric relationship to, and continue the emerging 9-storey street scene within Cuba Street and Manilla Street as formed by the recent development at 22 Marsh Wall and the neighbouring 30 Marsh Wall, as shown below within **figure 1**. The plinth is proposed to be clad in a distinctive smooth glazed cladding system, made up of a mixture of saffron-hued glass panels which increase in transparency towards ground level in order to create active frontages.
- 8.29 The tower element of the proposed building is formed by two interlocking rectilinear and curved elements, which create a slim, elegant profile that responds well to the site's location upon the curve of Marsh Wall. The façade treatment of the rectilinear element of the tower comprises a series of opaque and transparent vertical flush glazing with horizontal aluminium channels at alternative levels. The interlocking curved element of the tower uses a triple height glazing system with projecting vertical aluminium fins which contrasts the horizontal rhythm of the rectilinear element. It is considered that the building would add visual interest and contrast to the emerging cluster of tall buildings at this western end of Marsh Wall, from both a local perspective at street level and from longer distance views.



**Figure 1:** The proposed building (far right) as viewed from the south in context with (from the left) the ongoing development of 22 Marsh Wall and the neighbouring 30 Marsh Wall

- 8.30 The height of the proposed building is not significant enough to raise any concerns for London wider strategic views and would be masked by silhouettes of Riverside South, City Pride and Heron Quays. The proposed building is considered to conform with policy IOD21's requirement for buildings in this area to taper in height to the south. Furthermore, the proposal is 5 storeys shorter than the adjacent 22 Marsh Wall which, together with its more slender profile, adds visual relief to the emerging cluster of tall buildings in the area. The GLA has confirmed that the proposal does not raise any concerns in relation to strategic views.

8.31 The GLA's Stage I report states:

*"For the most part, the proposed building will appear amongst a skyline of other tall buildings and given its relatively slender built form, the proposal will not have a negative impact on views of Canary Wharf or the wider Isle of Dogs. However, in the local setting the proposed tower will be significantly larger than nearby existing buildings such as those on the corners of Westferry Road and Manilla Street/Westferry and Cuba Street. Within this context, the contrast between the two-three storey existing buildings and the proposed 39-storey building is marked, although not unusual within the emerging townscape of this area. This issue is particularly evident in the relationship between the 'Rogue Trader' public house and the under construction 'The Landmark' [22 Marsh Wall] and the consented City Pride redevelopment and the existing building on the opposite end of Westferry Road".*

8.32 Policy DEV27 of the IPG (October 2007) provides criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:

- The scheme is of a high quality design;
- The development creates an acceptable landmark building to the edge of the Canary Wharf Estate, invigorating Marsh Wall and complementing the existing and emerging tall buildings;
- It contributes to an interesting skyline, from all angles and at night time;
- The site is not within a strategic view corridor;
- The site is not within a local view corridor and would not impact adversely on local landmarks;
- The scheme frees up approximately 60% of the site to provide adequate, high quality and usable amenity space;
- The scheme enhances the movement of people, including disabled users, through the public realm area whilst securing high standard of safety and security for future users of the development;
- The scheme meets the Council's requirements in terms of micro-climate;
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- The impact on biodiversity will not be detrimental and a condition has been attached to ensure appropriate habitats are created;
- The mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- The site is located in an area with good public transport accessibility;
- Takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
- Conforms with Civil Aviation requirements; and
- Will not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.33 It is considered that the proposed public realm improvements will make a valued contribution to the regeneration of this particular area of Marsh Wall. The proposal seeks to replace the existing back edge of pavement development which occupies almost the entire site, with a slender tower that gives over 60% of the site to publicly accessible landscaping where none currently exists. It is also considered that this results in improvements for north/south permeability, safety and security and animates Marsh Wall, Cuba Street and Manilla Street at ground floor level.

8.34 With regard to CABE's comments as detailed above, whilst there is no masterplan in place

for this area of the Isle of Dogs, it is considered that the vast number of development plan policies (listed above), comprising the London Plan, UPD, IPG and IODAAP, provide sufficient guidance to ensure the appropriate redevelopment of this site. Furthermore, it should also be noted that, as detailed above, a number of developments of a similar scale to that proposed are located within close proximity to the application site and a number of other sites within the area have been or are engaged within the Council's formal pre-application process. Accordingly, officers are seeking to ensure a coherent, sustainable approach to the redevelopment of the area is achieved.

- 8.35 In light of supporting comments received from the GLA and the Council's Design Department regarding the form, height, massing and design of the development, and subject to conditions to ensure high quality detailing of the development is achieved, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan (2008) and IPG (2007).

#### Heritage Issues

- 8.36 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.
- 8.37 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.38 Policy CON1 of the IPG October 2007 states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.39 As detailed above, the application site is not located within a conservation area. The nearest Conservation Areas are located approximately 650 metres away to the north of the site. It is not considered that the Conservation Areas would be adversely affected by the proposal. The site is not located within the vicinity of any listed structures.
- 8.40 English Heritage and the Council's Design & Conservation Department have raised no objections to the proposal. As such, the proposal is considered to be appropriate and in accordance with PPG15, the London Plan and the Council's Interim Planning Guidance (2007).

#### Accessibility and Inclusive Design

- 8.41 Policy 3D.7 of the London Plan identifies that the Council should support an increase and the quality of fully wheelchair accessible accommodation. Further, paragraph 4.38 of policy CP13 of the IPG highlights that there is a shortage of accessible hotel accommodation in London. It identifies the English Tourist Council's National Accessible Standard as best practice to make hotel accommodation more accessible. All new hotel developments are required to meet the National Accessible Standard.
- 8.42 There is no direct planning policy on the minimum provision of wheelchair accessible units for hotel and serviced apartments, however in line with Building Regulations Part M requirements, 5% of the serviced apartments are wheelchair accessible with a further 5% being adaptable.
- 8.43 With respect to the design and access statement, the GLA Stage 1 report states: *"This [the provision of 5% wheelchair accessible rooms and a further 5% adaptable rooms] is strongly supported and the floorplans provided demonstrate that the applicant has made a very good effort at providing a highly accessible form of hotel forms. The circulation space is generous,*



*the doors are wide, the bathrooms are large (and hoist space provided) and there is adequate space on either side of the bed... The provision of a blue badge space off Manilla Street is also supported”.*

- 8.44 The GLA have queried a number of minor issues relating to access, including the applicant’s attempt to take advantage of the area of land between 30 and 40 Marsh Wall, which could provide better access between Cuba Street and Marsh Wall. The applicant has since responded to the GLA directly to justify the proposed positioning of an external lift close to the lower ground entrance to the hotel, stating that the location of the lift is well-lit, sheltered and overlooked. A condition has been attached in order to ensure the access is as inclusive as possible.

#### Safety and Security

- 8.45 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments. The Metropolitan Police Crime Prevention Officer has raised no objection to the scheme. As such, the safety and security of the scheme is considered acceptable.

#### **Amenity**

- 8.46 According to paragraph 4.37 of policy CP13 of the IPG, hotel and serviced apartments must fit into their surroundings and should not harm the environment by reason of noise, disturbance, traffic generation or exacerbation of parking problems, or detract from the character of the area. Notwithstanding this, the IPG states that such facilities are more preferable in town centres and locations with good access to public transport, away from established residential areas to ensure any impacts are minimal.
- 8.47 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.48 In terms of amenity, the applicant provided an Environmental Statement which addressed a wide range of issues, such as daylight/sunlight, air quality, wind, noise and vibration.

#### Sunlight/Daylight

- 8.49 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing.
- 8.50 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.51 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.52 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.

8.53 The method for assessment of daylight, sunlight and overshadowing matters is set out in the Building Research Establishment (BRE) Handbook. As stated in the BRE guidance “*guidelines may be used for houses and any non-domestic buildings where daylight is required*”. However, in accordance with the guidance, and with best practice, where there is no guidance on the acceptable level for non-domestic buildings, commercial buildings are usually assumed not to require sunlight, and as such, is not included within the assessment.

*a. Surrounding Daylight/Sunlight*

8.54 The submitted Environmental Statement has tested the impact of the proposal upon the habitable rooms within the North Pole Public House, 1-7 Bellamy Close and 19-26 Cuba Street. Other surrounding buildings are considered non-habitable and are therefore detailed assessments are not considered necessary. The Council’s Environmental Health Officer has agreed this approach.

8.55 Overall, the analysis undertaken demonstrates that the impact of the proposed development is negligible with regard to daylight. The majority of windows at 19-26 Cuba Street will receive increased levels of daylight as a result of the proposed building reducing in width compared to the existing building, whilst there will be a minor adverse impact upon daylight levels to 4 of the 8 windows at the North Pole public house. In total, out of the 88 windows tested, 18 would be adversely affected by the proposal as a result of having a Vertical Sky Component (VSC) loss of over 20%.

8.56 Regarding sunlight, the BRE guidelines state that “*access to sunlight should be checked for the main window of each room which faces within 90 degrees of due south*”. None of the windows that are considered to be affected by the proposal face within 90 degrees of due south and, as such, it is not considered necessary to test them.

8.57 On balance, it is acknowledged that there will be a loss of daylight to a small number of windows at the North Pole public house and 19-26 Cuba Street as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.

8.58 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the habitable rooms surrounding the site comply with the BRE daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

*b. Internal Daylight Assessment*

8.59 According to paragraph 4.39 of IPG policy CP13, serviced apartments are not a form of permanent housing and therefore are considered to be non-domestic buildings. As mentioned above, there are no standards given in the BRE to determine acceptable levels for non-domestic buildings. Nevertheless, due to the height and location of the serviced apartments within the development, there are very few obstructions. Given the urban context, and the lack of guidance for non-domestic buildings, the internal daylight is considered acceptable.

*c. Overshadow*

8.60 The BRE report advises that for an amenity area to appear adequately sunlit throughout the year no more than two-fifths (40%) and preferably no more than one-quarter of such garden

or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.

- 8.61 The results of the submitted permanent overshadowing assessment indicates that 4.4% of the proposed amenity space will be in permanent shadow on March 21<sup>st</sup>. This level is well within the BRE guideline criteria and the impact of the proposal is considered to be minimal.

#### Air Quality

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

#### Wind

- 8.64 Although there is no national or regional planning policy guidance in relation to wind assessments, Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of wind.
- 8.65 Similarly, there is no specific UDP policy relating to wind, but this is addressed in respect of micro-climate in the IPG policies DEV1, DEV5 and DEV27.
- 8.66 Within the submitted Environmental Statement, the applicant undertook a wind assessment, in order to assess the impact of the proposal upon the local microclimate, using wind tunnel tests. The report concludes that, following the implementation of mitigation measures such as tree and hedge planting and semi-permanent fencing along the west and east boundaries, the pedestrian comfort and safety levels are appropriate for intended use.

#### Noise and Vibration

- 8.67 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.
- 8.68 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments.
- 8.69 Within the submitted Environmental Statement, the applicant undertook a noise assessment. The Council's Environmental Health officer had no objection to the scheme subject to appropriate noise and vibration conditions. The scheme is therefore considered acceptable.

#### Privacy/ Overlooking

- 8.70 Issues of privacy/overlooking are to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied

as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

- 8.71 The proposed Hotel/ Serviced Apartments are not a form of permanent housing and therefore are considered to be non-domestic buildings. The North Pole public house habitable windows are located approximately 9 metres directly south of the site. However, the existing building at 40 Marsh Wall abuts the site boundary and the present separation distance is equal. Whilst the proposed building overhangs the pavement to the south above the 9/10 storey plinth, it is considered that no overlooking would occur as the north pole public house is considerably shorter at 4 storeys. There is a minimum separation distance of 10m between the application site and the habitable windows at 19-26 Cuba Street, which is considered to be acceptable in such an urban environment, Accordingly, there are no privacy concerns raised by the proposed development.

## **Highways & Transportation**

### Access

- 8.72 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimises possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.
- 8.73 The application site takes advantage of being in a highly accessible location well served by public transport. As mentioned above, Canary Wharf Underground station is located approximately 375m to the north, whilst Heron Quays and South Quay DLR stations are located approximately 280m to the north east and 400m to the east respectively. The closest bus stop to the site is located directly upon the site's Marsh Wall frontage, which is served by the D8 bus service. A total of 4 other bus services operate within 400m of the site. The site is also accessible via the Thames Clipper service from the Canary Wharf pier at Westferry Circus, approximately 560m to the north west, which operates every 20 minutes. The nearest Transport for London Road Network is the A1203, approximately 340 metres north west of the site.
- 8.74 The development will also bring forward significant improvements to the pedestrian environment around the site, in accordance with the London Plan and Council policy to improve pedestrian access. Contributions have been secured via the s106 agreement for highway improvements and footway reconstruction with York stone and granite sets on the south side of Marsh Wall, between the Millennium Quarter and Westferry Circus, in order to match the high quality public realm within the Millennium Quarter.
- 8.75 The proposal also includes the provision of a taxi lay-by on Marsh Wall. The timely provision of the lay-by is secured by way of condition, whilst a s72 Highways agreement will ensure that a new pavement with a minimum width of 2m is also provided. S106 contributions have also been secured to finance the relocation of the existing bus stop.
- 8.76 The proposal is car-free and, as such, the impact of the development will be largely borne upon public transport. The submitted Transport Assessment indicates that the proposal will have a minimal impact upon the capacity of the DLR and London Underground services. Furthermore, the impact upon the bus network is also minimal. Notwithstanding this, contributions have been secured towards the provision of TfL DAISY (Docklands Arrival Information System) information boards within the development.
- 8.77 TfL have stated within the Mayor's Stage I report that they generally support the proposal and welcome that the assessment is accompanied by a draft travel plan. A full travel plan will

be secured by planning condition in order to manage travel demand. At TfL's request, contributions have also been secured for the installation of an Olympic sign and the provision of three new gates on the nearby Thames Pathway National Trail and also, a signage audit is to be carried out within the area to improve way-finding in the area.

#### Car and Cycle Parking

- 8.78 In line with London Plan policy 3C.1, the developer seeks to reduce the need to travel by car. Measures to achieve this include: a car free development (only one disabled space is provided); 38 cycle parking spaces; improved pedestrian facilities; and appropriate travel planning. The development is not expected to generate significant numbers of motorcycle trips and no on-site parking provision is proposed. Canary Wharf provides on-street motorcycle bays at various locations across the estate.
- 8.79 In view of the site's high public transport accessibility level, TfL welcomes the car free nature of the scheme. Also, cycle parking has been provided in accordance with TfL standards.

#### Servicing and Refuse Provisions

- 8.80 The submitted Environmental Statement details that waste produced in the building would be consolidated at basement level and temporarily housed at lower ground level, from where waste and recyclables would be transported by a registered contractor to suitable waste transfer and recycling storage.
- 8.81 The applicant has provided a Transport Assessment which details that servicing and deliveries would take place off the highway through a serviced bay, accessed from Manilla Street. The Council's Highways Department has not raised any objections to this arrangement and has requested that a condition be attached requiring the submission of a service management plan, in order for the service bay to be effective.

#### **Energy Efficiency & Sustainability**

- 8.82 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.
- 8.83 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:
- Reduce the carbon dioxide and other emissions that contribute to climate change;
  - Minimise energy use by including passive solar design, natural ventilation and vegetation on buildings;
  - Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
  - Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.
- 8.84 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised energy networks; and requiring applications to demonstrate that the heating, cooling and power

systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.

- 8.85 The submitted Sustainable Energy Strategy Report details that combined heat and power (CHP) is to be included within the development to provide heat and electricity and thus improve the overall efficiency of the primary energy delivered to the site. The favoured strategy for the provision of the CHP is to connect to the Barkantine Heat and Power Company network which is close to the application site. This approach is welcomed by both LBTH's Energy Efficiency Department and the GLA. Should this approach not be possible, an on-site CCHP plant will be provided which will provide electricity to the building, with the heat generated being used for hot water and space heating, and for cooling via an absorption chiller. The applicant also proposes to install solar PV panels at roof level and on the south elevation to generate electricity for use in the building.
- 8.86 The table below shows an overall reduction of 30.2% carbon emissions from the baseline building and after all the various energy strategies have been implemented. It is therefore considered that the proposed carbon emission reductions are in accordance with the abovementioned policies.

<b>Assessment</b>	<b>Energy Demand % reduction</b>	<b>CO2 Emission % reduction</b>
Using Baseline Figures (Part L compliant building)		
After energy efficiency improvements	10.6	7.6
After incorporation of CCHP	-14.1	24.3
After incorporation of PV panels	0.1	0.2
<b>Totals</b>	<b>-2.0</b>	<b>30.2</b>

**Table 1: Proposed carbon emission reductions**

- 8.87 Policy 4A.3 of the London Plan requires all development proposals to include a statement on the potential implications of the development on sustainable design and construction principles. This is also reflected within the relevant policies of the IPG. The applicant details that a commitment to achieve a BREEAM "Excellent" rating against a BREEAM Offices 2008 protocol. A condition has been attached to ensure this is achieved.
- 8.88 The information has been considered by the Council's Energy Efficiency Department who have commented that the submitted Sustainable Energy Strategy is considered to be appropriate for the development and the London Plan Hierarchy has been followed appropriately. As requested by the Energy Efficiency Officer, conditions have been attached which require the submission of details of the proposed cooling and heating systems.
- 8.90 The GLA raised no objections to the proposed energy strategy within their Stage I report, subject to further information being provided. The applicant has since responded to this request. The GLA also request that connection to the Barkantine Heat and Power network is prioritised. A condition has been attached to this effect.

#### **Other Planning Issues**

### Biodiversity

- 8.91 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor British Waterways raised any objections to the proposal on such grounds. As detailed above, Natural England requested that Black Redstart habitats be provided at roof level. The applicant has since provided a revised roof plan which incorporates an element of brown roofing. A condition has also been attached requiring the submission of details of ecological enhancements.

### Flooding

- 8.92 Policy U3 of the UDP and policy DEV21 of the IPG October 2007 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.

The site is located within a Flood Risk area. The Environment Agency have not raised any objections to the proposal on the grounds of flood risk, subject to a number of conditions. As such, the scheme is considered acceptable with respect to this aspect.

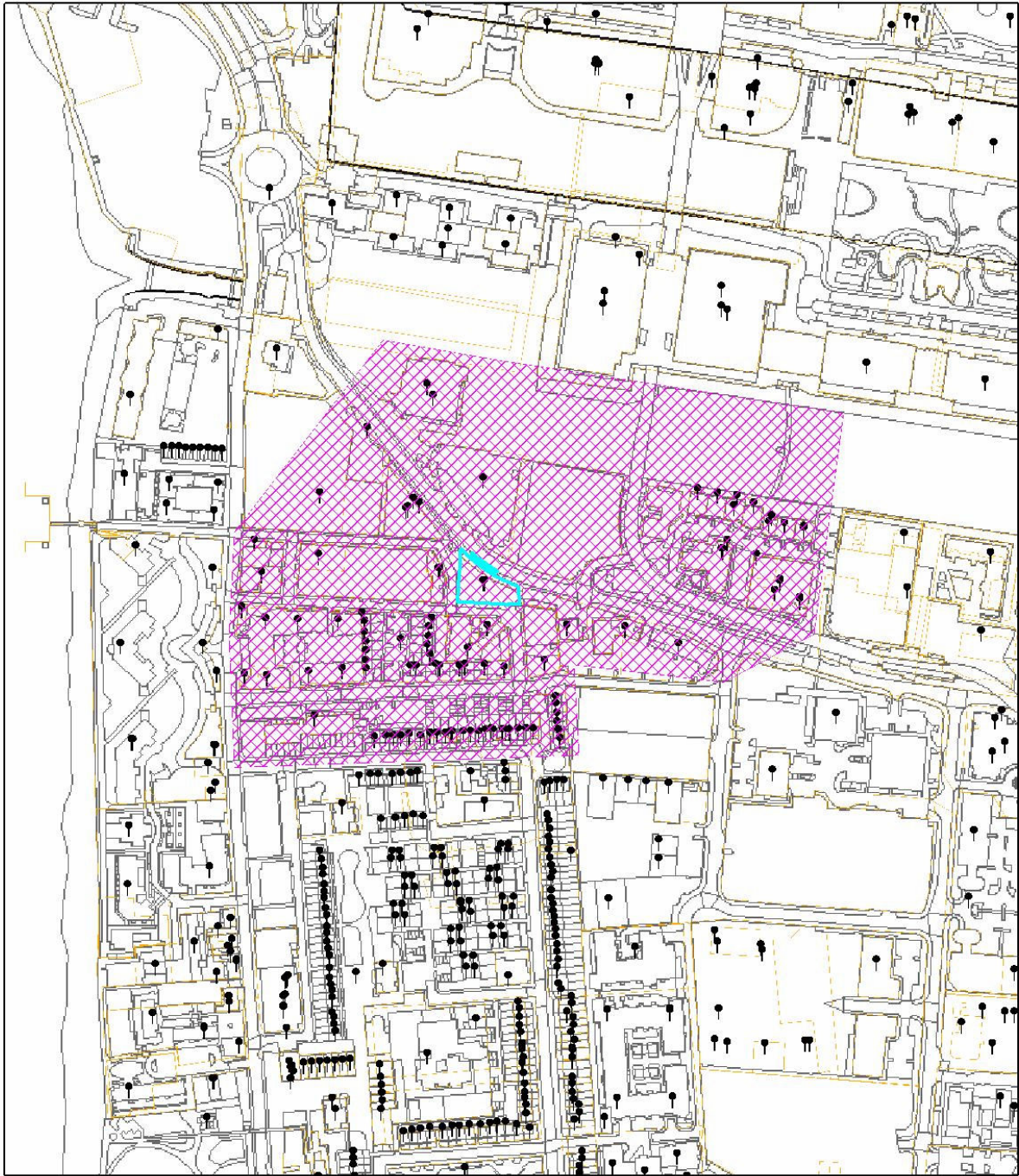
### Environmental Statement

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

### **Conclusions**

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

# Planning Application Site Map



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



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



# Agenda Item 7.3

<b>Decision Level:</b> Strategic Development Committee	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jason Traves		<b>Ref No:</b> PA/09/1122	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

**Location:** Former Beagle House, Braham Street, London, E1 8EP  
**Existing Use:** Offices (Class B1)  
**Proposal:** Demolition of the existing building and the erection of an 17 storey building comprising two ground floor retail units (Class A1, A2, A3, or A4), 1st - 17th floor office use (Class B1) and two basement levels plus associated servicing, landscaping, plant accommodation, parking, access and any other works incidental to the application.

**Drawing Nos:** WE-434-098C; 099C; 100D; 101D; 197C; 199C; 200D; 202D; 208C; 209D; 212C; 200A; 221A; 222A; 223A; 224A; 225D; 226D; 227D; 300D; 301D; 302D; 303D; 310C; 311C; 312C; 313C; 320D; 321D; 322D; 323D; 400D; 401D; 402D; 403D; 404D; 405D; 600C; 601C; 602C; 603C; 605C; 606C; 607C; 608A; 609A; 610A; 611A

C354 D202, D905, SK-433, SK429

Design and Access Statement (Vol I)  
Townscape and Visual Assessment (Vol II)  
Impact Statement Pts 1 and 2 (Vol III)  
Addendum to Visual Impact Study (Oct 09)  
Television reception survey and Development Effects Investigation  
Energy Strategy  
Revised Area Schedule 28.10.09

**Applicant:** Aldgate Investment (General Partner) Limited  
**Owner:** Aldgate Investment Nominee One Ltd; Aldgate Investment Nominee Two Ltd; TFL; EDF Energy Networks Ltd; Maersk Company Ltd; LBTH Corporate Property

**Historic Building:** No  
**Conservation Area:** No

## 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, Interim Guidance, associated supplementary planning guidance, as well as the London Plan and Government Planning Policy Guidance and has found that:

- a) In land-use terms, an office-led, mixed-use approach to the redevelopment of the

- site, including a complimentary commercial ground floor frontage, is appropriate and acceptable. As such, the proposal accords with Policies 2A.4, 2A.5, 2A.7, 5C.1 and CAZ1 of the Mayor's adopted London Plan (Consolidated 2008), Policy CP8 of the LBTH Interim Planning Guidance 2008, Policies CFR9, CFR11, CFR14 of the LBTH City Fringe Area Action Plan, as well as the provisions of the adopted Aldgate Masterplan 2007 which promote office-led development and other complimentary uses in the Central Activity Zone.
- b) In employment terms, the substantial increase in office floorspace and additional of ground floor commercial uses is predicted to increase potential job opportunities in the order of 649-747 jobs including employment opportunities that potentially benefit local people. The proposal is therefore acceptable and accords with the provisions of the Mayor's City Fringe Opportunity Area Planning Framework as well as Policies EMP1, EMP2, EMP6 and EMP8 of the LBTH Unitary Development Plan 1998 and Policies CP1 and CP15 of the LBTH Interim Planning Guidance 2008, which seek to expand opportunities of employment, including those for local people.
  - c) In terms of public open space provision and amenity, in addition to contributing 828sqm of publicly accessible space at ground floor, the proposal contributes to the delivery of an improved Half Moon Passage, Braham Street open space and Leman Street frontage. As such, the proposal accords with Policies 3D.8, 3D.11, 3D.12 and 4B.3 of the Mayor's adopted London Plan (Consolidated 2008), the provisions of the Mayor's City Fringe Opportunity Area Planning Framework, Policy ST12 of the LBTH Unitary Development Plan 1998, as well as the LBTH City Fringe Area Action Plan and adopted Aldgate Masterplan which seek sufficient provision of public open space to address the needs of the community.
  - d) In terms of appearance and layout, the proposal is considered to be an architectural asset and a catalyst for regeneration. The development is of an acceptable appearance and potentially high quality finish, contributing positively to the architectural form and character of the area in a way that is distinctive, yet complimentary. The ground floor layout facilitates the Braham Street open space and connections to it, as well as providing an active frontage and contributing publicly accessible space in its own right. As such, the proposal accords with PPS1, Policies 4B.1, 4B.9 and 4B.10 of the Mayor's adopted London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 1998, Policies CP4, CP48 and DEV27 of the LBTH Interim Planning Guidance 2008 as well as CABE/EH Guidance on Tall Buildings which seeks high quality design for developments.
  - e) The proposal has considered a range of possible means to improve the energy efficiency and sustainability to achieve reductions in energy consumption as well as minimum Carbon Dioxide (CO<sub>2</sub>) emission reductions of 20%. The proposal achieves these requirements and is therefore in accordance with PPS1 as well as the Policies 4A.3, 4A.4, 4A.5, 4A.6, 4A.7 of the Mayor's adopted London Plan (Consolidated 2008) and Policies CP1, CP38, DEV5 and DEV6 of the LBTH Interim Planning Guidance 2008, which variously seek to reduce energy demand and CO<sub>2</sub> emissions whilst encouraging energy efficiency and renewable energy production.
  - f) In term of strategic views, the proposal poses no significant detrimental impact to views of the World Heritage Site, The Tower of London, from Townscape View No. 25 (City Hall to the Tower of London) of the Mayor's adopted and draft London View Management Frameworks. Therefore, the proposal accords with the following policies which seek to protect strategic views of the Tower of London: Policies 4B.10, 4B.14, 4B.16, 4B.17 and 4B.18 of the Mayor's adopted London Plan (Consolidated 2007), the Mayor's adopted London View Management Framework 2007, the Mayor's revised draft London View Management Framework 2009, the provisions Mayor's City Fringe Opportunity Area Planning Framework, Policies CP50, DEV1, CON5 of the Interim Planning Guidance 2008, the provisions of the LBTH City Fringe Area Action plan as well as the provisions of Historic Royal Palace's Tower of London World Heritage Site Management Plan, English Heritage's draft SPG Seeing the History in View which seek to protect strategically important views.
  - g) In terms of the impact to the character and appearance of surrounding listed buildings

and conservation areas, no significant impacts are posed. Therefore the proposal is considered to accord with PPG15, Policies 4B.1 and 4B.8 of the Mayor's adopted London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 1998, Policies CP4, CP48, CP49, DEV2 and CON3 of the LBTH Interim Planning Guidance 2008 and the LBTH Aldgate Masterplan which seek to preserve and enhance the character and appearance of listed buildings and conservation areas.

- h) For all the reasons set out above the proposal is considered to satisfy the criteria for consideration of tall buildings in accordance with PPS1 PPS1, PPG15, Policies 4.B1, 4B.9, 4B.10 and 3A.3 of the Mayor's adopted London Plan (Consolidated 2008), Policies CP48, DEV27 and Con 5 of the LBTH Interim Planning Guidance as well as the provisions of the LBTH City Fringe Area Action Plan and Aldgate Masterplan, and well as 'By Design' published by DETR/CABE, 'Guidance on Tall Buildings' published by CABE/EH which seek to ensure that tall buildings are appropriate to their context, high quality and minimise environmental impacts.
- i) There are no significant impacts posed to future users or to neighbours. The proposal is therefore in accordance with PPS1, Policies 4A.3, 4B.1, 4B.5, and 4B.10 of the Mayor's adopted London Plan (consolidated 2008); Policies CP1, CP3, CP4 and DEV1 of the LBTH Interim Planning Guidance 2008 and DEV2 of the LBTH Unitary Development Plan 1998 which variously seek to protect the amenity of occupiers and neighbours of a development.
- j) In respect of transportation, no significant traffic and parking impacts are posed by the scheme. In addition, sustainable forms of transport are facilitated by this scheme including improved pedestrian environment and facilities for cyclists. As such, the scheme accords with PPS1, PPG13, Policies 2A.1, 3A.7, 3C.1, 3C.2, 3C.19 and 3C.20 of the Mayor's adopted London Plan (consolidated 2008), Policies ST28, ST30, T16, T18, T19 and T21 of the LBTH Unitary Development Plan 1998 and Policies DEV1, DEV18 and DEV19 of the LBTH Interim Planning Guidance 2008 which seek to variously encourage sustainable forms of development and mitigate impacts on the network.

### 3. RECOMMENDATION

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

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

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

- Public realm, open space and environmental improvements **£461,000**
- Open space maintenance **£70,000**
- Employment and training **£170,000**
- Sustainable transport **£250,000**
- Travel Plan monitoring **£3,000**
- Public art **£60,000**
- Small medium enterprise **£45,000**
- Air quality monitoring **£10,000**
- Bus contributions **£109,350**
- Crossrail **£732,870**

Other:

- TV monitoring interference
- Travel Plan monitoring
- Commitment to participate in Council's local labour in construction initiatives.

- Considerate contractor scheme
- Car free agreement
- Access and Employment
- Air quality monitoring during construction

*(For avoidance of doubt and as per advice in the 'transport' section of this report, s278 agreement pursuant to the Highway Act 1980, is a matter with financial obligations which is completely separate and in addition to the s106 planning agreement set out in this report)*

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.

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

**Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Development in accordance with the approved plans
- 3) Landscaping including CCTV, lighting, 14 bicycle spaces (in addition to basement provision)
- 4) Service bay door/gate/equivalent details
- 5) Car parking, incl. 2 x servicing and 4 x accessible space provision and 8 x motorcycle spaces
- 6) Bicycle spaces x 145 to be provided in basement and available at all times to users including visitors plus additional parking to be agreed at ground floor
- 7) Shower provision in accordance with the approved plans and made available at all times for users of the building including visitors
- 8) Implementation in accordance with BREAAAM assessment
- 9) Energy measures implemented in accordance with the energy strategy
- 10) Roof top terraces to be accessible and available for use by users of the development at all times
- 11) Mechanical ventilation details including extract ventilation for Class A3/A4
- 12) Noise mitigation measures in accordance with the Impact Statement
- 13) Details of provision for service dock master facilities
- 14) Scheme of highway works
- 15) Archaeology
- 16) Transparent glazing at ground floor
- 17) Electric vehicle charging provision in the basement
- 18) Servicing and delivery management plan including facilities for dock master
- 19) Construction management plan
- 20) Construction logistics plan
- 21) Any additional conditions as directed by the Corporate Director Development and Renewal

**Informatives**

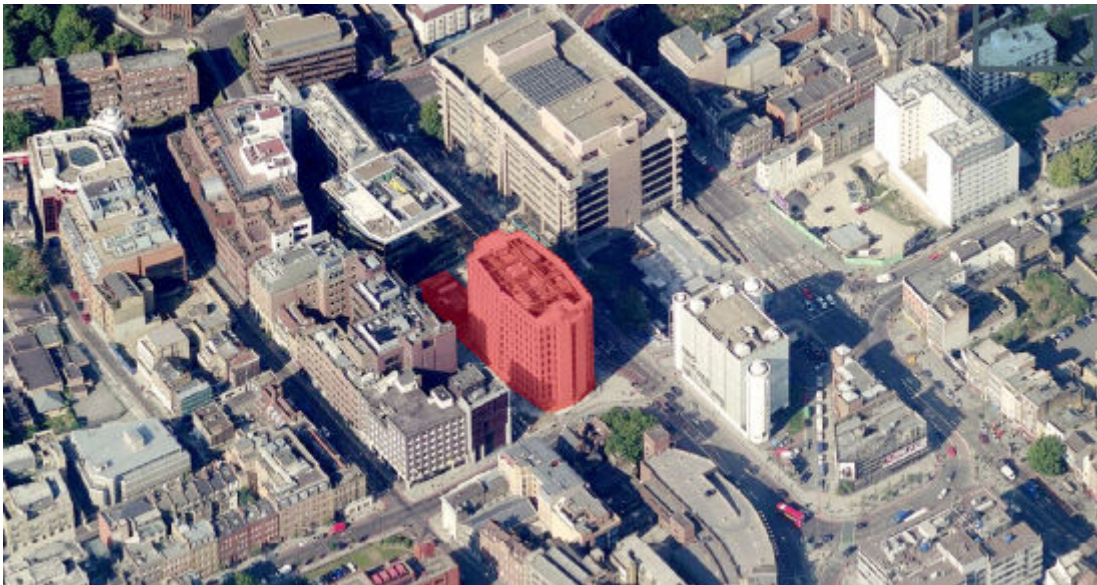
- 1) Consult with TFL and LBTH regarding planning and arrangements for construction access as well as crainage per Highways
- 2) Consideration of the following matters relevant to the Building Regulations per BC:
  - Advice not intended as a complete review or assessment
  - Notice of demolition prior to commencement
  - Section 20 application under the London building Act applicable
  - Attention should be paid to Party Wall Act
  - Fire service access including shafts in accordance with B5 requirements
  - Fire mains in accordance with section 15
  - Means of escape in compliance with B1

- Separate routes of escape for each use
  - Adequate separation to adjoining sites required
  - Solid waste storage and collection to be provided in accordance with part H
  - Means of access in accordance with part M
  - Safe cleaning of windows in accordance with part N
  - Recommendation for early consultation on building regulation matters
- 3) Bollards design to consider people with a disability including visually impaired per Access Officer
  - 4) Cycle store to enable future adoption/provision of facilities for people with a disability per Access Officer
  - 5) Single leaf rather than double leaf doors per Access Officer
  - 6) Glazed doors and panels to comply with Part M per Access Officer
  - 7) Other doorways with revolving doors to always be open per Access Officer
  - 8) WCs to include left and right hand transfer for users per Access Officer
  - 9) Coat hook and shelving to be provided in accessible cubicles as well as consideration of wheelchair user requirements per Access Officer
  - 10) Lifts and stairs to comply fully with part M per Access Officer
  - 11) 24hr reception per Crime Prevention Officer
  - 12) Obtaining planning permission does not discharge any requirements under the Traffic Management Act 2004 per TFL
  - 13) Demarcation of paving between TFL owned Lemn Street and private land as per TFL
  - 14) Tactile paving in basement instead of a ghost island in basement as per TFL
  - 15) S278 required for Lemn Street as per TFL
  - 16) Suggest Travel Plan use the 'ATTrBute' tool as per TFL
  - 17) crainage scaffolding should consider British Standard Institute 7121:part 1: 1989 (amended)
  - 18) Archaeology per EH (archaeology)
  - 19) Consult with LFEPA regarding fire service access and water supplies
  - 20) Ground water management best practice per the EA
  - 21) Oversailing licence for equipment over the public highway

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

##### **Proposal**

- 4.1 The application proposes demolition of the existing 9 storey office block and the erection of an 17 storey building comprising two ground floor retail units (Class A1, A2, A3, or A4), 1st - 17th floor office use (Class B1) and two basement levels and associated servicing as well as landscaping, plant accommodation, parking, access and any other works incidental to the application.



View of the application site taken from the Design and Access Statement

- 4.2 The ground floor offers public amenity space, circulation and accessibility improvements to Half Moon Passage, Braham Street open space and the Lemman Street pedestrian environment. The principle pedestrian entry for the offices is on the northern side through Braham Street park whilst commercial entries are at various points around the building. Vehicular access and servicing is to the south via Camperdown Street. A ramp services basement parking level. Three ground floor loading bays are also provided for.
- 4.3 Considerable attention has been given to the accompanying linkage with and layout of Half Moon Passage. The applicant has made considerable concessions to providing publicly accessible space around the curtilage of the building as well as generally encouraging connectivity and transparency.



Revised ground floor plan taken from the application drawings

- 4.4 The ground floor is recessed and offers a colonnade on the north and eastern sides to enhance the relationship to the surrounding area.



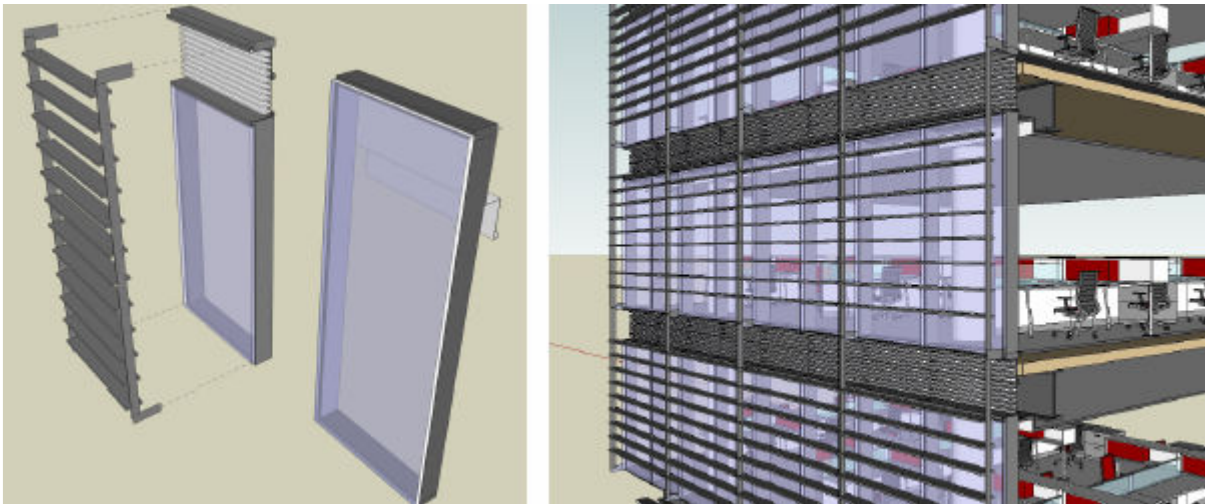
Impression of the ground floor appearance taken from the Design and Access Statement

- 4.5 The design of the upper floors intends on contributing a high quality and unique form to the Aldgate cluster. It also provides a transition to developments to south and west as well as framing the new Braham Street Public open space.
- 4.6 The roofscape comprises a series of angular cascading terraces. They will define the identity of the building in long views. It also breaks up the bulk and massing as well as providing relief with landscaped elements. They further serve a practical benefit for the future users as outdoor amenity space.



Views of the proposal taken from the Design and Access statement  
(Note that height has been reduced in amended plans compared to these views – refer to addendum visual impact study)

- 4.7 The prismatic/crystalline/faceted façade of a glass/metal façade, including a ‘brise soleil’ aluminium cladding system, helps to break up the massing of the building as well as providing articulation, depth and visual interest.



The brise soleil aluminium cladding system – taken from the Design and Access Statement

4.8 Although, particular attention has been paid to the buildings relationship to the Braham Street open space to the north as well as the emerging Aldgate cluster, other facades and relationships have been given careful attention. This includes the south elevation with its relationships to listed buildings along Lemn Street and relationship to the Tower of London, being within the Background Assessment Area of Townscape View 25 of the Mayor’s London View management Framework (LVMF) 2007 and draft revised LVMF 2009.



View from the south along Lemn Street taken from the Addendum to the Visual Impact Study

4.9 The development specifics as reported in the Planning Statement and in supplementary clarification as follows:

- Total floor area of 31,507sqm gross external area (GEA) including basements (existing building is 11,167sqm GEA) and comprising of the following;
- 2 x basement levels with a total GEA of 3675sqm for car parking, bicycle parking as well as waste/recycling storage and other support servicing/storage facilities;
- Ground floor of 1568 sqm GEA comprising of 2 x commercial units (Class A1-2-3-4)



- and office servicing core;
- Floors 1 – 15 comprising of office space (Class B1) of 26059sqm GEA (includes servicing core);
- Floor 16 is plant area of 205sqm GEA;
- Provision in the basement of 14 car parking spaces which includes 2 x dedicated servicing spaces and 4 x spaces for people with a disability;
- Provision in the basement of 139 bicycle storage spaces;
- Provision in the basement of eight (8) motorcycle bays;
- Provision in the basement seven (7) showers including one (1) shower/toilet combination that is accessible for people with a disability;
- Provision at the ground floor of three (3) dedicated servicing bays accessible from Camperdown Street;
- Advice of future potential provision of extract ventilation ductwork for the ground floor commercial units via the service core;
- Provision of 5 rooftop terraces of 989sqm;
- Provision of 828sqm of publicly access area surrounding the building within the red line of the application site; and
- Potential employment generation estimated at 649-747 jobs.

### Site and Surroundings

- 4.10 The application site is 0.26Ha and is bound by Braham Street (north), Leman Street (east), Camperdown Street (south) and Half Moon Passage (west).
- 4.11 The application site is occupied by Beagle House, a 9-storey commercial office building of approximately 11,167sqm gross external area (GEA). Although designed by the late architect Richard Seifert, the building is not listed and not within a conservation area.



Existing building – taken from the Design and Access Statement

- 4.12 Pursuant to regional Policy, the Mayor's adopted London Plan (Consolidated 2008), as well as the City Fringe Opportunity Area Planning Framework (OAPF), the application site is within the Central Activities Zones (CAZ), an Opportunity Area, an Area for Regeneration. Also, it is located on the edge of a Major Centre and is identified as part of the Aldgate Major Development Site.
- 4.13 In pursuance to the Mayor's adopted London View Management Framework (LVMF) July 2007, the north-west corner of the site falls within the background assessment area for Assessment Points 25A.1 and 25A.2 which are within the Viewing Place of Queens Walk, known as Townscape View No. 25, 'City Hall to Tower of London'. Assessment Point 25A.1 is protected by a Geometric Definition and Qualitative Visual Assessment (QVA). It is also

the subject of a Secretary of State direction for management of that view. Assessment Point 25A.2 is protected by a Qualitative Visual Assessment (QVA) only.

- 4.14 On the 5<sup>th</sup> June 2009, the Mayor published a revised draft LVMF. The north west corner of the scheme remains in the background assessment area of Townscape View. Although, three assessment Points 25A.1, 25A.2 and 25A.3 are proposed. 25A.1 remains protected by a Geometric Definition.
- 4.15 Pursuant to local Policy, the Tower Hamlets Unitary Development Plan (UDP) 1998, the application site is located within the Central Area Zone and is also within an area of archaeological importance or potential. Pursuant to the Interim Planning Guidance 2008, as well as the City Fringe Area Action Plan (AAP) 2006 (both of which are a means of implementing regional policies at a local level to respond to local needs and issues), the subject site is allocated for development, being identified as part of site CF12e 'Aldgate Union South'. It comprises of the following intended uses: Employment B1, Retail A1/A2/A3/A4 and public open space.
- 4.16 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They include:
- The Tower conservation area, located to the south east;
  - Whitechapel High Street, Fournier Street and Wentworth Street conservation areas, located to the north;
  - Myrdle Street, London Hospital and Whitechapel market conservation areas, to the east;
  - Nos 19a, 62, 66, 68, 70 and 99 Leman Street which are Grade II listed buildings;
  - St Georges Lutheran Church, Alie Street which is Grade II\* listed;
  - The German and English School, Alie Street which is Grade II listed; and
  - Two warehouses on Back Church Lane which are each Grade II listed.
- 4.17 In addition to being listed, The Tower of London is a UNESCO World Heritage site.
- 4.18 The surrounding area is very diverse in its architectural style and building scale. It covers a diverse spectrum, from small-scale commercial/residential uses in terraces of several stories to modern commercial office towers with substantial floorplates. The development of Aldgate is being progressed through the masterplan including the closing of the gyratory to the north and realisation of the Braham Street public open space.

### **Planning History**

#### Application site

- 4.19 A variety of applications including those for minor works have been submitted over the course of time. The more recent and noteworthy applications are referred to below:
- 4.20 PA/05/260 On 29 March 2005 planning permission was given for construction of a single storey brick extension at the corner of Half Moon Passage and Comperdown Street to accommodate an electrical transformer.
- 4.21 PA/01/1524 On 19 June 2002 Landscaping works including replacement of existing steps and terrace by new steps, terrace and planting at corner of Leman Street and Camperdown Street and replacement of 15 metres of paving in Braham Street with planted area.

#### Surrounding sites

- 4.22 The following planning decisions on surrounding sites are noted:

*99 Leman Street*

- 4.23 PA/04/01916 On 15 May 2008, planning permission was granted for amendments to Phase 1 of the Goodmans Fields Masterplan to form 252 residential units with associated works. Also, a reduction in the basement car park to 108 car parking spaces from 150 was agreed.
- 4.24 PA/05/01396 On 19 September 2006, a further application for 99 Leman Street was granted for a change of use of offices to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 floorspace in the basement together with external alterations (Amendments to Phase 1 of the Goodmans Fields Masterplan).
- 4.25 PA/07/01246 On the 3 September 2007, the agent withdrew an application for minor amendments to the application PA/05/01396, comprising sub-division of a single residential unit into three duplex units, approved 19 September 2006 for change of use from office to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 in the basement together with external alterations (Amendments to Phase 1 of the Goodmans Fields Masterplan).

*61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street*

- 4.26 PA/07/01201 On 14 March 2008, planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) and B1 (business) floorspace, formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site.

*Aldgate Union 3 & 4, land bound by Whitechapel High Street, Colchester Street, Buckle Street and including car park of Braham Street*

- 4.27 PA/07/1201 On 14 August 2007, outline planning permission was granted for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22 storeys in height to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) floorspace, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation.

*Aldgate Union 1 & 2, Former Sedgwick centre, 27, 28 & 29 Whitechapel High Street and 2-4 Colchester Street*

- 4.28 PA/04/01190 On 13 December 2004, planning permission was granted for the refurbishment and extension of the existing Marsh Centre Building, demolition of other remaining buildings and redevelopment of the site to provide new office accommodation.

*52-58 Commercial Road*

- 4.29 PA/03/00766 On 22 December 2005, planning permission was given for demolition of the existing buildings and redevelopment of the site to provide a mixed-use complex of four buildings comprising of a 17 storey tower and a thirteen storey tower on the Commercial Road frontage, a six storey block and a five storey block either side of Gowers Walk, along with the provision of linear public open space. The scheme proposed a total of 136 x 1, 2 and 3 bedroom flats, including 38 affordable units; six live/work units; 25 parking

spaces, storage and plant space in the basement; café (A3), retail (A1), health club (D2) and office space (B1) on the ground floor along with six reinstated car parking spaces from the social housing, west of Gowers Walk; offices, flats and live / work units on the second and third floors; offices, flats, live/work units and a health club on the third floor and flats on all of the floors above. The two blocks, either side of Gowers Walk, were to provide 22 of the affordable housing units only. The proposal included the redevelopment of the "triangle" site west of Gowers Walk and supersedes the previous application ref: PA/02/1111 received 29th July 2002. (Development affecting the setting of a Listed Building).

- 4.30 PA/07/1180 On 11 June 2007, condition 13 (elevation treatment for 5 storey block of flats to either side of Gower's Walk) of the abovementioned consent was discharged. Amongst other drawings submitted as part of the application, of note on the western elevation is a light-well servicing bedroom windows from ground to fifth floor.

Former Goodman's Fields, 74 Alie Street (Land north of Hooper Street and east of 99 leman Street, Hooper Street) London

- 4.31 PA/02/00678 On 26 September 2005, outline planning permission was granted for consideration of siting and means of access for a change of use from offices to mixed development including residential (class C3); financial and professional (class A2), restaurant/public house (class A3), retail (class A1), offices (class B1), live/work (sui generis) and ancillary services.

- 4.32 PA/08/1634 On 05 March 2009, the applicant withdrew a proposal for redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 tower elements of 22-28 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 822 residential units (Class C3), student accommodation (Sui Generis), hotel (Class C1), primary care centre (Class D1), commercial uses (Classes A1, A2, A3, A4, A5, B1 & D2), public open space, landscaping, servicing, plant accommodation, car parking, access and associated works.

- 4.33 PA/09/965 This is a current application, also for consideration at this Dec 09 SDC meeting, being for redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 772 residential units (Class C3), student accommodation (sui generis), hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public open space, landscaping, servicing, plant accommodation, car parking and access and associated works.

## 5. POLICY FRAMEWORK

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

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

Proposals:		Central Area Zones; area of archaeological importance or potential
Policies:	ST1	Core Objectives
	ST15	Central Area Zones

ST17	Central Area Zones
ST 28	Transport
ST30	Transport
ST34	Shopping
ST35	Shopping
ST37	Open Space, Leisure and Recreation
ST41	Arts, Entertainment and Tourism
ST43	Arts, Entertainment and Tourism
ST47	Education and Training
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV12	Provision of Landscaping in Development
DEV15	Retention and Replacement of Mature Trees
DEV50	Noise
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
CAZ1	Developing London's Regional, National and International Role
EMP1	Promoting Employment Growth
EMP6	Access to Employment
EMP7	Work Environment
EMP8	Small Businesses
T16	Traffic Priorities for New Development
T18	Pedestrians
T19	Pedestrians
T21	Pedestrians
ART1	Promotion and Protection of Arts and Entertainment Uses
ART6	Arts, Culture and Entertainment (ACE) Area

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

Proposals:	'CF12e'	<i>'Aldgate Union South'</i> - Employment B1, Retail A1/A2/A3/A4 and public open space Archaeological Priority Area Central Activity Zone
Core Policies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Transport and Development
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment

Policies:	CP50	Important Views
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance and Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routed and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity for Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV23	Hazardous Development and Storage of Hazardous Substances
	DEV25	Social Impact Assessment
	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
	CON1	Listed Buildings
	CON3	Protection of World Heritage Sites, London Squares, Historic Parks and Gardens
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and management of Important Views

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

Designing Out Crime Pts 1 and 2 (2002)  
Sound Insulation (1998)  
Archaeology and Development (1998)  
Residential Space (1998)  
Landscaping Requirements (1998)  
City Fringe Area Action Plan (2006)  
Aldgate Masterplan (2007)

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

2A.1 Sustainability Criteria  
2A.4 The Central Activities Zone  
2A.5 Opportunity Areas  
2A.7 Areas for regeneration  
2A.8 Town Centres  
3A.17 Addressing the Needs of London's Diverse Population  
3A.28 Social and Economic Impact Assessments  
3C.1 Integrating Transport and Development  
3C.2 Matching Development to transport Capacity  
3C.23 Parking Strategy  
3D.8 Realising the Value of Open Space and Green Infrastructure  
3D.14 Biodiversity and Nature Conservation

4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.7	Renewable Energy
4A.11	Living Roofs and Walls
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.9	Tall Buildings – location
4B.10	Large-scale Buildings – Design and Impact
4B.12	Heritage Conservation
4B.14	World Heritage Sites
4B.15	Archaeology
4B.18	Assessing Development Impact on Designated Views

Draft City Fringe Opportunity Area Planning Framework (2008)  
London View Management Framework (LVMF)(July 2007)  
Revised Draft London View Management Framework (LVMF)(June 2009)

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG24	Planning and Noise

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

A great place to live  
A prosperous community  
A safe and supportive community  
A healthy community  
One Tower Hamlets

#### **Other**

CABE/EH 'Guidance on Tall Buildings'  
CABE 'By Design'  
EH 'Seeing the History in the View: A Method for Assessing Heritage Significance within Views' (Draft for Consultation, April 2008)  
HRP 'Tower of London World Heritage Site Management Plan'  
DCMS White Paper 'Heritage Protection for the 21<sup>st</sup> Century' (2007)  
RTPI/RICS/IHBC 'Response to the heritage White Paper...' (June 2007)  
DCLG 'Protection of World Heritage Sites Consultation Paper' (May 2008)

## **6. CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

**LBTH Environmental Health – Contaminated Land**

6.3 Appropriately worded standard contamination condition recommended.

(Officer comment: The condition is recommended if the Council resolves to grant planning permission.)

**LBTH Environmental Health – Daylight and Sunlight**

6.4 Advice that there are no concerns nor significant impact to neighbouring properties including the residential property, No. 19 Leman Street. In addition, the permanent and transient overshadowing to Braham Street open space is considered to meet the Building Research Establishment (BRE) guidelines and is considered acceptable.

**LBTH Environmental Health – Hazardous substances & additional comments**

*Extract ventilation details for the potential Class A3/A4 food premises at ground floor*

6.5 Details of the extract ventilation are needed

(Officer Comment: The architect/agent advise that there is potential for the extract ductwork to be conveyed internally through the servicing core and exiting at roof level. On this basis, it is considered that there is no environmental impact posed in terms of appearance/aesthetics, noise, odour or vibration. Consequently, this matter can be reasonably secured by an appropriately worded condition for the details to be provided prior to commencement)

*TV reception*

6.6 The assessment report is acceptable

(Officer comment: Standard planning obligations in the s106 planning agreement for testing, monitoring and mitigation will be negotiated if the Council resolves to grant planning permission).

**LBTH Environmental Health – Noise and Vibration**

6.7 The noise and vibration assessment by ARUP as part of the impact statement is acceptable, noting that this is a predominantly office scheme and not residential.

(Officer comment: An appropriately worded condition is recommended for the noise mitigation measures to be implemented in accordance with the Impact Statement.)

**LBTH Strategic Transport**

6.8 Recommends improvements to the cycling network and connectivity in the Aldgate as well as Travel Plan monitoring and a planning contribution of 3k for electric car charging facilities

(Officer comment: The above matters form part of the recommended package of planning contributions if the Council resolves to grant planning permission)

**LBTH Transportation and Highways**

- 6.9
- Good coverage of transport issues
  - Parking: welcomes reduction in car parking and provision of bicycle and motorcycle spaces as well as a Travel Plan. Amongst other matters, recommends charging points for all car spaces and condition for bicycle parking to be retained
  - Servicing: arrangements acceptable although, details of the provision for servicing dock master facilities needed
  - Pedestrian access/improvements: Half Moon Passage considered an improvement with details of landscaping and stopping up needed in due course and also, £70k



towards public realm

- Concern regarding insufficient footpath provision at Camperdown Street
- Refuse: Waste team should be consulted
- Travel Plan: Comments to be provided by Strategic Transport Team
- Construction: Welcomes the Code for Construction Practice in the impact statement; further details regarding crainage would be needed prior to construction and recommendation that construction access should be agreed with LBTH and TFL

(Officer comment: Appropriately worded conditions and informatives are recommended to address the abovementioned matters where relevant. In respect of the Camperdown Street footpath width, this is not considered an issue to warrant amendments on balance, noting that this will not be a principle point of connectivity around the development, given the discouragement to this by the servicing point. Also, the pavement will be widened to 1.5m which is considered adequate noting that the more desirable and likely pedestrian connectivity is via Half Moon Passage and Braham Street open space.)

#### **LBTH Waste**

- 6.10 Advice that the team has no objections to the application. Notes that a private waste collection service will be needed to undertake collections from this premises given that it involves the use of a waste compactor.

#### **LBTH Landscape**

- 6.11 Satisfied with the arrangements for Half Moon Passage.

#### **LBTH Access Officer**

- 6.12
- Design and Access Statement is comprehensive and refers to relevant legislation
  - Would like to see accessible parking bays on Camperdown Street
  - Any bollard design should to consider people with a disability
  - Cycle store to consider provision of space for mobility devices for people with a disability
  - Single leaf rather than double leaf doors
  - Glazed doors and panels to comply with Part M
  - Other doorways with revolving doors to always be open
  - WCs to include left and right hand transfer for users
  - Coat hook and shelving to be provided in accessible cubicles as well as consideration of wheelchair user requirements
  - Lifts and stairs to comply fully with part M
  - Fire lift and communication arrangements are welcomed

(Officer comments: Additional accessible bays on Camperdown Street could be given further consideration although as a matter separate to the planning merits of the subject application; other matters are suitably addressed as planning informatives if the Council was to resolve to grant planning permission.)

#### **LBTH Crime Prevention Officer**

- 6.13
- North, east and west sides are more active frontages than the south side of the proposal
  - The building overhang on north and east side could be a gathering point at night
  - 24hr reception/security is considered important as well as suitable CCTV and lighting
  - Expect delivery entrances to be gated/shut
  - Half Moon Passage to be kept open and active and with CCTV surveillance and for landscaping to maximise openness/surveillance

(Officer comment:

- The level of activity around the building and potential for gathering is noted but not considered to be a significant concern.

- Although not a planning issue, the recommendation for 24hr reception will be conveyed in an appropriately worded informative whilst CCTV and lighting form part of the details to be discharged as part of a landscaping condition
- The delivery entrance door/gating will be secured as part of an appropriately worded condition

#### **LBTH Energy**

- 6.14
- Recommends that the updated London Plan and revised Energy Hierarchy be followed
  - Recommended the fuel cell option be implemented as part of the development
  - Indicates that the BREAAAM assessment of office component achieves an 'excellent' rating

(Officer comment:

- The energy cell and BREAAAM requirements will for appropriate conditions of approval
- Other comments noted for the applicant's consideration in future discharge of the abovementioned conditions if the Council was to resolve to grant planning permission)

#### **LBTH Ecology**

- 6.14 No comments received

#### **Greater London Authority (GLA)**

*Stage 1 comments*

- 6.15
- The proposal complies with some London Plan policies for urban design, sustainable design and transport although there are matters requiring further consideration:
  - Landuse: the proposed uses are welcome and comply with policies 5G.2 and 3B.3
  - Urban design: the scheme is acceptable in terms of its potential impact on strategic views although, the impact on the Braham Street open space in terms of overshadowing is a concern as is the building line on Lemman Street; Queries are raised concerning the step-free access between Braham Street and Camperdown Passage and appropriateness of revolving doors. The GLA recommends a height reduction in the west end as well increasing the setback to Lemman Street
  - Transport: A Crossrail s106 planning contribution is sought. The GLA also recommends further information regarding trip generation and car parking; Agreement to demarcate the site boundary in pedestrian pavement materials is needed; Provision of street lighting around the site to benefit pedestrians is sought; sustainable transport related planning contributions should be offered; agreement to secure a Construction Logistics Plan and Delivery and Servicing Plan should be sought;
  - Energy: The proposed measures are generally supported and policy compliant although further information is needed to address policies 4A.5, 4A.6 and 4A.7. The GLA recommends further information about site-wide initiatives as well as details pertaining to the fuel cell absorption chillers and ground source heat pumps

(Officer comment: The application was revised and further information provided to address the issues above. These have been informally accepted by the GLA as addressing their concerns and as such, no further action is required prior to the Mayors Stage 2 consideration.)

#### **Government Office of London (GOL)**

- 6.16 No comments received

#### **Transport for London (TFL)**

- 6.17 No significant impact is posed although further details are required:
- A Crossrail s106 planning contribution sought;
  - TFL is supportive of car parking provision but recommend a car free approach;
  - There is unlikely to be any impact on the TLRN;
  - TFL requests demarcation in paving between Lemn Street and the private land [within the red line boundary];
  - A s106 planning contribution for buses is requested;
  - The increased width for the Camperdown Street footpath is welcomed;
  - Tactile paving in basement is recommended, instead of a ghost island;
  - The Half Moon Passage improvements are welcomed;
  - A separate S278 agreement is required for Lemn Street;
  - A query is raised in respect of the exact number of bicycle spaces provided;
  - A s106 planning contribution to fund a cycle link and consideration of linking the development is suggested;
  - TFL suggests a s106 planning contribution be secured for public realm improvements;
  - A suggestion that the Travel Plan use the 'ATTrBute' modelling tool.

(Officer comment: In respect of the s106, the above comments are subject to GLA advice. See also the planning contributions section of this report. Other points are noted and where applicable, are recommended as informatives if the Council resolves to grant planning permission.)

#### **London City Airport (LCA)**

- 6.18 There is no conflict with safeguarding criteria in respect of the completed development. However, construction crainage scaffolding should consider British Standard Institute 7121:part 1: 1989 (amended)

(Officer comment: Advice regarding crainage scaffolding is contained within an informative if the Council was to resolve to grant planning permission.)

#### **National Air Traffic Services Ltd (NATS)**

- 6.19 The proposal does not with conflict with safeguarding criteria.

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

- 6.20 The revisions to reduce the height and absence of any impact upon views of the Tower of London is welcomed. However, EH continue to object in respect of local impacts upon the setting of locally listed buildings, particularly those illustrated in view 6 of the Addendum to the visual impact study (62, 66, 68 and 70 Lemn Street).

(Officer comment: See section 8 for discussion)

#### **English Heritage (Archaeology)**

- 6.21 Recommend an appropriately worded condition and informatives for investigation and monitoring of any significant remains during construction.

(Officer comment: The condition is recommended if the Council resolves to grant planning permission.)

#### **Historic Royal Palaces (HRP)**

- 6.22 Advice that the development as amended would have no effect on the setting of the Tower of London as seen from Queen's Walk and the vicinity of City Hall. Historic Royal Palaces therefore has no objection to the proposal.

#### **City of London Corporation**

- 6.23 No objection to the development although the potential impact to view of the Tower of

London is queried.

(Officer comment: Other statutory consultees are satisfied there is no impact as is LBTH.)

### **London Borough of Southwark (LBS)**

6.24 No comments received.

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

- 6.25
- CABE acknowledges the revisions to the proposal, in response to concerns about the potential impact upon views from the Tower of London
  - CABE suggests that the scheme has the potential to be a high quality building within a cluster of tall buildings
  - CABE considers that the massing is thoughtfully broken up, thereby appearing as a skilfully handled crystalline building form
  - CABE welcomes the internal organisation at ground level which addresses the Braham Street park and provides an active frontage to Camperdown Street
  - CABE is pleased that there is access to the roof gardens for the office users of the development which also offers the added benefit of improving visual amenity
  - CABE recommends support of the application

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

6.26 Although there is no information provided in respect of fire service access and water supplies, this should not be problematic as the Authority is aware that fire service access is maintained along the Braham Street open space.

(Officer comment: An appropriately worded informative is recommended for LFEPA to be consulted before building work commences.)

### **Environment Agency (EA)**

6.27 The EA raise no objection to the scheme and recommend best practice regarding the management of groundwater-related issues.

(Officer comment: An appropriately worded informative is recommended to address this matter if the Council was to resolve to grant planning permission.)

### **London Underground Ltd**

6.28 London Underground advises that it has no comment to make on this application.

## **7. LOCAL REPRESENTATION**

7.1 A total of 136 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. No representations were received from neighbours or from local groups in response to notification and publicity of the application.

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

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land Use
- Design and Access
- Amenity

- Transport
- Planning contributions

## **Land Use**

### Demolition

- 8.2 It should be noted that the application site does not contain any listed buildings and does not lie within or adjacent to a conservation area.
- 8.3 Demolition is justified for the following reasons:
- The reuse of the building stock would have compromised the ability to deliver other positive aspects of the scheme (e.g. open space and pedestrian route connectivity/permeability improvements);
  - The new scheme's benefits in respect to design quality, sustainability and regeneration benefits.
- 8.4 Overall, the demolition of the existing buildings is considered acceptable.

### Mixed-use

- 8.5 Mayoral and LBTH planning guidance promotes a residential-led, mixed-use redevelopment of the site.
- 8.6 Pursuant to the London Plan Policy 2A.4, the site is within the Central Activity Zone (CAZ) where policy generally promotes finance, specialist retail, tourist and cultural uses and activities. The site also lies within an Opportunity Area. This provides London's principle areas of opportunity to accommodate large scale development with employment floorspace and housing, assisted by good public transport accessibility.
- 8.7 In addition, Policy 2A.7 of the London Plan identifies the application site within an area for regeneration. It is one of the 20% most deprived areas of London and therefore, of the greatest socio-economic need.
- 8.8 In pursuance of the North East London sub-region of the London Plan and Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of economic and population growth is appropriately accommodated in a sustainable way; ensuring improvements to open space; securing necessary financial resources to deliver improvements to public transport, walking and cycling connections.
- 8.9 The Mayor's draft City Fringe OAPF identifies the site as being within an area of opportunity and regeneration. The framework recognises the strategic need to accommodate the expansion of London as a world city, alongside the need to maintain economic and cultural activities, whilst accommodating intensification of residential development.
- 8.10 In general, the LBTH UDP 1998 identifies the site within the Central Area Zone. Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within the CAZ. Policy CAZ1 states that a balance of central London core activities, of a scale and type that is compatible with London's role as a financial, commercial and tourist centre, will be encouraged (courts, government departments, embassies, commodity markets/companies/corporations, media, galleries/museums, cinemas/stadia/halls/theatres, hotels and Educational establishments).
- 8.11 Also in general, the LBTH IPG 2008 identifies the application site as being within the CAZ. Policy CP8 recognises that parts of the borough play a strategic and international role as a global financial and business centre. Therefore, the Council will, amongst other things,

encourage office development on the fringe, and employment opportunities.

- 8.12 More specifically, the IPG as well as the City Fringe Area Action Plan (AAP) identify the application site within the larger development site CP12e 'Aldgate Union South' within the Aldgate and Spitalfields Market Sub-area. Policy CFR14 indicates that the larger area should come forward for redevelopment with the following uses, namely:
- Employment B1,
  - Retail A1/A2/A3/A4 and
  - Public open space
- 8.13 Within the Aldgate and Spitalfields Market Sub-area of the City Fringe AAP, Policy CFR9 states that, amongst other things, employment uses are dominant. Policy CFR11 promotes retail or leisure uses as active ground floor frontages, specifically making reference to frontages along Braham Street.
- 8.14 It is evident from the review of regional and local policy, that an office-led approach to the redevelopment of Beagle House, with complimentary commercial ground floor frontage, is appropriate and acceptable. The specific uses contained within the scheme are identified in more detail below.

#### Employment

- 8.15 Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' opposes the loss of employment floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.
- 8.16 The scheme proposes an increase in employment floorspace from 11,167sqm to 31,507sqm including office Class B1 (26,059sqm) and ground floor commercial Class A (1,512sqm). In consideration of Policies EMP1 and EMP2, the increase in floorspace will also increase the potential employment levels. The agent indicates that the proposal has potential to generate between 649-747 jobs.
- 8.17 Given the flexibility of the office floorplates as well as the ground floor commercial opportunities that could be potentially desirable for all kinds of occupiers in those sectors, the scheme is considered to accord with EMP 6 'Employing Local People', and EMP8 'Small Business' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance which amongst other things, seek to encourage a range of job opportunities, that are supportive of the local community and small businesses.

#### Public open space

- 8.18 Public open space is not only welcomed, it is a requirement of regional and local policy. Public open space provision forms a key component of the redevelopment of the 'Aldgate Union South' site, which the application site lies within. This section of the report considers the principle whilst, consideration of the design and amenity of the public open spaces are discussed under 'Design' and 'Amenity for future occupiers' sections of this report respectively.
- 8.19 Pursuant to the adopted London Plan (Consolidated 2008), Policy 3D.8 indicates that all developments are expected to incorporate appropriate elements of open space that make a positive contribution to and are integrated with the wider network.
- 8.20 The creation of open spaces strategies is promoted in Policy 3D.12 of the adopted London Plan (Consolidated 2008). In addition, Policy 4B.3 Enhancing the Quality of the Public Realm states that amongst other things, boroughs should work to ensure the public realm

(which includes open space) is accessible, useable and safe.

- 8.21 The Mayors draft City Fringe OAPF identifies an opportunity to provide open space in the Braham Street area of the Aldgate. Open space would have the purpose of providing amenity for the community. The importance of existing and new open spaces as well as linkages between is noted by the framework, given that the City Fringe is some distance away from any designated green space. In Chapter 2, the provision of open space within a network of spaces is seen as part of the process of creating a sustainable community in the City Fringe, given the focus in this area for potential employment and population growth of London.
- 8.22 The LBTH City Fringe AAP states that, in the current context, public space is limited in this area and does not meet the Borough's targets. It indicates that publicly accessible open space in this area is lower than the borough target and is considered to be poor quality, inaccessible and poorly interconnected. The AAP suggests that there are likely to be limited opportunities to create major green spaces due to density and prevailing locality character. Clearly, this is one of the key challenges for the City Fringe to tackle. Part of the vision for the City Fringe is for innovative and well connected public realm and open spaces. In terms of quantity and quality of provision, the Council proposes a range of measures including the realisation of new open spaces in major development schemes. The Braham Street public open space is one of the key components of redevelopment in Aldgate. In general, Policy CFR 1 states that that the Council will seek to create and enhance open space and links between them. Policy CFR5 seeks to maximise open space provision as part of developments and also in key locations, specifically including the Aldgate and explicitly Braham Street.
- 8.23 In the context of this discussion about the importance of open space to Aldgate, it is important to emphasise that the open space provision is intended to be in Braham Street itself. The expectation for the Beagle House redevelopment is merely that it will not prejudice the delivery and contribute positively to the success of it. The proposal does so in key ways including:
- Contributing to a publicly accessible area at ground floor (828sqm) surrounding the building within the application site boundary (the red-line boundary);
  - Providing active ground floor frontages;
  - Providing improved security with a transparent and active ground floor;
  - A built form that provides as strong edge of interesting and high quality architecture to frame and define the Braham Street open space;
  - Improves upon linkages and connectivity into the park specifically at Lemn Street and Half Moon Passage;
  - In providing for the above, the scheme has secured appropriate access for people with disabilities to encourage a more inclusive environment;
  - Considerable pre-application testing and reduction of the scheme to minimise permanent and transient overshadowing to levels acceptable to the Council's Environmental Health Team in consideration of the Building Research Establishment (BRE) guidance;
  - In providing for the above, the scheme contributes soft landscaping to enhance the amenity of the environment.
- 8.24 As such, the scheme is considered to compliment and enhance the Braham Street open space, as well as connections via Half Moon Passage and Lemn Street. The proposal therefore accords with Policies CP30 of the LBTH Interim Planning Guidance, as well as the site specific guidance of Policies CFR1 and CFR5 of the LBTH draft City Fringe Area Action Plan 2007, as well as the LBTH Aldgate Masterplan which seek sufficient provision of open space to address needs of the community.

## **Design**

### *Appearance and layout*

- 8.25 As one of its objectives, PPS1 states that planning should facilitate and promote high quality development through good and inclusive design.
- 8.26 Pursuant to The London Plan (Consolidated 2008), Policy 4B.1 requires schemes, amongst other criteria, to create and enhance the public realm, respect local context and character, as well as being attractive to look at. Policy 4B.9 outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a “*catalyst*” for regeneration. Policy 4B.10 provides further guidance on design considerations including context, attractiveness and quality. CABE and English Heritage ‘Guidance on Tall Buildings’ also informs the consideration of tall buildings as well as ‘By Design’ by DETR/EH.
- 8.27 In consideration of the LBTH UDP 1998, Policy DEV1 indicates development should be sensitive to the area, the capabilities of the site and be visually appropriate. Policy CP4 of the IPG states that buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 confirms that tall buildings must contribute to a high quality, attractive environment, as well as responding to context and contributing to vitality. These considerations also form part of the criteria of Policy Dev27, Tall Buildings Assessment, of the LBTH Interim Planning Guidance.
- 8.28 It is considered that the appearance of the development is one of its strengths. This building is the product of a thoughtful and skilful approach to the development potential of the site. The proposal has a pleasing appearance, representing a distinctive and complimentary addition to the emerging Aldgate cluster. Notwithstanding the range of considerations discussed in later sections including ‘*views*’, ‘*Impact to setting of listed buildings and conservation areas*’ and ‘*Tall buildings*’, the proposal will nonetheless appear as a welcome addition and contribute positively to the varied architectural character of Aldgate. Furthermore, the building will provide a suitable frame and active frontage to the Braham Street open space. Provided the final selection of materials and their application to the façade have longevity it is believed that this building will successfully contribute to establishing an enduring sense of place and identity for Aldgate in the future.

### *Sustainability*

- 8.29 Central, regional and local policy promotes sustainable development including the prudent use of resources, energy efficient design and decentralised energy production by renewable means
- 8.30 The potential measures to be incorporated into the scheme are as follows:
- Either, a 100kw fuel cell (natural gas and to change to Hydrogen once available in London) with potential to reduce annual CO<sub>2</sub> by 29.68% (the preferred; or
  - A ground source heat pump (GSHP) with potential to reduce annual CO<sub>2</sub> by 20%
- 8.31 Other measures include:
- Thermally efficient building façade materials;
  - Solar shading on south facing facades;
  - Air permeability through the building;
  - Energy efficient lighting systems; and
  - Energy efficient mechanical systems e.g. choice of boiler, chillers and fan coils.
- 8.32 In addition, the design of the roof terraces address ecological sustainable development principles by devoting area to soft landscaping.
- 8.33 The above aspects demonstrate that the scheme will contribute positively to the Aldgate and is in accordance with the Central Government, Mayoral and Borough policies identified



above which seek to ensure developments are energy efficient and sustainable.

### Views

- 8.34 In respect of views, the site lies within Townscape View 25 (City Hall to the Tower of London) which is defined in the adopted London View Management Framework (LVMF) (July 2007). Regional and local policy, plans and guidance refer impacts on the strategic views contained within the LVMF.



Site in relation to the LVMF protected view 25A.1 of the TOL – Taken from the Design and Access Statement

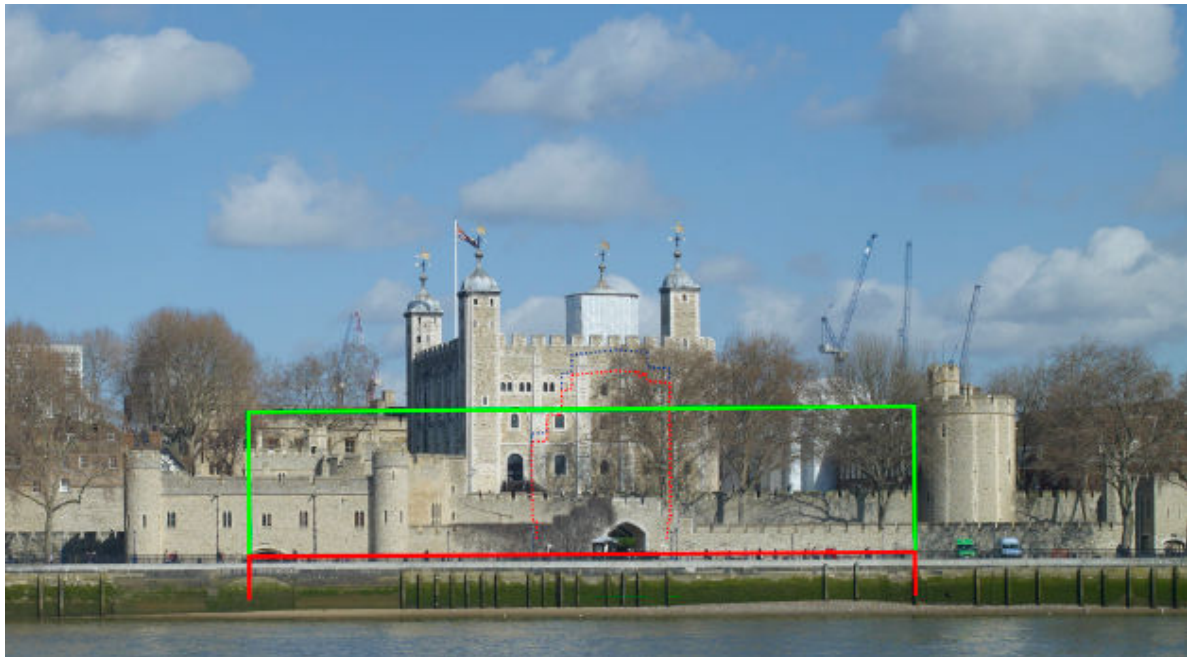
- 8.35 Policies of The London Plan (Consolidated 2008) requires schemes to meet requirements of the LVMF. Schemes should:
- be suited to wider context in terms of proportion and composition and in terms of their relationship to other buildings (Policy 4B.10)
  - give appropriate weight to the provisions of World Heritage Site Management Plans (Policy 4B.14).
  - Consider how proposals which fall within the background assessment area preserve or enhance the ability to recognise and appreciate the Strategic Landmark Building, the Tower of London.
- 8.36 In the time that the application was in the final stages of pre-application negotiation with LBTH and other agencies, the Mayor published the Revised Draft London View Management Framework (LVMF)(June 2009). The revision includes changes to the way in which Townscape View 25 will be assessed.
- 8.37 Local planning policies contained in the LBTH Interim Planning Guidance, City Fringe Area Action Plan and Aldgate Masterplan require development to preserve and enhance the ability to recognise and appreciate landmarks, as well as prevent impacts to strategic views.
- 8.38 In addition, the Historic Royal Palaces have produced the 'Tower of London World Heritage Site Management Plan' which guides the consideration of development affecting the TOL and refers to the townscape view and Mayoral policies concerning the LVMF.
- 8.39 The English Heritage draft SPG, 'Seeing the History in View', also provides guidance. It offers an approach to assessing heritage significance within a view and applies the

approach to a real example, specifically, the Townscape View 25 of the LVMF. Therefore, it is especially relevant.

8.40 The White Paper, 'Heritage Protection for the 21<sup>st</sup> Century' seeks to clarify and strengthen protection for world heritage sites, their Outstanding Universal Values and setting. The implication is that the management plan for a world heritage site will have added strength and weight in the planning process.

8.41 The Mayor as well as English Heritage, Historic Royal Palaces, London Borough of Southwark and LBTH have been involved in extensive discussions to secure revisions to the scheme to address possible impacts upon the Tower of London. Pre-application revisions, involving a reduction in height, were considered to suitably address the potential impact upon LVMF views. Further amendments to reduce the height have been undertaken since formal submission to address the more strict criteria of the revised draft LVMF (June 2009). The subject application also deals comprehensively with night-time appearance, seasonal variation as well as the geometric definition associated with view 25A.1. Additionally, supplementary information included an animation sequence showing the proposal within the kinetic (moving) view of the TOL.





AVR and magnified view of View 25A.1 of the TOL – Taken from the Addendum to Visual Impact Study

- 8.42 The considerable endeavour in revisiting and documenting the proposal's relationship to and potential impact upon views of the TOL in accordance with the LVMF has overcome the previous concerns of the consultees. The scheme is not considered to pose any significant harmful impact to the views of the TOL. Therefore, the scheme accords with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH draft City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's adopted London View Management Framework (July 2007), revised draft London View Management Framework (June 2009) LBTH draft City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect the views of the TOL.

*Impact to setting of listed buildings and conservation areas*

- 8.43 The statutory requirement to consider proposal's upon the impact to the setting of listed buildings and conservation areas is contained in central, regional and local policy and guidance. It includes PPG15, the London Plan (Consolidated 2008), the LBTH UDP, IPG and Aldgate Masterplan.
- 8.44 For consideration of the potential impacts upon the setting and appearance of the TOL as a series of individually listed items and falling within the Tower Conservation Area, the potential impacts have been considered in 'views'. Otherwise, there are no significant impacts identified to the setting and appearance of the TOL and conservation area that would be posed by this application.
- 8.45 For other listed buildings in particular, the listed buildings in Alie Street and Leman Street, EH has registered an objection on grounds of the impact of the proposal on their views and setting. However, it is considered by the LBTH Council's Design and Conservation Team that there is not a detrimental impact to views and the setting of these buildings. Similarly CABE has raised no objection in this regard. It is considered that the proposal is far enough away from the listed buildings so as to pose no harm, since they appear in the backdrop. In addition, it should be noted that Alie Street and Leman Street have a diverse range of buildings in terms of architecture, scale and use. As such, the setting of nearby listed buildings is by no means uniform, pristine and has changed with time. In addition, considerable attention has been given to the treatment of facades, including revisiting the

materials of the southern facade so as to ensure its relationships to and appearance within the street scene. The setting of adjacent listed buildings is positively preserved and enhances their character and appearance. Furthermore, the bulk, scale and height of the building is considered appropriate to the area, noting nearby approvals in Aldgate as outlined in section 4 of this report. Additionally, the reduction in tower height lessens the visual prominence, as seen in the visual representation below.



View from the south along Leman Street taken from the Addendum to the Visual Impact Study

- 8.46 In respect of concern for the scheme's impact to the setting and views of surrounding conservation areas, the Council's Design and Conservation Team do not consider there to be any impact posed. Notwithstanding, any potential impact is considered to be balanced by:
- the policy intent for redevelopment promoted in the Masterplan and AAP;
  - the existing approvals in the immediate vicinity;
  - the benefits of the scheme identified in this report
  - The high quality design and positive contribution to the street scene, views and skyline in general of this building.
- 8.47 Furthermore, addressing the impact upon the TOL has lessened the height of the towers and their visibility in the setting and views of nearby conservation areas. No significant impacts are posed as a consequence.

#### *Tall buildings*

- 8.48 Local and regional tall buildings policies advise on the relevant considerations for tall buildings. Moreover, there is a range of published national policy including PPS1, and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000 and 'Guidance on Tall Buildings' published by CABE/EH.
- 8.49 In respect of regional policy, The London Plan (Consolidated 2008), Policy 4B.9 states that boroughs should consider applications against criteria of 3A.3, 4B.1 and 4B.10. Policy 3A.3 indicates boroughs should ensure that proposals achieve a maximum intensity of use

compatible with local context & design principles in Policy 4B.1, which requires schemes to respect local context, history built heritage and character. Policy 4B.10 states that, amongst other criteria, tall buildings need to address the LVMF and consider context including relationship with other buildings.

- 8.50 Within the Mayor's City Fringe Opportunity Area Planning Framework, whilst potential for tall buildings are identified around Aldgate gyratory, the framework requires height and design of individual proposals to be tested against relevant London Plan Policy including 4B.1 (paragraph 4.4).
- 8.51 In respect of local policy including the LBTH IPG, Policy CP48 states that tall buildings are supported in principle in the Aldgate provided that they respond sensitively to the surrounding context. Policy DEV27 requires tall buildings to satisfy criteria including sensitivity to context, not adversely impacting on listed buildings and world heritage sites, as well as not impacting upon important London-wide views.
- 8.52 Within the LBTH City Fringe Area Action Plan, Policy CFR12 requires schemes to be in accordance with Policy CON5 of the IPG, it being noted that CON5 requires the consideration of the views, including Strategic Views.
- 8.53 The LBTH Aldgate Masterplan states that tall buildings are not appropriate where they would harm listed buildings or where they would not preserve or enhance the background setting of the TOL (page 47). It also refers to London Plan Policy in general for the criteria for consideration of their siting, design and impact (paragraph 2.5.24).
- 8.54 Although the site may be suitable for a tall building in terms of the high PTAL (Mayor's Policy 3A.3) and offer a high quality appearance (Mayor's Policies 4B.1 and 4B.9), Policies CP48 and DEV27 of the LBTH Interim Planning Guidance and the Mayor's Policy 4B.10 have additional criteria for consideration of acceptability, including:
- Suitability in the wider area context;
  - Not adversely impact on strategic London-wide views;
  - Consider environmental impacts wind, overshadowing, and privacy impacts;
  - Achieve internal and external noise standards; and
  - Provide high quality spaces including communal and private space.

The scheme is considered to satisfy the criteria for consideration of tall buildings, as contained in the abovementioned policies, and is therefore acceptable.

### *Summary*

- 8.55 In conclusion, the benefits of the scheme are its appearance, ground floor treatment and consideration of sustainability. Furthermore, concerns including impacts to views of the TOL and its setting as a listed building have been addressed. Potential impacts to the setting of other listed buildings and conservation areas are not significant. As such, the scheme accords the policies identified and is recommended for approval.

### **Amenity**

#### Future Users

- 8.56 The scheme is acceptable in these terms in the following ways:
- The scheme provides inclusive design, including consideration for people with a disability including access, facilities/services and parking
  - The development has considered noise and air quality to ensure a suitable internal environment
  - The development is provided with accessible outdoor roof terraces, in addition to Braham Street open space

8.57 As such, a satisfactory level of amenity is achieved.

#### Neighbour Impacts

8.58 The scheme is acceptable in these terms because:

- There are no significant noise or general disturbance impacts identified. Impacts during the construction phase have been addressed in the Code of Construction Practice chapter of the Impact Statement. In the operational phase, the intended uses are appropriate, compatible with the area and are not considered to pose concern;
- Whilst the scheme will reduce outlook and increase the sense of enclosure, this is not considered to have any significant detrimental impact to any nearby residential occupiers. It also provides desirable framing to the southern edges of the Braham Street open space and compliments the emerging Aldgate Cluster. In general, in acknowledging that this is a central London location on the city fringe, as well as responding to the area context and creating a pattern of development which establishes strong relationships to it, the increasing sense of enclosure is not considered undesirable, inappropriate or excessive in the area;
- No significant air quality impacts are posed. It is noted that this has been considered in the Code of Construction Practice of the Impact Statement. At the operational phase, the development itself, including traffic generation, will not contribute any significant effect upon air quality;
- No significant traffic impacts are identified by TFL or LBTH Highways Team. They consider that the local road system is capable of accommodating the additional increase traffic generated. Any damage to public roads during construction would be repaired pursuant to the s278 agreement;
- No privacy, overlooking impacts are identified
- No significant overshadowing impacts are posed with transient overshadowing of the Braham Street open space being within reasonable limits, to the satisfaction of the Council's Environmental Health Team
- The associated benefits of the scheme in respect of improved connectivity, permeability, security, potential employment opportunities and additional retail options.

8.59 In summary, there are no significant impacts to future users or to neighbours of the scheme. Rather, the scheme offers benefits to people's amenity. The proposal is therefore in accordance with the abovementioned policies which seek to protect the amenity of users and neighbours.

#### **Transport**

8.60 In consideration of national policy, PPG13 seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. PPS1 seeks, amongst other things, to create sustainable developments.

8.61 Pursuant to regional policy, The London Plan (Consolidated 2008), Policies 2A.1 and 3A.7, state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20, the Mayor, TFL and boroughs will work together to improve the quality of bus services, including

consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.

- 8.62 In respect of local policy, the UDP 1998, Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.63 Having regard for the IPG 2008, DEV17 states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 requires a travel plan for all major development. DEV19 sets maximum parking levels pursuant to Planning Standard 3.
- 8.64 A transport, waste management and servicing management plan formed part of the Impact Statement which was submitted with the application. As noted in the consultees responses in section 6, the development is considered appropriately located within the capacity of the area and no significant impacts identified. In subsequent comments received TFL, they confirm that the level of car parking proposed is acceptable. In addition, appropriate planning contributions have been identified as well as a recommendation for the s106 to include a car free agreement.
- 8.65 In addition, a s278 agreement should be entered into with the Council's Highways Team pursuant to the Highway Act 1980. The s278 agreement and the financial obligations for which the developer is responsible for is completely separate and in addition to the s106 planning contributions secured.
- 8.66 Therefore, the scheme is considered acceptable on transport grounds having regard to the abovementioned policies.

### **Planning contributions**

- 8.67 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.
- 8.68 Planning obligations can be used in the following three ways: -
- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
  - (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
  - (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.69 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -
- (i) Relevant to planning;

- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development; and
- (v) Reasonable in all other respects.

- 8.70 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *“where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be”*.
- 8.71 Similarly the circular states that decisions on the amount of contributions *“should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place”*.
- 8.72 Policy DEV4 of the adopted UDP and Policy IMP1 of the Interim Planning Guidance clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

#### Overview of the package

- 8.73 The package of contributions requested was being based on the pro-rata contributions as recommended by the LBTH Planning Contributions Overview Panel (PCOP) of the pre-application version of the scheme and as such, the final figures vary as a consequence of changes in floorspace from pre-application to amended proposal as presented to committee:

- Public realm, open space and environmental improvements **£461,000**
- Open space maintenance **£70,000**
- Employment and training **£170,000**
- Sustainable transport **£250,000**
- Travel Plan monitoring **£3,000**
- Public art **£60,000**
- Small medium enterprise **£45,000**
- Air quality monitoring **£10,000**
- Bus contributions **£109,350**
- Crossrail **£732,870**
  
- **(Total: £1,911,220)**

#### Other additional contributions:

- TV monitoring interference
- Travel Plan monitoring
- Commitment to participate in Council’s local labour in construction initiatives.
- Considerate contractor scheme
- Car free agreement

- 8.74 For avoidance of doubt and as per advice in the ‘transport’ section of this report, s278 agreement pursuant to the Highway Act 1980, is a matter with financial obligations which is completely separate and in addition to the s106 planning agreement set out in this report

#### **Other**



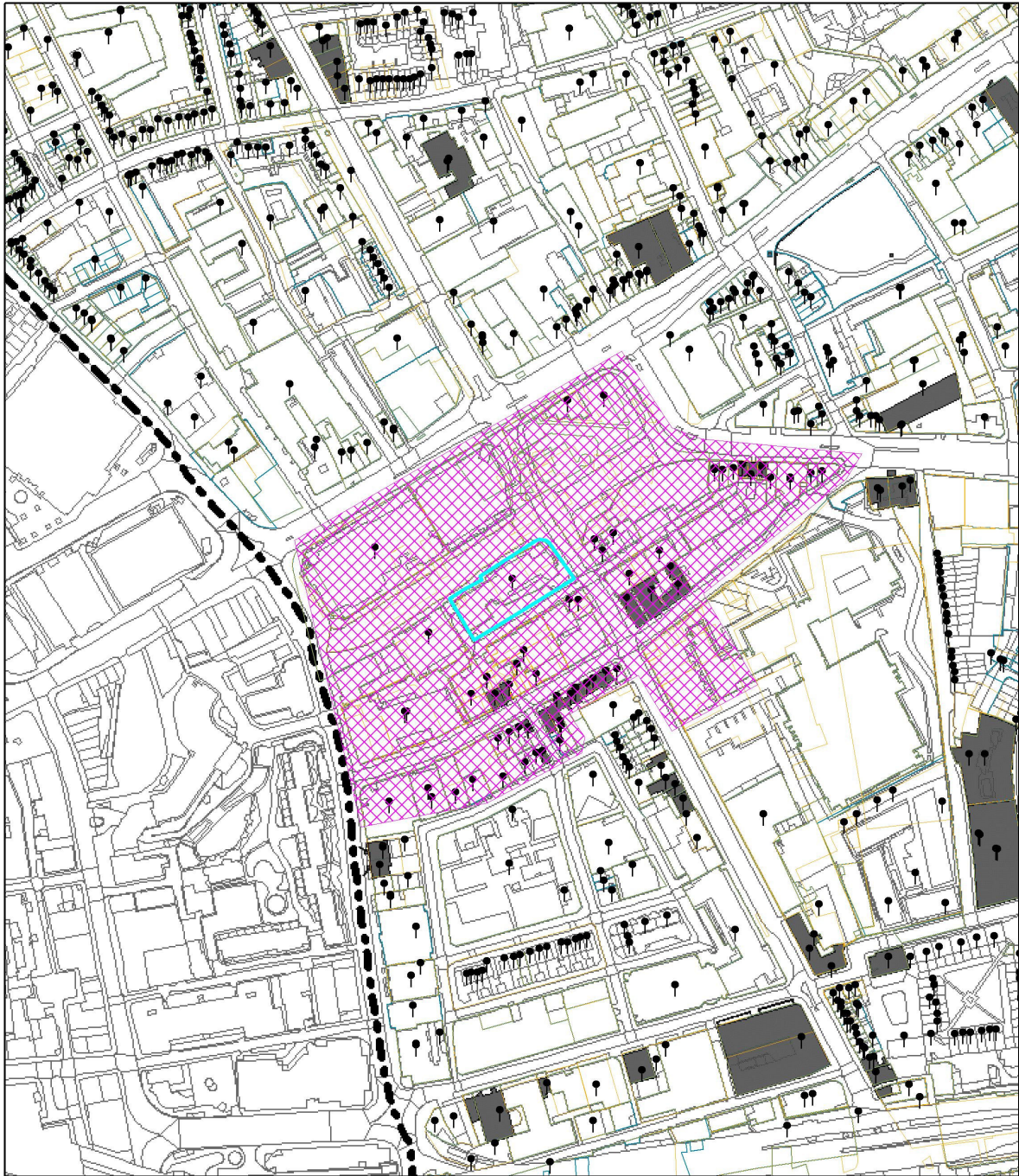
8.75 No other issues are identified.

## **9. Conclusions**

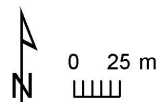
9.1 All other relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

### **Appendix 1 Site plan**

# Planning Application Site Map



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



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

# Agenda Item 7.4

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/09/01916	
		<b>Ward:</b> Mile End and Globe Town	

## 1. APPLICATION DETAILS

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Demolition of existing structures and erection of a new building ranging from 3 to 9 storeys to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
- Drawing Nos:** 173\_A\_P\_001\_01, 173\_A\_P\_001\_02, 173\_A\_P\_001\_03, 173\_A\_P\_001\_04, 173\_A\_P\_003\_01, 173\_A\_P\_100\_01, 173\_A\_P\_100\_02, 173\_A\_P\_100\_03, 173\_A\_P\_100\_04, 173\_A\_P\_100\_05, 173\_A\_P\_100\_06, 173\_A\_P\_100\_07, 173\_A\_P\_100\_08, 173\_A\_P\_100\_09, 173\_A\_P\_100\_10, 173\_A\_P\_100\_11, 173\_A\_P\_100\_12, 173\_A\_P\_100\_13, 173\_A\_P\_100\_14, 173\_A\_P\_100\_15, 173\_A\_P\_100\_16, 173\_A\_S\_200\_01, 173\_A\_S\_200\_02, 173\_A\_S\_200\_03, 173\_A\_S\_200\_04, 173\_A\_S\_200\_05, 173\_A\_S\_200\_06, 173\_A\_S\_200\_07, 173\_A\_S\_200\_08, 173\_A\_S\_200\_09, 173\_A\_S\_200\_10, 173\_A\_E\_300\_01, 173\_A\_E\_300\_02, 173\_A\_E\_300\_03, 173\_A\_E\_300\_04, 173\_A\_E\_300\_05, 173\_A\_E\_300\_06, 173\_A\_D\_400\_01, 173\_A\_D\_400\_02 and 173\_A\_D\_400\_03.
- Planning Statement  
Design and Access Statement  
PPG24 Noise Assessment  
Transportation Assessment  
Townscape Assessment  
Air Quality Assessment  
Sustainability & Energy Statement

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

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

Daylight Report  
Geo-technical Report  
Townscape Images

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

**Owners:** Curzon Street Acquisition  
Richard Ward

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

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

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2008, the Greater London Authority's Sub Regional Development Framework - East London 2006, the council's approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the council's interim planning guidance 2007, associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

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

such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the council's interim planning guidance 2007 which seek to provide an acceptable standard of development throughout the borough.

- The new building in terms of height, scale, design and appearance is acceptable and in line with national advice in PPG15, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies CP49, DEV1, DEV2 and CON2 of the council's interim planning guidance 2007 which seek to ensure development is of a high quality design, preserves or enhances the character and appearance of conservation areas and preserves the setting of listed buildings.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the council's interim planning guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the council's interim planning guidance 2007, which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation, sustainable drainage, and sustainable construction materials.
- The development would not adversely affect air quality, in line with The London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance and the management of the demolition and construction phase would accord with policy DEV12 of the council's interim planning guidance 2007.
- Contributions have been secured towards environmental improvements forming part of the High Street 2012 project, pedestrian facilities on Mile End Road, community education initiatives and cultural facilities, together with the implementation of travel plans, a car free arrangement and arrangements to ensure that the teaching facility is available to the public. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998 and policy IMP1 of the council's interim planning guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

### 3. RECOMMENDATIONS

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

A. Any direction by The Mayor of London.

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

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that has been approved by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

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

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

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

3.3. That the Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the

following:

### 3.4. Conditions

1. 3 year time limit.
2. The following details to be submitted and approved:
  - Mock up of typical elevation bays to include window frames and brickwork.
  - A sample board for all external materials to include the cladding and detailing to the carport/refuse store and bicycle store.
  - Facade design and detailing @ 1:20 and 1:5 scale.
  - Brickwork: specification, setting-out (proportions) and detailing around window cills, reveals, lintels and copings @ 1:20 scale.
  - Copper cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
  - Window design: setting out and specification including feature vent panels and angled units.
  - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
  - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
  - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
  - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, any gates, walls and fences, external lighting and a CCTV system to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
6. Decontamination measures.
7. The acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Noise Assessment dated September 2009 by Hepworth Acoustics unless alternative arrangements are approved in writing by the local planning authority.
8. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.

9. A 30 vertical U-loop ground source heat pump system shall be installed to provide supplementary heating and cooling. The heat pump shall comply with the following criteria's at the time of installation of the technology:
  - The Coefficient of Performance standards as set out in the Enhanced Capital Allowances product criteria.
  - Other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements.
10. Prior to the occupation of the development, the developer shall submit to the local planning authority for its written approval a BREEAM assessment demonstrating that the development will achieve a minimum "Excellent" rating which shall be verified by the awarding body.
11. The approved details of the sustainable design and construction measures shall be implemented and retained so long as the development shall exist except to the extent approved in writing by the local planning authority.
12. Unless alternative arrangements are approved in writing by the local planning authority, the roof terrace shall be permanently fitted with 1.8 metre high obscured glass balustrades and, together with outdoor communal garden areas, shall not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.
13. Hours of construction time limits (08.00 to 18.00) Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
14. Piling hours of operation time limits (10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays) and not at all on Sundays or Bank Holidays.
15. The development shall not commence until Transport for London and the London Borough of Tower Hamlets (as the highway authorities and the local planning authority) have approved in writing schemes of highway improvements necessary to serve the development being respectively alterations to the adopted lengths of Mile End Road and Toby Lane.
16. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### 3.5. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. Consultation with the Metropolitan Police regarding Condition 3 (Landscaping including gates, walls, fences, and CCTV system).
5. Consultation with the London Fire and Emergency Planning Authority regarding Fire Service Access and Water Supplies.
6. Consultation with the Council's Environmental Health Department with regard to Condition 5 (Details of the foundation design).
7. Consultation with the Council's Environmental Health Department with regard to Condition 6 (Decontamination).
8. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 15 that will necessitate agreements under section 278 of the Highways Act.



9. The Construction Logistics Plan forming part of the section 106 agreement should investigate the use of the Regent's Canal for the transportation of construction materials.
  10. Consultation with Queen Mary College University of London regarding the internal design of the building.
  11. Advisory note regarding condition 9 – ground source heat pumps.
  12. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 3.6. That, if within 3 months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

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

##### **Proposal**

- 4.1. The application is for full planning permission for the redevelopment of the site by the erection of a new building ranging from 3 to 9 storeys in height for use as a new education facility comprising teaching accommodation, student housing, cycle and car-parking areas plus refuse and recycling facilities.
- 4.2. This is a revised proposal following the decision of the Strategic Development Committee on 23<sup>rd</sup> September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal involving a part 3, part 5, part 7, and part 11 storey high building to provide a new education facility and student housing. Please see details of the decision taken on 23<sup>rd</sup> September 2009 at paragraphs 4.24 to 4.31 below. Following the refusal of the previous scheme, the applicant has been in discussions with the council and Greater London Authority officers regarding design amendments to address the reasons for refusal.
- 4.3. The key changes between the development refused on 23<sup>rd</sup> September 2009 and the current proposal are as follows:
  - Gross external floorspace reduced from 19,076 sq m to 16,602 sq m.
  - Gross internal floorspace reduced from to 13,629 sq m 11,500 sq m.
  - The number of student bed spaces reduced from 631 to 583.
  - The previous scheme proposed three interconnected building volumes. The current proposal splits the accommodation into seven volumes that read as interconnected buildings of varying scales.
  - Consequential breaking up and modelling of the facades and roofscape.
  - Maximum height reduced from 11 storeys to 9 storeys.
  - The previous scheme ranged between 3 and 11 storeys in height; whereas the current proposal scheme is between 3 and 9 storeys.
  - The previous scheme employed a single fenestration concept applied across the entire façade. The current scheme deploys a varied fenestration to each building block, but with common design features to ensure the development reads as a family.
  - Variation in facing materials across the seven building volumes.

- A roof terrace deleted from the eastern end of the 4<sup>th</sup> floor roof of the building fronting Mile End Road.
- 4.4. The proposed building would now vary from 3-storey in height (9.6 metres high) at its eastern end, rising to 9 storeys (28.00 metres high) towards the centre then dropping to 8 storeys (22.7 metres high) at its western end. The eastern part of the building would have northern and southern wings linked at ground and 1<sup>st</sup> floor levels. The development would comprise two main elements:
- (i) A new education / teaching facility and;
  - (ii) Student living accommodation.
- 4.5. There would be a double height ground floor frontage to Mile End Road. The education space would be arranged around a large central double-height circulation zone which would also provide break-out space and informal meeting / seating areas for the students, along with a café / restaurant. Formal teaching rooms would be provided at the eastern end of the building fronting Mile End Road and on the upper floors, including within the central-core, which would rise through the building to fourth floor level.
- 4.6. The southern (rear) and upper parts of the building would provide student living facilities arranged as either single studios or clusters with private kitchens and bathrooms. The student living accommodation proposes 583 bed spaces split between:
- 50 x single studios
  - 512 x 1 bed units
  - 21 x 1 bed wheelchair accessible units
- 4.7. The education facility would support over 300 full-time students and would be operated by INTO University Partnerships, who provides foundation courses for students before they enter undergraduate and post-graduate degree courses.
- 4.8. Whilst Queen Mary University (QMUL) is not directly involved in the development, the developer anticipates that over half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for students studying on the QMUL campus.
- 4.9. Tree planting would be undertaken along Mile End Road and at the eastern end of the site. The proposal incorporates a range of amenity space provision, including roof terraces, enclosed sky-gardens and areas of communal landscaping as follows:
- A roof terrace = 92 sq m
  - Internal 'Sky gardens' = 140 sq m
  - Communal gardens = 988 sq m
- 4.10. The proposal does not include car-parking for either students or staff although two spaces for disabled people would be provided at the south-east corner of

the building accessed off Toby Lane. A third parking space in this location would be used as a light goods servicing bay with three adjacent spaces for motor cycles. Secure cycle parking for 388 bicycles would be provided within an enclosed area at the eastern end of the site and there would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.

### **Site and surroundings**

- 4.11. The site comprises 0.47 hectare located on the southern side of Mile End Road. It is broadly rectilinear with a 145 metre long frontage to Mile End Road.
- 4.12. Most of the site was occupied until April 2009 as showrooms for the sale of motor vehicles. The existing buildings on the site comprise 2 and 3-storey development. Vehicle repairs were undertaken in associated workshops and there are ancillary offices. Motor vehicles were displayed on the forecourt and in an open sales yard at the eastern end of the site.
- 4.13. The development site includes the former 'Fountain' public house, No. 438 Mile End Road most recently used as a bar / nightclub. This is a 2-storey building with rear vehicular access to Toby Lane.
- 4.14. In total, there is approximately 2,700 sq. m of existing accommodation across the site split between the car showroom use (2,429 sq. m) and the bar/nightclub (240 sq. m).



**Existing buildings. Application site marked by broken line**

- 4.15. Mile End Road is a strategic London distributor road known as the A11. It is a 'red route' and part of the Transport for London Road Network. The site at present has three vehicular accesses onto Mile End Road. There is a 'pelican' crossing across Mile End Road at the eastern end of the site and a further pedestrian crossing immediately east of Harford Street which runs south from Mile End Road. Toby Lane, which runs in a dog leg between Harford Street and Solebay Street, is a borough road. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park.
- 4.16. Opposite the site, on the northern side of Mile End Road, is the Queen Mary University (QMUL) campus (part of the University of London) that is accommodated in a number of buildings of varying heights. The campus occupies some 10 hectares extending northwards towards Meath Gardens.

Within the campus, 90 metres east of the application site, the white stone Drinking Fountain and Clock Tower and the 1930's Queen's Building (formerly the Peoples Palace) are listed Grade 2. The adjoining 3-storey administrative building of Queen Mary College dates from 1890, designed in ornate classical style, and built as the original Peoples Palace, is also Grade 2 listed. Opposite the application site at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is also Grade 2 listed.

- 4.17. Adjoining the application site to the west, 'Lindop House,' No. 432 Mile End Road is a part 6, part 7-storey building providing student housing. There is also a recent development of student housing to the rear of Lindrop House in Toby Lane / Solebay Street named 'Rahere Court' which adjoins an ambulance station on the corner of Toby Lane / Harford Street.
- 4.18. To the south of Mile End Road lies the Ocean Estate, a large post-war municipal housing development comprising mostly a series of medium – high rise (6-9 storeys) blocks arranged around a series of courtyards and open spaces. The estate has a frontage onto Mile End Road to the west of the application site, presenting a series of blocks running perpendicular to the road separated by areas of landscaping.
- 4.19. To the east and south-east of the application site, part of the Ocean Estate comprises a modern residential development of 2 and 3-storey dwellinghouses on Canal Close, Union Drive, and Grand Walk. The houses on Grand Walk lie alongside the Grand Union (Regent's) Canal and fall within the council's recently designated Regent's Canal Conservation Area. This adjoining development on Grand Walk has rear windows overlooking the former open sales yard of the development site and is separated from it by rear gardens 7 – 10 metres long.
- 4.20. Mile End Park, designated as Metropolitan Open Land, lies to the east of the Regent's Canal with the interconnecting 'Green Bridge' crossing Mile End Road.
- 4.21. The site contains no buildings included within the Statutory List of Buildings of Architectural or Historic Interest. In the vicinity of the application site, in addition to the listed buildings within the QMUL campus; No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road east of the Regent's Canal (all on the northern side of Mile End Road) are included within the council's non-statutory local list. The Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, is statutorily listed Grade 2. The buildings on the northern side of Mile End Road east of the canal lie within the designated Clinton Road Conservation Area.
- 4.22. The urban grain of the development site, and its environs, is badly fragmented following war damage. Immediately south of the site lies open land occupied by the council's Toby Lane Depot operated by Catering and Transport Services. A new kitchen building has recently been constructed in the north eastern corner of the depot abutting the development site.
- 4.23. The site has good public transport accessibility. Mile End Station, on the

Central and District Lines of the Underground Railway, lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The western part of the site has a Public Transport Accessibility Level (PTAL) of 5 and the eastern yard scores PTAL 6a where 1 is low and 6 is high. The running tunnels of the Underground Railway lie beneath the site and adjoining parts of Mile End Road.

- 4.24. The site has recently been used unlawfully used as a commercial car park, for the parking of a mobile fast food outlet, a car wash at least one party has been held. At the time of writing, INTO University Partnership has advised that the site is being squatted and steps are being taken to have the squatters removed.

#### **Material planning history**

- 4.25. At its meeting of 4<sup>th</sup> August 2009, the Strategic Development Committee considered an application for planning permission to redevelop the site by a part 3, part 5, part 7, and part 11 storey building to provide a new education facility and student housing.

- 4.26. The Committee resolved that it was minded to REFUSE planning permission on the following grounds:

1. The proposed density;
2. Inappropriate design and height of the proposed development in this location;
3. Overdevelopment of the site; and
4. A lack of benefit for local residents.

- 4.27. On 23<sup>rd</sup> September 2009, the Strategic Development Committee considered a Supplemental report setting out recommended reasons for refusal and the implications of the decision. The Committee resolved to refuse planning permission for the following reasons:

1. The proposed development due to its height would amount to an overdevelopment of the site contrary to:
  - (a) Policies 4B.1, 4B.9 and 4B.10 of The London Plan 2008 that require development including tall and large-scale buildings to respect local context.
  - (b) Policies DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk and scale and the development capabilities of the site.
  - (c) Policies CP48 and DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of scale, height mass, bulk and form of development.
2. Due to inappropriate design, with inadequate modulation of the facades of

the proposed building, the development would not be an attractive city element as viewed from all angles in conflict with:

- (a) Policy 4B.10 of The London Plan 2008 which requires development to be suited to their wider context in terms of proportion and composition.
- (b) Policy DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998 which require development to take into account and be sensitive to the character of the surrounding area.
- (c) Policy DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of roof lines, 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.

4.28. In reaching its decision, the Committee considered advice in the Supplemental report on its resolution of 4<sup>th</sup> August 2009 which may be summarised as follows:

**Resolution 1**

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

**Resolution 2**

4.30. Officers advised that Refusal Reason 2 concerned inappropriate design due to inadequate modelling of the façade of the development on this long stretch of Mile End Road, resulting in conflict with The London Plan 2008, which requires development to be suited to its wider context in terms of proportion and composition. The development was also contrary to the design policies in Council's Unitary Development Plan 1998 and the interim planning guidance 2007, which require development to take into account and be sensitive to the character of the surrounding area.

**Resolution 3**

4.31. Officers advised that overdevelopment manifested itself in a proposal that would be excessively high. Accordingly, recommended Refusal Reason 1 concerned:

- Conflict with The London Plan 2008 that requires tall and large-scale buildings to respect local context,
- Conflict with the Tower Hamlets Unitary Development Plan 1998 which requires development to take into account and be sensitive to the character of the surrounding area and the development capabilities of the site, together with the similar policy in the council's interim planning guidance 2007.

#### **Resolution 4**

4.32. The Committee considered the package of section 106 obligations offered by the developer. These are the same as offered in relation to the current application and summarised at paragraph 3.1 B above. Officers advised that there is no national guidance or policy in The London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the council's interim planning guidance 2007 that requires development to provide benefits for local residents. Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Whilst community benefit can be a material consideration, a fundamental principle in the determination of applications for planning permission is whether obligations outside the scope of the application are necessary to enable a development to proceed. Members decided that as no such further obligations had been identified and, given the absence of support in the Development Plan for a refusal based on Resolution 4, planning permission should not be refused on the ground of inadequate benefit for local residents.

#### **5. POLICY FRAMEWORK**

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

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

Policies	2A.1	Sustainability criteria
	3A.3	Maximising the potential of sites
	3A.5	Housing choice
	3A.6	Quality of new housing provision
	3A.7	Large residential developments
	3A.10	Negotiating affordable housing
	3A.13	Special Needs Housing
	3A.25	Higher and further education
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.23	Parking strategy
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable design and construction
	4A.4	Energy assessment
	4A.5	Heating and cooling networks

4A.6	Decentralised energy
4A.7	Renewable Energy
4A.9	Adapting to climate change
4A.11	Living roofs and walls
4.A.14	Sustainable drainage
4A.16	Water supply and resources
4A.19	Improving air quality
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety, security and fire prevention
4B.8	Respect local context and communities
4B.10	Large scale buildings, design and impact
4.B.11	London's built heritage
4B.12	Heritage conservation
5C.1	The strategic priorities for North East London
6A.5	Planning obligations

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

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

- Queen Mary College lies within an Arts, Culture and Entertainment Area.
- Mile End Park - Metropolitan Open Land.
- The Grand Union Canal - Green Chain.

Policies:

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



T18 – Safety and convenience of pedestrians  
 T21 - Pedestrian Needs in New Development

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

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

Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP20	Sustainable residential density
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP29	Improving education and skills
	CP31	Biodiversity
	CP38	Energy Efficiency & Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment

Development	DEV1	Amenity
Control	DEV2	Character & Design
Policies:	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage

DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment / Change of Use of Employment Sites
RT6	Loss of Public Houses
HSG1	Determining Residential Density
HSG7	Housing amenity space
CON2	Conservation Areas

5.5. **Supplementary Planning Guidance/Documents**

Designing Out Crime  
Landscape Requirements  
The Mayor of London's Housing Supplementary Planning Guidance  
East London Sub Regional Development Framework 2006

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

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

5.7. **Community Plan**

The following Community Plan objectives relate to the application:

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

5.8. **Other material considerations**

1. The Government White Paper. The Future of Higher Education 2003
2. Tower Hamlets Local Development Framework Core Strategy 2025 Proposed Submission Version September 2009
3. Student Housing in Tower Hamlets. LBTH August 2008

6. **CONSULTATION RESPONSE**

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

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

- 6.2. The development is greater than 15,000 sq m gross external area and is referable to the Mayor under Category 1B 1(c) of the Mayor of London Order 2008.
- 6.3. At Stage 1, the Mayor advised that The London Plan policies on student housing, design, inclusive design, climate change mitigation and adaptation, and transport are relevant to the application.

**Student housing.** Whilst the principle of an educational facility and student housing on this site is supported, the applicant should address the emerging requirement in draft replacement London Plan policy 3.8 to secure an end user for the units through providing information regarding discussions with INTO and Queen Mary College.

**Urban design:** The revised design is in accordance The London Plan policies within Chapter 4B and Chapter 7 of the draft replacement Plan.

**Inclusive design:** The scheme is in accordance The London Plan policy 4B.5 and draft replacement Plan policy 7.2.

**Climate change mitigation and adaptation:** The sustainability and energy strategy is in accordance with strategic policies within The London Plan Chapter 4A, and Chapter 5 of the draft replacement London Plan. The council should secure the strategy by condition.

**Transport:** The council should secure a travel plan, a construction logistics plan and a delivery and service plan through a section 106 agreement, and restrict students from parking permits. A financial contribution towards pedestrian crossing improvements is also required.

- 6.4. (Officer comment: The draft replacement London Plan was published in October 2009 for its first round of consultation and carries very limited weight at present. The GLA has questioned whether some of the units would be surplus to requirements, at least initially, and who the intended user is. INTO has explained that a proportion of the student housing would be made available to students at Queen Mary University, with whom detailed discussions have been held, but as yet there is no formal agreement in place.
- 6.6. Notwithstanding its status, the fundamental aim of policy 3.8 of the draft replacement London Plan is to ensure that not only is there is a sufficient supply of quality student accommodation, but that it is delivered in such a way as to not prejudice the availability of land for conventional housing and, in particular, affordable family homes. The application site is unsuitable for permanent housing (particularly affordable and family units) due to its position on Mile End Road. It is also within the QMUL "*Knowledge Hub*" proposed by the Tower Hamlets emerging Local Development Framework (see paragraphs 8.26 to 8.30 below). Accordingly, the proposal would have no impact upon housing land availability in the borough. Indeed, by helping to address the shortage of student

accommodation, the development would reduce the pressure on other land in the borough that is better suited to conventional housing development.

- 6.7. There are no planning policies in either the current London Plan 2008, or the council's existing and emerging development plan, to secure affordable housing for students. The draft replacement London Plan however now says (paragraph 3.45) that:

*“unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy.”*

- 6.8. In that regard, a Head of agreement is recommended to ensure that the student residential accommodation should only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that shall be approved by the local planning authority.
- 6.9. Conditions to secure the delivery of the sustainability and energy strategy are recommended. Heads of agreement are also recommended to secure a travel plan, a construction logistics plan, a delivery and service plan, car free arrangements and a financial contribution of £20,000 towards improvements to the pedestrian crossing on Mile End Road that has been requested by Transport for London).

#### **London Underground Limited**

- 6.10. No representations received. Previously confirmed that the developer has consulted London Underground and should continue to work with LU engineers.

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

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

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

- 6.12. Advises that Mile End Road forms part of the High Street 2012 route. Reiterates previous advice that it is important that development of this scale is of a quality commensurate with the fine range of University buildings on the north side of the road. Should the proposal be approved, it is essential that adequate conditions are attached with regard to materials and details and to ensure that additional street trees are planted, as proposed. Recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the council's specialist conservation advice.
- 6.13. (Officer comment: Conditions regarding facing materials and detailed design are recommended. The proposal involves new planting within the development site along Mile End Road and a condition to ensure landscaping within the site is also recommended. The High Street 1012 improvements will be undertaken by Tower

Hamlets and Newham councils, London Thames Gateway Development Corporation and Transport for London and will include additional tree planting on the public highway. The applicant has agreed a contribution to the funding of these works within the Mile End Intersection Area Study).

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

- 6.14. Unable to comment due to insufficient resources.

**Thames Water Plc**

- 6.15. No objection regarding water infrastructure.

**Metropolitan Police**

- 6.16. Generally happy with the design, improvements in the streetscape and the creation of an active frontage. Concerned about the potential for break in from the rear, the side entrances, and the Toby Lane access. Side gates, vehicular entrance gates and the rear boundary wall should be sufficiently high to stop easy access.

- 6.17. (Officer comment: These concerns can be addressed at the detailed planning stage. A condition is recommended to require final approval of the detailed design of landscaping including gates walls, fences, external lighting, and a CCTV system. An informative advising further consultation with the Metropolitan Police is also recommended).

**London Fire and Emergency Planning Authority**

- 6.18. Requests consultation with the developer regarding fire service access and water supplies.

- 6.19. (Officer comment: An appropriate informative is recommended.

**British Waterways Board (Statutory consultee)**

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

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

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

#### **Inland Waterways Association**

- 6.23. No representations received. Previously raised no objection.

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

- 6.24. No representations received.

#### **Environmental Protection**

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

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

#### **Traffic and Transportation**

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

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

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

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

- 6.28. The new building accords very well with the High Street 2012 vision, replacing buildings and a land use that has had a detrimental impact on the street. It would provide a good edge and active frontage to Mile End Road and contribute to forming a busy and well overlooked street environment. A section 106 contribution is requested to help fund the High Street 2012 project.
- 6.29. (Officer comment: The applicant has agreed to fund works forming part of the High Street 2012 project and Heads of agreement are recommended above).

### **Parks and Open Spaces**

- 6.30. No comments received.

### **Education Development**

- 6.31. No comments received.

### **Waste Management**

- 6.32. No comments received. Previously, no objection in principle.

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

- 6.33. No comments received. Previously advised that security to the Council's Toby Lane Depot should be maintained. The catering operation for the elderly and vulnerable of the community operates 365 days a year and disruption will have major implications for this group of users.
- 6.34. (Officer comment: The application proposes a new solid wall 2.4 m in height along the boundary of the two sites. The developer advises that they will develop the detailed design of the wall in consultation with Contract Services in order to incorporate any appropriate additional security measures. The developer also confirms that a secure boundary would be provided during the construction phase which, again, they are happy to develop in consultation Contract Services. There will be 24 hour on-site management / security provided within the proposed new facility which will monitor all boundaries and access points to the site particularly outside of normal working hours which will improve general security in the local area including the Toby Lane Depot).

### **Corporate Access Officer**

- 6.35. No comments received.

## **Landscape Development Manager**

6.36. No comments received.

## **Energy Officer**

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

6.38. (Officer comment: Appropriate conditions are recommended).

## **7. LOCAL REPRESENTATION**

7.1. A total of 404 neighbouring properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the first application, have been notified about the revised application and invited to comment. The application has also been publicised in East End Life and by four site notices. The number of representations received from neighbours following publicity of the second application is as follows:

<b>No of individual responses:</b>	<b>Objecting:</b>	<b>Supporting:</b>
24	1	25

7.2 No. of petitions received: 1

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

- The site needs redevelopment and should not remain derelict. The proposal looks well designed and would be a welcome addition to the street scene along a drab stretch of Mile End Road.
- The old garage has long been a blot on Mile End Road and the prospect of a modern building is exciting.
- The new design, whilst not as impressive as the first, would vastly improve the neighbourhood.
- Students and University staff are vital for the area. They bring vibrancy and their trade brings economic benefits that are important to the local economy.
- The proposal would revitalise Mile End Road and create many jobs locally.
- If there is a logical location for student facilities in the borough this is it.
- The development is something the Mile End Road needs to be ready for the 2012 Olympics.



7.4. The objection letter is on behalf of the residents of the Ocean Estate, 152 of who have signed an attached petition. Material objections raised may be summarised as:

- The Ocean Estate Tenants and Leaseholders Association objects to the Council's LDF Core Strategy 2025 Development Plan Document (and emerging policies) which advocate the extension of the "*Queen Mary University Knowledge Hub*" beyond the existing campus boundary.
- The ongoing loss of employment sites in Mile End to student related uses conflicts with the council's stated priority in the LDF "*To increase employment opportunities with a focus on encouraging small and medium enterprises in and around the town centre.*"
- More student hostels would result in further loss of residential amenity, diminishing social cohesion and destroy a sustainable community as it is replaced by a student township with more clubs, bars, and related leisure facilities.
- Infrastructure is already at breaking point.
- The revised proposal fails to fully respect local context. There should be further height reductions and a commensurate reduction in the number of student bed spaces.
- Further improvements with respect to design, scale, height, mass, bulk and form of development are required, to ensure the development complements the listed and other buildings on the QMUL campus; and enhances High Street 2012.
- Further reductions in student numbers are required to mitigate the impact of the proposed roof terraces, sky gardens and communal gardens; together with the serious and potentially dangerous impacts on traffic movements in relation to Harford Street Ambulance Station and the Toby Lane Depot.

7.5. (Officer comments: The LDF Core Strategy has been developed In discussions with QMUL which has identified that student accommodation is preferred within a close radius to the university. This is reflected within the '*delivering place making*' section of the Core Strategy. The reference in the LDF to the extension of the "*Queen Mary University Knowledge Hub*" beyond the existing campus also acknowledges the fact that QMUL is the fourth biggest college of London University and one of the top research institutions in the country. The council has worked with the university to develop their plans to continue the development of a world class knowledge and research sector in Tower Hamlets. This is reflected in the LDF Core Strategy which was approved by Cabinet for formal consultation on 2<sup>nd</sup> September 2009.

7.6. As explained, at paragraph 8.20 below, the former use of the site provided limited employment opportunities. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs.

7.7. Transport for London has advised that the impact of the development on the public transport network would be minimal. There is no suggestion that

infrastructure is at “breaking point.”

- 7.8. As explained in ‘Material Planning Considerations’ below, the proposed building in architectural terms would be a significant improvement over the existing car show room and former public house and would reinstate a badly fragmented streetscape. It would respect the local context and preserve the setting of listed and locally listed buildings in the vicinity, which are mostly some distance from the site. English Heritage has not raised any objection and the design is supported by the Greater London Authority and the Council’s Olympic Team (2012 Unit).
- 7.9. Only one roof terrace is now proposed and, as explained at paragraph 8.77 below, to maintain the privacy of the dwellings on Canal Close and Grand Walk, the terrace would be fitted with 1.8 metre high obscured glass balustrades. A condition is also recommended to secure this arrangement and to ensure that both the terrace and communal gardens should not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.
- 7.10. The development, together with the recommended ‘car free’ agreement, would substantially reduce traffic generation compared to the former motor vehicle use. The applicant estimates a reduction of minus 48 vehicle trips in the AM Peak and a reduction of 54 trips in the PM Peak. Only the student accommodation would be serviced from Toby Lane, via the existing access that served the Fountain PH. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractor’s light goods vehicle. Traffic generation onto Toby Lane would therefore be very low and it is not accepted that there would be serious and potentially dangerous impacts on traffic movements in relation to Harford Street Ambulance Station and the Toby Lane Depot.

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

- 7.11. The College recognises the changes made in the revised scheme and continues to express in principle support of the development but comments on the design, rent levels, noise, internal layout, transport, and the provision of student accommodation on the QMUL campus.

#### Design

- 7.12. QMUL are pleased to note the reduction in height, and the presentation of a more broken street frontage. The College does not object to the scale, bulk and massing of the scheme but remain to be convinced that the scheme will positively contribute to the townscape, or the architectural integrity of the surrounding area. Requests that any planning permission is conditioned to ensure that the external building materials and specifications proposed in the application are actually used.
- 7.13. (Officer comment: As explained in ‘Material Planning Considerations’ below, the revised design is considered appropriate to its context and would reinstate a badly fragmented townscape. QMUL appear concerned that the design might

be watered down. To preclude this, conditions are recommended to ensure the final approval of crucial design elements indicated on the application material submitted to date).

#### Rent level

- 7.14. Rent levels and the affordability of student accommodation are a key concern to QMUL to ensure students have access to affordable accommodation of an appropriate standard close to the campus. At present, QMUL experience more demand for cheaper accommodation than the College presently provides. Whilst QMUL support the provision of student accommodation, it is evident from other schemes nearby that their affordability means they do not directly serve the QMUL population. QMUL have unsuccessfully attempted to secure an agreement with the developer to provide a level of affordable rooms.
- 7.15. (Officers comments: There are no planning policies to secure affordable housing for students. The council's powers under section 106 of the Planning Act do not extend to requiring other parties to enter into agreements between themselves and it is not considered that the council should be involved in overseeing any commercial arrangements between the developer and Queen Mary University. Nevertheless, in accordance with emerging policy 3.8 of the draft replacement London Plan, a Head of agreement is recommended to ensure that the student residential accommodation should only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that shall be approved by the local planning authority).

#### Noise

- 7.16. QMUL are concerned that despite noise mitigation measures, the location on Mile End Road would result in an unacceptable environment not conducive to student accommodation.
- 7.17. (Officers comments: A condition is recommended to require the approval of details of acoustic glazing and ventilation to ensure satisfactory living conditions).

#### Internal layout

- 7.18. QMUL welcomes internal design amendments but considers the corridor design would put pressure on the limited amount of communal and amenity space as areas are not "owned" by a group of rooms, as would be the case of a communal kitchen/dining area in a cluster flat. The College also would not want to see the accommodation occupied by key workers (should the units not be taken up by students) without appropriate management to ensure student welfare.
- 7.19. (Officer comment: The proposal is to provide special needs accommodation for students and has been designed accordingly. The internal layout is largely a matter for the developer and, given this issue raises no public interest; this is

not a matter that falls within the remit of the local planning authority. Nevertheless, if planning permission is granted, an informative is recommended advising consultation with QMUL. It is not considered that the accommodation is suitable for general needs housing whether for 'key workers' or otherwise. Nevertheless, the developer has agreed to enter into a legal agreement with the council to ensure that in perpetuity no part of the student residential accommodation shall be used as a Class C3 dwellinghouse).

#### Transport

- 7.20. QMUL is concerned that the application documents link the development with its campus. The transport impact of the development should be considered as a stand-alone scheme).
- 7.21. (Officer comment: The proposal has been assessed as a stand-alone scheme. The site is located in an area of good public transport accessibility and the proposal is considered is satisfactory in that regard).

#### Provision of student rooms

- 7.22. QMUL seek assurance that the development would not impact on their ability to provide by years 2012/14 up to 700 new rooms on its campus purely for QMUL students, as outlined in the council's publication 'Student Accommodation in Tower Hamlets' August 2008.
- 7.23. (Officer comments: Officers see no planning reason why the development would impact on proposals by QMUL to provide rooms on its own campus for QMUL students).
- 7.24. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

### **8. MATERIAL PLANNING CONSIDERATIONS**

- 8.1. The main planning issues raised by the application that the Committee must consider are:
- Land use.
  - The amount of accommodation
  - Urban design and the effect of the development on the character and appearance of the Regent's Canal Conservation Area and the setting of listed buildings.
  - Contribution to 'High Street 2012.'
  - Amenity of adjoining premises.
  - Access and servicing arrangements.
  - Amenity space and landscaping.
  - Sustainable development/ renewable energy.
  - Air quality.
  - Planning obligations.

## Land use

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

### The London Plan 2008

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

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

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

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

- 8.6. The London Plan recognises the role of higher education in supporting London's position as a world city, along with the benefits resulting from associated employment opportunities and by attracting investment into the economy.
- 8.7. In terms of housing, The London Plan seeks to increase the supply of accommodation (Policy 3A.1) by ensuring that proposals achieve the maximum intensity of use compatible with local context, design policy principles and public transport capacity (Policy 3A.3). Policy 3A.5 requires boroughs to take steps to identify the full range of housing needs in their area. Paragraph 3.39 acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 requires the borough's policies to provide for special needs housing including student housing.
- 8.8. Policy 3A.25 of The Plan states that the Mayor will work with the higher

education sectors to ensure the needs of the education sectors are addressed by:

- *“Promoting policies aimed at supporting and maintaining London’s international reputation as a centre of excellence in higher education;*
- *Taking account of the future development needs of the sector, including the provision of new facilities and potential for expansion of existing provision;*
- *Recognising the particular requirements of Further and Higher Education Institutions for key locations within good public transport access, and having regard to their sub-regional and regional sphere of operation; and*
- *Supporting the provision of student accommodation”.*

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

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

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

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

#### Interim planning guidance 2007

- 8.13. On the Proposals Map of the interim planning guidance 2007, the site is again unallocated except for showing a ‘Proposed Cycle Route’.
- 8.14. The ‘Key Diagram’ of the interim planning guidance provides the overall Spatial

Strategy and identifies a 'Higher Education Cluster' focussed on the existing QMUL campus at Mile End.

- 8.15. Core policy CP7 adds that the council will seek to bring investment into the borough, safeguard and enhance the number and range of jobs available to local residents and promote the sustainable creation of 100,000 additional jobs by 2016. In order to help achieve this objective, the guidance supports the improvement and expansion of the higher educational facilities around London Metropolitan University in Aldgate, the Royal London Hospital in Whitechapel and the Queen Mary University Campus in Mile End.
- 8.16. In terms of economic prosperity, the interim planning guidance Core Strategy identifies the borough's educational institutions as integral to enabling local residents access to jobs and their benefit to the rapid regeneration taking place in the borough.
- 8.17. In terms of designating employment land, the interim guidance adopts The London Plan hierarchy of 'Strategic Industrial Locations' and 'Local Industrial Locations' as the primary means of directing and safeguarding employment land and uses. The application site does not fall under either of these employment designations.
- 8.18. In relation to non-designated employment sites, the interim guidance seeks to:
- a) retain sites for industrial employment where they are well located in relation to road and public transport networks;
  - b) retain sites for office uses where they benefit from high levels of public transport or are in / on the edge of town centres; and
  - c) retain sites where there is current or future demand for employment use.
- Where a site is not viable for an existing employment use the council will seek alternative employment uses to suit the location and the site.
- 8.19. Policy EE2 of the interim guidance states that the redevelopment of existing or former employment sites may be considered appropriate where:
- (i) the applicant has shown the site is unsuitable for continued employment use due to its location, accessibility, size and condition;
  - (ii) there is evidence that there is intensification of alternative employment uses on site;
  - (iii) the retention or creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal; and
  - (iv) there is evidence that re-use for similar or alternative employment uses has been explored or there is recent evidence the site is suitable for ongoing employment use.
- 8.20. The former use of the site provided limited opportunities in terms of employment. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs. Specifically, the proposed facility is anticipated to support some 180 jobs including teaching staff and administration along with cleaning, catering,

portage, maintenance, and security staff. This represents a significant increase over the former use in compliance with the employment policies of the council's interim planning guidance.

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



8.26. In September 2009, following approval by Cabinet, the council published its 'Core Strategy 2025 – proposed submission document for public consultation. The "Vision" for Mile End is:

*"A lively and well connected place with a vibrant town centre complemented by the natural qualities offered by the local open spaces."*

8.27. The Core Strategy notes that the area will support residential, working and student communities. Queen Mary University of London's role as a knowledge hub will be supported by the uses in and around Mile End town centre and its public transport interchange.

8.28. The Mile End Vision Key Diagram shows the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing the current application site. In terms of 'Opportunities and growth,' the document says that Mile End will undergo housing growth, with development on a number of sites, through infill and housing regeneration. The document notes that QMUL is also continuing to grow.

8.29. The Priorities for Mile End include:

- *"To create a mixed-use town centre around Mile End Station to focus retail, leisure, commercial, civic and employment uses along Mile End Road, Grove Road and Burdett Road.*
- *To increase employment opportunities with a focus on encouraging small and medium enterprises in and around the town centre.*
- *To support the expansion of QMUL and associated uses while ensuring good integration with surrounding areas."*

8.30. The Principles for Mile End include:

- *"Development should be sensitive to the setting of open spaces and should improve pedestrian and cycling connectivity to and through these spaces.*
- *Public realm improvements should enhance the pedestrian and cycling experience, while maintaining the vehicle capacity of Mile End Road."*

8.31. In summary, it is considered that in land use terms the redevelopment of the motor vehicle garage and nightclub by teaching facilities and student residential accommodation accords with the land use policies of The London Plan, the Sub Regional Development Framework, the Council's 1998 UDP, the 2007 interim planning guidance and emerging policy in the Local Development Framework Core Strategy.

#### **Amount of development**

8.32. The Government's Planning Policy Statement 1: 'Delivering Sustainable Development' 2005 supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and

returning previously developed land and buildings to beneficial use. This is all as proposed.

- 8.33. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on residential density in support of policies 4B.1 and 3A.3.
- 8.34. Paragraph 4.105 of The London Plan advises that for commercial developments to fulfil Policy 3A.3, plot ratios should be maximised. Site densities of at least 3:1 generally should be achieved wherever there is, or will be, good public transport accessibility and capacity. The ability for plot ratios to be maximised at any site or area is said to depend on local context, including built form, character, plot sizes and existing or potential public transport, utilities and social infrastructure capacity. The Plan advises that these matters should be assessed when individual proposals are submitted but they are to be used as a tool to assess density consistently, not to provide specific numerical targets. The plot ratio of the proposed development is 2.45:1 which is within the range advocated by The London Plan for areas such as Mile End Road with good public transport accessibility. The suitability of the site for development at a plot ratio of 2.45:1 in terms of and proposed built form and local context is considered below.
- 8.35. Core policy CP20 of the council's interim planning guidance 2007 reflects The London Plan and seeks to maximise residential densities on individual sites, again taking into account local context, site accessibility, housing mix and type, achieving high quality design, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces, and to ensure the most efficient use of land within the borough.
- 8.36. Policy HSG1 sets out criteria which should be taken into account when determining appropriate residential density. The following matters are relevant to this application:
- *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*
  - *The local context and character;*
  - *The need to protect and enhance amenity;*
  - *The need to incorporate good design principles;*
  - *Access to a town centre (particularly major or district centres);*
  - *The provision of adequate open space, including private and communal amenity space and public open space;*
  - *The impact on the provision of services and infrastructure, including the cumulative impact; and*
  - *The provision of other (non-residential) uses on a site.*
- 8.37. Table 3A.2 of The London Plan and Planning Standard 4: Tower Hamlets

Density Matrix provide a recommended residential density range of 200 – 700 habitable rooms per hectare for “Urban” sites with a PTAL range 4-6. The proposed density of the special needs housing is 1,240 habitable rooms per hectare which exceeds the guidance.

- 8.38. As a matter of principle, it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. As agreed by the Committee at its meeting on 23<sup>rd</sup> September 2009, it is considered that the determining factor in this case is the compatibility of the revised design within the local context. Subject to the design matters outlined in policy HSG1 (above) being satisfactory, the density proposed is considered acceptable for a site along a main arterial route. Such matters are considered below.

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

- 8.39. At paragraph 43 of PPS1 the Government advises:

*“Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”*

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

- 8.41. Section 66 of the Act places a further duty on the council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building.

- 8.42. Good design is central to The London Plan and is specifically promoted by the policies contained within Chapter 4B. Policy 4B.1 ‘Design principles for a compact city’ sets out a series of overarching design principles for development in London and seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London’s built and natural heritage. Policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.10 and 4B.12 require large-scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets.

- 8.43. Tower Hamlets UDP policy DEV1 requires all development proposals to be sensitive to the character of the area in terms of design, bulk, scale and materials, the development capabilities of the site, to provide for disabled people and include proposal for landscaping.
- 8.44. Core policy CP4 of the council's interim planning guidance 2007 refers to 'Good Design' and requires that development should:
- a) respect its local context, including the character, bulk and scale of the surrounding area;*
  - b) contribute to the enhancement or creation of local distinctiveness;*
  - c) incorporate sustainable and inclusive design principles;*
  - d) protect amenity, including privacy and access to daylight and sunlight;*
  - e) use high quality architecture and landscape design; and*
  - f) assist in creating a well-connected public realm and environments that are easy to navigate.*
- 8.45. Core policy CP49 of the interim planning guidance says that the council will protect and enhance the historic environment including the character and setting of listed buildings, locally listed buildings, and conservation areas.
- 8.46. Development control policy DEV1 of the interim planning guidance 2007 requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk, and form of development, to preserve and enhance the historic environment and use appropriate materials. Policy CON2 says that development which would affect the setting of a conservation area will be granted only where it would preserve the special architectural or historic interest of the conservation area.
- 8.47. At paragraph 2.14 of PPG15, national policy advises that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart but are woven into the fabric of the living and working community. The advice says that this can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing, and alignment, and use appropriate materials. It is emphasised that this does not mean that new buildings have to copy their older neighbours in detail but together should form a harmonious group.
- 8.48. The current disused garage, car showroom and open sales lots, with its unattractive use, lengthy, weak street edge, poor front elevation, and overall poor architectural treatment, significantly detract from the quality of the streetscape on Mile End Road. It is considered that this situation would be rectified by the development proposed.
- 8.49. In particular, it is considered that the reduced height now advanced would sit appropriately within the surrounding context, would not have any negative impact in long distance townscape views and would achieve a successful

transition in scale along the site's exceptionally long frontage to Mile End Road. The site is within an area containing existing medium and large-scale civic buildings forming part of the Queen Mary College campus. In terms of overall scale and form, it is considered that the proposed building would be acceptable within that context, creating a defining feature at the southern end of the campus.



**View of proposed development looking east along Mile End Road**

- 8.50. Further, it is now proposed that the building is broken down into seven main volumes which would read as individual but related elements. This would serve to break the development into a series of vertical events. The seven volumes would in turn be separated by lightweight glazed elements which would provide further variety and relief along the length of the site. The central building above the entrance lobby would be further expressed with a light emitting crown. Intermittent lightweight roof top elements would provide further variation to the roofscape.
- 8.51. The seven main volumes would also have their own individual scale and proportion achieved through a variation in height and width. However, the development would be held together by employing a common palette of materials and details which serve to identify the individual volumes as a series of related elements.
- 8.52. The taller block would be located towards the middle of the site and mark the main entrance which sits at the curve in Mile End Road. The double height entrance would provide a focal point to the development, whilst a feature entrance canopy folds up and around to hold the individual elements together. Appendix 1 of this report compares the elevation to Mile End Road of the refused scheme and the current proposal.



**Proposed north elevation facing Mile End Road**

- 8.53. In summary, it is considered that the change to the height and massing, the introduction of a stepped profile and the modelling of the façades including a variation of materials and fenestration, has resulted in more refined architectural composition. The breaking up of the façade would create a richer ensemble as a group, whilst still retaining its own distinct character. The proposed scheme is considered to have successfully addressed the reasons for the previous refusal and well judged at an appropriate urban scale, with height and design that responds well to its local context on a principal London thoroughfare.

#### Listed building considerations

- 8.54. It is considered that the development would not be harmful to the setting of the listed buildings in the vicinity. Mile End Road is a crowded urban street, one of the principal thoroughfares into central London. It has developed organically, from largely open countryside in the 17<sup>th</sup> century, becoming built up from the late 18<sup>th</sup> century onwards, particularly after the completion of the Regent's Canal. The listed buildings in the grounds of Queen Mary University date from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The layout of these buildings, the way they address the street, their size, and the form of the Mile End Road as a series of unfolding vistas along its east-west length, means that the proposed development at Nos. 438-490 would not be harmful to their setting. The development site is additionally some distance to their east, which reinforces this opinion, as it allows for an increase in scale without diminishing the listed buildings and ensuring that their settings are preserved. The setting of the 18<sup>th</sup> Century historic wall of the cemetery of the Spanish and Portuguese Jewish Congregation, which wraps around a QMUL development site at Nos. 331-333 Mile End Road, would also be preserved.

- 8.55. The Grade 2 listed Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, lies east of the Regent's Canal, 117 metres from the application site. The setting of these buildings would be unaffected.
- 8.56. The setting of the locally listed buildings at No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road (also east of the canal) is not covered by any specific policy and the impact of the proposals on these buildings is assessed below where impact on the two conservation areas is considered.

#### Conservation area considerations

- 8.57. The Regent's Canal Conservation Area runs through both a riparian environment formed at this point by Mile End Park but is also part of a wider built up urban environment. The purpose of designating the conservation area (Cabinet 8<sup>th</sup> October 2008) is to protect the special character of the banks of the Regent's Canal and specific historic canal features such as the locks and the towpath, that are recognised as part of the cherished familiar local scene. The proposed development would have very limited impact on the character and appearance of the designated area, as the higher bulk would be set some distance from the canal.
- 8.58. The development would be stepped away from the two storey houses on Grand Walk, which provides the immediate setting of the canal at this location. It is not considered that a building visible from the canal at this point would be harmful to either the character or appearance of the conservation area, both of which would be preserved. Indeed, there may be benefits to orientation, way-finding and local distinctiveness by the formation of a suitably designed building forming a 'punctuation point' close to where Mile End Road crosses the canal.
- 8.59. The character of the Clinton Road Conservation Area is defined by two distinct townscapes. First, Clinton Road is lined by residential terraces of two storeys. Built around the 1870s, the terraces are survivors of the type of dwellinghouses that were cleared to create Mile End Park. Second, in contrast, the Mile End Road frontage is varied, consisting of early 19th century Georgian style terraces between Nos. 359 and 373 Mile End Road. This locally listed terrace, constructed of stock brick, was originally dwellinghouses. The ground level shop fronts were later integrated, with residential floors remaining above. Within the locally listed terrace is an Italianate building of the mid-late 19th century at No. 373 Mile End Road built of yellow stock brick with stucco dressings and a slate roof. In terms of views and silhouettes, the Guardian Angels Church has the most significant presence in the conservation area. Mostly lying some distance east of the development site, on the opposite side of Mile End Road, and separated from the site by the Regent's Canal, it is considered that both the character and appearance of the conservation area would be preserved.
- 8.60. It is not considered that the development would cause any visual or environmental harm to Mile End Park. A taller edge set back from the park could be seen as an advantage in terms of place making and orientation as explained above.

- 8.61. Overall, it is considered that the revised development would accord with the national, metropolitan, and local planning policies outlined above and result in a building that would respect its context, reinstating a badly fragmented townscape.

### **High Street 2012**

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

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

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

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

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

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

(Officer comment: The new building would play a significant role in re-establishing a street pattern that has been badly eroded by the former car dealership building and its associated open parking lots. The building would act as a better way-finding asset in connection with the Regent's Canal and Mile End Park and would provide surveillance of the road. It would also create a healthier, greener street).

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

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

### **Amenity of adjoining premises**

#### Daylight

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



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

- 8.65. Interim planning guidance policy DEV1 requires development not to result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.66. For further guidance UDP policy DEV1 refers to the BRE Report: ‘*Site layout planning for daylight and sunlight – A guide to good practice.*’ The guidelines contain tests for daylight, sunlight and overshadowing, starting with trigonometric tests followed by tests which measure the actual amount of daylight striking the face of a window (Vertical Sky Component) and internal Daylight Distribution by plotting the position of a “no sky line” contour within the room being tested.
- 8.67. The Vertical Sky Component is a “spot” measurement of direct daylight availability from an unobstructed sky. The target design standard for low density suburban housing is 27% VSC. It is recognised that in a dense urban environment such as Mile End, existing VSC values may be below 27%. In such circumstances, it is permissible to reduce the existing value of daylight (or sunlight) by a factor of 0.2 (20%) and still satisfy the Guidelines. Reductions beyond that level are deemed to be noticeable.
- 8.68. The VSC tests should be followed by the calculation of internal Daylight Distribution within each of the rooms by plotting the “no sky line” contour. As a check measurement, Average Daylight Factor can also be used.
- 8.69. The neighbouring buildings that fall within the BRE requirements for testing are:
- Nos. 13 to 22 Grand Walk and,
  - Nos. 12 to 20 Canal Close.
- 8.70. Analysis shows that all except one of the windows in the neighbouring dwellings fully satisfy the BRE VSC tests by either achieving more than 27% VSC or experience a loss of less than 20%. The window that does not fully satisfy the BRE standards is at 21 Grand Walk. The amount by which this window exceeds the permissible 20% margin is very small with a reduction of only 21.62% with an actual VSC of 24.25% which is a very marginal failure. Given the urban location, the daylight incident on the face of this window would continue to be very good and considerably better than the majority of comparable properties in the borough.
- 8.71. The results of the Daylight Distribution analysis show that with one exception, all the habitable rooms of the houses in Grand Walk and Canal Close would comfortably satisfy the BRE Guidelines. The exception is a 1<sup>st</sup> floor room at 12 Canal Close where there would be a loss of internal distribution of 23.4%, again a marginal failure.
- 8.72. The results of the “check” Average Daylight Factor (ADF) measurements show that the internal lighting conditions for all habitable rooms in Grand Walk and

Canal Close would satisfy the ADF standards taken from the BRE Guidelines and the British Standard Code of Practice for Daylighting BS8206.

### Sunlight

- 8.73. The BRE sunlight criteria only apply to windows that face within 90° of due south. The windows in Nos. 12 to 20 Canal Close which have a direct outlook over the site face north-north-west. As they do not face within 90 degrees of due south, they do not fall within the BRE sunlight criteria. The rear facing rooms in Nos. 13-22 Grand Walk face south-west and fall within the BRE testing criteria. Of those rooms, four glazed doors in Nos. 13, 20, 21, and 22 Grand Walk would exceed the permitted levels of reduction but all four doors serve rooms that also have a primary window which each satisfy the BRE sunlight standards.

### Overshadowing

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

### Privacy

- 8.75. The eastern end of the northern wing of the proposed building (used as teaching accommodation) would be sited 18 metres from the closest house on Grand Walk. Due to the orientation of the building, only oblique views would be possible towards Grand Walk. The central part of the proposed building (which would also be as teaching accommodation) would have windows 23.3 metres from the rear of the houses on Grand Walk. To ensure adequate privacy, the minimum separation distance between habitable rooms provided by the Tower Hamlets UDP 1998 is 18 metres. It is considered that the 23.5 metre separation proposed would ensure that the dwellings on Grand Walk would have their privacy adequately maintained. The eastern flank wall of the southern wing of the development would only be provided with a single window serving a corridor at 1<sup>st</sup> and 2<sup>nd</sup> floor levels, 25 metres from the rear of the houses on Grand Walk.
- 8.76. At its closest, the southern wing of the development would be 18.5 metres from the houses on Canal Close, which again complies with the UDP recommendation. Moreover, to increase the privacy of the houses on Canal Close, and also to obviate possible overlooking arising from potential future development on the council's depot site, angled oriel windows would be provided on the south façade.
- 8.77. In response to concerns from adjoining residents regarding overlooking and disturbance from roof terraces, a landscaped terrace previously proposed on the roof of the 4<sup>th</sup> floor of the northern wing has been deleted from the current proposal. The sole roof terrace now proposed would be on the 4<sup>th</sup> floor roof of

the southern wing adjacent to the Toby Lane depot. At its closest, the terrace would be 23 metres from the nearest house on Canal Close. To maintain the privacy of the dwellings on Canal Close and Grand Walk, together with the development potential of the Toby Lane depot, the terrace would be fitted with 1.8 metre high obscured glass balustrades. A condition is recommended to secure this arrangement and also to ensure that the terrace (and communal gardens) shall not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.

- 8.78. Proposed 'Sky Gardens' would be enclosed amenity spaces at 3<sup>rd</sup>, 5<sup>th</sup> and 7<sup>th</sup> floor levels on the southern part of the western building adjoining the Toby Lane depot and would have no impact on the houses at Grand Walk, Canal Close and Union Drive.

### **Access and servicing arrangements**

- 8.79. The site has a good level of access to sustainable modes of transport. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The site has a Public Transport Accessibility Level of between 5 and 6a.
- 8.80. The development would be beneficial to conditions on the local highway network as a net reduction of 48 and 54 two-way vehicular trips is forecast in the AM and PM peaks respectively. The proposals also include the removal of three vehicle crossovers on to Mile End Road which would reduce road user conflict. The overall effect of the development on the surrounding highway infrastructure has been assessed with the conclusion that there would be a minor improvement in conditions.
- 8.81. Given the good level of access to sustainable modes of transport, only two car parking spaces for disabled people are proposed and the developer has agreed that the scheme should be designated 'car-free' with users of the building (other than disabled people) prohibited from purchasing on-street parking permits from the borough council.
- 8.82. Cycle parking would be provided in excess of 1 space per two units of student housing which would accord with standards. There would also be visitor bicycle stands adjacent to the main entrance points on Mile End Road.
- 8.83. Servicing for the teaching and cafe uses would be from the existing loading bay on the north east corner of the development on Mile End Road. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain public house. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractors light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Traffic generation onto Toby Lane, which carries traffic to the Council's Toby Lane depot, would therefore be low.

- 8.84. Transport for London and the Council's Traffic and Transportation Department raise no objections to the proposed transport arrangements, subject to the implementation of travel plans. Overall, access and servicing arrangements are considered satisfactory and policy compliant. As part of recommended section 106 arrangements, the developer has agreed to submit and implement a residential travel plan, a delivery service plan and a construction logistics plan.

### **Amenity space and landscaping**

- 8.85. The proposals include a comprehensive landscaping scheme around the perimeter of the building, along Mile End Road and along the eastern perimeter of the site. The latter would create a green buffer between the student housing and the neighbouring houses on Grand Walk. As mentioned, there would be a landscaped roof terrace atop the 4<sup>th</sup> floor roof of the eastern part of the development. Green roofs would be provided wherever possible.
- 8.86. A feature of the proposal is 'Sky Gardens' which would provide a series of semi-external spaces for students to use as communal break-out areas. These spaces would be arranged as a stack within the western building and are expressed on the elevation as a double-height design feature. In total, the proposal provides 1,220 sq m of amenity space as follows:
- A Roof terrace = 92 sq m
  - Enclosed 'Sky gardens' = 140 sq m
  - Communal gardens = 988 sq m

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

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

- 8.88. The design adopts a number of 'passive' design measures, including: a well insulated façade; airtight construction; heat recovery ventilation; thermal mass techniques to reduce heating and cooling requirements; centralised heating and cooling; energy efficient lighting; and low (hot) water shower heads and taps. The energy supply would consist of communal combined heat and power (CHP) to provide the electrical and heating base load for the development. Communal heating and hot water would be provided for the whole development with a Ground Source Heat Pump system to provide heating and cooling in conjunction with the CHP unit.
- 8.89. The development would provide an overall reduction in CO2 emissions of 37% when compared with a comparable baseline building and the Greater London Authority and the Council's Energy Officer are content that the proposed energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 to DEV9 of the council's interim planning guidance and national advice in PPS22: 'Renewable Energy'. As requested by the GLA, conditions are recommended to ensure the submitted details are implemented.

## **Air Quality**

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

## **Planning obligations**

- 8.93. Planning obligations can be used in three ways:-
- (i) To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
  - (ii) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
  - (iii) To mitigate the impact of a development. For example, through increased public transport provision.
- 8.94. Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:
- (i) relevant to planning;
  - (ii) necessary to make the proposed development acceptable in planning terms;
  - (iii) directly related to the proposed development;
  - (iv) fairly and reasonably related in scale and kind to the proposed development; and
  - (v) reasonable in all other respects.
- 8.95. Policy DEV 4 of the Tower Hamlets UDP 1998 and policy IMP1 of the council's

interim planning guidance 2007 state that the council will seek planning obligations or financial contributions to mitigate the impacts of a development. Paragraph 3.53 of The London Plan advises that where a housing development is solely for student housing, it would not be appropriate for the borough to seek social rent or intermediate housing provision through a planning obligation.

8.96. The applicant has offered that the following matters be included in a section 106 agreement with the council.

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from a list of other further educational establishments that has been approved by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

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

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

8.97. The applicant has explained:

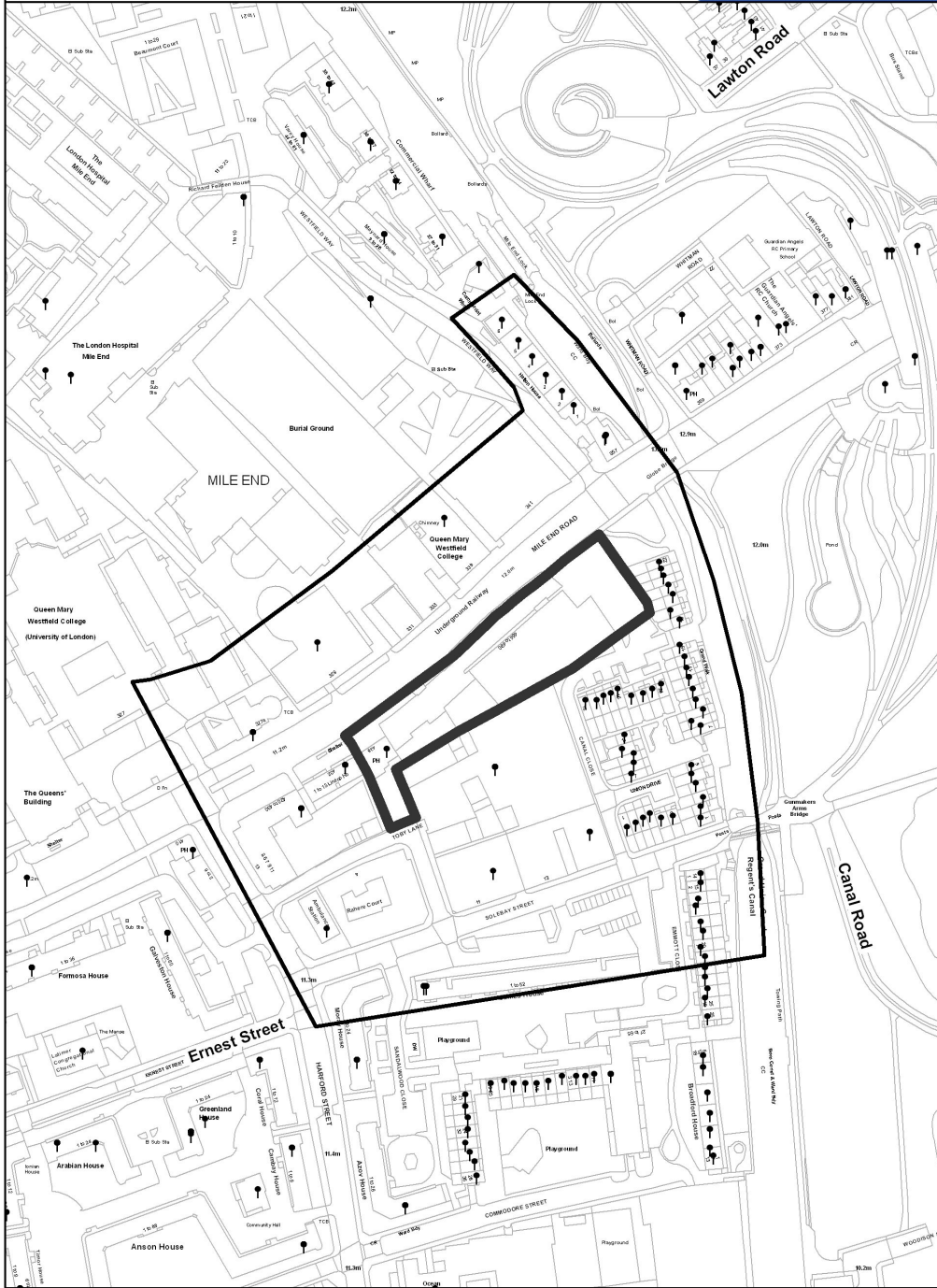
- The £100,000 contribution towards local community education initiatives and cultural facilities' (Head 5) has arisen out of discussions with the local community and a desire to see the proposal support local community initiatives. The intention is for this money to be paid to the 'Stepney Shahjalal Mosque and Cultural Centre' who run a range of education and cultural programmes for people living on the Ocean Estate.
- Fastlane is a program designed to help train and prepare graduates in their transition from education into employment. QMUL have been providing sponsorship for 'Fastlane' courses and the intention of Head 6 is for the project to provide a one off sum to the value of £20,000 for bursaries for local people to access the Fastlane courses.
- The use of the Teaching Facility by the local community (Head 7) has arisen from local consultation and responds to comments about local people currently not deriving much benefit from the fact there is a major education institution in their community. Discussions with the community indicate that there are local education-based initiatives that would welcome the opportunity to be given classroom time to run their courses from.



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

## **9. CONCLUSION**

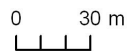
9.1. All relevant policies and considerations have been taken into account. It is considered that the revisions made to the scheme overcome the Committee's refusal reasons of 23<sup>rd</sup> September 2009. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area

 Land Parcel Address



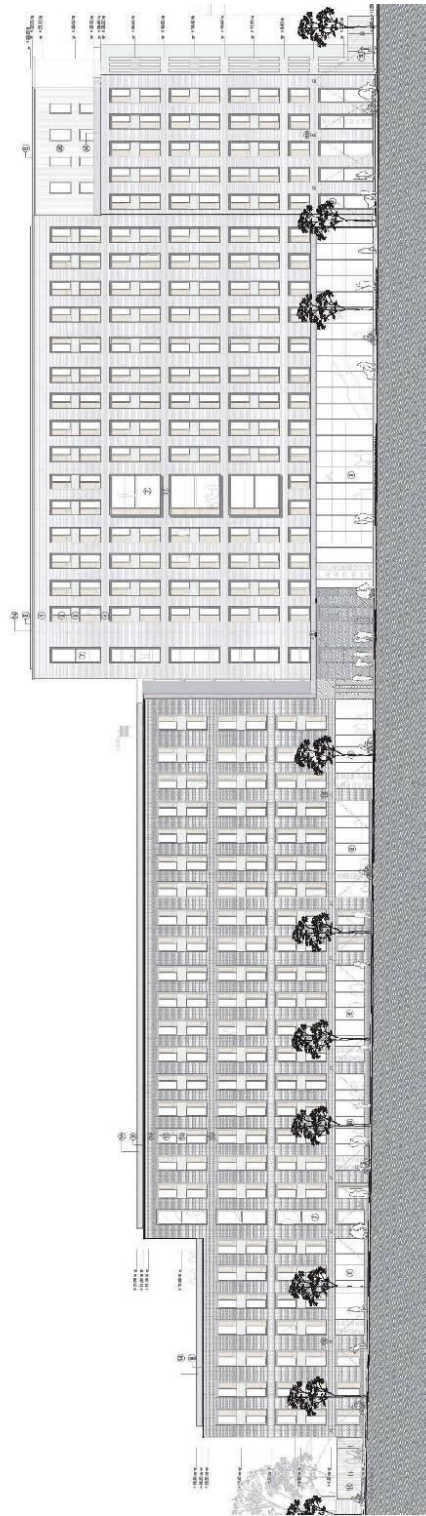
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This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288



**Appendix 1**

**438-490 Mile End Road  
Current (top) and refused (bottom) elevations to Mile End Road**



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# Agenda Item 7.5

<b>Decision Level:</b> Strategic Development Committee	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jason Traves		<b>Ref No:</b> PA/09/965	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

**Location:** Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 leman Street, Hooper Street) London

**Existing Use:** Offices (vacant)

**Proposal:** Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 772 residential units (Class C3), 650 bedroom student accommodation (sui generis), 351 bedroom hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public open space, landscaping, servicing, plant accommodation, car parking and access and associated works.

Note the application is supported by and Environmental Statement.

**Drawing Nos:** 0722A P0001; P0002; P0003; P0004; P0005; P0006; P0099A; P0100B; P0101A; P0102B; P0103A; P0104A; P0105A; P0106A; P0107A; P0108B; P0109A; P0110A; P0111A; P0112A; P0113A; P0115A; P0116A; P0117A; P0118A; P0119A; P0120A; P0121A; P0122A; P0123A; P0128A; P0130A; P0160B; P0161A; P0162B; P0162B; P0163A; P0164B; P0165C; P0166A; P0167B; P0168C; P0169B; P0170C; P0171B; P0172A; P0173A; P0174A; P0175A; P0176B; P0177; P0178; P0179; P0180; P0181A; P2500; P2501; P2502; P2503; P2505; P2506; P2508; P2509; P2510A; P2511; P2512A; P2513A; P2515; P2516; P3500A; P3501A; P3502A; P3503A; P3504A; P3505A; P3508A;

4723/C/SK002Rev102

07/2472-TS1; TS2; TS3; TS4; TS5; TS6; TS7; TS8; TS9; TS10; TS11; TS12; TS13

07/2517-MBS-B

2537/B-2; G-1; G-2; 1-1-REVA; 1-2-REVA; 2-1-REVA; 2-2-REVA; 3-1-REVA; 3-2-REVA; 4-1-REVA; 4-2-REVA; 5-1-REVA; 5-2-REVA; 6-1-REVA; 6-2-REVA

2723/E2; E3; S1; S2; S3  
2472/KEYPLAN; E1; E2; E3; E4; E5; E6; E7; E8; E9; E10; E11; E12;  
E13; E14; E15; E16; E17; E18

ELEV16.DWG; 1-4.DWG

TOWN371(08)1002R04; 5000R01; 5001;R04; 5003R04; 5004R03;  
5005R03; 5006R03; 5007R03; 5008R03; 0023R01

SK01; SK01A (x10 Individual dwgs)

Documents:

*Submission 29 May 09*

Environmental Statement Vol1

Environmental Statement Vol2

Environmental Statement Vol3 Heritage, Townscape and Visual  
Assessment

Environmental Statement Vol3 appendices

Environmental Statement Vol4 Transport Assessment

Environmental Statement Vols 5a & 5b technical appendices

Planning Statement

Design and Access Statement Vols 1 & 2

Statement of Community Consultation

Sustainability and Quality of Life Statement

Energy Statement

S106 heads of terms

*Further information 04 August 09 to address Mayor's Stage 1*

LVMF photographic images 1808-0529 v090731; 2705 v090710; 2805  
v090723B

Roamer animation and stills

Supporting tower plan 0722A P0005

*Further information 14 August 09 to address LBTH comments*

Arup dwg 123182-00, 123182-00-019

*Further information 15 October 09 to address LBTH Comments*

Updated schedules ref Nos. 0722A 10.01 AA rev F; 10.01AG rev B x 5  
dwgs

Updated Environmental Statement Vol1 (for regulation 19)

Updated Environmental Statement Vol6 (for regulation 19)

**Applicant:** Mourant Property Trustees Ltd and Mourant & Co. Trustees Ltd as  
Trustees of the Omega No. 3 Property Unit Trust  
**Owner:** Berkley Homes, Berkley Gemini Ltd, LBTH, EDF, AHL City Quarter  
Trading Limited  
**Historic Building:** No  
**Conservation Area:** No

## 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, Interim Guidance, associated supplementary planning guidance, as well as the London Plan and Government Planning Policy Guidance and has found that:

- a) A mixed use approach to the redevelopment of the site which incorporates residential, hotel, student accommodation, PCT and commercial uses is acceptable and in accordance with Policies 2A.4, 2A.5, 2A.7, 5C.1 of the London Plan (Consolidated 2008), the Mayor's draft City Fringe OAPF, Policy ST12, CAZ1 of the LBTH UDP 1998, Policies CP8, CP19 of the LBTH IPG 2007, Policies CFR9, CFR14 of the City Fringe Area Action Plan (AAP), as well as the LBTH Aldgate Masterplan 2007 which promote a mixed use approach to the redevelopment of the site;
- b) The scheme would result in considerable job opportunities in accordance with Policies EMP1, EMP 2, EMP 6, EMP8 of the LBTH UDP 1998 as well as Policies CP1, CP15 of the LBTH IPG 2007 seek to promote employment including opportunities for local people;
- c) The site layout, comprising a network of streets, will improve connectivity and permeability of the site and links with the surrounding area in accordance with Policies Policy 4B.1, 4B.10 of the London Plan (Consolidated 2008), Policy DEV1 of the LBTH UDP 1998, Policies CP4, CP48, Dev27 of the LBTH IPG 2007 as well as the Aldgate Masterplan which seek to improve connectivity;
- d) The scheme incorporates energy efficient, renewable and sustainable measures thereby reducing its demand on non-renewable energy resources in accordance with Policies 4A.2 – 4A.7 of the London Plan (Consolidated 2008) as well as Policy DEV5 of the LBTH IPG 2007 which seek to ensure developments are efficient and environmentally sustainable;
- e) The scheme, in particular the six (6) residential towers are designed to ensure they preserve the views and setting of the Tower of London. As such, the proposal accords with Policies 4B.1 and 4B.8 of the London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 2008, CP4, CP48, CP49, DEV2, and CON3 of the LBTH Interim Planning Guidance 2007 as well as the provisions of the LBTH Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007 and PPG15 which seek to preserve and enhance the setting of listed buildings, conservation areas and World Heritage Sites.
- f) The scheme, in particular the six (6) residential towers which are visible in the Background Assessment Area of Townscape View 25 of the Mayor's LVMF, pose no significant impact upon views of the Strategically Important Landmark, The Tower of London. The proposal is therefore in accordance with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's London View Management Framework 2007, The Mayors draft London View Management Framework 2009, the Mayor's City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect strategically important views.
- g) The scheme suitably addresses criteria for consideration of the acceptability of a tall building. The proposal is therefore in accordance with Policies 4B.9, 3A.3, 4B.1, 4B.10 of the London Plan (Consolidated 2008), Policies CP48 and DEV27 of the LBTH Interim Planning Guidance 2007, Policy CFR12 of the LBTH City Fringe Area Action Plan 2006 as well as the provisions of the LBTH Aldgate Masterplan 2007 and the Mayor's draft City Fringe Opportunity Area Planning Framework 2008, which seek to ensure that proposals for tall buildings are appropriate to their context, are high quality and minimise impacts.
- h) The public open space provision exceeds 0.8Ha and is considered to be a standard of design that will cater for the needs of residents and users, in an area that currently suffers from a deficiency of open space. The proposal is therefore in accordance Policy CP30 of the LBTH Interim Planning Guidance, as well as the site specific guidance of Policies CFR1 and CFR5 of the LBTH City Fringe Area Action Plan 2007, as well as the LBTH Aldgate Masterplan which seeks to ensure provision of sufficient public amenity space to meet the needs of the community;

- i) The application provides 35% affordable housing based on habitable rooms, thereby catering for housing need in accordance with Policy CP1, CP2, CP19, CP21, CP22, HSG1, HSG3 of the LBTH IPG 2008 and Policy 3A.5, 3A.10, 3A.11 of the Mayors London Plan (Consolidated 2008) which seek to address housing need;
- j) Although the scheme provides a quantum of communal and private space meeting the requirements of the IPG but not the UDP, on balance, the variety of amenity space provision and the intended design treatment is considered to be good quality and of benefit to the amenity of future occupiers in accordance with PPS3 Housing, Policy ST23, HSG3 of the LBTH UDP 1998, and associated Residential Space SPG which seek to provide sufficient amenity space to address the needs of occupiers;
- k) Subject to an appropriately worded condition for the final materials and detailed elevation treatments to be agreed, the appearance of the development is considered to be high quality and will contribute positively to the varied character of the immediate area in accordance with Policy 4B.16 of the London Plan, , Policy CP50, DEV1, CON5, of the LBTH IPG 2007, Policy CFR1 of the LBTH City Fringe Area Action Plan, as well as the LBTH Aldgate Masterplan and PPG15 which seek the highest possible quality of design and appearance of buildings.
- l) Subject to an appropriately worded condition for the final materials and detailed elevation treatments to be agreed, the scheme is considered to enhance the streetscene and local context, posing no significant adverse impact on the character, appearance and setting of any immediately adjacent or nearby listed buildings and conservation areas, in accordance with PPG15, Policy 4B.1 and 4B.8 of the Mayor's London Plan (Consolidated 2008) as well as Policy DEV1 of the LBTH UDP 1998 and Policy CP4, CP48, CP49, DEV2 and CON3 of the LBTH UDP 1998 as well as the adopted Aldgate Masterplan which seek to protect the appearance and setting of listed buildings and conservation areas;
- m) The scheme poses no significant amenity impacts to future occupiers other than impacts to lighting which are considered to be balanced by the benefits of the scheme and financial viability considerations. On balance the scheme has considered PPS1, Policy 4B.1 of the Mayor's London Plan (Consolidated 2008), Policy CP4 of the LBTH IPG in seeking to provide the best possible amenity for future occupiers.
- n) No significant impacts to neighbours are posed other than in terms of loss of light to some residential properties. This is balanced by the dual aspect nature of those properties, the benefits of these scheme and financial viability considerations. Therefore, the proposal has considered Policies 4B.10 of the Mayor's London Plan (consolidated 2008), DEV1 of the LBTH Interim Planning Guidance, and DEV2 of the LBTH Unitary Development Plan 1998 which seek to protect the amenity of neighbours;
- o) No significant traffic and parking impacts posed in accordance with Policies 2A.1, 3A.7, 3C.1, 3C.2, 3C.19, 3C.20 of The London Plan (Consolidated 2008), PPS1, PPG13, Policy ST25, ST28, ST30, T16, T18, T19, T21 of the LBTH UDP 1998, Policies DEV17, DEV18, DEV19 of the LBTH IPG 2007 which seek to ensure the proposal does not impact on the local road system.

### 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:

- Affordable housing - **35%**
- Public realm improvements - **£600,000**
- Sustainable transport - **£339,300**
- Open space - **£699,200**
- Indoor sport and recreation - **£909,325**

- Education - **£1,468,698**
- Healthcare - **£1,060,786 plus shell and core plus peppercorn rent for 3 years**
- Local business support, employment and training - **£204,640**
- Public art - **£60,000**
  
- **Total - £5,341,949**

Other contributions:

- Car free agreement for residential units with no parking spaces.
- Provision of a Travel Plan framework and monitoring.
- Provision of a car club on site including: a) The undertaking and costs associated with establishing a Car-Plus accredited car club on site which includes 2 cars and 2 parking bays reserved exclusively for this purposes; b) the undertaking and costs of any supporting service requirements of the car-club operator in providing the car club at this site; c) The promotion of the car club to occupiers;
- PCT shell and core to NHS specification
- PCT peppercorn rent for 3 years
- TV reception mitigation measures
- Air quality monitoring during construction.
- Commitment to participate in Council's local labour in construction initiatives.
- Considerate contractor scheme.

*(For avoidance of doubt and as per advice in the 'transport' section of this report, s278 agreement pursuant to the Highway Act 1980, is a matter with financial obligations which is completely separate and in addition to the s106 planning agreement set out in this report)*

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal agreement has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.

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

**Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Development in accordance with the approved plans
- 3) Final plan of phasing to be agreed
- 4) Detailed design treatment: elevations, balconies, PCT skylights, connection at roof level between 75 leman street extension and the building to the south; extract vents/bicycle pavilion
- 5) Frosted glass for communal space windows adjacent private amenity space at first floor
- 6) Restriction on class A3/A5 use to ground floor areas where future extract ventilation has been shown as specified on the plans
- 7) Full vent details and detailed plans including A3 & A5 and basement
- 8) Provide for not more than 199 car spaces (of which at least 29 to be accessible), 64 motorcycle spaces, 29 motor scooter spaces
- 9) Details of electric charging points in accordance with the ES Vol1 & 6 to be submitted prior to commencement
- 10) Provide 132 cycle spaces at ground level and elsewhere, 1928 in basement as shown on the approved basement and ground floor plans, giving total of 2068 spaces
- 11) Details of the means by which access to the basement will be restricted and controlled in the interest of safety, security and minimising crime and terrorist threat per Metropolitan Police Crime Prevention Officer
- 12) CHP plus other measures per ES for renewable, sustainable and efficient measures to be incorporated, maintained and utilised for the lifetime of the development

- 13) Low carbon and renewable technologies to be operated and retained for lifetime of the development
- 14) Code for sustainable homes
- 15) BREEAM for non-res C3 uses
- 16) Lifetime homes and 10% wheelchair housing
- 17) Surface water control
- 18) Basement access controls and management
- 19) Landscaping details and management plan incl. bat and bird box provision
- 20) Secured by design statement and certification
- 21) Details of design of ecological (green) roof
- 22) Full details of the CHP plant including emissions and their mitigation
- 23) Microclimate mitigation incl. roof terraces
- 24) Juliet balconies for all units that do not already benefit from a Juliet or private amenity space unless otherwise agreed in writing
- 25) Mechanical ventilation and enclosure of balconies on Alie and Lemn Streets to address noise and air quality
- 26) Glazing to address NEC D
- 27) Wind mitigation measures as per ES to be constructed and maintained for life of development
- 28) Further wind testing of final landscape design
- 29) Amended servicing management plan to be agreed in writing
- 30) Waste and recycling storage in accordance with submitted documents
- 31) Construction environmental management plan as recommended in ES Ch5
- 32) Construction logistics plan
- 33) Final travel plan including consideration of all uses
- 34) Archaeology
- 35) Development in accordance with the FRA
- 36) Hours of construction
- 37) Hours of piling
- 38) Wheel cleaning equipment
- 39) Contamination including Gas monitoring program and notice/inspection of remediation works per contamination officer
- 40) Program of archaeology
- 41) Scheme of highway improvements (s278)
- 42) Access to garden behind PCT limited to daylight hours
- 43) Cycle routes through the development
- 44) Public walking and cycling access across the site in perpetuity
- 45) Public access to open space in perpetuity
- 46) Any additional conditions as directed by the Corporate Director Development and Renewal

### **Informatives**

- 1) construction crainage per London City Airport
- 2) Precautionary advice per National Grid
- 3) Surface water drainage is developer's responsibility per Thames Water
- 4) Stormwater attenuation via on or off-site storage per Thames Water
- 5) Manhole requirements for connection to public sewer per Thames Water
- 6) No groundwater removal per Thames Water
- 7) Prior approval from Thames Water required for discharge to public sewer
- 8) Petrol/oil interceptors per Thames Water
- 9) Fat trap per Thames Water
- 10) Diversion of Thames Water infrastructure is at the applicant's expense
- 11) Advice in respect on minimum water pressure per Thames Water
- 12) Separate notification and approval for perm highway works and temp highway works during construction per Traffic Management Act 2004 and TFL.
- 13) Consideration of the following matters relevant to the Building Regulations per Building Control:



- Advice not intended as a complete review or assessment
  - Notice of demolition prior to commencement
  - Section 20 application under the London building Act applicable
  - Attention should be paid to Party Wall Act
  - Fire service access including shafts in accordance with B5 requirements
  - Fire mains in accordance with section 15
  - Consideration of means of escape and dead end distances in respect of Requirement B1
  - Hotel corridor ventilation
  - Alternative means of escape or sprinklers for 4 storey houses
  - Separate routes of escape for each use
  - Single staircase buildings not to be connected to the basement
  - Building separation distances
  - Fire compartmentation between buildings
  - Solid waste storage and collection
  - Means of access to comply with Part M
  - Safe cleaning of windows in accordance with Approved Document N
- 14) Consideration of increasing provision of facilities for people with a disability in the hotel per Access officer
  - 15) Soil cap and geotextile membrane for private gardens per contamination officer
  - 16) Construction noise to address BS5228 and COPA section 61 per env. Health
  - 17) D1 stack height calculation for domestic emission per env. Health
  - 18) Dust monitoring methodology per construction mgt plan to be agreed in advance with env. Health
  - 19) Future detailed floorplan design to consider separate kitchen and living rooms in social rent tenure to satisfy housing need per Housing
  - 20) Archaeological design project per English Heritage(arch)
  - 21) Efficient water use per Environment Agency
  - 22) Construction crainage per London City Airport
  - 23) Contact Env. Health Commercial regarding construction phase, operational phase, notifications regarding working with Asbestos, Notification of Cooling Towers and Evaporative Condenser Regulations 1992, establishment for special treatments, exemptions, animal establishment related legislation
  - 24) Contact LFEPA regarding fire fighting main access, domestic sprinklers and basement storage
  - 25) Section 61 agreement to agree construction methodology per Control of Pollution Act 1974 per environmental health
  - 26) Precautionary Guidance of National Grid

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

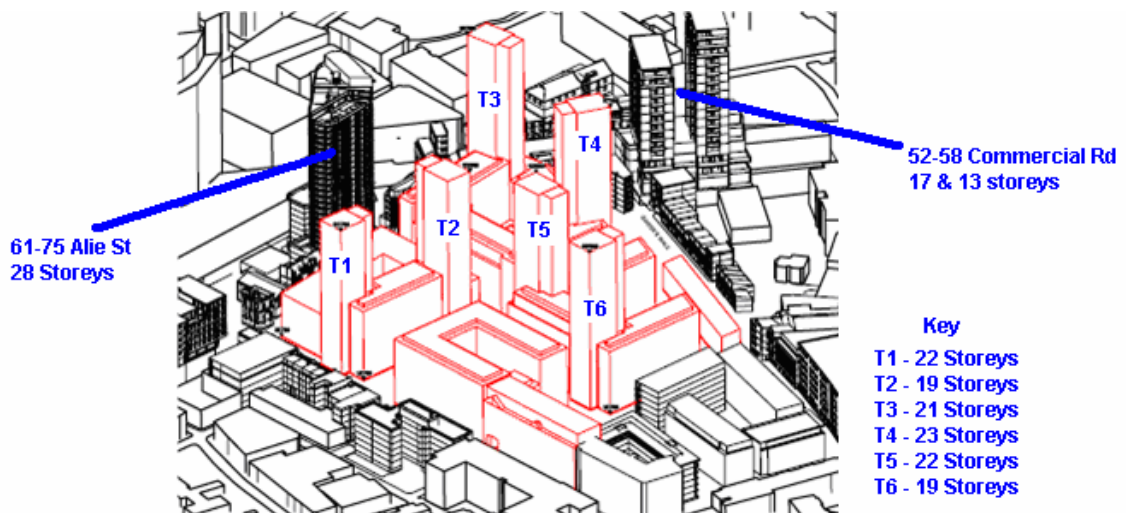
##### **Proposal**

- 4.1 The application is for demolition of the existing 3-8 storey office complex (pictured below) and redevelopment with a mixed-use scheme. The scheme comprises of four courtyard blocks ranging in height between 5-10 storeys. Each block has a central courtyard at first floor above commercial and servicing space at the ground floor. In addition, 6 towers project up from corners of the North-East, North-West and South-East Blocks. Tower heights range between 19-23 storeys.
- 4.2 Other features of the scheme include the erection of a 4 storey terrace along Gower's Walk, as well as conversion of 75 Leman Street to residential (Class C3) as well as construction of an additional storey. The scheme also includes a series of public opens spaces and pedestrian thoroughfares as well as a basement car park.



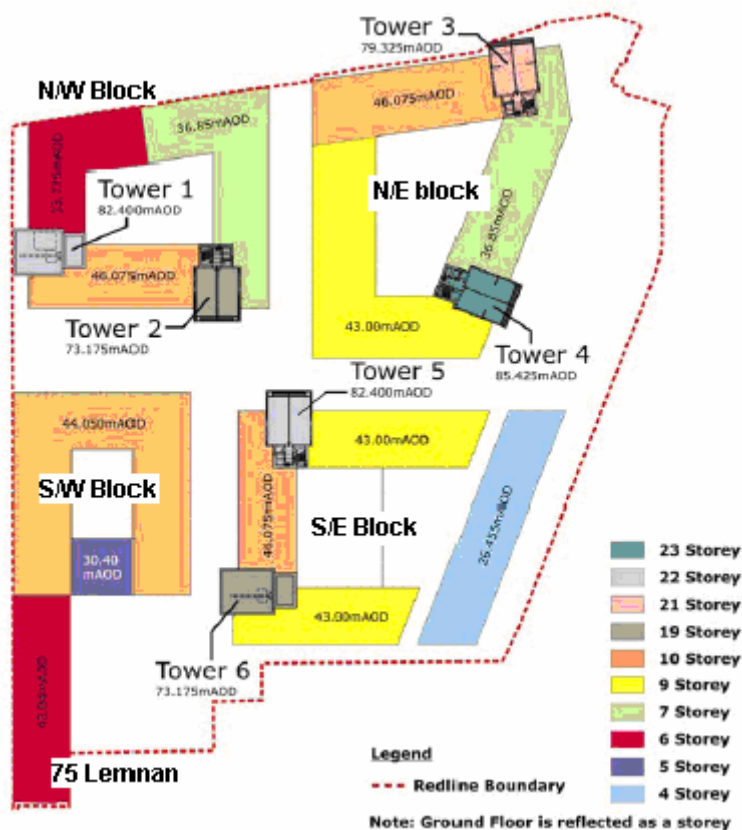
Photograph reproduced from D&A Statement Vol 1

4.3 Overall, the scheme (pictured below) comprises of 722 residential units (Class C3) (33 x studios, 221 x 1bed, 254 x 2bed, 240 x 3bed, 24 x 4bed)(includes flats and terrace housing), student accommodation (Sui Generis)(650 bedrooms), hotel (Class C1)(351 bedrooms), a 1756sqm primary care centre (Class D1), 9098sqm commercial uses (Classes A1, A2, A3, A4, A5, B1 & D2). Also, public open space, landscaping, servicing, mechanical plant, basement car parking (199 spaces), access and associated works.



Drawing reproduced from the original ES Vol 5B

4.4 The different aspects of the scheme, identified in the site plan below, will now be discussed in more detail.

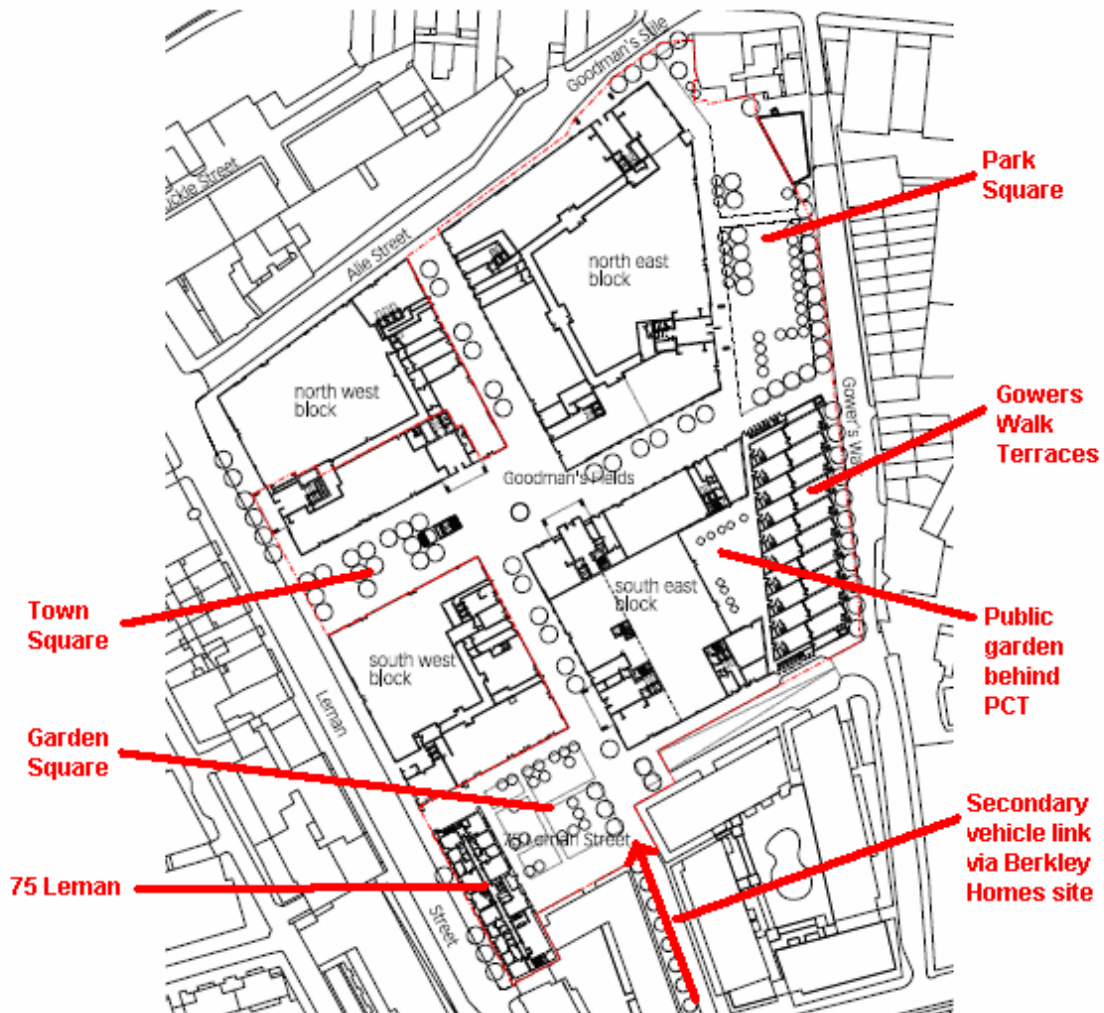


Drawing reproduced from the updated ES Vol 1.

- 4.5 The North-West block on the corner of Alie Street and Leman Street is a perimeter block with a central courtyard at first floor. The perimeter block is between 6 to 10 storeys (33.725m – 46.075m) in height with green roofs and roof gardens. This block also has two tower elements projecting above the perimeter form. These are T1 being 22 storeys (82.4m) and T2 being 19 storeys (73.175m) in height respectively. At the ground floor, the scheme comprises of 3 x commercial units, all of which show future potential for extract ventilation ductwork to facilitate food premises (Class A3/A5). The hotel entrance is also located in this block. Upper levels of this block are the hotel rooms (351 rooms) as well as 153 residential C3 dwellings (25 x studios, 60 x 1beds, 51 x 2beds, 17 x 3beds).
- 4.6 The North-East block fronts Alie Street. A perimeter building is proposed with a central courtyard at first floor. The block is between 7 and 10 storeys (36.85m – 46.075m) in height with roof gardens. Two tower elements project above the perimeter form and are T3 being 21 storeys (79.325m) and T4 being 23 storeys (85.425m) in height. The ground floor comprises 4 x commercial premises and of which only one shows future potential for extract ductwork to facilitate food premises (Class A3/A5). The upper levels comprise of 316 residential C3 dwellings (83 x 1beds, 96 x 2beds, 137 x 3beds).
- 4.7 The South-West block fronts Leman Street and is a perimeter block. It is between 5 to 10 storeys in height. The ground floor comprises of 3 x commercial units. The upper floors are composed entirely of student accommodation (661 bedrooms) with a central courtyard at first floor level. The roof tops are entirely used as communal terraces and roof gardens.
- 4.8 The South-East block is located within the site and will benefit from internal streets created as part of the application. A perimeter building is proposed with a central courtyard space at first floor as well as a publicly accessible space at ground floor behind the Primary Care Trust facility (PCT). It is between 9 and 10 storeys (43m – 46.075m) in height with roof gardens. Two tower elements project above the perimeter form and are T5 being 22 storeys (82.4m) and T6 being 19 storeys (73.175m) in height respectively. The ground floor

comprises of a 1756sqm PCT as well as 1 x commercial unit. Note that the commercial unit does not show future potential for extract ductwork to facilitate food premises (Class A3/A5). The upper floors comprise of 227 residential C3 dwellings (8 x studios, 53 x 1beds, 76 x 2beds, 75 x 3beds, 15 x 4beds). A communal terrace is situated above the PCT facility on the first floor.

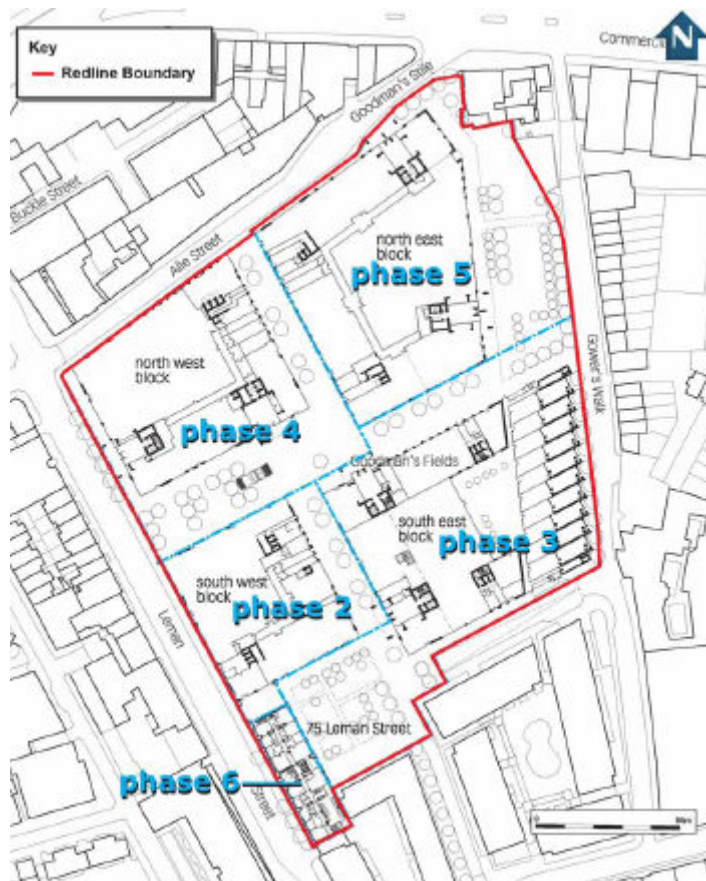
- 4.9 A terrace of 20 maisonette dwellings (11 x 3beds and 9 x 4beds) are proposed along Gowers Walk, behind the South-East block. The ground-first floor maisonettes benefit from a private garden. The second-third floor maisonettes have private balconies. Access to the upper maisonette flats is via deck access, with lift and staircase cores at either ends of the buildings.
- 4.10 No 75 Leman Street is an existing building of 6 storeys (plus sub-ground level). The proposal is to add an additional 7<sup>th</sup> floor (43m) and convert the building into 56 residential dwellings (24 x 1beds and 31 x 2 beds).
- 4.11 In between these blocks are internal streets, connecting a series of open spaces (pictured below) which are discussed in more detail below.



Drawing reproduced from the application drawings.

- 4.12 Park Square is located to the north east of the site and is one of the four main public open spaces proposed. It is the largest of the four spaces with a total area of approximately 2757.05sqm (measurements taken from plans). It is bound by the North-East block, the Gowers Walk maisonette block, Gowers Walk and the adjacent site to the north which fronts Commercial Road. It is for use by all age groups and has a variety of uses including an active play space (a ball games area is included in the intended detailed design).

- 4.13 Town Square is located between the North-West and South West blocks along Leman Street. It is approximately 1938.22sqm in area (measurements taken from plans). The space contains a lift access point for cyclists to the basement storage rooms. A mix of hard and soft landscaping will be incorporated into this area. The space has the potential to accommodate public art that would form part of the planning obligations for the scheme.
- 4.14 Garden Square is located to the south of the South-West block and behind No. 75 Leman Street. This space will provide a link into the Berkley Homes development further to the south. Garden Square is approximately 1856.74sqm in area (measurements taken from plans).
- 4.15 A public garden of approximately 630.30sqm (measurements taken from plans) is located behind the PCT of the South East Block and is accessible via either end of the Gowers Walk terraces. Public access will be restricted to daylight hours.
- 4.16 In addition, connecting spaces which also serve a public amenity space function are located between the North-East and South-East block as well as between the South-east and South-West blocks and provide 327.6sqm and 595.5sqm respectively (measurements taken from the plans).
- 4.17 These open spaces contribute a total area of approximately 8105.17sqm which will be genuinely publicly accessible.
- 4.18 In respect of servicing, a basement level is proposed which will provide for car parking (199 spaces including 37 for people with a disability), motorcycle parking (69 spaces), motor scooter parking (29 spaces), bicycle storage (1928spaces), as well as plant/mechanical storage. The basement will service all the development with dedicated loading bays. Visitor parking is located close to the access ramp to Gower's Walk. Beyond the visitor parking, a gated tenant parking area is proposed. Extract ventilation is provided for the basement with vents terminating in Park Square and Town Square. Two bicycle lifts provide direct access between the basement and Town Square.
- 4.19 The development specifics as reported in the Planning Statement are summarised as follows:
- A total of 772 residential dwellings (90,471sqm Class C3 floorspace)
  - Six residential tower elements of varying heights, the tallest of which is 23 storeys or 85.425m (T4 on the North-East Block)
  - A total of 650 student rooms (20,326sqm)
  - A 351 bedroom hotel (11,935sqm)
  - Ground floor commercial uses (Classes A1-A5, B1 and D2) totalling 9098sqm of floorspace
  - PCT facility (1756sqm)
  - A total of 35% affordable housing based on habitable rooms
  - Affordable housing split of 71:29 between social rent and shared ownership based on habitable rooms
  - A total of 34.2% family-sized housing based on unit numbers
  - Four public spaces and connecting spaces with a total area of 8105.17sqm
  - A total of 199 Car parking spaces, including 37 spaces for people with a disability
  - A total of 69 motorcycle and 29 motor scooter parking spaces
  - A total of 2068 bicycle parking spaces (includes 132 spaces at ground floor level)
  - Predicted employment generation of between 610-750 full-time jobs
  - Future construction in phases as shown below, noting that the plan shown is indicative and subject to agreement in writing by the local planning authority



Indicative phasing plan reproduced from the updated ES Vol1 – final plan to be agreed by the Local Planning Authority.

### Site and Surroundings

- 4.20 The application site has an area of 2.9Ha and is bounded by Lemman Street, Alie Street and Gowers Walk. It is suggested that this site represents the largest redevelopment opportunity in the Aldgate Masterplan area.
- 4.21 The application site comprises of a complex of red-brick, purpose-built offices between 3 to 8 storeys in height. The Royal Bank of Scotland (RBS) previously occupied the complex although, it has since become vacant. Across the site are various mature trees which are not protected by any Tree Preservation Orders.
- 4.22 No. 75 Lemman Street also forms part of the property. It comprises of a 7 storey building (including sub-ground floor level) which is currently vacant. The total floorspace of all the existing buildings is 51,000sqm.
- 4.23 Pursuant to regional Policy, the Mayor's adopted London Plan (Consolidated 2008), as well as the draft City Fringe Opportunity Area Planning Framework (OAPF), the application site is within the Central Activities Zones (CAZ), an Opportunity Area and an Area for Regeneration.
- 4.24 Further in pursuance to the Mayor's adopted London View Management Framework (LVMF) July 2007, the north-west corner of the site falls within the background assessment area for Assessment Points 25A.1 and 25A.2 which are within the Viewing Place of Queens Walk, known as Townscape View No. 25, 'City Hall to Tower of London'. Assessment Point 25A.1 is protected by a Geometric Definition and Qualitative Visual Assessment (QVA). It's management is also the subject of a Secretary of State direction. Assessment Point 25A.2 is protected by a Qualitative Visual Assessment (QVA) only.
- 4.25 On the 5<sup>th</sup> June 2009, the Mayor published a revised draft LVMF. The north west corner of

the scheme remains in the background assessment area of the Townscape View. Although, three assessment Points 25A.1, 25A.2 and 25A.3 are proposed. 25A.1 remains protected by a Geometric Definition.

- 4.26 Pursuant to local Policy, the Tower Hamlets Unitary Development Plan (UDP) 1998, the application site is located within the Central Area Zone and also within an area of archaeological importance or potential. Pursuant to the Interim Planning Guidance 2008, as well as the City Fringe Area Action Plan (AAP) 2006 the site is allocated for development, being identified as site 'CF12a' (Residential C3, Employment B1 and Public Open Space). Pursuant to the Aldgate Masterplan 2007, the site is identified for a new public open space and PCT. In addition, pedestrian links are to be provided across the site, as well as well linking the site with the area in general.
- 4.27 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They include:
- The Tower conservation area, located to the south east;
  - Whitechapel High Street, Fournier Street and Wentworth Street conservation areas, located to the north;
  - Myrdle Street, London Hospital and Whitechapel market conservation areas, to the east
  - Nos 19a, 62, 66, 68, 70 and 99 Lemn Street are Grade II listed buildings;
  - St Georges Lutheran Church, Alie Street is Grade II\* listed;
  - The German and English School, Alie Street is Grade II listed; and
  - Two warehouses on Black Church Lane are each Grade II listed.
- 4.28 In addition to being listed, The Tower of London is a UNESCO World Heritage site.
- 4.29 The surrounding area is diverse in its architectural style, building scale and land use activities. It covers a spectrum, from small-scale commercial/residential uses in terraces of several stories to modern commercial office towers with substantial floorplates. The development of Aldgate is being progressed through the masterplan including the closing of the gyratory to the north and creation of Braham Street open space for example.

#### Surrounding site histories

- 4.30 The following planning decisions on surrounding sites are noted:

##### *99 Lemn Street*

- 4.31 PA/04/01916 On 15 May 2008, planning permission was granted for amendments to Phase 1 of the Goodmans Fields Masterplan to for 252 residential units with associated works. Also, a reduction in the basement car park to 108 car parking spaces from 150 was agreed.
- 4.32 PA/05/01396 On 19 September 2006, a further application for 99 Lemn Street was granted for a change of use of offices to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 floorspace in the basement together with external alterations (Amendments to Phase 1 of the Goodmans Fields Masterplan).
- 4.33 PA/07/01246 On the 3 September 2007, the agent withdrew an application for minor amendments to the application PA/05/01396, comprising sub-division of a single residential unit into three duplex units, approved 19 September 2006 for change of use from office to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 in the basement together with external alterations (Amendments to Phase 1 of the Goodmans Fields Masterplan).

*61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street*

- 4.34 PA/07/01201 On 14 March 2008, planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) and B1 (business) floorspace, formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site.

*Aldgate Union 3 & 4, land bound by Whitechapel High Street, Colchester Street, Buckle Street and including car park of Braham Street*

- 4.35 PA/07/1201 On 14 August 2007, outline planning permission was granted for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22 storeys in height to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) floorspace, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation.

*Aldgate Union 1 & 2, Former Sedgwick centre, 27, 28 & 29 Whitechapel High Street and 2-4 Colchester Street*

- 4.36 PA/04/01190 On 13 December 2004, planning permission was granted for the refurbishment and extension of the existing Marsh Centre Building, demolition of other remaining buildings and redevelopment of the site to provide new office accommodation.

*52-58 Commercial Road*

- 4.37 PA/03/00766 On 22 December 2005, planning permission was given for demolition of the existing buildings and redevelopment of the site to provide a mixed-use complex of four buildings comprising of a seventeen storey tower and a thirteen storey tower on the Commercial Road frontage, a six storey block and a five storey block either side of Gowers Walk, along with the provision of linear public open space. The scheme proposed a total of 136 x 1, 2 and 3 bedroom flats, including 38 affordable units; six live/work units; 25 parking spaces, storage and plant space in the basement; café (A3), retail (A1), health club (D2) and office space (B1) on the ground floor along with six reinstated car parking spaces from the social housing, west of Gowers Walk; offices, flats and live / work units on the second and third floors; offices, flats, live/work units and a health club on the third floor and flats on all of the floors above. The two blocks, either side of Gowers Walk, were to provide 22 of the affordable housing units only. The proposal included the redevelopment of the "triangle" site west of Gowers Walk and supersedes the previous application ref: PA/02/1111 received 29th July 2002. (Development affecting the setting of a Listed Building).

- 4.38 PA/07/1180 On 11 June 2007, condition 13 (elevation treatment for 5 storey block of flats to either side of Gower's Walk) of the abovementioned consent was discharged. Amongst other drawings submitted as part of the application, of note on the western elevation is a light-well servicing bedroom windows from ground to fifth floor.

## **Planning History**

*Application site*



- 4.39 PA/02/00678 On 26 September 2005, outline planning permission was granted for consideration of siting and means of access for a change of use from offices to mixed development including residential (class C3); financial and professional (class A2), restaurant/public house (class A3), retail (class A1), offices (class B1), live/work (sui generis) and ancillary services.
- 4.40 PA/08/1634 On 05 March 2009, a similar scheme albeit with taller towers was withdrawn by the agent following extension discussions with the Council.

## 5. POLICY FRAMEWORK

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

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

Proposals:	Central Area Zones; area of archaeological importance or potential
Policies:	ST1 Core Objectives
	ST12 Central Area Zones
	ST15 Central Area Zones
	ST17 Central Area Zones
	ST23 Housing
	ST25 Housing
	ST 28 Transport
	ST30 Transport
	ST34 Shopping
	ST35 Shopping
	ST37 Open Space, Leisure and Recreation
	ST41 Arts, Entertainment and Tourism
	ST43 Arts, Entertainment and Tourism
	ST47 Education and Training
	ST49 Social and Community Facilities
	ST50 Social and Community Facilities
	DEV1 Design Requirements
	DEV2 Environmental Requirements
	DEV3 Mixed Use Developments
	DEV4 Planning Obligations
	DEV8 Protection of Local Views
	DEV9 Control of Minor Works within the Borough
	DEV12 Provision of Landscaping in Development
	DEV15 Retention and Replacement of Mature Trees
	DEV50 Noise
	DEV51 Soil Tests
	DEV55 Development and Waste Disposal
	DEV56 Waste Recycling
	DEV69 Efficient Use of Water
	CAZ1 Developing London's Regional, National and International Role
	EMP1 Promoting Employment Growth
	EMP3 Promoting Employment Growth
	EMP6 Access to Employment
	EMP7 Work Environment
	EMP8 Small Businesses
	HSG6 Vacant Accommodation
	HSG7 Dwelling Mix and Type

HSG13	Conversions and Internal Standards for Residential Development
HSG14	Special Needs Accommodation
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T16	Traffic Priorities for New Development
T18	Pedestrians
T19	Pedestrians
T21	Pedestrians
OS9	Children's Playspace
ART1	Promotion and Protection of Arts and Entertainment Uses
ART6	Arts, Culture and Entertainment (ACE) Area
ART7	Tourist Accommodation

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

Proposals:	'CF12a'	Residential C3, Employment B1 and Public Open Space; Archaeological Priority Area Central Activity Zone
Core Policies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP12	Creative and Cultural Industries and Tourism
	CP13	Hotels, Serviced Apartments and Conference Centres
	CP14	Combining Employment and Residential Use
	CP15	Provision of a Range of Shops and Services
	CP16	Vitality and Viability of Town Centres
	CP17	Evening and Night-time Economy
	CP19	New Housing Provision
	CP20	Sustainable residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP28	Healthy Living
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Transport and Development
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security

DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance and Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routed and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity for Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV23	Hazardous Development and Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
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
RT5	Evening and Night-Time Economy
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating the Provision of Affordable Housing
SCF1	Social and Community Facilities
CON1	Listed Buildings
CON3	Protection of World Heritage Sites, London Squares, Historic Parks and Gardens
CON4	Archaeology and Ancient Monuments
CON5	Protection and management of Important Views

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

Designing Out Crime Pts 1 and 2 (2002)  
Sound Insulation (1998)  
Archaeology and Development (1998)  
Residential Space (1998)  
Landscaping Requirements (1998)  
City Fringe Area Action Plan (2006)  
Aldgate Masterplan (2007)

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

2A.1 Sustainability Criteria  
2A.4 The Central Activities Zone  
2A.5 Opportunity Areas  
2A.7 Areas for regeneration  
2A.8 Town Centres

3A.1	Increasing London's Supply of Housing
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of Affordable Housing
3A.10	Negotiating Affordable Housing in Individual Private residential and Mixed Use Schemes
3A.11	Affordable Housing Thresholds
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.21	Locations for Health Care
3A.23	Health Impacts
3A.28	Social and Economic Impact Assessments
3C.1	Integrating Transport and Development
3C.2	Matching Development to transport Capacity
3C.23	Parking Strategy
3D.7	Visitor Accommodation and Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.13	Children and Young People's Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
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 and Walls
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.9	Tall Buildings – location
4B.10	Large-scale Buildings – Design and Impact
4B.12	Heritage Conservation
4B.14	World Heritage Sites
4B.15	Archaeology
4B.18	Assessing Development Impact on Designated Views

Draft City Fringe Opportunity Area Planning Framework (2008)  
London View Management Framework (LVMF)(July 2007)  
Revised Draft London View Management Framework (LVMF)(June 2009)

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
PPG13	Transport

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

A great place to live  
A prosperous community  
A safe and supportive community  
A healthy community  
One Tower Hamlets

**Other**

CABE/EH 'Guidance on Tall Buildings'  
CABE 'By Design'  
EH 'Seeing the History in the View: A Method for Assessing Heritage Significance within Views' (Draft for Consultation, April 2008)  
HRP 'Tower of London World Heritage Site Management Plan'  
DCMS White Paper 'Heritage Protection for the 21<sup>st</sup> Century' (2007)  
RTPI/RICS/IHBC 'Response to the heritage White Paper...' (June 2007)  
DCLG 'Protection of World Heritage Sites Consultation Paper' (May 2008)

## 6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

**LBTH Arborculturalist**

6.3 No objection to the proposal and recommends a s106 planning contribution of £40k for tree planting of approximately 50 new street trees to improve connectivity of the site with the Aldgate.

(Officer comment: This planning contribution request could be considered in the future within the 'public realm' contribution secured as part of this application.)

**LBTH Access Officer**

Queries raised in respect of the details floorplan layouts of residential flats in terms of compliance with Lifetime Homes and wheelchair accessibility.

(Officer comment: An appropriate condition is recommended requiring compliance with Lifetime Homes standards and for minimum 10% wheelchair housing if the Council resolves to grant planning permission.)

**LBTH Crime Prevention Officer**

6.5 In general, happy with the proposal. The following queries are raised:

- Whether or not the garden behind the PCT will be 24hrs and consequently, the vulnerability of the rear gardens of the Gowers Walk Terraces
- The arrangements for access to the basement including the cycle lift

(Officer Comment: Informal discussions with the Crime Prevention Officer confirmed that access to the public garden behind the PCT would be restricted to daylight hours and secured by suitable gates and fencing. Appropriately worded conditions of approval restricting the hours of entry as well as the design of the space and boundary treatments fences and gates are recommended if the Council was to consider approval.

In respect of access to the basement, an appropriately worded condition is recommended for details of access controls and management to be submitted for approval prior to

commencement if the Council was to consider approval.)

### **LBTH Ecology**

6.6 No comments received

(Officer comment: It should be noted that LBTH Ecology previously commented on the similar withdrawn scheme (PA/08/1634) in which they advised that the review of the ES indicates the site currently has low ecological value and no evidence of any protected species. The proposed green amenity spaces as well as the ecological roofs would ensure a net gain in habitat for birds and bats, therefore, representing an enhancement of biodiversity.)

### **LBTH Biodiversity**

No comments received.

### **LBTH Education**

6.7 Planning contribution is sought based on calculation of the scheme generating the need for 120 additional school places at £12,342 per space.

(Officer comment: See section 8 for discussion.)

### **LBTH Energy Efficiency Unit**

6.8 Advice that the applicant has followed the energy hierarchy set out in the London plan policy 4A.1 and standard conditions for energy and sustainability can be applied to the scheme.

(Officer comment: Appropriately worded Conditions are recommended if the Council was to consider approval.)

### **LBTH Environment Health – Commercial Food safety**

6.9 No comments received

### **LBTH Environmental Health – Commercial Health and Safety**

6.10 Comments are provided in respect of the construction phase, operational phase, notifications regarding working with Asbestos, Notification of Cooling Towers and Evaporative Condenser Regulations 1992, establishment for special treatments, exemptions, animal establishment related legislation.

(Officer comment: An appropriately worded informative is recommended for the Environmental Health – Commercial Team to be contacted to discuss these non-planning related matters if the Council was to resolve to grant planning permission.)

### **LBTH Environmental Health – Contaminated Land**

6.11 The proposed remediation strategy is sufficient and a standard condition and informatives are recommended.

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission.)

### **LBTH Environmental Health – Noise and vibration, microclimate**

6.12 Microclimate:

- The wind assessment is acceptable provided mitigation measures are applied to courtyards and roof-top terraces

Other Issues:

- Further clarification sought on A3,A4,A5,D1,D2 mitigation i.e. future mechanical ventilation

Noise and Vibration:

- Glazing façade details have been provided for each building and the ventilation

systems are adequate

(Officer comment: Appropriately worded conditions of approval requiring the wind mitigation, mechanical ventilation and glazing are recommended if the Council resolves to grant planning permission.)

#### **LBTH Environmental Health – Smell/Pollution**

- 6.13 Confirmed that the most up-to-date data and policy guidance has been used to undertake the assessment and recommends an appropriately worded condition and informative to ensure air quality levels for future occupiers.

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission.)

#### **LBTH Highways**

- 6.14 The Team has considered site accessibility, parking, s106 requirements including car free development and a car club, accessible parking for people with a disability, site access to the public highway, servicing/refuse/deliveries, visibility splays, cycle parking, pedestrian infrastructure and advise that there are no significant detrimental impacts to consider. In addition, the need for a s278 agreement has been identified which is separate and exclusive to any s106 improvements and financial sums secured therein. Appropriately worded conditions and informatives are recommended).

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission)

#### **LBTH Landscape**

- 6.15 Queried the design of the publicly accessible garden behind the PCT in particular, the narrow access points as well as the relationship with the private gardens of the Gowers Walk terraces.

(Officer Comment: Amended plans have been received to enlarge the access points into the garden which is considered satisfactory and supported by the Landscape Team. The relationship to the adjacent private gardens will be subject to an appropriately worded landscape condition to ensure that the detailed design of fencing and planting achieves a suitable relationship.)

#### **LBTH Parks and Open Spaces**

- 6.16 Requested a s106 planning contribution for open space in addition to the provision of publicly accessible space on site.

(Officer comment: This contribution has been negotiated as part of the package and is referred to in section 2 of this report.)

#### **LBTH Waste Management**

- 6.17 Happy with the arrangement for waste collection including time-restricted servicing on some servicing roads in the development.

#### **LBTH Youth and Community Services**

- 6.18 No comments received.

#### **British Broadcasting Corporation (BBC)**

- 6.19 No comments received.

#### **British Telecom**

- 6.20 No comments received

### **British Waterways**

6.21 BW advise they have no comments to make.

### **City of London Corporation**

6.22 Advice that it has no objection to make on this proposals.

### **Commission for Architecture & Built Environment (CABE)**

- 6.23
- Welcome principles of the scheme like towers marking entrances, mix of uses, sustainability measures;
  - Welcome the tower heights in respect of their relationship to the Tower of London;
  - LPA to ensure it is satisfied with block massing creates high quality streets, spaces and accommodation;
  - Courtyard blocks: concern in respect of the quality of spaces between blocks as well as the residential units therein due to the quantum of development. Notes that streets are narrow and there may be problems with light particularly for the South-East Block. Concerned about the choice of building materials;
  - LPA to be satisfied that balconies do not exacerbate overlooking;
  - LPA to carefully consider materials;
  - Student accommodation: concern for overshadowing and oppressive nature of the central courtyard of this block. Also concern for the privacy relationships with neighbouring blocks;
  - Amenity space: Potentially strong urban scheme creating public and private spaces with a clear function and character;
  - Pleased that public spaces are located at the edge of the site;
  - Recommends the LPA needs to consider the light penetration into the public and private spaces will be sufficient;
  - Microclimate (wind) effects should also be considered ;
  - Recommends public realm to be of highest quality; and
  - Sustainability: Flexibility for reuse of buildings, the inclusion of a CCHP and Code Level 4 Sustainable Homes are all welcomed.

(Officer comment: See section 8).

### **EDF Energy Networks Ltd**

6.24 No comments received.

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

- 6.25
- Welcomes the reductions in tower height and therefore does not object to the proposal on grounds of possible harm to the setting and views of the World Heritage Site, The Tower of London;
  - However, continues to object to the impact on the proposal on the setting of nearby listed buildings particularly in Alie and Leman Streets as well as the setting of nearby conservation areas particularly Osborn Brick Lane Conservation area and Fournier Street Conservation Area.

(Officer comment: See section 8.)

### **English Heritage (Archaeology)**

6.26 Recommends conditions of approval to secure the program of mitigation.

(Officer comments: Appropriately worded conditions are recommended if the Council was to consider approval.)

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

6.27 No comments received although, the Authority previously commented on the similar withdrawn scheme (PA/08/1634) and therein recommended appropriately worded conditions



of approval for surface water control.

(Officer comments: Appropriately worded conditions are recommended if the Council was to consider approval.)

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

6.28 No comments received.

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

- 6.29
- The density successfully maximises the site's potential in accordance with Policy 3A.3;
  - The scheme is of high quality including public realm, maximising site potential and sustainability in addressing policy 4B.1;
  - The tower heights have not adequately addressed LVMF views of the Tower of London from City Hall as required by Policy 4B.16 and 4B.18;
  - Adequate playspace is provided in accordance with policy 3D.13;
  - The unit sizes and bedroom mix complies with policy 3A.5;
  - The affordable housing offer still needs to be appraised against policy 3A.10;
  - The landuses proposed are supported in line with policies 3A.7, 3B.9 5G.2, 3A.25 and 5C.3 with particularly strong support for including the PCT facility pursuant to policies 3A.18 and 3A.21;
  - The design is inclusive in accordance with policies 4B.5 and 3D.7;
  - The energy strategy is well considered but further information is needed to satisfy policies 4A.5 and 4A.6;
  - Water use and consideration of flooding suitably addresses policies 4A.14 and 4A.16;
  - Despite a challenging environment in terms of noise, vibration and air quality, the proposal nevertheless complies adequately with policies 4A.20 and 4A.19; and
  - The level of parking is not considered to comply with policy 3C.23. In more general highways issues, the scheme is in line with policy although, further details will be needed for consideration [at stage II]. S106 contributions are sought by TFL.

Since the stage I comments were issued and the scheme was subsequently amended and further clarification provided in respect of matters raised above. The GLA have advised on an informal basis that progress has been made and further consideration of the scheme would be given as part of the Stage II referral to the Mayor by the Local Planning Authority. Also, informal confirmation has been given that the [positive] progress to date is considered by the GLA as being sufficient comfort for the Local Planning Authority as to the GLA's position to progress the matter to a Committee resolution.

(Officer comment: See section 8)

#### **Health and Safety Executive (HSE)**

6.30 Advice that the proposal does not fall within their consultation distance of any facilities that are of importance and as such, has no comment to make.

#### **Historic Royal Palaces (HRP)**

6.31 Advice that the proposal will have a nil/negligible effect upon the setting of the Tower of London as seen from Queens Walk. Therefore, the Authority has no objection to the proposal.

(Officer comments: See section 8.)

#### **London Borough of Hackney**

6.32 Advised they have no objection to the proposal.

#### **London Borough of Southwark**

6.33 Advised that the modifications to the scheme address their concerns in respect of the previous application PA/08/1634. Although, they express a minor concern about the choice of cladding material which will emphasise the developments appearance in their opinion.

(Officer comment: An appropriately worded condition is recommended for materials to be agreed if the Council resolves to grant planning permission.)

#### **London City Airport**

6.34 The proposal does not conflict with any safeguarding criteria and therefore, LCA has no objection. Separately, construction crainage that may exceed the height of the proposed building heights should be subject to separate consultation with the LCA and be aware of relevant British standards.

(Officer comment: An appropriately worded informative regarding construction crainage is recommended if the Council was to consider approval.)

#### **London Fire & Emergency Planning Authority (LFEPA)(Statutory)**

6.35 No objections raised to the scheme following receipt of clarification in respect of regarding fire fighting and basement storage details.

#### **London Underground**

6.36 Advice that they have no comment to make on this application.

#### **London Wildlife Trust**

6.37 No comments received.

#### **Metropolitan Police (c/- CGMS consulting)**

6.38

- There is a policy basis for consideration of the need for policing facilities as part of the redevelopment of the site;
- Request for 125sqm floorspace required and completed to shell and core standard and benefiting from a peppercorn rent for 25 years.

(Officer comment: See section 8 for discussion.)

#### **National Air Traffic Control Services (NATS)**

6.39 No safeguarding objection to the proposal.

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

6.40 No comments received although, the Authority commented on the similar withdrawn scheme (PA/08/1634) as follows:

- No objection
- Supportive of the proposed green roofs
- Encourage more 'wild' areas in the landscaping scheme
- Indicate that the site is generally located in an area of deficiency and recommends provision of natural area and green space

(Officer comment: Appropriately worded conditions of approval are recommended to require the detailed design of the ecological (green) roof to be agreed as well as the details and management of the landscape plan and as such, thereby enabling these comments to be addressed if the Council resolves to grant planning permission.)

#### **National Grid**

6.41 No comments received although, the Authority commented on the similar withdrawn scheme (PA/08/1634) insofar as providing an extract plan of site showing infrastructure and a list of precautions for guidance.

(Officer comment: An appropriately worded informatives are recommended in respect of the

recommended precautions if the Council resolves to grant planning permission)

#### **NHS London (Southside)**

6.42 No comments received.

#### **Save Britain's Heritage**

6.43 No comments received.

#### **Thames Water**

- 6.44
- Developer is responsible for providing adequate drainage;
  - Surface waters to be attenuated;
  - Removal of groundwater is not permitted;
  - Prior approval from Thames Water is needed for connection to the sewer;
  - Petrol and Oil interceptors are recommended in car parking;
  - Recommends the installation of a fat trap from all catering establishments;
  - On the basis of the above, no objection to the scheme;
  - Diversion of TW infrastructure is at the applicant's expense
  - Advice in respect on minimum water pressure

(Officer comment: Appropriately worded conditions and informatives are recommended to address the above matters if the Council resolves to grant planning permission.)

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

6.45 The PCT initially requested a HUDU contribution although, in subsequent discussions, revised their request to the following:

- Shell and core PCT provision to their specification;
- A contribution to the fit out in line with the HUDU assessment;
- A 3 year rent free period (a minimal peppercorn rent in order to contractually secure the site); and
- Following the rent free period we would anticipate paying a lease cost in line with the DV rental assessment of a health building within that part of the borough.

In general, the Tower Hamlets PCT have indicated they are supportive of a facility on site which will represent a strategically well-placed facility to meet the health needs of the local population thereby redressing the health inequalities of this area. Subject to the above contributions, the PCT otherwise confirm that their expectation is for a PCT facility of 1700sqm and 10 car parking spaces which have been met in the scheme.

(Officer comment: See section 8.)

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

6.46 *General*

- Comments represent an officer view and are offered without prejudice to the final decision of the GLA.

##### *Highways and Parking*

- Modelling shows junctions will be at capacity in the future;
- Recommend the development should not provide the on-site parking proposed save for 30 accessible spaces;
- Accessible parking should be redesigned to comply with the DDA act; and
- Recommend car free agreement to exempt future occupiers from being able to apply for parking permits;

##### *Walking*

- Welcomes the layout and improvements to pedestrian permeability;
- TA should fully examine pedestrian environment including bus stop accessibility;
- Recommends a pedestrian phase to the junction of Leman and Alie Streets;
- S106 contribution for implementation of improvements to public realm; and

- S106 contribution to upgrade of public realm and park in Aldgate with the closure of the gyratory.

#### *Cycling*

- Welcomes cycle parking offer.

#### *Buses*

- Net increase in trips as a consequence of the development and therefore, s106 planning contribution requested (£ amount unspecified).

#### *Services and Deliveries*

- Seeking Construction Logistics Plan and Service and Delivery Plan.

#### *Travel Plan*

- Welcomes the framework travel plan although clarification needed in respect of the site travel coordinator; and
- The hotel and student accommodation will also require travel plans.

#### *Traffic Management Act*

- Planning permission does not discharge obligations and requirements under the Traffic Management Act 2004 and as such, separate notification and approval may be required for the permanent highway scheme and temporary works during the construction phase

(Officer comment: see section 8.)

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 1793 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: 10      Objecting: 8      Supporting:2  
 No of petitions received:

- 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:

#### Supporting

- Supportive of regeneration intent for the area
- Supportive of a reduction in tower heights from 21-24 storeys as originally submitted
- Suggestive of a reduction in residential units
- Suggest investment in local infrastructure (unspecified)
- The development will enhance the area (unspecified)
- The development will satisfy housing need and provide facilities/services including the PCT
- The development will satisfy demand for student accommodation in the area and it is expected that the demand will increase
- Student accommodation has benefits for the area (unspecified)

#### Objecting

##### *Landuse*

- Overdevelopment/overcrowding
- Affordable housing and student housing provision inappropriate in this location
- Lack of landscaping improvement to Alie Street
- In sufficient provision of greenspace
- The proposal will result in a loss of open space

### Design and Access

- Tower heights (21-24 storeys) are out of character with the area
- Towers (21-24 storeys) dwarf nearby heritage listed buildings
- Towers are an “alien” element in the locality
- The design of elevations is not acceptable
- Comment that the appearance of the current buildings on site is preferable
- Impact upon listed buildings and the World Heritage Site [The Tower of London]
- Tree loss
- The scheme lacks a contemporary design and aesthetic [unspecified]
- Lack of connectivity and permeability [unspecified]

### Amenity

- Pollution [unspecified]
- Loss of light [specific mention of 52 and 55 Leman Street]
- Loss of outlook
- Construction impacts on surrounding streets: noise, pollution (unspecified), traffic, wind, loss of light, loss of sky [outlook]

### Transport

- Congestion
- Impact upon highway
- Inadequate parking
- Street closure during construction to impact on access to houses
- Provision of bicycle storage unclear
- Impact to parking availability in Gowers Walk
- Request that future occupiers be exempt from applying for parking permits

### S106

- Art provision is tokenistic
- Art element is coming from outside the “*Whitechapel community*” [unspecified]
- Inadequate provision of studios and artworks
- Affordability of the spaces
- Percentage of art has not been referred to [issue unclear and unexplained]

### Other

- Inadequate infrastructure including: parking, medical, schools, open space, cycle paths.
- Criticism of the applicant’s Statement of Community Consultation
- Queried what comments were made by EH and the GLA

(Officer Comment: See section 8 of this report for consideration of objections relating to ‘land use’, ‘design and access’, ‘amenity’, and ‘transport’.

### In respect of ‘s106’:

- Given that there is no supplementary planning document for planning contributions, the contribution requested for public art is considered appropriate and acceptable, having regard to the range of s106 priorities and the scheme’s viability and contributions secured on nearby site.
- The key issue is the securing of the contribution rather than details of what the monies will be spent on which is a matter for the future, noting that potential opportunities have been noted in supporting application documents. How the monies will be finally spent and securing specific art works as part of this scheme is therefore not considered necessary.
- Finally, the provision of art studios and the affordability of those spaces is not a relevant requirement for the redevelopment of Goodmans Fields. Although, it is noted

that planning contributions are secured for local business support, employment and training initiatives

In respect of 'other' issues:

- In respect of inadequate infrastructure, the means by which the potential impacts of the scheme are mitigated/compensated by s106 planning contributions, thereby making the scheme acceptable in planning terms, is considered in section 8 under 'S106'.
- Notwithstanding the criticisms of the applicant's Statement of Community Consultation, it should be noted that the Council undertook consultation of the application in accordance with the Council's Statement of Community Involvement which is in excess of the minimum requirements stated in the General Development Procedure Order. Further consideration of this matter is therefore not required.
- The comments of EH and GLA are summarised in the previous section of this report)

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

- Tower Bridge access was closed previously and will be in the future
- Reference to previous objection to the development at 120 Commercial Road
- Reference to building regulations
- Reference to towers on separate unrelated site as causing "*smothering*"
- Reference to Grange Hill hours of operation
- Reliance on the public purse and government handouts [unspecified]
- This type of development is "*unfair*" [unspecified]
- The scheme, including the architectural model, has been modified since pre-application meetings between the applicant team and members of the public last year
- More consultation is needed because of the scale and complexity of the development
- Public bailout of the affordable housing element [unspecified]
- Inadequate time to comment in more detail on the application
- The bullying by the developer of the Council and the public to accept a substandard scheme [unspecified]
- Comments about location of cultural facilities in the surrounding area
- Comment that the roof-top terrace is an "*exclusive parking space for the birds*" [issue unclear]

7.5 The following procedural issues were raised in representations:

- More detailed consultation required
- The extent of community consultation by the developer and comments made during this exercise

(Officer comment: As noted above, consultation was undertaken in accordance with the Council's Statement of Community Involvement, being in excess of the minimum requirements stated in the General Development Procedure Order. Further consideration of this matter is therefore not required.

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design and Access
- Amenity
- Transport
- Environmental Statement

- Planning contributions

## **Land Use**

### Demolition

- 8.2 Consent is not required for demolition as the site does not contain any listed buildings does not fall within a conservation area.
- 8.3 Demolition is justified for the following reasons:
- The reuse of the building stock would have compromised the ability to deliver other aspects of the scheme E.g. open space and pedestrian route connectivity/permeability;
  - The new scheme's benefits in respect to design quality, sustainability and regeneration benefits.
- 8.4 Moreover, the principle of the replacement of the existing buildings was established by the previous consent for redevelopment, PA/02/00678 on 26 September 2005.
- 8.5 Overall, the demolition of the existing buildings is considered acceptable.

### Mixed-use

- 8.6 Mayoral and LBTH planning guidance promotes a residential-led, mixed-use redevelopment of the former Goodmans Fields site.
- 8.7 Pursuant to the London Plan Policy 2A.4, the site is within the Central Activity Zone (CAZ) where policy generally promotes finance, specialist retail, tourist and cultural uses and activities. The site is also within an Opportunity Area. This provides London's principle areas of opportunity to accommodate large scale development with substantial numbers of employment and housing in a mixed and intensive use of the land, assisted by good public transport accessibility. Pursuant to Policy 2A.5, the Mayor and partners will prepare and implement sub-regional frameworks that will set out the overall development program in each opportunity area, thereby contributing to the overall strategy of the London Plan. This includes seeking to exceed minimum guidelines for housing and employment capacity at the sub regional level, whilst taking into account of such things as local characteristics and delivering good design, including public realm and open space.
- 8.8 In addition, Policy 2A.7 of the London Plan identifies the application site within an area for regeneration. It is one of the 20% most deprived areas of London and therefore, of the greatest socio-economic need.
- 8.9 In pursuance of the North East London Sub-region of the London Plan and Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is appropriately accommodated in a sustainable way, and ensuring improvements to open space. The Mayor's North East London sub-region is a priority for development, regeneration and infrastructure improvement. It has many of the capital's largest development sites, as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated. Improvements to transport infrastructure will facilitate employment growth and areas of deprivation will need to be addressed by development. The sub region demands improvement, with a concerted effort by agencies to raise standards of education, health, services public facilities and training opportunities. It is also noted that the improvements needed in the sub region includes its network of open spaces as purported by the East London Green Grid. As such, the proposed uses, public open space and s106 planning contributions will address these priorities.

- 8.10 The Mayor's draft City Fringe OAPF confers the site as being within an area of opportunity and regeneration. The framework recognises the strategic need to accommodate the expansion of London as a world city, alongside the need to maintain economic and cultural activities, whilst accommodating intensification of residential development.
- 8.11 The LBTH UDP 1998 identifies the site within the Central Area Zone. Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within this zone. In addition to the range of uses on site and provision of publicly accessible space, a s106 planning contribution is secured towards indoor sport and recreation.
- 8.12 Whilst the UDP makes no reference to residential development in the CAZ, the Council's most up-to-date statement, the Interim Planning Guidance (IPG) for the purposes of Development Control, does.
- 8.13 The LBTH IPG 2008 identifies the application site as being within the CAZ. Policy CP8 recognises that this part of the borough plays a strategic and international role as a global financial and business centre. Therefore, the Council will, amongst other things, encourage office development on the fringe, and employment opportunities. The Policy indicates that new housing may be appropriate where it is not proposed in Preferred Office Locations and does not replace viable office sites as can be argued on the subject site. Pursuant to CP19, the Council will seek to address housing need by directing all required housing provision to brownfield sites that are appropriate. The only circumstances where this will not be supported are in instances where sites are identified for alternative uses including employment, open space, community/social facilities. The city fringe, where the application site is situated, is identified as being one of the areas where the Council will seek to accommodate the majority of housing growth.
- 8.14 In addition to being within the CAZ, the IPG as well as the City Fringe Area Action Plan (AAP) identify Goodmans Fields as development site CP12a within Aldgate and Spitalfields Market Sub-area. Policy CFR14 indicates that Goodmans Fields should come forward for redevelopment with the following uses, namely:
- Residential (C3)
  - Employment (B1)
  - Public Open Space
- 8.15 This proposal provides a mixed use scheme which complies with the Aldgate and Spitalfields Market Sub-area of the City Fringe AAP, where Policy CFR9 states that, amongst other things, employment uses are dominant but areas away from public transport interchanges can provide a transition to residential development in the form of mixed use schemes. This proposal provides for employment space including flexible spaces and spaces suitable for small business. It also provides a hotel use which is supported by the policy. Policy CFR10 further reinforces support for residential development in this sub-area.
- 8.16 In addition, the Council's Aldgate Masterplan 2007 provides further guidance for development of Goodmans Fields. Principles encourage include:
- Permeability through north-south and east-west linkages which is achieved by the pedestrian linkages across the site;
  - Open space provision which is provided across the site including Town Square, Park Square and Garden Square;
  - Active ground floor uses including commercial uses, primary care trust facility, hotel and residential terraces; and
  - A mixture of housing sizes and tenures in accordance with policy which will cater for need.
- 8.17 It is evident from the review of regional and local policy, that a mixed-use approach to the



redevelopment of Goodmans Fields, containing commercial and residential uses, as well as open space, is appropriate and acceptable. The specific uses contained within the scheme are identified in more detail below.

#### PCT Facility

- 8.18 Pursuant to the Mayor's Policy 3A.18, planning policy needs to consider social infrastructure including healthcare facilities. Policy CP28 of the LBTH Interim Planning Guidance indicates the Council will work with the PCT and other authorities to secure appropriate provision of new facilities. PCT facilities are to be encouraged in appropriate locations in mixed use schemes pursuant to Policy CFR3 of the City Fringe AAP. The Aldgate masterplan identifies the Goodmans Field site specifically for a new PCT facility. Therefore, this provision on site is fully in accordance with regional and local policy and guidance.
- 8.19 In addition, the Tower Hamlets PCT have indicated informally that they are supportive of a facility on site. They consider it to be a strategically well-placed facility to meet the health needs of the local population, thereby redressing the health inequalities of this area. In conversations concerning the withdrawn scheme PA/08/1634, the PCT confirm that their expectation is for a PCT facility of at least 1700sqm and provision for 10 car parking spaces. This has been met in the subject scheme.
- 8.20 In addition, the PCT required the following:
- Shell and core PCT provision to their specification;
  - A contribution to the fit out in line with the HUDU assessment;
  - A 3 year rent free period (a minimal peppercorn rent in order to contractually secure the site); and
  - Following the rent free period we would anticipate paying a lease cost in line with the DV rental assessment of a health building within that part of the borough.
- These matters have formed part of the s106 negotiations.

#### Student Accommodation

- 8.21 In the consideration of the acceptability of student housing, it is noted that objections have been received to this provision of site. However, pursuant to the Mayor's Policy 3A.25, the Mayor and boroughs should work with the LDA and higher education sectors to ensure that needs are met including the provision of student accommodation. In general, Policy HSG 14 of the LBTH UDP 1998 as well as Policy CP24 of the Interim Planning Guidance encourage student housing in the borough. Policies CFR1 of the City Fringe AAP identify that the Aldgate is appropriate for student accommodation, given the presence of London Metropolitan University and the potential consolidation of its activity to this area. Therefore, the inclusion of student accommodation on the subject site is appropriate and acceptable.

#### Hotel

- 8.22 Pursuant to the identification of the general need for hotels in London according to the Mayor's Policy 3D.6, the principle of a hotel on this site is acceptable. Similarly, the hotel provision on this site is supported by LBTH IPG Policy CP 13 as well as Policies CFR1 and CFR9 of the City Fringe AAP.

#### Employment

- 8.23 Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' opposes the loss of employment floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.

- 8.24 The scheme proposes a reduction of employment floorspace from 51,000sqm to 22,189sqm including commercial (8,945sqm), PCT facility (1,756sqm), and hotel (11,519sqm). Whilst a reduction in employment floor area would result, it should be noted that the office use had ceased prior to the previous application in 2002. The site has remained vacant ever since. As such, the site attracts no jobs at present.
- 8.25 In consideration of Policies EMP1 and 2, the between 610-770 full-time jobs will be created by the proposal. Further, in respect of Policy EMP 2, the scheme is considered to create high quality buildings.
- 8.26 Therefore, the loss of floorspace is considered justified, pursuant to Policies EMP1 and EMP2 of the adopted UDP 1998, since it provides 610-770 full-time jobs and high quality buildings.
- 8.27 The scheme is also consistent with EMP 6 'Employing Local People', and EMP8 'Small Business' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance which amongst other things, seek to encourage a range of job opportunities, that are supportive of the local community and small businesses.

#### Public open space

- 8.29 Pursuant to the London Plan, Policy 3D.8 indicates that all developments are expected to incorporate appropriate elements of open space that make a positive contribution to and are integrated with the wider network. Policy 3D.11 states that development plan documents, amongst other things, should:
- ensure future open space needs are considered in planning policies for Opportunity Areas and other areas of growth and change;
  - encourage linkages within the network of open spaces and to the wider public realm;
  - Improve accessibility for all; and
  - Identify/promote/protect green corridors, chains and include appropriate designations and policies for the protection of local spaces that are of value or potential value to local communities.
- This considerations are reinforced in the draft City Fringe OAPF.
- 8.32 In respect of local policy, ST12 of the LBTH UDP 1998 encourages the availability and accessibility to, amongst other things, recreational and leisure facilities within the Central Area Zone. This could be seen to include open space provision which serves a recreational and leisure function.
- 8.33 Both the LBTH IPG 2008 and City fringe AAP encourage the increased provision of good quality and well connected public open space to address the current deficiencies of the area, noting though that there is likely to be limited opportunities to create major new green spaces.
- 8.35 As previously stated, the Council's IGP, AAP and Aldgate Masterplan 2007, identify Goodmans Field as development site CF12a. Notwithstanding the borough-wide target of 1.2Ha open space per 1000 population, the APP indicates that Goodmans Field development should provide 0.8Ha of open space. The AAP indicates that the direction/implementation/delivery of the space will occur as part of the redevelopment of the site and should be as follows:
- Contiguous, large green public space;
  - A space that meets the needs of local residential communities including families and young people; and
  - The space should link to existing public spaces to the south and northeast as well as proposed spaces to the northwest;

8.36 In respect of the public amenity space provision, the subject scheme provides a series of three principle spaces. Also, a garden behind the PCT of the South-East block as well as several interconnecting streets in which it is considered that sufficient amenity is achieved for their consideration. The spaces are as follows:

- Park Square = 2757.05sqm
- Town Square = 1938.22sqm
- Garden Square = 1856.74sqm
- Public garden behind the PCT = 630.30sqm
- Interconnecting street between the North-east and South-east Block = 327.6sqm
- Interconnecting street between the South-East and South-West block = 595.5sqm

The total provision of public open space is **8105.17sqm**, exceeding the minimum requirement. The quantum is considered appropriate and acceptable given the need to strike a balance with development intensity and requirements including regional and local policy which seeks to maximise the efficient use of the site. It is considered to accord with the key priority for the City Fringe of addressing open space deficiency to meet the needs of the local community as well as the anticipated growth expected in residential development.

8.37 In addition the high quality nature of the series of interconnected spaces and what it does for connectivity, another priority of the policy, is considered of more value than emphasising an alternative approach suggested in the AAP and Masterplan of providing a single open space. As part of the design development. The proposed site layout is considered the most desirable.

8.38 In conclusion, the quantum of public open space is appropriate and acceptable and accords with Policies CP30 of the LBTH Interim Planning Guidance, as well as the site specific guidance of Policies CFR1 and CFR5 of the LBTH draft City Fringe Area Action Plan 2007, as well as the LBTH draft Aldgate Masterplan which seek sufficient provision of open space to address needs of the community.

## Housing

8.47 Pursuant to the Mayors Policy 3A.5, boroughs should identify housing needs within their area, including affordable housing and family housing.

8.48 The application proposes 772 residential (Class C3) units with the following mix:

Total Scheme			Affordable Housing								Market Housing			
			Social rented				Intermediate							
Unit size	Tot	Tot Hab rms	Tot	Hab rms	%	Target %	Tot	Hab rms	%	Target %	Tot	Hab rms	%	Target %
studio	33	33	-	-	0	0	4	4	4.3	25	29	29	5.6	25
1bed	221	442	19	38	11.9	20	54	108	58.1	25	148	296	28.5	25
2bed	254	762	43	129	27	35	21	63	22.6	25	190	570	36.5	25
3bed	240	961	73	293	45.9	30	14	56	15.1	25	153	612	29.4	25
4bed	24	120	24	120	15.1	10	-	-			-	-	-	
5bed	-	-	-	-	0	5	-	-			-	-	-	
Total	772	2318	159	580	100	100	93	231	100	100	520	1507	100	100

### Affordable Housing and split

8.49 Policy 3A.9 of the London Plan sets the strategic target that 50% of all new housing provision should be affordable through all available mechanisms and not just planning gain. In addition, Policy 3A.10 encourages councils to have regard for the need to encourage rather than restrain residential development, as well as having regard to the

individual circumstances of a site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

- 8.50 PPS3 states that the Government is committed to providing high quality housing for people who are unable to access or afford market housing. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.51 In respect of on-site provision, the scheme would provide 35%, which complies with policy.
- 8.52 In respect of affordable housing split and pursuant to the London Plan Policy 3A.9 affordable housing target of 50%, 70% of this should be social rent and 30% should be intermediate rent. Policy CP22 of the Council's IPG requires an 80:20 split between social rented and intermediate housing. Both the LBTH Interim Planning Guidance and London Plan allow this ratio to vary only in instances where greater than 50% affordable housing is achieved.
- 8.53 The scheme proposes a split of 72:28 based on habitable rooms, which accords with Policy and is acceptable to the LBTH Housing Team.

Unit mix

- 8.54 Paragraph 20 of Planning Policy Statement 3 states that *“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”*.
- 8.55 Pursuant to policy 3A.5 of the London Plan, the development should *“...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation.”*
- 8.56 Pursuant to Policy HSG7 of the LBTH UDP 1998, new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens. Exceptions to this policy apply where family housing is proposed in locations where physical conditions are unsuitable for family dwellings. Despite there not being any 5-6 bedroom dwellings proposed, the Housing Team are nevertheless satisfied with the mix.
- 8.57 Policy HSG 2 of the LBTH IPG seeks an appropriate mix of housing, including family housing. The required mix based on units size and tenure is set out in Table 2 of the IPG. A convenient summary of family sized housing requirements is provided in the table below. It includes a comparison to the family housing achieved across the entire borough as published in the Annual Monitoring report 2008-9.

**Table: Family housing provision comparison**

Tenure	% Policy	% PA/09/965	% Draft Annual Monitoring 2008/9
Social-rented	45	61.0	35
Intermediate	25	15.1	7

Market	25	29.4	3
Total	30	34.1	11

8.58 For social housing, 45% is required and 61% is provided. For intermediate housing the policy requires 25% family housing and the scheme provides 15.1%. In the market housing, 25% is required and 29.4% is provided. The overall family housing provision in the scheme is 34.1%.

8.59 The LBTH Housing team are satisfied with this mix.

#### Wheelchair Housing and Lifetime Homes

8.60 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable". All units will meet Lifetime Homes standards and 81 flats, approximately 10.5%, are wheel chair accessible, in accordance with policy.

8.61 The LBTH Housing Team is satisfied with the provision and recommends an appropriately worded condition to ensure this provision.

#### Code for Sustainable Homes

8.62 Pursuant to Policies DEV2 and DEV69 of the LBTH UDP 1998 and CP3, DEV5 and DEV6 of the LBTH IPG, housing should meet a minimum sustainability target of Level 3. The scheme is targeting Code Level 4. This could be secured by an appropriately worded condition if the council was to consider approval. (It should be noted the scheme also addresses BREEAM standards for the non-residential component by targeting an 'Excellent' rating)

#### Internal Space Standards

8.63 Pursuant to the Residential Space SPG, typical floorplan layouts and figures have been provided in respect of C3 units along with a complete spreadsheet of floor areas for all flats in the development. Out of 2318 habitable rooms, 12 x bedrooms (Flat 2 bed flat type t1-24) fall below the minimum space standards by 0.5sqm. This represents 1.6% of all units or 0.5% of all habitable rooms and is not considered significant. As such, the proposal is considered to sufficiently address the provisions of the SPG as well as policies ST23, HSG13 of the LBTH UDP, which seeks to ensure quality housing and minimum level of amenity for future occupiers.

8.64 Overall, the scheme is considered to cater from housing need and is recommended for support in this regard.

#### Amenity Space

8.65 Pursuant to PPS3, paragraph 16 states that, the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development "...provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies". Further still, paragraph 17 of PPS3 states that "where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space".

8.66 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to

incorporate adequate provision of amenity space. The Residential Space SPG 1998 sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that, variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards of the UDP and IPG are summarised below.

**Table: Residential Space SPG 1998 requirements**

Tenure	Proposed	SPG Requirement	Required (m <sup>2</sup> )	Proposal (m <sup>2</sup> )
Family Units	264	50sqm of private space per family unit	13,200	<b>9283</b> = 4,167 (balconies/terraces) + 5,116 (roof terraces)
Non-family units	508	50sqm plus an additional 5sqm per 5 non-family units;	558	
Child Bed spaces	394	3sq.m playspace per child bed space	1182	<b>4,207</b>
<b>Total</b>			14,940	<b>13,490</b>

**Table: Amenity Space per HSG7, LBTH Interim Planning Guidance**

Units	Total	Min Std (sqm)	Required (sqm)	Provided (sqm)
Studio	33	6	198	
1 Bed	219	6	1314	
2 Bed	251	10	2510	
3 Bed	239	10	2390	
4 Bed	15	10	150	
5 Bed	-	10	-	
<b>TOTAL</b>			<b>6562</b>	Breakdown not specified
<b>Ground Floor Units</b>				
Studio	-	25	-	
1 Bed	2	25	50	
2 Bed	3	25	75	
3 Bed	1	50	50	
4 Bed	9	50	450	
5 Bed	-	50	-	
<b>Total</b>			<b>625</b>	Breakdown not specified
<b>Grand Total</b>			<b>7187</b>	<b>4167</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>812</b>	<b>5116</b>
<b>Tot Amenity Space Requirement</b>			<b>7999</b>	<b>9283</b>

- 8.67 The application proposes **9283sqm** of amenity space provision for the entire site is as follows:
- **5,116sqm** of communal space in the form of roof gardens; and
  - **4,167sqm** of private amenity space including balconies, terraces and gardens
- 8.68 As is demonstrated in the above analysis, the proposal exceeds the provision of the IPG although, not the adopted UDP. The following factors should be noted in considering the above amenity space provisions:
- The Council's Residential Space SPG clearly states that space provision can be in open spaces and/or private gardens;
  - the scheme provides for a variety of public and amenity space opportunities, with landscaping plans showing high quality treatments;
  - Only 56 flats (25 x 1bed and 31 x 2bed) in the market tenure do not have any balcony provision to achieve appropriate internal daylight levels in the flats below. Notwithstanding that an appropriately worded condition is recommended for Juliet balconies to be added to these units to offer relief;
  - The roof terraces are a desirable form of communal space provided that the mitigation measures for microclimate (wind) are secured by an appropriately worded condition
  - The above amenity space calculations exclude the first floor communal courtyards which are only considered to be circulation space, given the levels of permanent overshadowing experienced.
- 8.69 On balance, the provision of amenity space in the scheme is considered acceptable and in line with IPG policy. The non-compliance with the UDP in this regard is considered on balance to be justified for the reasons identified above as well as the reasons for approval in section 2 of this report.

#### Children's playspace

- 8.70 Policies 3A.17 and 3D.13 of the London Plan (Consolidated 2008) as well as the Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation', seek a sufficient quantum (10sqm per child), quality and amenity of children's playspace in developments. Policy HSG7 of the LBTH IPG and Policy HSG16 of the UDP also seek the suitable provision of playspace in developments, including a minimum of 3sqm in the case of the UDP. In considering this requirement, the child yield estimated for this scheme is 394.
- 8.71 Therefore, requirements the scheme should provide a total of 1182sqm in accordance with Council Policy or 3940sqm based on GLA Policy. The Design and Access Statement Vol II identifies the integration of play space into the design of the public realm and communal amenity spaces of the development in the context of different age groups as well as different times of the day. The integration of landscape and play achieves a public open space and communal space offer where the entire 0.81Ha space is potentially playable. This ability is considered to be as a strong characteristic and asset of the proposal in negotiations with the Council's Landscape Team who welcome the play provisions included in the proposal. Notwithstanding, the Design and Access Statement Vol II specifically identifies **4,207sqm** children's playspace being provided, which is in excess of both the LBTH and GLA requirements. The scheme is considered acceptable and accords with the abovementioned policies which seek to ensure the adequate provision of children's play space within developments.

#### **Design**

##### *Tall buildings*

- 8.109 Local and regional policies consider tall buildings. There is also a range of published national policy including PPS1, PPS3 and PPG15 as well guidance, including 'By Design' published by DETR/CABE in 2000.
- 8.115 Objections have been raised in respect of the towers in terms of their height and visual impact. Although the site may be suitable form a tall building in terms of the high PTAL (Mayor's Policy 3A.3) and offer a high quality appearance (Mayor's Policies 4B.1 and 4B.9), Policies CP48 and DEV27 of the LBTH Interim Planning Guidance and the Mayor's Policy 4B.10 have a range of criteria for consideration of acceptability.

It is considered that the scheme addresses the range of tall building policy criteria, particularly the detailed criteria of DEV27 of the LBTH IPG, in the following key ways:

- The height, bulk, scale and external appearance is sensitive to the immediate and wider context;
- The scheme is considered to be high quality;
- The site is identified within an emerging cluster of tall buildings;
- There is no adverse impact upon strategic views and the scheme is a positive addition to the skyline;
- There is no adverse impact to the character of listed buildings, conservation areas or the WHS, The TOL;
- The proposal will be visually integrated with and present an appropriate scale to the street;
- It will provide public open space
- In terms of biodiversity, the communal roof terraces have substantial landscaped areas, as well as an appropriately worded condition for bat and bird boxes to be incorporated into the scheme;
- The proposal will contribute positively to vitality in the area with an active ground floor frontages;
- Other than in terms of daylight and sunlight impact, there are no significant amenity impacts posed;
- It poses no adverse traffic and parking impacts whilst also making provision for sustainable forms of transport including pedestrian connectivity and provisions for cycle users (bicycle parking and showers);
- The scheme considers access and inclusive design principles;
- The s106 agreement will include a TV mitigation requirement to ensure that any potential impact to reception is addressed; and
- It is not considered to conflict with aviation requirements having been referred to the relevant authorities for consideration

Overall, the scheme satisfies the criteria for consideration of tall buildings and as such the scheme acceptable, being in accordance with the abovementioned policies.

### Density

- 8.39 Objections were received in respect of overdevelopment of the site and excessive density. Policies of the Mayor and LBTH seek to maximise the efficient use of the site whilst ensuring that it is compatible with context, of high quality design and minimises environmental impacts for example.
- 8.44 The application site has a Public Transport Accessibility Level (PTAL) 6a. Therefore density ranges are as follows:
- Mayor's London Plan: 650-1100 habitable rooms per Hectare (central zone)
  - LBTH IPG: 650-1100 habitable rooms per Hectare (central)
- 8.45 The scheme is equivalent to **799 habitable rooms per hectare** based on the total site area of 2.9Ha and for scheme comprising of a total of 2318 habitable rooms. If the area

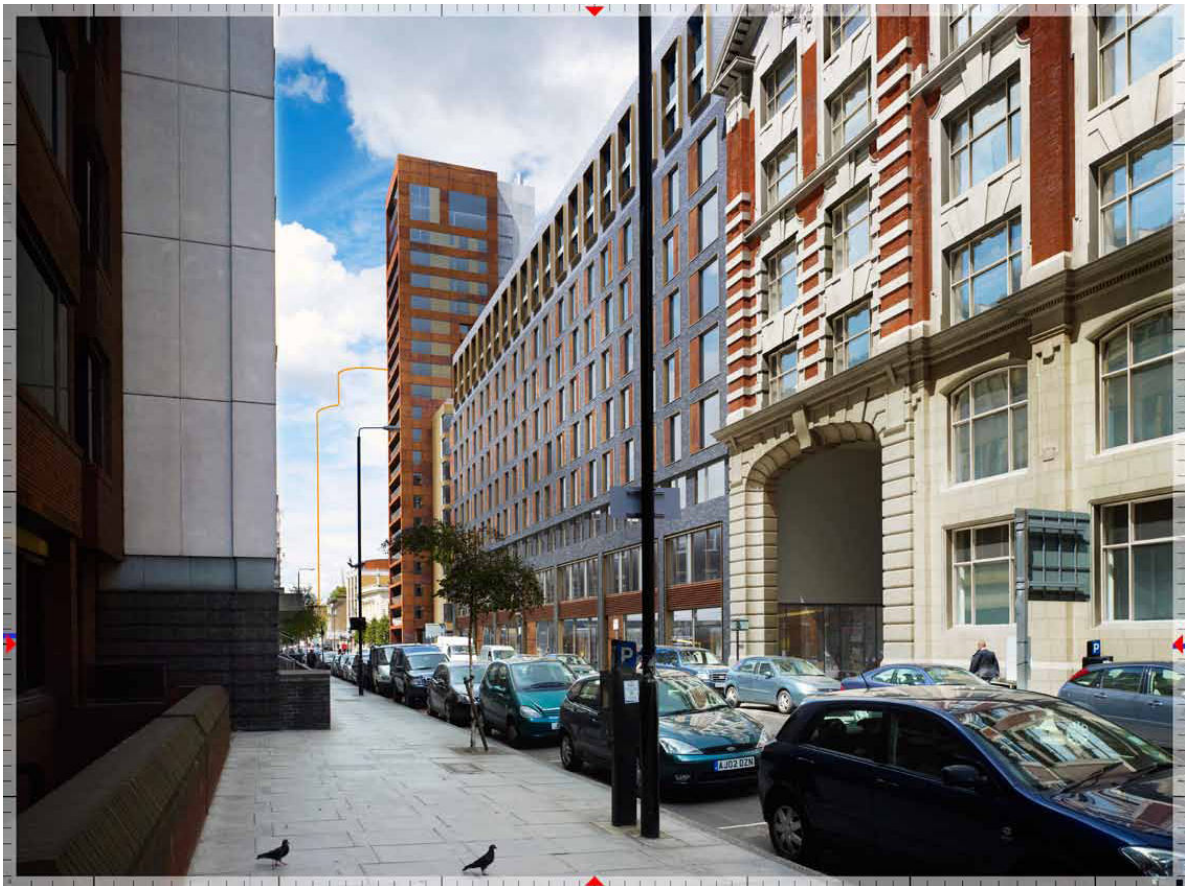


occupied by the hotel and student housing is removed as suggested in the Planning Statement, the scheme is equivalent to 995 habitable rooms per hectare based on a site area of 2.33Ha.

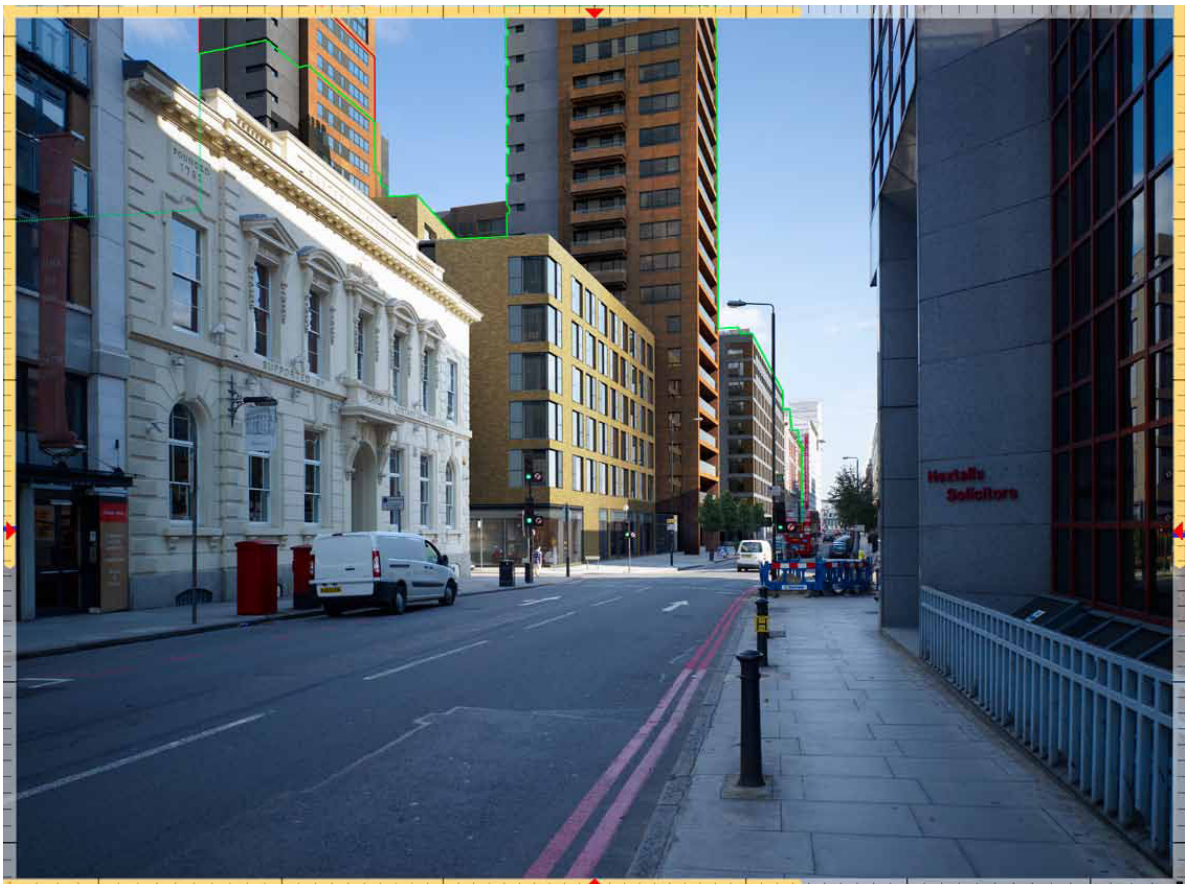
- 8.46 Therefore, the scheme accords with the intent of with Policy 3A.3 of the London Plan (Consolidated 2008) and CP20 and HSG1 of the LBTH Interim Guidance which seek to maximise the development potential of sites in an efficient and sustainable way.

*Appearance and layout*

- 8.72 Pursuant to The London Plan (Consolidated 2008), Policy 4B.1 requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a “*catalyst*” for regeneration. Policy 4B.10 provides further guidance on design considerations including context, attractiveness and quality. CABE and English Heritage ‘Guidance on tall buildings’ also informs the consideration of tall buildings as well as ‘By Design’ by DETR/EH.
- 8.73 In consideration of the LBTH UDP 1998, Policy DEV1 indicates development should be sensitive to the area, the capabilities of the site and be visually appropriate. Policy CP4 of the IPG states that buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 confirms that tall buildings must contribute to a high quality, attractive environment, as well as responding to context and contributing to vitality. These considerations also form part of the criteria of Policy Dev27 Tall Buildings Assessment of the LBTH Interim Planning Guidance.
- 8.74 In respect of objections received, is considered that the appearance of the development is one of its benefits as shown in the Accurate Visual Representations (AVRs) and drawings below. Buildings have a pleasing appearance and high quality finish. Notwithstanding the matters discussed later under ‘Views’, ‘Impact to setting of listed buildings and conservation areas’ and ‘Tall buildings’, the design and finishes of the elevations is considered to be high quality and would contribute positively to the varied architectural character and form of the area. The development would act as a potential catalyst for regeneration envisaged in the draft Aldgate Masterplan.



AVR of proposed view north along Lemman Street, taken from ES Vol 6.



AVR of proposed view south along Lemman Street, taken from ES Vol 6.



front elevation of Gowers Walk houses  
 rear elevation of Gowers Walk houses  
 Elevation drawings of the front and rear of the proposed Gowers Walk terraces, taken from the Design and Access Statement Vol I.

8.75 The layout of the scheme is also a benefit. The perimeter blocks are considered to be successful in addressing the street frontages of Alie and Lemman Street. The redevelopment of 75 Lemman Street and the terrace row along Gower’s Walk will offer genuinely active frontages. Also, the scheme will successfully integrate with the Berkley Homes scheme to the south. Overall, this will positively contribute to the evolving residential character of the area, thereby contributing to a sense of place and identity. The layout is also in accordance with the Aldgate Masterplan in the way that it improves connectivity and permeability. Such features of the scheme are evidenced in the layout diagram below.



Layout plan taken from the Design and Access Statement Vol I.

8.76 Although, the width of the internal streets along with the height buildings requires attention be paid to potential privacy and overlooking issues, no significant issues have been encountered in the assessment. Furthermore, it is considered that the scheme strikes a suitable balance in creating an interesting and pleasant environment. ‘Amenity’ is considered in more detail later in this report

8.77 Whilst sufficient details of the design of the elevations has been submitted to assess the

scheme in principle, the following detailed design matters will be conditioned to ensure the detailed appearance of the development is satisfactory:

- Detailed drawings and on-site mock-ups of the elevations;
- Detailed elevations, sections and mock-ups showing balcony joinery
- Detailed elevations and sections showing how the proposed additional storey to 75 Lemn Street connects with the building to the south being; and
- Detailed elevations and sections of the basement extract vents in Park Square as well as the design of vents and bicycle pavilion in Town Square.

8.78 In respect of ground floor uses and safety and security, the Gowers Walk Terrace and 75 Lemn Street conversion will provide round the clock activity through their residential use. The student accommodation and hotel will also provide this benefit. The remainder of the ground floor is for commercial uses, which also have the potential to contribute to day and night-time economy in accordance with the City Fringe AAP.

8.79 Noting discussions with the LBTH Landscape Team as well as the Design and Conservation Team, it is considered appropriate to restrict to access to the garden behind the PCT to daylight hours in the interests of safety and security and mitigation of crime. An appropriately worded condition is recommended if the Council resolves to grant planning permission.

#### *Sustainability*

8.80 Central Government policy promotes sustainable development. PPS1 seeks the prudent use of resources and includes the promotion of energy efficient buildings and combined heat and power systems. Considerations are expanded upon in the Planning Climate Change supplement to PPS1 as well as PPS22. In addition, PPS3 has the creation of sustainable communities as one of its objectives.

8.81 Policies of the Mayor's adopted London Plan (Consolidated 2008) deal with energy and sustainable design. Policy 4A.4 requires applications to be supported by an energy assessment. Policy 4A.3 requires developments to achieve the highest possible standards for sustainable design and construction. Policies 4A.5 and 4A.6 promote decentralised energy opportunities whilst minimising CO2 emissions. Policy 4A.7 seeks a 20% reduction in CO2 emissions from renewable energy generation on-site. More detailed consideration is provided in the Mayor's Energy Strategy and Sustainable Design and Construction SPG.

8.82 Similarly Local Borough policies within the Interim Planning Guidance 2008 deal with sustainability. Policy CP1 requires all new development to contribute to maintaining sustainable communities including implementing sustainable measures. Policy CP38 seeks to ensure developments minimise energy use for the lifetime of the development whilst encouraging renewable energy production. Policy DEV5 also seeks to minimise energy use and DEV6 seeks developments to reduce energy demand and CO2 emissions as well as promoting renewable energy production.

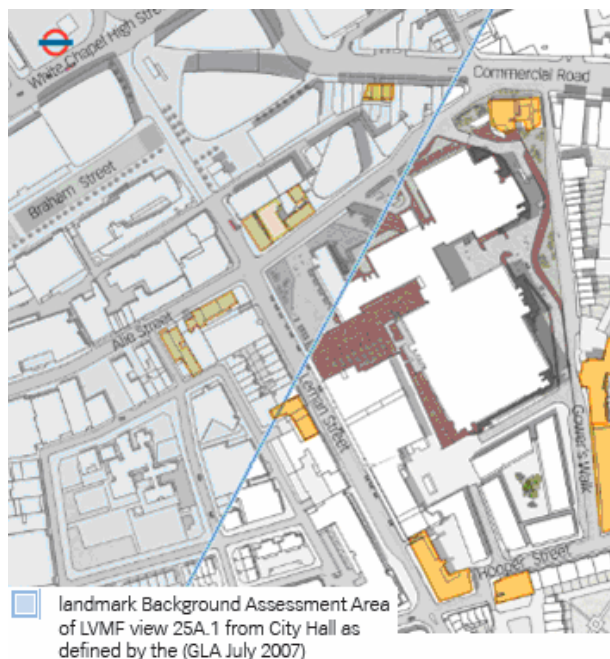
8.83 Measures incorporated into the scheme are as follows:

- Passive design and energy efficiency measures intended to reduce total emission on site by 5%
- A combined cooling, heating and power (CCHP) system and absorption chiller leading to CO2 reduction of 25%; and
- Ground source cooling that will further reduce CO2 emission by 0.5%

8.84 The above aspects of the scheme contribute positively to the Aldgate and are in accordance with Central Government, Mayoral and Borough Policy.

#### *Views*

8.85 In respect of views, the site lies within Townscape View 25 (City Hall to the Tower of London) which is defined in the adopted London View Management Framework (LVMF) (July 2007). Regional and local policy, plans and guidance refer impacts on the strategic views contained within the LVMF.



Locality map taken from the Design and Access Statement Vol I.

8.86 Policies of The London Plan (Consolidated 2008) requires schemes to meet requirements of the LVMF. Schemes should:

- be suited to wider context in terms of proportion and composition and in terms of their relationship to other buildings (Policy 4B.10)
- give appropriate weight to the provisions of World Heritage Site Management Plans (Policy 4B.14).
- Consider how proposals which fall within the background assessment area preserve or enhance the ability to recognise and appreciate the Strategic Landmark Building, the Tower of London.

8.89 In the time that the application was received, the Mayor published the Revised Draft London View Management Framework (LVMF)(June 2009). The revision includes changes to the way in which Townscape View 25 will be assessed

8.90 Local planning policies contained in the LBTH Interim Planning Guidance, City Fringe Area Action Plan and Aldgate Masterplan require development to preserve and enhance the ability to recognise and appreciate landmarks, as well as prevent impacts to strategic views.

8.91 In addition, the Historic Royal Palaces have produced the 'Tower of London World Heritage Site Management Plan' which guides the consideration of development affecting the TOL and refers to the townscape view and Mayoral policies concerning the LVMF.

8.92 The English Heritage draft SPG, 'Seeing the History in View', also provides guidance. It offers an approach to assessing heritage significance within a view and applies the approach to a real example, specifically, the Townscape View 25 of the LVMF. Therefore, it is especially relevant.

8.96 Since the previous scheme was withdrawn, the Mayor as well as the consultees English Heritage, Historic Royal Palaces, London Borough of Southwark as well as LBTH have

been involved in extensive discussions to secure revisions to the scheme to address their concerns. Revision involving the lowering of tower heights addresses their potential impact upon LVMF views. The subject application has also dealt comprehensively with nighttime appearance, seasonal variation as well as the geometric definition associated with view 25A.1. In addition, an animation sequence is provided showing the proposal within the kinetic (moving) view of the TOL at viewing place 25



AVR and magnified extract of View 25A.1 taken from ES Vol 6

- 8.97 The considerable endeavour in revisiting the proposals relationship to and potential impact upon views of the TOL in accordance with the LVMF has overcome previous concerns. The scheme is not considered to pose any significant harmful impact to the views of the

TOL. The scheme is thereby accords with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH draft City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's adopted London View Management Framework (July 2007), revised draft London View Management Framework (June 2009) LBTH draft City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect the views of the TOL.

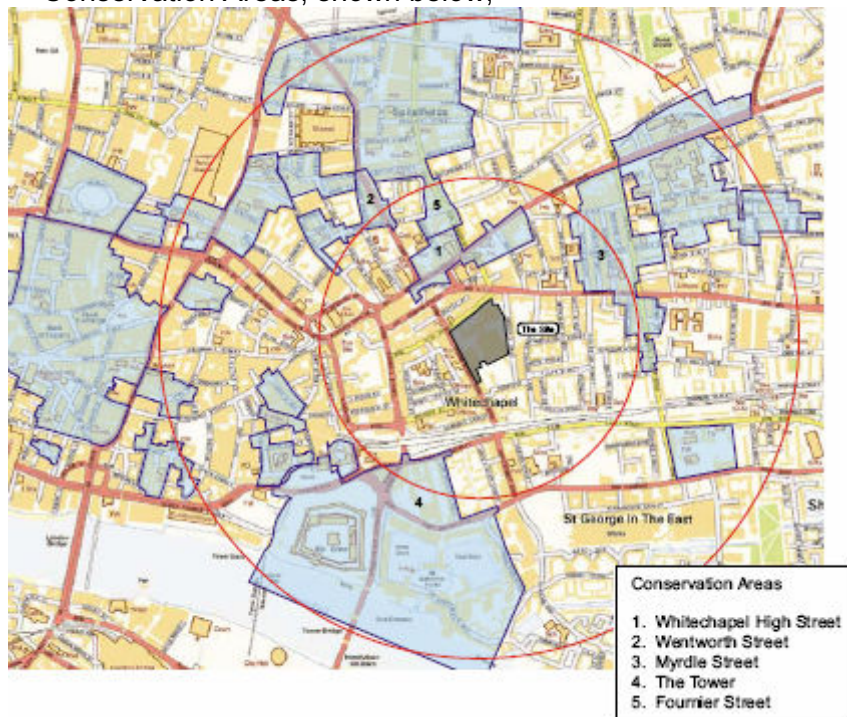
*Impact to setting of listed buildings and conservation areas*

- 8.98 The statutory requirement to consider proposal's upon the impact to the setting of listed buildings and conservation areas is contained in central, regional and local policy and guidance. It includes PPG15, the London Plan (Consolidated 2008), the LBTH UDP, IPG and Aldgate Masterplan.

For consideration of the potential impacts upon the setting and appearance of the TOL as a series of individually listed items and falling within the Tower Conservation Area, the potential impacts have been considered in 'views'. Otherwise, there are no significant impacts identified to the setting and appearance of the TOL and conservation are that would be posed by this application.

- 8.105 The ES is supported by a heritage, Townscape and Visual Assessment that considers the historic features in the surrounding area. These include:

- Conservation Areas, shown below;



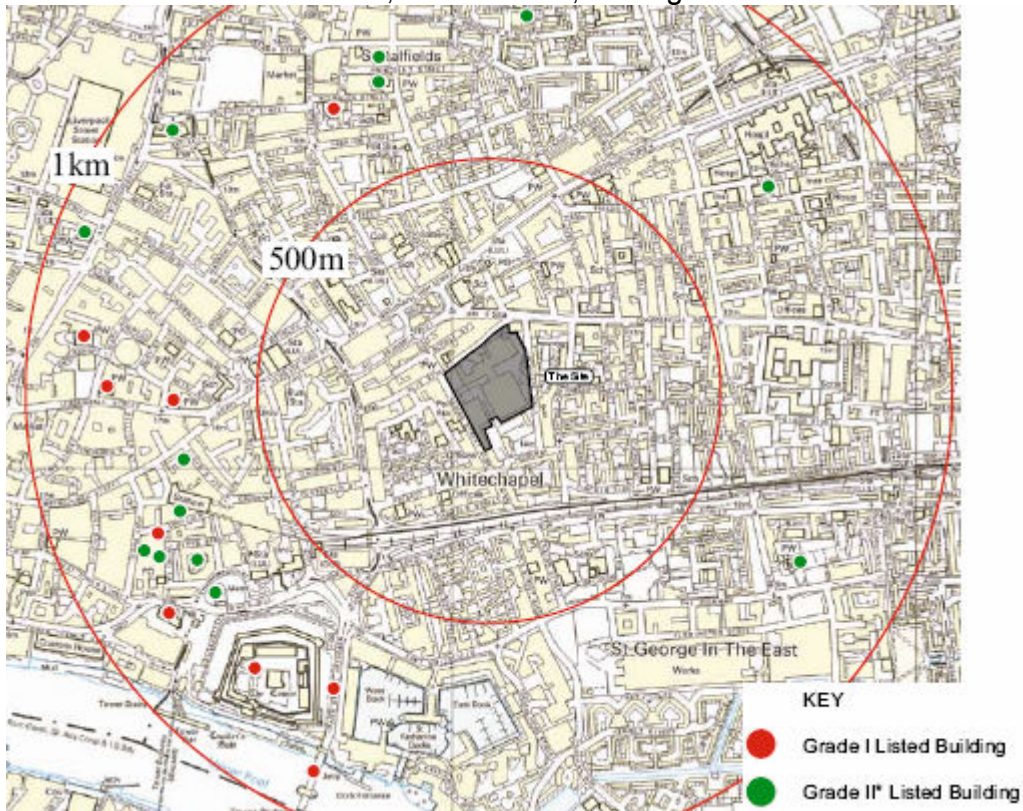
Map of conservation areas taken from the ES Vol III.

- Listed and locally listed items, shown below;



Map taken from the ES Vol III.

- Grade I and II\* listed items, shown below, it being noted that the TOL is also a WHS;



Map taken from the ES Vol III.

8.106 Objections have also been received from neighbours as well as EH about the impact to the setting of other listed buildings, namely:

- 19a, 62, 66, 68, 70, 99 Lemn Street
- 28, 30, 32, 36-44, 55, 57 and 59 Alie Street

8.107 For listed buildings in Alie Street and Lemn Street, which are immediately adjacent, no significant impact to views and setting are posed in the opinion of the LBTH Design and



Conservation Team. Similarly, no unacceptable harm to the local context has been raised by CABE. It should be noted that Alie and Lemman Street have diverse buildings in terms of architecture, scale and use. The quality of the elevations of the proposal which creates a strong street edge is considered a benefit. The bulk, scale and height of the buildings are considered appropriate to the area, nearby approvals as well as the previous approval for the site. Considerable attention has been given to the treatment of facades especially the South-East Student Block so as to ensure its relationships to and appearance within the street scene and setting of adjacent listed buildings positively preserves and enhances their character and appearance. Additionally, the reduction in tower heights further lessens their prominence.

- 8.108 The objections from neighbours and EH also refer to concern about a possible impact to the setting and views of surrounding conservation areas. It is considered that no significant detrimental impact is posed given the high quality appearance of the scheme. In addition, the prominence of the towers has been reduced by lowering their height. The Council's Design and Conservation team are supportive of the application and consider that there is no significant impact to surrounding conservation areas.

### *Summary*

- 8.116 In conclusion, the benefits of the scheme are its appearance, layout, ground floor treatment and consideration of sustainability. Furthermore, previous concerns including impacts to views of the TOL and its setting as a listed building have been addressed in the subject scheme and further revisions to it. The design is acceptable, accords with the policies identified and is recommended for approval.

## **Amenity**

### Future Occupiers and Users

- 8.117 Amenity for future occupiers is a planning policy consideration pursuant to the provisions of PPS1, PPS3, the London Plan (Consolidated 2008) and well as the Council's UDP and IPG.
- 8.122 On balance the scheme provides a suitable level of amenity and the following aspects are noteworthy:
- Microclimate (wind) conditions on the roof terraces are acceptable for the intended use subject to recommended mitigation measures which will be secured by condition;
  - No significant privacy/overlooking impacts are posed as a consequence of window-to-window relationships subject to an appropriately condition for screening;
  - The window glazing specification will ensure an appropriate internal noise environment for future occupiers having regard to PPG24;
  - Sufficient information is provided to ensure air quality for future occupiers is achieved subject to an appropriately worded condition of approval requiring mitigation measures be implemented in accordance with the ES;
  - The total floorspace of all flats exceeds the minimum provisions of the LBTH Residential Space SPG for all but 12 bedrooms out of 2318 (0.5%) which is not significant – See discussion in the 'Housing' section of this report
  - The majority of flats have private amenity space. Only 56 (7%) flats are without given the need to consider the internal light levels of flats directly below. This is not considered significant in the context of the overall amenity space provision on site and furthermore, an appropriately worded condition is recommended for Juliet balconies to provide some relief.
  - Although 240 habitable rooms in the development do not meet the Building research Establishment (BRE) guide for daylight levels, this only represents 10.4% of the

total 2318 habitable rooms in the development. Also given the inner London context, other benefits of the scheme as well as economic viability, it is considered that this level of non-compliance should not be a reason to reuse this otherwise acceptable scheme.

8.123 On balance, it is considered that the level of amenity is acceptable and as such the scheme is recommended for approval.

#### Neighbour Impacts

8.124 The consideration of impacts to neighbours are addressed in policies 4B.10 of the Mayor's London Plan (consolidated 2008), DEV1 of the LBTH Interim Planning Guidance, and DEV2 of the LBTH Unitary Development Plan 1998. Objections have been received in respect of loss of light and overshadowing, loss of privacy/separation distances, increasing sense of enclosure, loss of outlook, construction impacts.

8.125 The scheme poses no significant impacts. The following matters are noteworthy:

- There is no significant noise or general disturbance impacts to warrant refusal. Impacts during the construction phase will be mitigated by a condition requiring a Construction Management Plan. In the operational phase, the intended uses are compatible with the area and not considered to pose concern;
- Whilst the scheme will reduce outlook and increase the sense of enclosure, it should be noted that the existing building and building of the approved scheme (see section 4) limit the outlook of neighbours to some extent. The previous approval also permitted buildings closer to the street edges, thereby increasing the sense of enclosure. Furthermore, in acknowledging that this is a central London location on the city fringe, as well as responding to the area context and creating a pattern of development which establishes strong relationships to it, the increasing sense of enclosure is not considered undesirable, inappropriate or excessive in the area. Rather, it is likely to add positively to the emerging character and identity of the area;
- No significant air quality impacts are posed. It is noted that a condition requiring a construction management plan will deal with air quality impacts at the construction phase. At the operational phase, the development including traffic generation will not contribute any significant effect upon air quality. An appropriate condition is recommended for full particulars of the emissions of the bio-mass boiler at the detailed design stage;
- No significant traffic impacts posed to the local road system in the opinion of the LBTH Highways Team. They consider that the local road system is capable of accommodating the additional increase traffic generated. Any damage to public roads during construction would be repaired pursuant to the s278 agreement;
- In respect of privacy and overlooking the following considerations are relevant:
  - A minimum separation of +18m is achieved along Leman Street to adjacent properties;
  - The set-back between the South-West block to the Berkley homes development to the south is approximately 17.8m. Given this is relationship is the across the frontage of the development with the basement access ramp intervening, no significant is proposed;
  - The separation of the Gower's Walk terrace to the adjacent residential properties varies from approximately 12.4m to 16.6m. Given the off-set nature of window orientation of the proposed terrace windows as well as that the relationship is across a public street, any overlooking impact is considered tolerable; and
  - The separation between the scheme and properties on the northern side of Alie Street is variable from 11.5m up to 19m. For the most part, properties of the northern side of Alie Street are non residential. Where there is potential in the upper levels this is adjacent to the North-East block where the separation is

between 16-19m variable. Consequently, window-to-window relationships do not involve residential on either side of the road in the majority of cases. Where they do, the separation is more considerable, making any potential overlooking limited;

- The associated benefits of the scheme in respect of improved connectivity, permeability, and introduction of a healthcare facility will be of a positive benefit to local residents.

8.126 In respect of sunlight and the Building Research Establishment (BRE) good practice guide, 'Site Layout Planning for Daylight and Sunlight', significant impacts are identified for properties especially residential properties in Alie Street and Gower's Walk. If the consented scheme is taken as the baseline, the BRE test results in the ES show that the proposed scheme represents a greater impact. The properties affected are:

- 55-57 Alie Street;
- 43-58 Gowers Walk; and
- 61-75 Alie Street (approved scheme which not yet implemented)

8.127 In considering the significance of this impact to the assessment, the following matters are considered to offer a case to balance this impact:

- Some relief afforded the affected neighbours by virtue of them being dual aspect properties
- The benefits of the scheme coming forward as identified throughout the report and as summarised in section 2
- An awareness of the viability issues in bringing the scheme forward which necessitate the development potential of the site to be maximised.
- An appreciation that this brownfield site is a challenging and highly constrained site to entertain redevelopment, being in a built up area on the edge of the city fringe which has a range of landuse priorities, not just housing. Invariably then, realising development on this site will involve a compromise

8.128 On balance, it is considered that the benefits of the scheme coming forward are considered to outweigh the loss of light to neighbours based on the assessment using the BRE guidance and this alone is not considered to warrant refusal of the application.

## **Transport**

8.129 In consideration of national policy, PPG13 seeks to integrate planning and transport from the national to local level. Its objectives include:

- promoting more sustainable transport choices;
- promoting accessibility using public transport, walking and cycling;
- reducing the need for travel, especially by car.

Both PPS1 and PPS3 seek to create sustainable developments.

8.130 Pursuant to regional policy, The London Plan (Consolidated 2008), Policy 2A.1, 3A.7, state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should "...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced". Policy 3C.19 indicates that boroughs as well as TFL should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20, the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.

- 8.131 In respect of local policy, the UDP 1998, Policy ST25 seeks to ensure new housing development is adequately serviced by public transport. Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.132 Having regard for the IPG 2008, DEV17 states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 requires a travel plan for all major development. DEV19 sets maximum parking levels pursuant to Planning Standard 3.
- 8.133 A Transport Assessment and Travel Plan document, was submitted in support of the scheme.
- 8.134 Objections have been received in respect of the following:
- Impact upon highway
  - Inadequate parking
  - Street closure during construction to impact on access to houses
  - Provision of bicycle storage unclear
  - Impact to parking space availability in Gower's walk
  - Request that future occupiers be exempt from applying for parking permits
- 8.135 The Highways team consider the scheme to be acceptable for the following reasons:
- The level of car parking (199 spaces) is substantially lower than the 0.5 maximum threshold of the LBTH Interim Planning guidance;
  - 10% of the spaces will be for people with a disability;
  - The access from Gower's Walk is acceptable;
  - The refuse storage and servicing arrangements are considered acceptable;
  - The general servicing arrangements from the site have been considered and are acceptable;
  - An agreement will be required exempting future occupiers from applying for parking permits. This will acceptably address the concern about parking stress in surrounding streets;
  - In respect of pedestrian movement, the scheme will improve connectivity;
  - It is considered that the local highway system is able to accommodate the increased traffic generation;
  - In respect of demand for buses, Docklands Light Rail (DLR) and London Underground services, it is considered that both have sufficient capacity to accommodate the proposed increase in passenger trips during peak hour;
  - The applications are supported by a green travel plan which encourages sustainable transport modes;
  - The bicycle storage (2 spaces which includes 2 spaces at ground level) is acceptable;
  - in respect of pedestrian safety, adequate visibility splays on either side of the vehicular access point onto Gowers Walk have been provided;
  - The amended details for the servicing management plan concerning arrangements for the supplementary servicing route past the PCT are acceptable and will be

secured by condition.

8.136 The Highways team also recommend the following:

- A s278 agreement should be entered into with the Council's Highways Team pursuant to the Highway Act 1980 The s278 agreement and the financial obligations for which the developer is responsible for is completely separate and in addition to the s106 planning contributions secured;
- The waste management plan should be agreed with the waste team
- The development should have a car free agreement to prevent future occupiers from applying for parking permits;
- Planning contributions should include:
  - Gower Street highway and pedestrian improvements; and
  - General highway upgrade/improvement to surrounding streets to be agreed.

8.137 The issues raised by objectors have been covered in the assessment of the Highways Team and there is no matter outstanding. In addition, appropriately worded conditions of approval are recommended where applicable in response to comments of the Highways Team. A s278 agreement and suggested s106 planning contributions are to be secured if the Council resolves to grant planning permission. Finally, it should be noted that the Waste Team accept the proposed arrangements for the site.

8.138 Therefore, the scheme is considered acceptable on transport grounds having regard to the abovementioned policies.

### **Environmental Statement**

8.139 In accordance with the Town and Country Planning statutory procedures set out in the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, the subsequent amendments of 2006 and 2008 and following the EIA scoping opinion provided by LBTH on 17<sup>th</sup> Oct 2007, the current application is supported by an Environmental Statement (ES). The following considerations form part of the ES:

- Methodology;
- Design evolution and alternatives;
- Development program, construction phasing, activity and effects;
- Planning and landuse;
- Socio-economics;
- Archaeology;
- Transport and pedestrian accessibility;
- Noise and vibration;
- Air quality
- Ground conditions
- Water resources and flood risk
- Wind
- Daylight, sunlight and overshadowing;
- Ecology;
- Waste;
- Telecommunications interference;
- Townscape and Visual Assessment;
- Transport Assessment;
- Pedestrian movement;
- Public Realm Report; and
- Servicing Mgt Plan

8.140 A Regulation 19 requesting for further information was made in respect of this application The necessary information was received and placed on renotification/reconsultation prior to brining this report to committee. There is no matter outstanding in respect of the ES, the

development being considered acceptable having regard to the full range of issues summarised in this report.

### **Planning contributions**

- 8.141 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.
- 8.142 Planning obligations can be used in the following three ways: -
- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
  - (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
  - (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.143 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy.
- 8.144 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *"where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be"*.
- 8.145 Similarly the circular states that decisions on the amount of contributions *"should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place"*.
- 8.146 Policy DEV4 of the adopted UDP and Policy IMP1 of the Interim Planning Guidance clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.148 Given the history of the development which including the previous withdrawn scheme PA/08/1634 a Three Dragons Toolkit (viability appraisal) has been submitted notwithstanding that the subject scheme is offering 35% affordable housing.
- 8.149 The Council independently engaged consultants to evaluate the toolkit. Following extensive negotiation with the developer's consultant, the Council's consultant confirmed that, in their professional opinion that viability was an issue. As such, the Council is not considered to be in a position to seek further contributions to those identified below as a consequence of this. For example, it is not possible to secure planning contributions for Metropolitan Police although, it should be noted that there is nothing to preclude them approaching the developer separately regarding their priorities.
- 8.150 An overview of the contributions secured is provided at section 2 of this report.
- 8.151 For avoidance of doubt and as per advice in the 'transport' section of this report, q s278 agreement pursuant to the Highway Act 1980 is a matter with financial obligations which is completely separate and in addition to the s106 planning agreement set out in this report.

## **Other**

8.152 No other issues are identified.

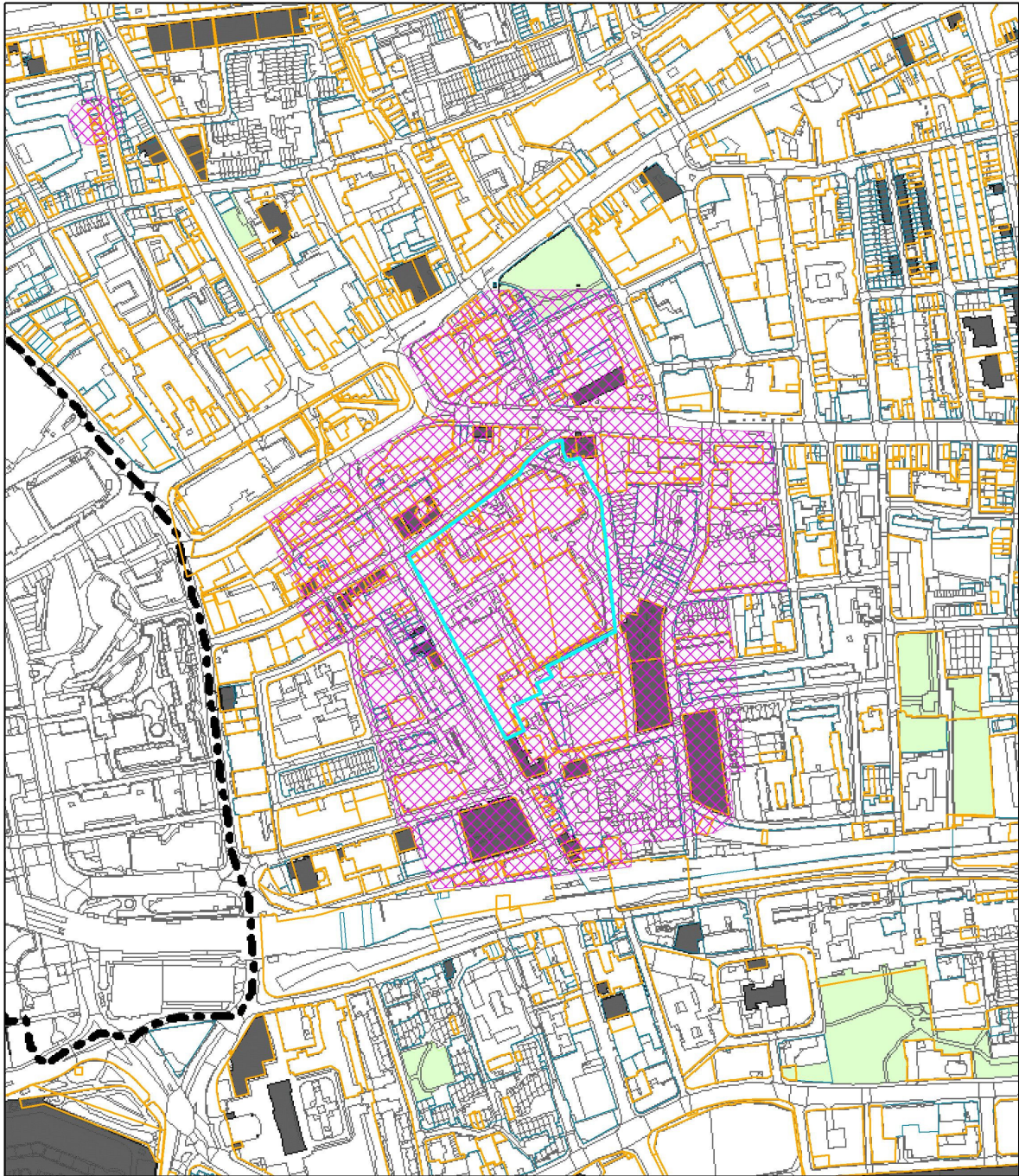
## **9. Conclusions**

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

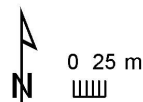
## **Appendix**

### **1 Site plan**

# Planning Application Site Map



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



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