

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 2 February 2010 at 7.00 p.m.

A G E N D A

VENUE

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

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

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

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

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

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

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

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

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Tuesday, 2 February 2010

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 15th December 2009.

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4. RECOMMENDATIONS

To RESOLVE that:

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

5.	PROCEDURE FOR HEARING OBJECTIONS	
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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

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

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 15 DECEMBER 2009

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

Members Present:

Councillor Shafiqul Haque (Chair)
Councillor Shahed Ali
Councillor Alibor Choudhury
Councillor Stephanie Eaton
Councillor Rupert Eckhardt
Councillor Marc Francis (Vice-Chair)
Councillor Dulal Uddin

Councillor Helal Abbas
Councillor Sirajul Islam

Other Councillors Present:

Councillor Ahmed Hussain
Councillor Rachel Saunders
Councillor Motin Uz-Zaman

Officers Present:

Jerry Bell	– (Strategic Applications Manager)
Paul Buckenham	– (Principal Planner)
Megan Crowe	– (Legal Services Team Leader, Planning)
Stephen Irvine	– (Development Control Manager)
Simon Ryan	– (Senior Planning Officer)
Jason Traves	– (Planning Officer)
Owen Whalley	– (Service Head Major Projects, Development & Renewal)
Alan Ingram	– (Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rania Khan and Shiria Khatun, on behalf of whom Councillors Sirajul Islam and Helal Abbas deputised respectively.

2. DECLARATIONS OF INTEREST

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

Councillor	Item(s)	Type of Interest	Reason
Shafiqul Haque	6.1, 7.1, 7.2, 7.3, 7.4, 7.5	Personal	Correspondence received from concerned parties. He was a member of a Gym located in the Britannia Hotel, adjacent to the site that was the subject of the application. He was a Ward Member for the site.
	7.2	Personal	
	7.3	Personal	
Helal Abbas	7.1	Personal	Correspondence received from concerned parties.
Sirajul Islam	7.1	Personal	Correspondence received from concerned parties.
Alibor Choudhury	6.1, 7.1, 7.2, 7.3, 7.4, 7.5	Personal	Correspondence received from concerned parties.
Marc Francis	6.1, 7.1, 7.5	Personal	Correspondence received from concerned parties
Rupert Eckhardt	7.1, 7.2	Personal	Correspondence received from concerned parties. He was a Ward Member for the area of the application.
	7.2	Personal	
Stephanie Eaton	7.1, 7.3, 7.4	Personal	Correspondence received from concerned parties
Dulal Uddin	6.1, 7.1, 7.2, 7.3, 7.4, 7.5	Personal	Correspondence received from concerned parties
Shahed Ali	6.1, 7.3, 7.5	Personal	He was a Ward Member for the area of the applications. Correspondence received from concerned parties.
	7.3	Personal	

3. UNRESTRICTED MINUTES

RESOLVED that the unrestricted minutes of the meeting held on 10 November 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 Job Centre Plus, 60 Commercial Road, London E1 1LP

Mr Owen Whalley, Head of Planning & Building Control, introduced the report regarding the application for planning permission concerning the premises at Jobcentre Plus, 60 Commercial Road, London, E1 1LP, which had been deferred at the meeting of the Committee held on 10 November, 2009.

Mr Jerry Bell, Interim Strategic Applications Manager, presented details of the suggested reasons for refusal of the planning application, based on concerns voiced by Members at that meeting. He indicated that, despite a revised S106 application having been put forward by the applicant (as set out in the report) the other substantive issues raised by Members had not been properly addressed.

Members confirmed that the report adequately reflected the matters raised and, on a vote of three for and nil against, it was -

RESOLVED that planning permission for the demolition of the existing building at 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/A4B1/D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works be **REFUSED**, subject to any direction from 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.

7. PLANNING APPLICATIONS FOR DECISION

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

Mr Owen Whalley, Head of Planning & Building Control, introduced the report regarding the application for planning permission for the regeneration of Eric and Treby Estate.

The Chair then invited representations from persons who had registered for speaking rights in accordance with the procedures for hearing objections, as set out in the Council's Constitution.

Mr Mark Taylor, a local resident, spoke in objection to the application, expressing the view that:

- The consultation exercise undertaken by East End Homes had been very poor, with no reference made relating to sites 11, 2a or 2b and had comprised two one-day events that had been largely unknown by most residents.
- The consultation questionnaire that had been issued was biased and had not been sent out until after the statutory deadline for consultations.
- Despite East End Homes having statutory responsibility for ensuring the safety of residents in their homes, fire hazards still remained and the plans had not been signed off by the London Fire Authority.
- Refuse could not be properly collected from Ennerdale House and bins would have to be dragged for 25 m, which was in excess of the 10 m maximum stipulated by Health and Safety regulations.
- Crime prevention measures had not been adequately addressed in the design plans: escape routes for perpetrators of crime remained and there were areas where victims could be trapped. No Police or Safe Neighbourhood Team reports had been provided.
- Provision of public open spaces had not been given proper consideration and the proposed East End Homes office site would effectively remove the area used by children as a football kick-about area.

Ms Katherine Taylor, a local resident, spoke in objection to the application, stating that:

- She was in favour of social housing, especially for large families, but the application was not family friendly and would result in children from Mile End being bussed to schools all over the Borough. This would also have an impact on Council Tax charges.
- S106 monies should be utilised possibly for the provision of a primary school in Mile End.
- Children in Brokesley Street would have no play space and this created concerns for their safety.
- The demolition of properties in Brokesley Street had not been carried out by East End Homes in accordance with agreed procedures and there would be loss of light to existing properties when new build was completed.

Mr Steve Inkpen, speaking for the applicant, stated that there would be an overall increase in open space in the estates and the position regarding parking had been reviewed. He added that:

- There would be some £20m. of investment in the estates, including £12m improvement works and £7m in grants from the Homes and Communities Agency. The new build properties would replace bedsits

with efficient homes, built to Lifestyle standards and including wheelchair access.

- More secure street frontage would be provided aimed at reducing anti-social behaviour, with a safer environment in general and more secure windows, etc.
- There would be six new play areas, including a kick-about space, and a new housing centre on which there would be further consultation about community use.
- The application met key objectives of LBTH strategies and would provide 5 bed homes, which were valuable in Bow, an area of overcrowding.
- There had been extensive consultation since 2003 and plans had been amended to meet residents' concerns over such issues as height of buildings. Door to door consultation had meant that every home had been visited at least once and this had shown a majority of residents in favour of the proposals, including a new local housing office and community facility.

At this point, the Chair warned that, if disruption from the public gallery did not cease, he would have the gallery cleared or adjourn the meeting.

Councillor Ahmed Hussain, a Ward Councillor, stated that the proposed high density of housing would lead to future ghettos and, if the application was granted, there would be problems over many years to come. Children would have to be bussed to schools and their education would be hindered. Playspace was urgently required. The results of East End Homes consultations were outweighed by the residents' own survey which showed dissatisfaction with the proposals. This was the third occasion the application had been submitted and it was still not favoured by residents, who felt that there would be overcrowding. Other Councillors had concerns and the scheme should be rejected. He expressed the view that Labour Members were under the party whip to support the application.

The Chair stated that Councillor Hussain should improve his conduct, as such comments were unacceptable.

Councillor Rachael Saunders declared a personal interest in the item by reason of being an East End Homes Board member. She added that, as Chief Whip of the Labour Group she could state that the party whip was not an issue. She added that she stood with the residents and supported their voice on the future of the estates. At East End Homes Board meetings, she had been committed to obtaining proper resident consultation but this had not been done. The role of the Board was to make residents' voices heard but this had not happened and the Committee should approve the application only if Members were sure that residents' questions had been properly answered.

Councillor Motin Uz-Zaman declared a personal interest in the item by reason of being an East End Homes Board member. He indicated that he also wished to raise concerns on behalf of residents. Regeneration of the area in question was important, as was provision of play areas and improvements to security

and the environment. However, it was essential to ensure that local residents who experienced that environment were part of the whole process of the scheme.

At the request of the Chair, Mr Jerry Bell, Strategic Applications Manager, gave a very detailed description of the differences between the current scheme and previous proposals, as contained in the circulated report, referring to increases in public open space; increase in number of affordable housing units; amendments to elevation treatments of buildings; amendments to commercial/residential units; provision of a new community use building; increase in number of parking spaces; reduction in overall number of units.

He commented further on sections of the report that gave details of extensive consultation that had been undertaken with local residents and appropriate agencies. Mr Bell also referred to concerns relating to:-

- Fire risk: the London Fire Authority was generally happy with the scheme.
- Waste collection was an issue to be resolved but there was a condition for a service management strategy which had to be approved before the scheme could be implemented.
- The Police had been consulted on crime prevention measures and were satisfied overall.
- The proposed playspace met Borough requirements (although short of the GLA standard) and was considered acceptable.
- Demolition of Brokesley Street properties had resulted in the site being left in a safe condition.
- There would be a S106 contribution of £320,892 for education uses in the locality.

Summarising the additional benefits of the scheme, as set out in the report, Mr Bell stated that the application was recommended for approval.

The Chair then invited questions from Members.

Councillor Stephanie Eaton raised questions which were answered by Mr Bell in connection with the difference between bedsits and studio flats; calculations used for defining public open space; S106 funding used as mitigation of educational impacts.

Councillor Shahed Ali, who had entered the meeting late, declared personal interests in agenda items 6.1, 7.3 and 7.5 as a Ward Councillor and item 7.2 as a member of an organisation adjacent to the site. He commented that no Member of the Committee had been whipped into a decision. They would come to a decision based on the information before them. Councillor Ali then asked questions, which were answered by Mr Bell, on the nature and enforcement of the service management strategy; the ability of the developer to meet any shortfall in funding for the scheme.

The Chair pointed out that Members should not make party political statements while the meeting was in progress.

Councillor Marc Francis asked if Councillor Hussain wished to put his allegation into writing, to be referred to the Standards Board. He then asked questions, which were answered by Mr Bell, relating to possible overlooking and daylight issues between Site 1 and Ennerdale House; the possible impact on daylight for the East London Tabernacle. Ms Alison Thomas, Private Sector & Affordable Housing Manager, answered a further question from Councillor Francis, confirming that 19 studio units were for market sale.

The Chair then called for a vote on the application, pointing out that Councillor Shahed Ali was not eligible to do so as he had arrived late.

On a vote of four for and three against, it was –

RESOLVED:

- (1) That planning permission be GRANTED for the 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 310 sq.m and 150 sq.m, a new housing management office of 365 sq.m and 251 sq.m of commercial space and the introduction of an estate wide landscape improvement scheme, subject to:-
 - (a) Any direction by the Mayor of London;
 - (b) The prior completion of a legal agreement to secure the planning obligations listed in paragraph 3.3B of the Officer's report, as amended by paragraph 3.2 of the Officer's update report so as to include the following non-financial planning obligation:
 - The bus stop outside site 8 shall be relocated to an alternative location (to be agreed in consultation with Transport for London), or suitable alternative access arrangements agreed.
- (2) That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement above.
- (3) That the Corporate Director Development & Renewal be delegated authority to impose conditions and informatives on the planning permission to secure the matters listed at paragraph 3.5 of the Officer's report.

- (4) That Conservation Area Consent be GRANTED for the demolition of 1-14 Brookesley Street, subject to the conditions listed at paragraph 3.6 of the Officer's report.
- (5) That, if by 30 April 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.

NOTE: At this point the Chair indicated that the order of business on the agenda would be varied in order to consider item 7.4 next, in view of the fact that speakers were registered and a large number of the public were present. However, the agenda items are recorded in their original order for ease of reference.

At 8.07 p.m., the Chair indicated that the meeting would adjourn briefly. The meeting reconvened at 8.15 p.m.

7.2 40 Marsh Wall, London E14 9TP

Mr Owen Whalley, Head of Planning and Building Control, introduced the application for demolition of the existing office building at 40 Marsh Wall and erection of a 39 storey building comprising a hotel and restaurant, leisure, conference and office facilities and ancillary developments.

Mr Stephen Irvine, Development Control Manager, made a detailed presentation of the application, as contained in the circulated report, together with the reasons why planning permission was recommended for approval.

The Chair then invited questions from Members.

Councillor Shahed Ali put queries which were answered by Mr Irvine relating to any significant differences between the proposed boutique hotel and others nearby; ownership of the steps between 30-40 Marsh Wall; increase in traffic and pedestrian levels; high density development in the locality; the effect of queuing taxis and coaches arriving at the development; the need for servicing and refuse vehicles also to access the hotel.

Councillor Marc Francis asked questions which were answered by Mr Irvine concerning the objections raised regarding the impact on views from Greenwich Park; the use of S106 funds on the provision of york stone and granite sets; adverse effects of a 40 storey development on residential developments to the south of the site.

On a vote of one for and four against, it was –

RESOLVED

That the Officer recommendation to grant planning permission for demolition of the existing building at 40 Marsh Wall and erection of a 39 storey building (equivalent of 40 storeys on Manila 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 A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1), serviced offices (Use Class B1); together with rooftop plant and associated landscaping and the formation of a taxi drop-off point on Marsh Wall be NOT ACCEPTED.

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

- The issue of impact on views from the south of the site.
- The allocation of S106 funding towards urban realmworks.
- Public transport issues.
- Inadequacy of coach and other vehicular parking facilities.
- The height, density, bulk and mass of the proposed building.

In accordance with 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 Former Beagle House, Braham Street, London E1 8EP

Mr Owen Whalley, Head of Planning and Building Control, introduced the application for demolition of the existing building at Former Beagle House, Braham Street, London, E1 8EP and erection of a 17 storey building comprising retail units, office use and ancillary developments.

Mr Stephen Irvine, Development Control Manager, made a detailed presentation of the application, as contained in the circulated report, together with the reasons why planning permission was recommended for approval.

The Chair then invited questions from Members.

Councillor Shahed Ali put forward questions, which were answered by Mr Irvine, relating to the purpose of S106 funds relating to small medium enterprise and small local projects; the need for further proposals to enable local people to make better use of public open space.

Councillor Stephanie Eaton raised queries that were answered by Mr Irvine regarding improvements to pedestrian access and concerns raised by English Heritage on the impact of the proposed development on nearby listed buildings.

Councillor Marc Francis asked questions that were answered by Mr Irvine concerning potential impact of the development on views of the Tower of London; consideration of tall building projects in the context of surrounding streets; the density of the proposed scheme and its impact on the immediate area; inadequate improvements to the local transport infrastructure;

oversupply of office accommodation and limited local training/employment opportunities.

The Chair then called for a vote on the application and, on a vote of three for and four against, it was –

RESOLVED

That the Officer recommendation to grant planning permission for the demolition of the existing building at Former Beagle House, Barham Street, London, E1 8EP and the erection of a 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 be NOT ACCEPTED.

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

- The physical impact of the scheme on the surrounding area in terms of the bulk and massing of the proposed building.
- Inadequate financial contributions towards the local transport infrastructure.
- Inadequate financial contributions towards local employment and training.

In accordance with 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.

7.4 Site at 438-490 Mile End Road, London E1 4PE

Mr Owen Whalley, Head of Planning and Building Control, introduced the report regarding the application to demolish the existing structures at 438-490 Mile End Road, London, E1 and provide a new educational facility.

The Chair then invited representations from persons who had registered for speaking rights in accordance with the procedures for hearing objections, as set out in the Council's Constitution.

Ms Brenda Daley, a local resident, stated that a petition against the proposal had been signed by 152 residents of the Ocean Estate, who objected to the extension of the Queen Mary University Knowledge Hut beyond the boundary of the existing site. Concern was also expressed over the ongoing loss of work sites in Mile End to ever-increasing student accommodation. There was a consequent loss of family accommodation and community facilities for local people, with a growing student township and an increase in bars. This should be prevented by the Council as local infrastructure was approaching breaking point. Height reductions in the proposed scheme were also being sought, so

that it would complement existing listed properties. There would be a material detriment to residents from the use of roof terraces and Toby Lane residents would be particularly affected.

On behalf of speakers in support of the application, Mr Charles Moran commented that the provision of student accommodation meant that there would be less pressure on local housing stock. He added that there would be 24 hour site management and no detriment to the local community. Significant local benefits would include the creation of 180 jobs associated with the running of the site as all non-teaching jobs would be recruited locally. The site along Mile End Road would not be suitable for family housing and the proposed scheme would allow the establishment of a firmer line for the site boundary. There had been significant changes in the height of the development, with amendments to its appearance and the removal of roof terraces. Consultation had been undertaken with local residents to ensure the maximum benefit to them and local groups were keen to use the community facility. The scheme was a fully funded and deliverable project.

Mr Imran Khan, a local student, stated that there was currently a lack of space for students and hardly any local community facilities. The scheme would result in employment benefits and allow access to courses that could be used by local people.

Mr Stephen Irvine, Development Control Manager, presented the report and indicated that changes to the design of the application had resulted in a reduction of the gross internal floorspace; a reduction of bedspaces from 631 to 583; reduction in the maximum height from 11 to 9 storeys (mainly 7 storeys) and deletion of the roof terrace. Mr Irvine added that the application was supported by Officers for the reasons detailed in the circulated report.

The Chair then invited questions from Members.

Councillor Marc Francis put questions that were answered by Mr Irvine concerning the agreement to ensure employment of local people and how this might be enforced; the design changes and how these related to the height and scale of proposed structures.

Councillor Stephanie Eaton asked questions, which were answered by Mr Irvine, with regard to student numbers and the affordable housing policy; how to enforce the agreement whereby student accommodation should only be occupied for the predominant part of the year by students attending the educational facility.

The Chair then called for a vote on the application and, on a vote of nil for and six against, it was –

RESOLVED

That the officer recommendation to grant planning permission for the demolition of existing structures at 438-490 Mile End Road, London, E1, 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 be NOT ACCEPTED.

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

- The physical impact of the scheme on the surrounding area in terms of the height, bulk and massing of the proposed building.
- Inadequate affordable housing contribution, which contravenes the Mayor's draft plan policy.
- The requirement for the development to encourage a mixed community.

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.

7.5 Former Goodmans Fields, 74 Alie Street & Land North of Hooper Street and East of 99 Leman Street, Hooper Street, London

Mr Owen Whalley, Head of Planning and Building Control, introduced the application for redevelopment of Former Goodmans Fields, 74 Alie Street (land north of Hooper Street and east of 99 Leman Street), London, to provide four courtyard buildings of 5-10 storeys, six buildings of 19-23 storeys, erection of a 4 storey terrace along Gowers Wharf, change of use to residential and construction of an additional storey to 75 Leman Street, and ancillary developments.

Mr Jerry Bell, Strategic Applications Manager, made a detailed presentation of the application, as contained in the circulated report, together with the reasons why planning permission was recommended for approval.

The Chair then invited questions from Members.

Councillor Stephanie Eaton raised a query, which was answered by Mr Bell, regarding the need for a condition to ensure the replacement of mature street trees.

Councillor Marc Francis put forward questions, which were answered by Mr Bell, concerning the impact of the proposed development on the surrounding historic streets; why the proposed level of density in development was considered appropriate; mitigating factors regarding the impact on historic buildings; possible additional S106 funding contributions to healthcare and the continuation of a health facility; justification for proposed student accommodation; potential overdevelopment of the site and the impact of its height, bulk and mass on surrounding properties.

Councillor Shahed Ali asked questions, which were answered by Mr Bell, relating to potential problems arising from proposed additional student accommodation in the Whitechapel area; the need for additional housing for sale; possible reductions in the height of the development.

The Chair then called for a vote on the application and, on a vote of two for and four against, it was –

RESOLVED

That the Officer recommendation to grant planning permission for redevelopment of Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 Lemman Street, Hooper Street), London, to provide four courtyard 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 comprising 772 residential units (Class 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 be NOT ACCEPTED.

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

- The overdevelopment of the site as manifested particularly in the number of towers and the height of the proposed buildings.
- Excessive massing of the perimeter buildings and their impact on surrounding properties.

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.

The meeting ended at 10.00 p.m.

Chair, Councillor Shafiqul Haque
Strategic Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

Public speaking procedure adopted by this Committee:

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

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Agenda Item 6

Committee: Strategic Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
15 th December 2009	PA/09/01916	Site at 438 – 490 Mile End Road, London, E1 4PE	Demolition of existing structures at 438-490 Mile End Road, London, E1, 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	The Committee indicated that they were minded to refuse the planning application because of serious concerns over: The physical impact of the scheme on the surrounding area in terms of the height, bulk and massing of the proposed building. Inadequate affordable housing contribution, which contravenes the Mayor's draft plan policy. The requirement for the development to encourage a mixed community.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred application is for consideration by the Committee. The original report along with any update reports are attached.

6.1 PA/09/01916: Site at 438 – 490 Mile End Road, London, E1 4PE

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

✓

Eileen McGrath (020) 7364 5321

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Committee: Strategic Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/09/1916	
		Ward: 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 in height 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
Transport Assessment
Townscape Assessment
Air Quality Assessment

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

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. RECOMMENDATION

2.1. Subject to any direction by the Mayor of London, the Committee resolves to **GRANT** planning permission subject to execution of a section 106 agreement with the Council under the following heads, together with the conditions set out at paragraph 3.4 of Appendix 1 (the report considered by the Strategic Development Committee on 15th December 2009).

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. Prior to commencement of development 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. Prior to commencement of development a £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. Prior to commencement of development a contribution of £100,000 towards local community education initiatives and cultural facilities.
6. Prior to commencement of development a contribution of £20,000 towards local employment and training initiatives (Fastlane).
7. Prior to first occupation of the development a contribution of £1,490,000 towards the provision of new youth facilities.
8. 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.
9. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate studying at QMUL (£3,000 per student / £30,000 per annum up to a total of £150,000).
10. 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.
11. 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.
12. To participate in the Council’s Access to Employment and / or Skillsmatch programmes.
13. To participate in the Considerate Contractor Protocol.

3. BACKGROUND

- 3.1. On 15th December 2009, the Strategic Development Committee considered a report and an update report on an application for planning permission for the redevelopment of 438-490 Mile End Road itemised above. The Report and Update Report are attached at Appendix 1 and Appendix 2 to this item.
- 3.2. After consideration of the Report and the Update Report, the Committee resolved that it was minded not to support the recommendation and to REFUSE planning permission on the following grounds:
 1. The physical impact of the scheme on the surrounding area in terms of the height, bulk and massing of the proposed building.
 2. Inadequate affordable housing contribution which contravenes the Mayors draft plan policy.
 3. The requirement for the development to encourage a mixed community.
- 3.3. In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was DEFERRED to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.

4. REASONS FOR REFUSAL

Resolution 1 - Height, bulk and massing

- 4.1. The developer has sought to respond to the Committee's the decision of 23rd September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal (PA/09/601) involving a 3, 5, 7 and 11 storey building (Paragraphs 4.25 to 4.32 of Appendix 1). The Committee's concerns were twofold:
1. The development due to its height would amount to overdevelopment.
 2. Inadequate modulation of the facades of the proposed building.
- 4.2. Subsequently, the applicant held discussions with Council and Greater London Authority officers regarding design amendments to address the reasons for refusal. To that end, Scheme 2 has significantly reduced the height of the development, the number of student bed spaces, and enhanced the façade by breaking the building into seven elements.
- 4.3. The Greater London Authority advises that the design of Scheme 2 is in accordance with the design policies of both the statutory London Plan 2008 and the draft replacement London Plan. English Heritage also raises no objection, recommending 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. In that regard, the Council's Development Design and Conservation Team shares the opinion of the Greater London Authority, advising that the proposal complies with national guidance and the policy guidance set out in The London Plan and the Council's Development Plan documents as follows:
- (a) Policies 4B.1 and 4B.10 of The London Plan 2008 that require large-scale buildings to respect their local and wider context in terms of proportion and composition and their relationship to other buildings, streets, public and private open spaces, the waterways and other townscape elements.
 - (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.
 - (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 scale, height mass, bulk and form of development.
 - (d) Paragraph 43 of PPS1 where the Government advises that 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.
- 4.4. For the reasons explained at paragraphs 8.39 to 8.49 of Appendix 1, it is considered that a refusal of planning permission for Scheme 2 on the ground of conflict with such policies could not be sustained on appeal. In particular, it is considered that the reduced height and the modulated façades would sit appropriately within the surrounding context, would not have any negative

impact in long distance views and would achieve a successful transition in scale along the site's exceptionally long frontage to Mile End Road. The surrounding area contains existing medium and large-scale civic buildings forming part of the Queen Mary College campus and the Ocean Estate. 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 QMU campus.

- 4.5. Should the Committee remain minded to refuse planning permission, on grounds of height, bulk and massing, conflict with the policies set out at paragraph 4.3 (a) to (d) above would need to be sustained.

Resolution 2 - Absence of affordable housing

- 4.6. As mentioned at paragraph 6.7 of the report considered by the Committee on 15th December 2009 (Appendix 1), there are no planning policies in The London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the Council's interim planning guidance 2007 to secure affordable housing for students.

- 4.7. The requirement to provide affordable housing applies to private market residential schemes (Planning Policy Statement 3 Annex B, The London Plan policy 3A.10, Tower Hamlets UDP policy HSG3, and the Council's interim planning guidance policy HSG3), not development involving student housing. If a mixed-use development involving both student housing (a sui generis use) and conventional dwellings (Use Class C3) was proposed, there would be a requirement to provide affordable housing within the Class C3 element. The proposed development however does not propose any Class C3 dwellings and consequently there is no requirement in either national policy or the Development Plan for the scheme to provide affordable dwellinghouses.

- 4.8. The Greater London Authority in its Stage 1 report raised the issue of its emerging policies on affordable housing in the draft replacement London Plan and, at the meeting of 15th December 2009, Members asked for clarification of their applicability to the application to redevelop 438-490 Mile End Road.

- 4.9. The relevant policy in the draft replacement London Plan is policy 3.8 "Housing Choice." Sub policy 3.8 (g) requires the London boroughs in preparing their Local Development Frameworks to address strategic and local requirements for student housing that meet an identifiable need "*without comprising capacity for conventional homes.*" The draft Plan adds (paragraph 3.45) that this applies especially to the provision of affordable family homes and says:

"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."

- 4.10. As explained at paragraphs 6.6 and 6.8 of the report considered on 15th December 2009, 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 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 has not been identified on the Proposals Maps of the Tower Hamlets UDP 1998, or the Council's interim planning guidance 2007, as a site for new residential development. It is not considered ideal for permanent conventional housing, particularly affordable and family units, due to its position on Mile End Road. Importantly, it also now lies within the QMUL "Knowledge Hub" shown in the Council's emerging Local Development Framework (approved by Cabinet in September 2009 and submitted to the Secretary of State in December 2009) and the proposal would therefore have no impact upon housing land availability.

- 4.11. With regard to compliance with the emerging London Plan in terms of occupation, the offered legal agreement includes a clause whereby the student residential accommodation would only be occupied for the predominant part of the year by students attending the associated INTO education facility, Queen Mary University of London, or from an approved list of other further educational establishments. Subject to ratification by the Mayor, it is considered that such an arrangement would satisfy the emerging London Plan.
- 4.12. It is noted that the Committee's decision on 23rd September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal to provide a new education facility and student housing (PA/09/601), did not include a reason due to an absence of affordable housing.
- 4.13. In summary, there is no policy support in the current Development Plan, or the Council's interim planning guidance, for requiring the development to include Class C3 dwellings or affordable housing. Subject to the Mayor ratifying a legal agreement regarding the occupation of the student residential accommodation, there would be compliance with emerging policy 3.8 of the draft replacement London Plan.

Resolution 3 - The development would not encourage a mixed community

- 4.14. This resolution is closely linked to Resolution 2, the Committee's concern appearing to be a land use objection due to the proposed concentration of educational uses in the vicinity of Queen Mary University, and absence of conventional dwellings (or other land use) in the proposed educational facility.
- 4.15. The land uses proposed (teaching accommodation and student housing) are supported by policy 3A.5 of The London Plan 2008, which requires London boroughs to identify the full range of housing needs in their area including student housing. Paragraph 3.39 of The London Plan 2008 goes on to acknowledge 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 then requires the borough's policies to provide for special needs housing, including student housing.
- 4.16. The site has not been identified as a site for new housing development by the Proposals Map of the Tower Hamlet's Unitary Development Plan 1998 and UDP policy HSG14 encourages development which meets the needs of residents with special needs, including students. The UDP says (paragraph 5.29) that student

housing will be considered in a variety of locations, providing there is no loss of permanent housing (which is the case here) and again notes that additional student housing could release Class C3 dwellings elsewhere in the borough. There is no requirement in the Plan for developments involving student housing to include other land uses including Class C3 dwellings.

- 4.17. The Council's interim planning guidance 2007 is more site specific with Core Policy CP24 stating that the Council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus. Although the application site is not within the existing QMU campus, the Mile End Vision Key Diagram of the Local Development Framework shows the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing the current application site. The development would accord with that allocation, which does not propose that development consisting of educational facilities should also provide Class C3 dwellinghouses or other land uses.
- 4.18. It is again noted that the Committee's decision on 23rd September 2009, to refuse planning permission for redevelopment (PA/09/601), did not allege that the proposal would not encourage a mixed community, or lead to an over concentration of education uses in the vicinity of Queen Mary University.
- 4.19. In summary, there is policy support, in both the current and emerging Development Plan, for the redevelopment of 438-490 Mile End Road for the education facility. It is not considered that there is any policy support in the Development Plan documents for requiring such development to include alternative land uses.

Revised planning obligation under section 106 of the Planning Act 1990

- 4.20. Following the Committee's decision of 15th December 2009, the developer has set out a proposed new approach to the offer of section 106 obligations to better mitigate the impact of the development. The initial contribution was at the level of £760,000. It is now proposed that there should be an overall section 106 payment of £2,250,000 with £760,000 to be paid upon start of construction in the summer of 2010 and the balance upon beneficial occupation of the building.
- 4.21. The balance of £1,490,000 would be ring fenced to fund new youth facilities to service the local community. The developer seeks to work with the Council to select the entity or delivery partner that would delivery the facilities.
- 4.22. In addition, a revised initiative to support the educational and career development of local youth has also been made comprising ten Queen Mary University bursary places at £3,000 per student for 5 years granted to students from the Ocean Estate. It is proposed that a trust or other partnership arrangement be agreed between the developer and the Council which would receive the payment of £30,000 pa and make disbursements to local aspiring students.
- 4.23. The revised offer is made subject to the timetable the developer says they must follow to be able to deliver the scheme for meeting the academic year, and to

enable practical completion ahead of the run up to the 2012 Games.

Implications of the decision

4.24. If the above recommendation is adopted, in accordance with Article 7 of the Mayor of London Order 2008, the application must be referred to the Greater London Authority for the Mayor to decide whether he wishes to give a direction under section 2A of the 1990 Act that the Mayor is to act as the local planning authority for determining the application. If the Mayor decides not to take over the application, it may be determined the Council. Should the Committee still decide that the development should be refused, the application may still be taken over by the Mayor. In the absence of “take over” by the Mayor, the options available to the applicant against a refusal of planning permission by the Council include:

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

4.25. Members are advised that an appeal against the Council’s decision on 23rd September 2009 (application PA/09/601) to refuse planning permission for redevelopment by a building up to 11 storeys was lodged with the Planning Inspectorate on 7th January 2010. If this appeal progresses, it will be decided following a public inquiry. Should the Council refuse permission for Scheme 2 (PA/09/1916), it appears likely that there will be a further appeal against the Committee’s decision which will be joined with appeal PA/09/601.

Financial implications

4.26. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour.” Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State’s Circular 05/2005 (paragraph 8.94 of Appendix 1 below) and are necessary to enable the development to proceed.

5. CONCLUSION

5.1. All relevant policies and considerations have been taken into account. Planning permission should be granted subject to the revised offer of planning obligations set out in the RECOMMENDATION at the beginning of this report and the conditions set out at paragraph 3.4 of Appendix 1.

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**ORIGINAL REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT
COMMITTEE ON 15th DECEMBER 2009**

Committee: Strategic Development	Date: 15 th December 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/09/01916	
		Ward: 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.

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

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

Planning Statement
Design and Access Statement
PPG24 Noise Assessment
Transportation Assessment
Townscape Assessment
Air Quality Assessment
Sustainability & Energy Statement

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 23rd 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 23rd 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 23rd 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 4th 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 1st 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 4th 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 23rd 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:

2. 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.

3. 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 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 4th 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:

No of individual responses:	Objecting:	Supporting:
24	1	23

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 2nd 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 resident's access to jobs and their benefit to the rapid regeneration taking place in the borough.
- 8.17. In terms of designating employment land, the 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.

Local Development Framework Core Strategy 2025. Proposed Submission
Version September 2009

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 23rd 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 17th century, becoming built up from the late 18th 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 19th and early 20th 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 18th 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 8th 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 1st 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 1st and 2nd 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 4th floor of the northern wing has been deleted from the current proposal. The sole roof terrace now proposed would be on the 4th 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 3rd, 5th and 7th 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 4th 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.

14. 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.

15. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.

16. 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

17. A £20,000 contribution to Transport for London to enhance the

- pedestrian crossing on Mile End Road.
18. A contribution of £100,000 towards local community education initiatives and cultural facilities.
 19. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
 20. 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.
 21. 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.
 22. 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.
 23. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
 24. To participate in the Considerate Contractor Protocol.

8.97. The applicant has explained:

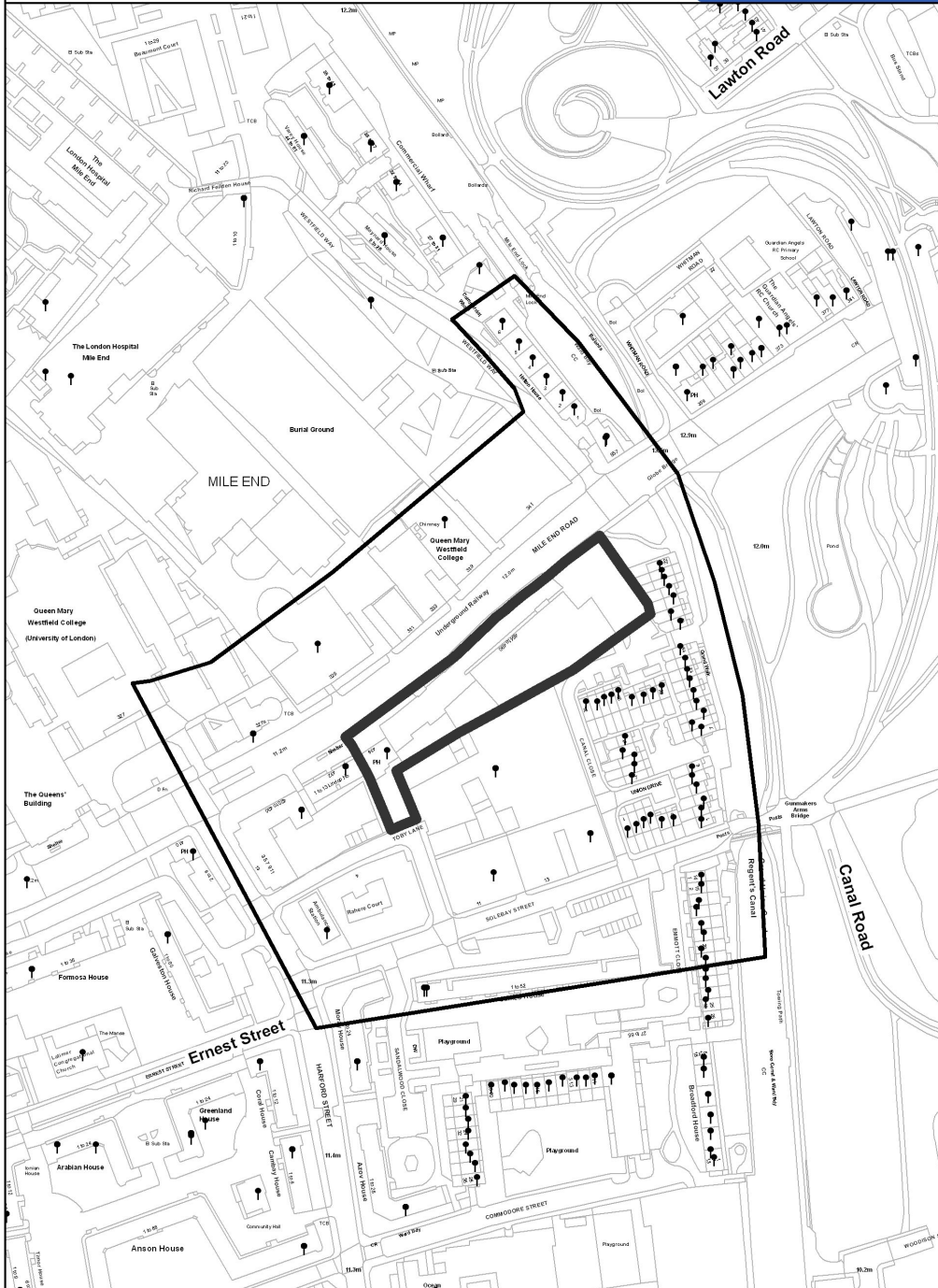
- The £100,000 contribution towards local community education initiatives and cultural facilities' (Head 5) has arisen out of discussions with the local community and a desire to see the proposal support local community initiatives. The intention is for this money to be paid to the 'Stepney Shahjalal 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 23rd 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
-  Land Parcel Address
-  Consultation Area

0 30 m
1:2,500

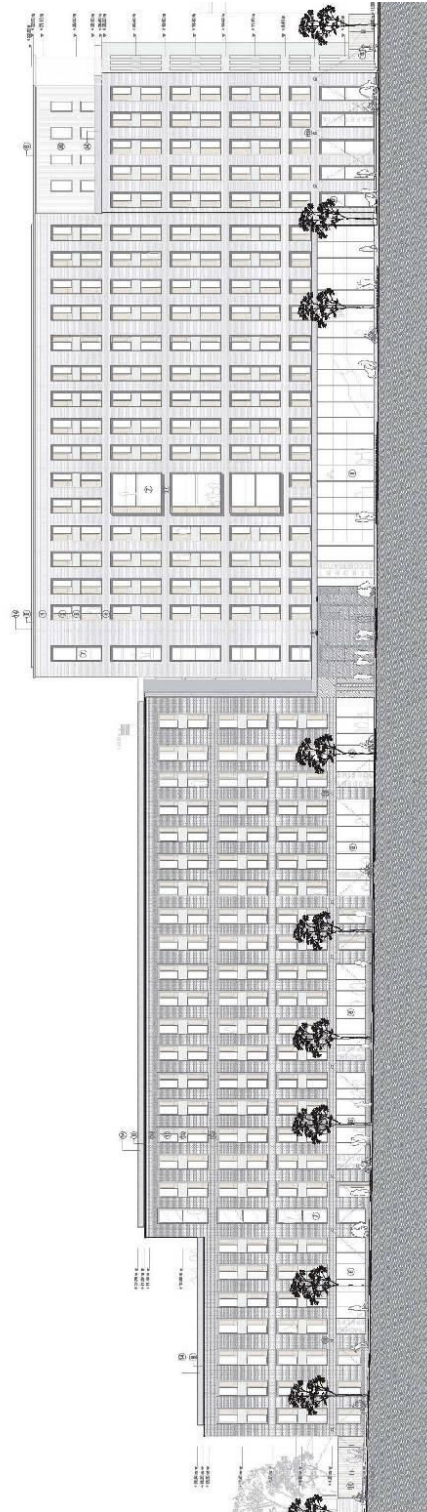


This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

Appendix 1

438-490 Mile End Road

Current (top) and refused (bottom) elevations to Mile End Road



**UPDATE REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT
COMMITTEE ON 15 DECEMBER 2009**

Agenda Item number:	7.4
Reference number:	PA/09/1916
Location:	438-490 Mile End Road, E1
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.

1. CORRECTION – LOCAL REPRESENTATION

- 1.1 The total number of letters received in support of the proposal (paragraph 7.1 page 156) is 23 not 25.

2. Recommended section 106 agreement

- 2.1. With regard to the Heads of Terms of the recommended legal agreement, set out at paragraph 3.1 B (page 138) of the Committee Report; following further consultation with the local community, the applicant has proposed the following alterations and additions to the proposed obligations.
- 2.2. In respect of Head 5 - Contribution towards local community education initiatives and cultural facilities, the applicant has offered to increase the contribution from £100,000 to £140,000 and has indicated that they wish to support a range of local groups. Officers are content that the contribution to local community and education facilities could be increased but consider it inappropriate for the council to commit to allocating money to specific groups at this stage.
- 2.3. A letter has been received from the Stepney Shahjalal Mosque and Cultural Centre advising that there has been no consultation or agreement between the Mosque and the applicant in regard to section 106 funding, and requesting that, should planning permission be granted, the Committee is requested to ensure that the Mosque receives a contribution.
- 2.4. Officers are content that the contribution to local community and education facilities could be increased but consider it inappropriate for the council to commit to allocating money to specific groups at this stage. The applicant has also confirmed that they have made no commitments to the allocation of money to specific groups and consider that this matter should be left to the council.
- 2.5. In respect of Head 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; the applicant has confirmed that they have been in discussion with local community groups regarding use of the teaching space, and now offered to make available the use of a teaching room within the facility for 25 hours per week (i.e. increased from the previously proposed 20

hours per month). Officers are content with this clarification and the suggested increased availability of space for the local community.

- 2.6. The applicant has also proposed an additional Head requiring the developer to use reasonable endeavors to recruit all non-teaching staff from within the local community. Officers are content that this obligation would help mitigate the impact of the development within the local community.

3. RECOMMENDATION

- 3.1. It is recommended that the Committee resolves to GRANT planning permission subject to inter alia the prior completion of a legal agreement under section 106 of the Act, to the satisfaction of the Chief Legal Officer, to secure the following obligations:

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 £140,000 towards local community education initiatives and cultural facilities.
6. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
7. A teaching room within the education facility to be made accessible to the local community for 25 hours per week.
8. The developer to use reasonable endeavors to recruit all non-teaching staff from within the local community.
9. 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.
10. 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.
11. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
12. To participate in the Considerate Contractor Protocol.

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Agenda Item 7

Committee: Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2008 (Consolidated with alterations since 2004)
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes) Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

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

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 7.1

Committee: Strategic Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/09/00676	
		Ward(s): St Dunstan's and Stepney	

1. APPLICATION DETAILS

Location:	81 & 83 Duckett Street, London E1 4TD
Existing Use:	Temporary mosque, parkland
Proposal:	Erection of a two-storey mosque and cultural centre (Use Class D1) and the siting of a temporary portacabin onto adjoining parkland for prayers and community use for the duration of construction
Drawing Nos:	<ul style="list-style-type: none"> • Drawing nos. AIB/SJM/01 (amended on 29/07/09), AIB/SJM/02, AIB/SJM/03 rev B (entitled 'ground floor'), AIB/SJM/03 rev B (entitled 'ground floor layout and location of temporary mosque'), AIB/SJM/04, AIB/SJM/05 (amended on 29/07/09), AIB/SJM/06 rev A, AIB/SJM/07 rev A, AIB/SJM/09, AIB/SJM/11, AIB/SJM/13, AIB/SJM/14 and A4-sized sheet of panoramic photos • Design & Access Statement (amended 17th June 2009) • Energy Statement submitted on 29th July 2009 • Arboricultural Survey dated 22nd July 2009 • Supplementary Sun Study dated 14th August 2009 • Travel Plan dated 19th May 2009 • Draft Worshipers Travel Survey Report dated 18th December 2009 • Document entitled "Background to the Current Planning Application for Stepney Shah Jalal Mosque and Cultural Centre" • One-page statement entitled "Note for planning officer concerning pre-submission consultations with members and neighbours and the attached" • 5no. spiral bound documents containing questionnaire results in support of the proposal
Applicant:	Stepney Shah Jalal Mosque & Cultural Centre
Owner:	Stepney Shah Jalal Mosque & Cultural Centre and LBTH Parks Department
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- The proposed Mosque and Cultural Centre will provide a valued facility for local residents which will provide numerous benefits in terms of education, social and community facilities, whilst respecting the existing residential activity adjoining the site. It is therefore considered to be in accordance with saved policy SCF11 of the Unitary Development Plan 1998, policies CP27 and SCF1 of the Interim Planning Guidance October 2007 and policies SP03 and SP07 of the Core Strategy Development Plan

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, supporting technical reports, adopted UDP, IPG, Core Strategy DPD, London Plan and PPGs		Development Control 020 7364 5009

Document 2009 which seek to support such community services and facilities where they do not affect or detract from the amenity of adjoining residential occupiers.

- Subject to conditions requiring the submission of details and samples of finishing materials and landscaping, it is considered that the building height, scale, bulk and design is acceptable and 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, policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document 2009 which seek to ensure buildings and places are of a high quality of design and suitably located.
- The loss of trees as a result of the development is mitigated by tree replacement works secured within the as106 agreement. As such, the proposal is considered to comply with saved policy DEV15 of the Unitary Development Plan (1998) and policy DEV13 of the Interim Planning Guidance (2007) which seek the replacement of mature trees which are considered by the Council to be of townscape or environmental value.
- The temporary loss of parkland during construction will be mitigated by conditions which require the reinstatement of the parkland, paths and Duckett Street entrance upon completion of development. As such, it is considered that the proposal is in accordance with policies 4B.1 and 4B.3 of the London Plan, policy CP30 of the Interim Planning Guidance (2007) and policies SP04 and SP09 of the Core Strategy Development Plan Document 2009 which seek to improve the quality, quantity and accessibility of the public realm and open spaces in the Borough.
- The amenity of adjoining residents will be maintained subject to conditions controlling the opening hours being implemented, including a prohibition on amplified noise. As such the proposal accords saved policies DEV2, DEV50 and HSG15 of the Unitary Development Plan 1998, policy DEV1 of the Interim Planning Guidance October 2007 and policy SP03 of the Core Strategy Development Plan Document 2009 which seek to safeguard the amenity of residential occupiers of the Borough and to minimise noise disturbance.
- Given the accessibility of the site by public transport and that the centre is aimed at local residents, it is not considered that the activity would adversely impact the adjoining local road network. Therefore, the proposal accords with saved policy T16 of the Unitary Development Plan 1998, policies CP41 and DEV17 of the Interim Planning Guidance October 2007 and policies SP08 and SP09 of the Core Strategy Development Plan Document 2009 which seek to ensure development reduces the need to travel and encourages alternative sustainable means of transport to ensure no adverse impacts on the safety or capacity of the transport network.
- 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, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007) and policies SP04, SP05 and SP11 of the Core Strategy Development Plan Document 2009, which seek to promote sustainable development practices.

3. RECOMMENDATION

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

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

Financial Contributions

A financial contribution of **£50,000** towards the following:

- a) Replacement tree planting
- b) Landscaping works in the park in line with detailed landscaping reports to be submitted and agreed
- c) Reinstatement of park entrance to Duckett Street and paths through Shandy Park
- d) Highway works

Non-financial Contributions

- e) Removal of temporary mosque
- f) Local labour in construction
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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:
 - a. Façade design and detailing;
 - b. facing materials, glazing, minaret and dome;
 - c. landscaping (hard and soft);
 - d. details of boundary treatment (fences, walls, gates); and
 - e. external lighting
- 5) Contaminated land: desk study, site investigation, risk assessment and mitigation
- 6) Programme of archaeological work
- 7) No works to take place, including felling of trees or installation of temporary building, until a programme of works has been agreed in writing with the LPA
- 8) Temporary building to be removed on or before the expiration of 5 years from date of planning permission
- 9) Trees not to be removed or fell until commencement of development
- 10) Recycling of building materials
- 11) Submission of further details of any plant, machinery and ventilation
- 12) Submission of full details of site level changes and fire escape routes
- 13) Submission of Travel Plan
- 14) Submission of full energy assessment and strategy
- 15) Installation of sliding door to main entrance
- 16) Hours of opening – 06.00 – 22.30 hours Monday to Friday and 09.00 – 21.00 hours on Saturdays and Sundays
- 17) No amplified call to prayer
- 18) Submission of Service Management Plan
- 19) Submission of details of cycle parking
- 20) Scheme of highway works (s278 agreement)
- 21) Submission of Construction Logistics Plan
- 22) Submission of site drainage details
- 23) No doors to open outwards onto the highway
- 24) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Section 106 agreement required

- 2) Section 278, 177, 178 & 72 Highways agreements required
- 3) Contact LBTH Highways Department regarding
- 4) 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 removal of the existing temporary mosque and community buildings and the erection of a two-storey building containing a mosque and cultural centre. The proposed building also features a dome and minaret at roof level. The proposed building has a total floor area of 2,570 sq.m and measures 47m in width, 28m in depth and 12.4m in height to the parapet, with a final height of 31.4m to the tip of the Minaret. The dome has a total diameter of 10m. A small hardstanding/lay-by is proposed on the Duckett Street frontage for servicing and disabled parking purposes.
- 4.2 The proposed building comprises a prayer hall together with office, conference, kitchen, classroom, meeting and ablution facilities. The applicant details that the proposed building would be able to hold 2,000 people and would employ a total of 17 people on a part-time basis.
- 4.3 The application also proposes the siting of a single-storey temporary portacabin measuring approximately 508sq.m immediately to the north of the application site, on an area within Shandy Park. The temporary portacabin would be used for prayers during the construction period.

Site and Surroundings

- 4.4 The application site measures 51m x 31m and occupies the south-west corner of Shandy Park. The site currently contains the existing single storey temporary mosque buildings which have an existing floorspace of 505sq.m. The Duckett Street entrance to Shandy Park runs through the centre of the site, whilst open space and numerous trees surround the temporary buildings to the south and east.
- 4.5 The site for the proposed temporary portacabin is immediately to the north of the application site upon parkland.
- 4.6 Shandy Park is bounded by Duckett Street, Shandy Street, Bale Road and Harford Street and lies at the centre of the Ocean Estate. The surrounding area is characterised by low to mid-rise housing, with the application site being located opposite modern three-storey terraces to the south in Bale Road. On the opposite side of Duckett Street lies the eight-storey Bengal House, a large block of flats which is earmarked for redevelopment as part of the Ocean Estate scheme.
- 4.7 Shandy Park itself is largely a grassed area with some planting, numerous trees, play facilities and a small ball games area. Formerly called East London Cemetery, the site was part of the early 19th century village of North Stepney. St Paul's House, a club house and associated play area are also contained within the north west corner of Shandy Park.

Relevant Planning History

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

- PA/00/00272 Planning permission was granted on 18th September 2000 for the 'Erection of a new mosque at south west corner of park, replacing existing temporary mosque'. As part of this proposal, a land transfer agreement was made between the applicants and the Council, which provided public open space elsewhere in the Borough to off-set the loss of open space in the park. The planning permission was not implemented and has since expired.
- PA/04/01173 An application was received on 9th August 2004 for 'Construction of a new mosque and multi-cultural community centre and relocation of existing temporary mosque onto adjoining public open space for a temporary period during construction works'. Members recommended the application for approval at the Development Committee meeting of 23rd March 2005 subject to, inter alia, the satisfactory completion of a Section 106 legal agreement. However, the legal agreement was never signed and the application was disposed of on 17th April 2007.
- PA/08/00385 An application was received on 4th March 2008, which proposed 'Construction of a two-storey mosque and community centre and the siting of a temporary portacabin (365 sq.m.) for prayers for the duration of construction'. The application was withdrawn by the applicant on 8th July 2008.

5. POLICY FRAMEWORK

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

Spatial Development Strategy for Greater London (London Plan)

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

Unitary Development Plan 1998 (as saved September 2007)

Policies:	ST45	Education and training
	ST46	Encourage education and training provision at accessible locations
	DEV1	Design requirements
	DEV2	Environmental requirements
	DEV15	Retention/replacement of mature trees
	DEV50	Noise
	DEV51	Contaminated land
	SCF11	Meeting Places
	EMP6	Employing local people

Interim Planning Guidance (2007)

Policies:	CP4	Good design
	CP27	High quality social and community facilities to support growth
	CP29	Improving education and skills
	CP30	Improving the quality and quantity of open spaces
	CP38	Energy efficiency and production of renewable energy
	CP39	Sustainable waste management
	DEV1	Amenity
	DEV2	Character and design
	DEV3	Accessibility and inclusive design

DEV4	Safety and security
DEV5	Sustainable design
DEV6	Energy efficiency and renewable energy
DEV12	Management of demolition and construction
DEV13	Landscaping and tree preservation
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV19	Parking for motor vehicles
DEV22	Contaminated Land
OSN2	Open space
SCF1	Social and community facilities

Core Strategy Development Plan Document (Submission Version December 2009)

Policies:	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP07	Improving education and skills
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Vision, priorities and principles for Stepney

Supplementary Planning Guidance/Documents

Planning for Equality and Diversity in London (London Plan)

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 Biodiversity

6.2 No comments.

LBTH Education

6.3 No comments.

LBTH Energy Efficiency

6.4 No objections, subject to a condition being attached which requires the submission of a full assessment of the energy demand and carbon emissions of the proposed development, together with a scheme of energy efficiency and renewable energy measures. (OFFICER COMMENT: A condition has been attached to this effect)

LBTH Environmental Health

6.5 Daylight & Sunlight

No objections in terms of the proposal's impact upon residential properties.

Contaminated Land

- 6.6 No objection subject to the attachment of appropriate conditions.

Health & Safety

- 6.7 No objection subject to the attachment of informatives advising the applicant to contact the Health & Safety executive prior to construction.

Noise & Vibration

- 6.8 No objections.

LBTH Highways

- 6.9 Highways Officers have raised the following concerns:
- The quality of the submitted Travel Survey and Travel Plan is insufficient. As such, a full Travel Plan should be secured by condition;
 - The full details of the proposed cycle parking should be secured by condition;
 - The main entrance doors should be sliding to ease pedestrian congestion on the Duckett Street footway;
 - A Service Management Plan should be secured by condition;
 - All external doors at ground floor should open inwards;
 - The applicant will be required to enter into a s278 Highways Agreement to remediate the impacts of construction, i.e. the reinstatement of the of surrounding footways;
 - S177 and 178 Highways Agreements will be required should any part of the building project over the public highway

(OFFICER COMMENT: The above issues have been secured by attachment of conditions or informatives, as detailed in section 3 of this report)

LBTH Parks & Open Spaces (Arboriculturalist)

- 6.10 The Council's Arboriculturalist has acknowledged that 5 high quality, mature 'Grade-A' London Planes will be lost as a result of the proposal, together with 7 smaller specimens in and around the application site. As their retention could not be sought, the cost of replacement trees should be secured through the s106. The Corporate Director of Communities, Localities and Culture has requested a s106 contribution of £50,000 towards the replacement of trees, together with the necessary highway works required for the proposed vehicular crossovers, the reinstatement of the Duckett Street Park entrance and the associated linking paths within Shandy Park.

(OFFICER COMMENT: The suggested s106 sum has been incorporated into the proposed s106, as detailed within section 3 of this report).

English Heritage - Archaeology & Built Heritage (statutory consultee)

- 6.11 The application site lies partly over the disused East London Cemetery (1837 – 1852). It is presumed that the cemetery was intensively occupied and that human burials might be encountered during excavations within the former cemetery boundaries. Following an archaeological evaluation of the site in 2004, it is likely that archaeological remains will be affected by this development. It is therefore recommended that a condition is attached to ensure archaeological investigations are undertaken in advance of development works.

Greater London Authority (GLA – statutory consultee)

- 6.12 The Mayor considers that the application generally complies with the London Plan. In particular, the Stage I report states that there are no major strategic concerns with regard to urban design, access, sustainable development and social infrastructure, community

facilities, culture and regeneration. However, the Mayor specifically mentioned that the design and use of materials needs to be of the highest standard. With regard to transport, the report states that there are no major strategic concerns, but a travel plan and service & delivery plan should be secured by planning conditions. Pursuant to Article 5(2) of the Town & Country Planning (Mayor of London) Order 2008, the Mayor does not need to be consulted again. LBTH can therefore determine the application without future reference to the GLA.

7. LOCAL REPRESENTATION

7.1 A total of 354 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:	36	Objecting:	29	Supporting:	4
No of petitions received:	0				

7.2 A total of 36 individual responses were received. The 4 letters of support do not contain any reasons or grounds of representation; rather they seek to withdraw a previously submitted letter of objection, which is claimed to have been fraudulently submitted.

7.3 Three further letters have been anonymously received from local residents, each of whom states that they previously submitted a letter of objection. The letters go on to state that after they submitted their initial letter of objection to the local planning authority, they received a visit to their homes and businesses from management and/or unelected members of the management committee of Shahjalal Mosque, who threatened the individuals and their families and told them to withdraw their objections. The letters detail that the issue has been referred to the Police.

7.4 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 mosque is not appropriately designed to meet the needs of the local community
- The proposed mosque does not have adequate capacity, especially during Friday prayers and during Eid, which already attracts over 1,500 people, when attendees spill into the street and Shandy Park
- The proposal should be modern and in keeping with the new Ocean Estate regeneration
- The loss of trees
- Detriment to the quality of Shandy Park
- Increased traffic congestion in the area
- Lack of sustainable design measures
- The proposed community facilities do not cater for all sectors of the community

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

- The current management committee of the mosque have failed to demonstrate how they will fund the new mosque
- The design of the mosque is incorrect as it is not facing the direction of Qibla (Mecca)
- Publicly donated money is being spent without prior community consultation
- Funding has been lost following the mosque's exclusion from a fundraising event on Bangladeshi television channel this year
- The committee have misled the public by claiming the proposal is larger in size than has been applied for

(OFFICER COMMENT: The above issues are not material planning considerations and are

private issues for the applicant to consider)

7.6 The following procedural issues were raised regarding the application:

- No public consultation regarding the application took place (OFFICER COMMENT: The proposal was not discussed with the planning department through the formal pre-application process prior to submission. Within this process, the applicant would be advised to undertake community consultation and a joint community forum event would also be held. As detailed within paragraph 7.1 above, the Council undertook its statutory consultation upon receipt of the application).

7.7 Members should also note that the applicant has submitted 5 bound documents containing 613 questionnaire results from supporters of the proposal. Of the 613 respondents, 535 use the mosque and/or cultural centre and 78 detailed that they do not use either. The applicant advises within the submitted 'Note for Planning Officer' document that the questionnaires are intended to demonstrate the local support for the proposal, as the previous application (ref. PA/08/00385) drew objections from Borough residents outside of the Ocean Estate.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design
3. Trees & Open Space
4. Amenity
5. Highways
6. Other Issues

Land Use

8.2 Within the submitted 'Background to the Current Planning Application' document, the applicant details that the Stepney Shahjalal Mosque & Cultural Centre provides a number of community development and support activities (including health and social care) through its integral facilities. The document states: *"In broad terms, Stepney Shahjalal Mosque & Cultural Centre serves religious and related cultural needs and promotes good social, moral and educational practice and teaching, encouraging positive inter-social development across the wider community. To this extent it serves the whole community and provides services and facilities for those of all ages and abilities."*

8.3 The document goes on to state: *"The new building will become one of the relatively few mosques to provide prayer facilities for women, as well as offering other cultural and educational opportunities to families. Furthermore, in keeping with the spirit and philosophy of the Faith, the mosque will be open to all, not just worshipers, who wish to visit with due respect for the sanctity of its environment... It [Stepney Shahjalal Mosque & Cultural Centre] has wider links to other relatively local social and community projects and services (such as Saint Clements in addition to that it offers itself. Services provided continue to expand in scope and the complex is now available to the community as a whole. Current examples: basic literacy support and teaching (ESOL), health and social care facilities, advice and guidance, luncheon groups for older people, food co-op, healthy living projects, social events and also as a venue providing facilities and support for meetings and events of interest and concern to the local and wider community, such as LBTH contact groups, Primary Care Trust, Registered Social Landlords and councillors' surgeries amongst others. An emphasis on inter-generational and inter-faith activities and engagement is actively encouraged to develop community cohesion"*.

8.4 Policy 3A.18 of the London Plan expects adequate provision of social infrastructure and

community facilities to be provided, including places of worship. This is particularly important in major areas of new development and regeneration. East London is the Mayor's priority area for development, regeneration and infrastructure and this site falls within an Area of Regeneration as identified in the London Plan. The Ocean Estate is a New Deal for Communities (NDC) area and the locality has become the beneficiary of a significant regeneration scheme under this programme.

- 8.5 Policy 3A.17 of the London Plan seeks to ensure that the needs of diverse groups are identified. The policy states that the spatial needs of these groups are met wherever possible, both through general policies for development and specific policies relating to the provision of social infrastructure including healthcare and social care, safety and security, policing facilities, the public realm, playspace and open space, inclusive design and local distinctiveness, community engagement, access to employment/skills development opportunities, and the provision of suitable space for Small and Medium-sized Enterprises. Existing facilities that meet the needs of particular groups should be protected, and where shortfalls have been identified, policies should seek measures to address them proactively. This policy should have particular relevance to the additional guidance set out in the 'Planning for equality and diversity in London' SPG which accompanies the London Plan. This guidance has particular reference to the existing disparities experienced by London's older people, children, women and black, Asian and minority ethnic groups. The document aims to ensure an inclusive London that builds upon its diversity. In the case of this application, it is considered that this policy is relevant in the case of the Stepney Shajalal Mosque and Cultural Centre.
- 8.6 Policy CP27 of the Interim Planning Guidance (2007) and policy SP03 of the Core Strategy SPD (2009) build upon policy 3A.17 of the London Plan, and supports the provision of high quality social and community facilities. The policies specifically support the multiple use of social and community facilities, for a mix of sporting, social, cultural and recreation uses, provided there are no adverse impacts on the amenity of residents and the facility is accessible. Again, the proposal is supported by these policies.
- 8.7 Saved policy ST45 of the UDP (1998) seeks to ensure that sufficient buildings are available to meet all existing and future educational needs arising in the Borough. Saved policy ST46 of the UDP encourages educational and training provision at locations which are accessible to the Borough's residents. Policy CP29 of the Interim Planning Guidance (2007) seeks to improve education and skills within the Borough through educational and training initiatives and adequate education facilities. These policies are, in turn, are supported by policy SP07 of the Core Strategy DPD which seeks to improve education and skills by supporting developments which encourage local enterprise.
- 8.8 The proposal conforms with policy SCF1 of the Interim Planning Guidance (2007) and policy SP03 of the Core Strategy SPD (2009), as it is considered that the proposal continues to ensure that community facilities have a high level of accessibility.
- 8.9 The temporary use of parkland to the north of the site for the siting of a portacabin during construction is considered to be acceptable in principle. Paths within the park would need to be re-routed to secure adequate access through the park. The period of time would need to be strictly controlled and limited by way of legal agreement and the cost of the re-routing of the paths and landscaping works upon removal of the temporary building would be carried out by the applicant (also secured through legal agreement).
- 8.10 In light of the above, it is considered that the proposal is supported by the aforementioned policies within the London Plan, Interim Planning Guidance and saved Unitary Development Plan and is therefore acceptable in principle.

Design

- 8.11 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at 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 and policies SP10 and SP12 of the Core Strategy DPD (2009).
- 8.12 Policies DEV1 and DEV2 of the UDP, policy CP4 of the IPG October 2007 and policy SP10 of the Core Strategy DPD (2009) state that the Council will ensure developments create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.13 As detailed above, the proposed building will be mostly 12.4m high, with a minaret height of a further 19.0m and a dome diameter of 10m. The mosque is proposed to be steel framed with arched aluminium external windows and doors. Parts of the octagonal minaret will be buff coloured brickwork with architectural stone termination at eaves. The proposed building is set back from the site boundaries by between 1.2m to 2.8m, with the intervening space treated with grey concrete and planting. The landscaping to the Duckett Street frontage is proposed to be treated with red brick paving. A retaining wall is proposed to the eastern boundary of the site to mitigate the level changes across the site.
- 8.14 The Council's Principal Urban Designer has reviewed the proposal and has raised no concerns regarding the bulk, height and mass of the building. Further details are required on the proposed soft and hard landscaping in order to ensure that the centre defines a clear boundary between semi-public use, edge treatment and the park in order to prevent negative space of little amenity value. Details and samples should also be provided for materials and all features of architectural interest, such as the dome, minaret, window frames and entrance signs. Conditions have been added to secure the submission and approval of these details prior to the commencement of development.
- 8.15 In light of the above, the proposed design is considered to reflect the contemporary local built environment, as well as preserving the intended cultural heritage. Subject to conditions requiring the submission of details and samples of finishing materials, landscaping and scale detailed drawings of features of architectural interest such as the dome and minaret, it is considered that the scale, massing, height and design of the proposed building is acceptable and the proposal accords with the abovementioned policies.

Trees and Open Space

- 8.16 As detailed above, the application site measures 51m x 31m and occupies the south-west corner of Shandy Park. The site currently contains the existing single storey temporary mosque buildings and the Duckett Street entrance to Shandy Park runs through the centre of the site, whilst open space and numerous trees surround the temporary buildings to the south and east.
- 8.17 Shandy Park envelops the application site to the north and east and is designated Open Space within the saved Unitary Development Plan (1998) and Interim Planning Guidance (2007).
- 8.18 London Plan policies 4B.1 and 4B.3 contain design principles for a compact city and seeks to ensure, amongst other things, that developments create or enhance the public realm, respect local context, history and character and also respect the natural environment. Policy 3A.18 seeks to protect and enhance social infrastructure and community facilities and, in particular, refers to open space and children's play and recreation facilities.
- 8.19 Saved policy DEV15 of the Unitary Development Plan (1998) states that the retention or replacement of mature trees will normally be sought in development proposals, where the trees are considered by the Council to be of townscape or environmental value.

- 8.20 Policy DEV13 of the Interim Planning Guidance (2007) refers to landscaping and tree preservation. Criterion 2 of the policy states that *“where existing trees are healthy the Council will require them to be retained and incorporated into the design of development proposals wherever possible”*. The text accompanying IPG policy DEV13 highlights that trees play a crucial role in the landscaping of a site, providing many benefits including shelter, shade, soil stabilisation, improvements to air quality, fauna habitat and the creation of privacy. The text also states that existing trees should be preserved as they contribute to the established sense of community in an area. New development should seek to incorporate them into its design, and where their retention isn't possible, adequate replacement should be sought.
- 8.21 Policy OSN2 (Open Space) of the Interim Planning Guidance states that development ancillary to designated open space will need to have regard to the character and functions of that particular open space within which it is located and must have no more than a negligible impact on the openness of the space. Policy CP30 (Improving the Quality and Quantity of Open Space) of the IPG states that the Council will seek to protect, increase and improve the provision of all types of open space in the Borough. In particular, the Council should seek to promote improved accessibility to, between and within open spaces.
- 8.22 Policies SP04 and SP09 of the Core Strategy DPD (2009) seek to protect and safeguard all existing open space whilst enhancing their quality, usability and accessibility. Policy SP09 in particular seeks to create a high quality public realm which provides a range of public spaces that can function as places for social gathering.

Trees

- 8.23 The applicant has submitted an Arboricultural Survey which incorporates a tree survey of all the trees that may in any way be affected by the development. The survey only assesses the main application site where the proposed mosque and cultural centre is proposed to be located.
- 8.24 From the trees surveyed, the submitted Arboricultural Survey identifies 5 London Planes in particular which are described as *“in generally good health, approximately 90-110 years of age. The trees are typical of a London Park setting and have the potential for further growth”*. The report also states that:

“The [London] planes are all category A trees because of their landscape value [A being the highest and representing those species of high quality and value i.e. make a substantial contribution]”.

One of these London Planes is located within the application site and is described as *“the finest specimen identified”* whilst the remaining 4 are located either on the site's east boundary, or within close proximity.

- 8.25 With regard to the smaller specimens located within the application site, the submitted Arboricultural Survey details that these are young mature trees, all of approximately 20 years in age and of average to above average vitality. The report also states that they should have at least another 80 years safe life expectancy and have the potential to develop into good, landscape trees but as yet are not big enough to achieve an “A” rating.
- 8.26 By virtue of the proximity of the proposed mosque and cultural centre building to the site boundary, this would result in the direct loss of these 5 grade “A” London Planes. The applicant has not provided any details of construction methodology and, as such, it can only be assumed that the footings and use of scaffolding could result in the loss of further London Planes within close proximity of the site. Given the size, quality, maturity and overall landscape value that these specimens lend to Shandy Park, it is considered that their loss

should be mitigated through contributions for their replacement elsewhere in the park in accordance with saved UDP policy DEV15 and policy DEV13 of the IPG. This is to be secured by a s106 agreement, as detailed above in section 3 of the report.

- 8.27 As detailed above within section 6 of this report, the Council's Arboriculturalist has identified that 7 smaller specimens of tree will be lost alongside the 5 mature London Planes. The Corporate Director of Communities, Localities and Culture has suggested a total s106 contribution of £50,000 towards the replacement of the trees, together with highways and works to the park.
- 8.28 In light of the above, the proposed development would result in the loss of at least five high grade, mature trees together with numerous smaller specimens. The loss of these trees is to be mitigated through a replacement strategy secured through a s106 agreement. The proposal therefore satisfies saved policy DEV15 of the Unitary Development Plan (1998) and policy DEV13 of the Interim Planning Guidance (2007), which seeks that developments adequately replace healthy trees where they are considered to be of townscape or environmental value.

Open Space

- 8.29 The proposed building would also lie across the main access point to the park from Duckett Street and the pathway which transects the park and links Duckett Street to the west, to the Shandy Street and Bale Road park entrances to the north-east and south respectively. The temporary building is proposed to be located within Shandy Park, which is designated open space. Policy CP30 of the Interim Planning Guidance, seeks to ensure that the quality of open space in the Borough is protected and improved and, in particular, accessibility to and within open space is also improved.
- 8.30 As detailed above within section 3 of this report, obligations have been included within the s106 agreement which require the applicant to mitigate the aforementioned impacts. These include contributions towards landscaping works in the park, in line with detailed landscaping reports to be submitted and agreed by the Council, and also towards the reinstatement of the park entrance to Duckett Street and the associated paths through Shandy Park.

Amenity

- 8.31 Saved policy DEV2 of the UDP, policy DEV1 of the IPG October 2007 and policy SP03 of the Core Strategy DPD 2009 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. Saved policy HSG15 of the UDP seeks to protect residents from undue noise disturbance from development.
- 8.32 An increased number of visitors may result in raised levels of noise and disturbance to nearby residents. However, the last prayer would not normally finish later than 11pm, which would not be considered to be unusually late and cause significant disturbance to residents. The great majority of local residents are of Muslim faith and would attend this mosque or other mosques at prayer times. It is considered that, as long as there is no amplified call to prayer, it is unlikely that the proposed use would result in statutory noise nuisance to local residents. A condition is suggested to prevent the amplified call to prayer.
- 8.33 The Council's Environmental Health department, upon consultation, consider that subject to the attachment of appropriate conditions and informatives, it is not considered that the proposed building would create undue loss of amenity to nearby residents. As such, it is considered that the proposal accords with the abovementioned policies.

Highways

- 8.34 Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG October 2007 and policies SP08 and SP09 of the Core Strategy DPD 2009 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.
- 8.35 The application proposes a parking and servicing bay on the Duckett Street frontage which will provide disabled parking for two vehicles. A total of 9 bicycle stands are also detailed to be provided on the same frontage.
- 8.36 The applicant details that up to 2,000 people will attend the mosque during peak periods such as Friday prayers and Eid. The submitted draft Travel Survey was responded to by 225 worshippers during the Jummah Prayer (Friday prayers) and details that 77.7% of attendees walk to the Mosque, 10.6% arrive by car and the remainder arrive by tube, motorcycle or bicycle.
- 8.37 As detailed above within section 6 of this report, the Council's Highways department have reviewed the proposal and consider that the results of the brief travel survey demonstrate the need for more detailed analysis of trip patterns and controls and, as such, the submission of a robust Travel Plan should be secured by condition.
- 8.38 Whilst the 9 proposed cycle parking spaces fails to meet the required cycle parking provision of 1 space per 10 visitors, as set out in IPG Planning Standard 3, The Council's Highways Department have not raised any objections, subject to the submission of further details regarding the specification of the stands.
- 8.39 With regard to the proposed dual-use servicing and disabled parking bay, the Highways department have requested that a condition be attached which requires the submission of a detailed Service Management Plan, in order to control the time, size and frequency of vehicle used for servicing the proposed development. A condition has been attached to this effect.
- 8.40 The Highways department have also requested that conditions be attached to prevent doors opening outwards onto the highway/forecourt and also for the main entrance door to be an electric sliding model, in order to increase the capacity of the adjacent footway during peak attendance periods.
- 8.41 The applicant was advised during the course of the application that should planning permission be granted, s106 contributions towards the creation of vehicular crossovers and the removal of parking bays would be sought. Also, a Section 278 Highways agreement would be required to mitigate the impacts brought about by the construction of this development (i.e. the reinstatement of surrounding footways to the new layout: moving redundant crossovers, installing new, and repairing any defects created by construction traffic). Accordingly, s106 contributions have been suggested, and a s278 agreement has been conditioned, as detailed above in section 3 of this report. The total extent/cost of works will be dependent on the exact level of works, particularly in connection with the additional crossovers and pavement works and whether underground utility piping or fibre optic cabling exists, for instance.

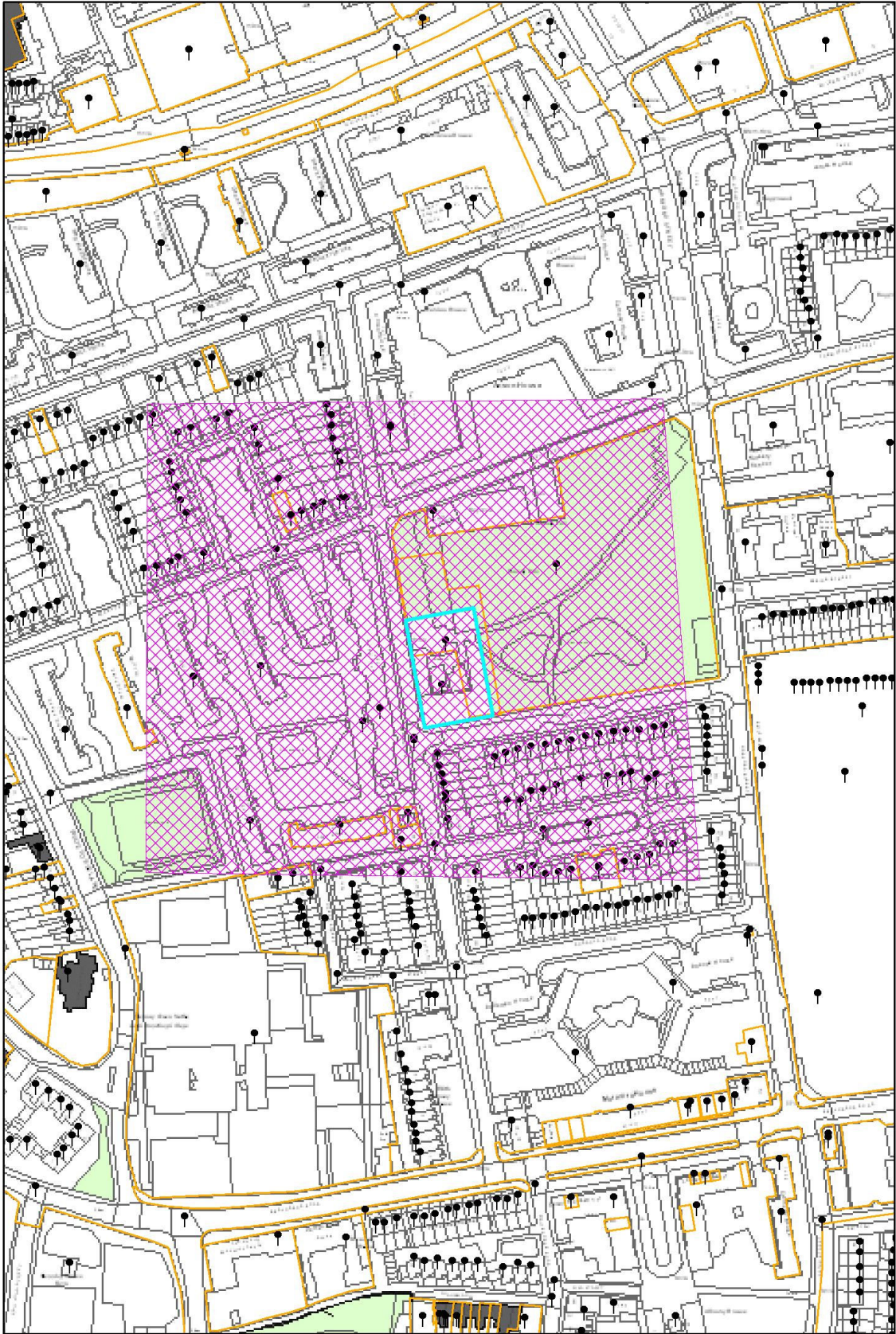
Other Planning Issues

Energy

- 8.42 The applicant has submitted an Energy Statement, which the Council's Energy Efficiency Team have reviewed and subsequently raised no objections. A condition requiring full details has been attached, as requested.

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.



Agenda Item 7.2

Committee: Strategic Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item Number: 7.2
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Report of: Director of Development and Renewal Case Officer: Laura Webster	Title: Town Planning Application Ref No: PA/09/2100 Ward: East India and Lansbury
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1. APPLICATION DETAILS

Location:

Brownfield Estate, London, E14

(Site E - Willis Street car park site, Site G - 132-154 Brownfield Street, Site I(1) - site south of 15-37 Ida Street and site I(2) - 1-19 Follett Street).

Existing Use:

Housing / car park

Proposal:

Demolition of existing buildings at 132-154 Brownfield Street, site south of 15-37 Ida Street and 1-19 Follett Street, E14 (Sites G, I (1) & I (2)).

Erection of a 20 storey building on the Willis Street Car Park (66 spaces) site and its use as 112 residential units (50 x 1 bed, 43 x 2 bed & 19 x 3 bed) and 150 sq.m community facility (Class D1) - Site E

Erection of a part 4 & part 5 storey building and its use as 23 residential units (8 x 2 bed, 4 x 3 bed, 10 x 4 bed & 1 x 5 bed) - Site G

Erection of a two storey building and its use as 4 four bedroom houses. - Site I (1)

Erection of a three storey building and its use as 2 four bedroom and 3 five bedroom houses - Site I (2).

Drawing Nos/Documents: Drawing numbers:

Site Wide

AA0319_2.3_000, AA0319_2.1_000,
AA0319_2.3_010, AA0319_2.3_011

Site E

AA0319_2.1_100, AA0319_2.1_101, AA0319_2.1_102
Rev A, AA0319_2.1_103, AA0319_2.1_110,
AA0319_2.1_111, AA0319_2.0_100, AA0319_2.3_110
Rev A, AA0319_2.3_111 Rev A, AA0319_2.3_112 Rev
A, AA0319_2.3_113, AA0319_2.3_114,
AA0319_2.3_115, AA0319_2.3_116,
AA0319_2.3_117, AA0319_2.3_118,
AA0319_2.3_119, AA0319_2.3_120

Site G

AA0319_2.1_300 rev A, AA0319_2.1_201,
AA0319_2.1_202, AA0319_2.1_203, AA0319_2.1_204
Rev A, AA0319_2.1_205, AA0319_2.1_206,
AA0319_2.3_206, AA0319_2.3_207,
AA0319_2.3_208, AA0319_2.3_209,
AA0319_2.3_210, AA0319_2.3_211,
AA0319_2.1_220, AA0319_2.1_214

Site I(1)

AA0319_2.1_301, AA0319_2.3_302,
AA0319_2.1_303, AA0319_2.1_304, AA0319_2.1_311

Site I(2)

AA0319_2.1_311, AA0319_2.3_312,
AA0319_2.3_313, AA0319_2.3_314, AA0319_2.3_315

Supporting Documents:

Planning Statement dated October 2009
Design and Access Statement
Environmental Statement October 2009
Sustainability Assessment October 2009
Renewable Energy Statement November 2009
Site Waste Management Plan 12th October 2009
Environmental Report Volume 1 October 2009
Environmental Report Volume 3 October 2009
Heritage and Visual Assessment October 2009
Visual Impact Assessment October 2009
Air Quality Revision A November 2009

Applicant:

Poplar Harca

Ownership:

Mr M A Bharadia and Association Estates Ltd

Historic Building:

Balfron Tower, Carradale House

Conservation Area:

Balfron Tower Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), Tower Hamlets Core Strategy (Submission Version 2009), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- a) The proposal will help facilitate regeneration improvements within the area and provide high quality housing. 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), which support the principle of estate regeneration proposals and the delivery of new housing in suitable locations.
- b) The loss of the public house on site G is considered acceptable given the need for housing within this location and given the availability of a public house within approximately 300m at Chrisp Street. The proposed demolition is therefore considered acceptable in line with policy RT6 in the Interim Planning Guidance (October 2007).
- c) Given the sustainable location, the proposal would be acceptable in terms of density

and would result in 322 habitable rooms per hectare across the Brownfield Estate as a whole. 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.

- d) The proposal provides an acceptable amount of affordable housing (44% 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, policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 in the Core Strategy (Submission Version 2009) which seek to ensure that new developments offer a range of housing choices.
- e) The height, scale and design of the proposed buildings are acceptable and in line with policy criteria set out in 4B.1, 4B.9 and 4B.10 within the London Plan (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies DEV1 and DEV2 of the Council's Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (December 2009) which seek to ensure buildings are of a high quality design and suitably located.
- f) The scale, design and detailed architectural design of buildings, in, or near, Conservation Areas, is considered sensitive to the character of these areas. As such, it 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), policy SP10 in the Core Strategy (December 2009) and advice in PPG15, which seek to ensure high quality development that enhances the character of Conservation Areas.
- g) The proposal is an appropriate scale and location and would not adversely affect the setting of listed buildings within the Brownfield Estate. Balfron Tower would remain the tallest, most dominant building within the area. As such, the proposals would protect the setting of the nearby listed buildings, in accordance with saved Policy DEV1 in the UDP 1998, policy DEV2 and CON1 in the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (Submission Version 2009) which seek to ensure development protects the setting of listed buildings.
- h) 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, policies OSN2, DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 and SP04 in the Core Strategy (Submission Version 2009) which seek to improve amenity and liveability for residents.
- i) The loss of the car park (site E) is considered acceptable and the loss of these car parking spaces can be accommodated within the surrounding street network and therefore there would not be an unacceptable impact on the surrounding streets. As such the proposal is in line with sustainable transport policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 in the Core Strategy (December 2009) which seek to promote sustainable transport methods and minimise reliance upon the car.

- j) 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, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 in the Core Strategy (December 2009) which seek to ensure developments can be supported within the existing transport infrastructure.
- k) The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy, sense of enclosure and noise 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, policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policy SP02 in the Core Strategy (Submission Version 2009) which seek to ensure development does not have an adverse impact on neighbouring amenity.
- l) Sustainability matters, including energy, are acceptable and accord with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (Consolidated with Alterations since 2004), policies DEV5 to DEV9 of the Interim Planning Guidance (October 2007) and policy SP11 in the Core Strategy (December 2009) which seek to promote sustainable development.
- m) Planning contributions have been secured towards education, health care and leisure, in line with Government Circular 05/2005, policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Interim Planning Guidance (October 2007) and policy SP13 in the Core Strategy (December 2009) which seek to secure contributions towards infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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 **£155,881** towards the provision of future health and social care facilities.
- b) Provide a contribution of **£296,208** towards the provision of primary school places.
- c) Provide a contribution of **£84,733** towards the provision of Leisure facilities

Non-financial Contributions

d) Affordable Housing (44%)

e) Clause requiring residual value after Stamp Duty Land Tax – SDLT to be spent on estate upgrades within the Poplar area

f) Car Free Development for all new units

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

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

i) Construction Logistics Management Plan

j) TV reception

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. Contaminated land survey
3. Full details of refuse stores
4. Full details of cycle parking
5. Full landscaping details to be approved
6. Proposed disabled parking to be implemented prior to occupation of the units and retained.
7. Samples / pallet board of all external facing materials
8. Hours of operation for the community use (9:00 – 21:00 Mon-Sun)
9. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays)
10. Control of hammer driven piling or impact breaking development works (Only 10:00 – 16:00 Monday to Friday. No works Saturday, Sunday or bank holidays).
11. Impact piling method statement to be approved
12. All residential accommodation to be completed to lifetimes homes standards
13. At least 10% of homes wheelchair accessible or easily adaptable
14. Code for Sustainable Homes Assessment (level 3)
15. Scheme of Highways improvements (S.278 agreement)
16. Verification report regarding potential water pollutants to be approved
17. Remediation strategy if water pollutants are found during development
18. No infiltration of surface water drainage into the ground
19. Drainage details to be submitted and approved
20. Details of any fencing / boundary treatments prior to erection

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. Environment Agency information
5. Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.6 That, if by 29th March 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application seeks to redevelop 4 previously developed sites within the Brownfield Estate. The proposal includes:-
- Demolition of existing buildings at 132-154 Brownfield Street, site south of 15-37 Ida Street and 1-19 Follett Street, E14 (Sites G, I (1) & I (2)).
 - Erection of a 20 storey building on the Willis Street Car Park site and its use as 112 residential units (50 x 1 bed, 43 x 2 bed & 19 x 3 bed) and 150 sq.m community facility (Class D1). The provision of 792sqm public open space within the site - Site E
 - Erection of a part 4 & part 5 storey building and its use as 23 residential units (8 x 2 bed, 4 x 3 bed, 10 x 4 bed & 1 x 5 bed) - Site G
 - Erection of a two storey building and its use as 4 four bedroom houses. - Site I (1)
 - Erection of a three storey building and its use as 2 four bedroom and 3 five bedroom houses - Site I (2).
- 4.2 The scheme is linked to Poplar Harca's 'Reshaping Polar' initiative dedicated to the regeneration and renewal of the Brownfield Estate and the wider Poplar area.

Site and Surroundings

- 4.3 The Brownfield Estate is situated within Poplar to the east of Chrisp Street Market and to north of East India Dock Road. The site is approximately rectangular in shape bounded by the A12 Blackwall tunnel approach to the east, Follett Street/Susannah Street to the south, the Docklands Light Railway (DLR) to the west and Burcham Street to the north.
- 4.4 The site itself is predominately residential with the exception of a few of shops on Burcham Street and St Leonard's Road. Surrounding the site there are a variety of uses including residential, commercial, retail and cafes within Chrisp Street Market and along East India Dock Road.
- 4.5 The estate is planned around the two residential blocks known as Balfron Tower and Carradale House designed by Ernö Goldfinger for the London County Council in the 1960's. The estate is dominated by the Grade II listed 27 storey Balfron Tower and the 11 storey Carradale House. The 14 storey Glenkerry House is also dominant. The estate comprises a collection of buildings of various scales from high rise tower blocks to the single storey commercial pavilions and two-storey terraced flats. Integral to the layout of the estate are a series of green spaces and landscaped areas.
- 4.6 The Brownfield Estate is now recognised as a fine example of planned 1960s social housing. Part of the estate has been designated as a conservation area and both Balfron Tower and Carradale House are Grade II listed. Within this application proposal, site E is situated within the Balfron Tower conservation area. The site lies approximately 220 metres away from the listed buildings (Balfron Tower and Carradale House). Sites G, I-1 and I-2 are not situated within the conservation area.
- 4.7 Site E is currently a car park situated on a prominent corner bounded by Willis Street, Hay Currie Street and Burcham Street. Site G comprises of a former pub which was closed and later demolished and a 3 storey residential block. Site I(1) and I(2) currently comprise two

storey residential blocks that are small bedsit units.

- 4.8 The Brownfield Estate is situated within 300m from both Langdon Park and All Saints DLR station and 7 bus services are within 400m of the site. As a whole, the Brownfield Estate has a PTAL range of between 2 at the eastern end up to 4 in the west.

Planning History

- 4.9 **PA/08/1132** - Refurbishment of 411 existing homes and associated external works and the erection of six new buildings ranging in height from 4 to 22 Storeys to provide 139 new dwelling comprising 38 x one bedroom, 61 x two bedroom, 16 x three bedroom and 24 x four bedroom units, 2493 sq m. of new commercial/community space, associated car parking, landscaping, public open space, new vehicular, cycle and pedestrian routes.

Application Withdrawn 4th September 2009 following officer advice.

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:

Government Planning Policy Guidance/Statements

- | | | |
|-----|-------|---|
| 5.2 | PPS1 | Delivering Sustainable Development |
| | PPS3 | Housing |
| | PPS22 | Renewable Energy |
| | PPS23 | Planning and Pollution Control |
| | PPG13 | Transport |
| | PPG15 | Planning and the Historic Environment |
| | PPG17 | Planning for Open Space, Sport and Recreation |
| | PPG24 | Planning and Noise |

Spatial Development Strategy for Greater London (London Plan) Consolidated with alterations since 2004.

- | | | |
|-----|-------|---|
| 5.3 | 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.8	Local context
4B.9	Tall Buildings
4B.10	Large Scale Buildings
4B.12	Heritage conservation

Unitary Development Plan 1998 (as saved September 2007)

5.4	Proposals:	None
	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

5.5	Proposals:	Leaside Area Action Plan
	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 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
	CP48	Tall Buildings
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
	DEV27	Tall Buildings 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
	RT6	Loss of Public Houses
	PS1	Noise
	PS2	Residential Water Refuse and Recycling Provision
	PS3	Parking
	PS4	Density Matrix
	PS5	Lifetime Homes

Core Strategy Development Plan Document (Submission version December 2009)

5.6	Policies	SP01	Town Centre Activity
		SP02	Housing and sustainable communities
		SP03	Healthy Lifestyles
		SP04	Open Space
		SP05	Waste Management
		SP06	Economy and Employment

SP07	Education and Training
SP08	Transport Network
SP09	Pedestrians and Streets
SP10	Heritage and Good Design
SP11	Sustainability and Climate Change
SP12	Placemaking
SP13	Planning Obligations

Supplementary Planning Guidance/Documents

- 5.7 Residential Space
 Designing Out Crime
 Landscape Requirements

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

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

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

London Borough of Tower Hamlets - Environmental Health

- 6.2 Contaminated Land – The site and surrounding area have been subjected to former industrial uses. A contamination condition requiring contamination risk to be fully identified and appropriately mitigated prior to development should be attached to any permission granted.

Daylight and Sunlight – The Environmental Statement by Scott Wilson dated October 2009 which contained the daylight/sunlight report has been reviewed. There is no unacceptable overshadowing on any open space as a result of the proposed development. However, the Langdon Park School that would experience up to 3 hours which is less than BRE criteria. There would be some impact in daylight to the Heath Centre on Chrisp Street and 2-22 Burcham Street. Further information has been requested by Environmental Health.

(OFFICER COMMENT: Given the health centre is non-habitable a refusal cannot be substantiated on these grounds. The overshadowing is discussed in further detail within section 8 of this report).

London Borough of Tower Hamlets - Highways

- 6.3 SITE E

Car Parking

- The car free development proposed is supported subject to the provision and implementation of sustainable travel measures via a Travel Plan.
- In line with policy, provision needs to be made for disabled parking. Policy requires a minimum of one accessible space. Provision for the community use also needs to be

considered.

- Site E is currently a privately owned and maintained residential car park containing approximately 66 spaces. More information is required in relation to who uses the car park and the level of usage. This needs to be fully considered and quantified to understand the net impact on public amenity.

Cycle Parking

- The numbers shown on the D&A and TA vary. Levels proposed need to be confirmed.
- Policy requires a minimum of 1 space per residential unit and 1 per 10 units for visitors. Whilst for D1 use policy requires a minimum of 1 per 10 staff and 1 per 5 staff for visitors.
- The cycle storage area for the respective residential and community use needs to be clearly identified on plan.
- The layout of the cycle stands located within the basement area seems too tight, hindering accessibility. This needs to be revised in accordance with Council Standards.
- Access to the basement cycle storage needs to be clarified.

Servicing / Refuse / Emergency Arrangements

- The proposed servicing arrangements are not clear and further details are required.
- An appropriately dimensioned on-site loading bay (e.g. for delivery and removals vans, plant room) should be shown on plan, with a clear servicing link from the loading area to the community and residential units.
- The refuse store needs to be clearly identified on plan.
- Swept path analysis may be required.

Community Use

- No information has been provided in relation to the type of community use proposed and its operation.
- The London Fire & Emergency Planning Authority (LFEPA) needs to be consulted to ensure that the scheme design is in accordance with Fire Safety Guidance Note GN29 and Building Regulations Document B (Fire Safety) Volume 1 or 2.
- The community use was excluded from the trip generation exercise. This needs to be included.

Layout

- The red line boundary shown on the Design and Access Statement is incorrect as there is a portion of Willis Street (up to the junction with Brownfield Street) which is public highway. This would affect the proposal the applicant seems to have for Willis Street (i.e. raised shared surface).

(OFFICER COMMENT: The red line boundary is correct and notice has been served on LBTH Highways for the part of the site within their ownership).

SITE G

Car Parking

- Minimal parking provision would be sought.
- The TA mentions that 9 car parking spaces shall be allocated for this site (5 off-street and privately managed and 4 on-street via permit spaces as existing). On-street spaces are not allocated for use by a specific site as they can be used by anybody in possession of a permit. Clarification is sought on exactly what is being proposed.
- Agreement is sought that all future occupiers of the development cannot apply or obtain an on-street parking permit to park a vehicle on the public highway.
- Scaled plans need to be submitted showing clearly the location of the off-street parking spaces proposed.
- In line with policy, provision needs to be made for disabled parking. Policy requires a

minimum of the greater of 2 spaces or 10% of total parking be allocated for accessible parking.

Cycle Parking

- 27 cycle spaces are proposed. This complies with policy and is acceptable.
- All cycle parking facilities should be provided in an accessible, well-lit, safe, sheltered and secure location. This can be appropriately conditioned.
- The layout of the cycle stands located within the ground floor area seems too tight, hindering accessibility. This needs to be revised in accordance with Council Standards.

Servicing / Refuse / Emergency Arrangements

- Please see comments for Site G above.

Layout

- Location of car parking bays proposed need to be clearly identified.
- The width of the access road seems too narrow for two-way movement and should be revised in accordance with guidance contained within DfT's 'Manual for Streets'.

SITE I (1 & 2)

Car Parking

- Minimal parking provision would be sought.
- The TA states that off-street the proposed 'parking allocation for Site I (combining I-1 and I-2) is 20 spaces.' It then goes on to mention that the spaces shall be shared with approximately 30 properties fronting Ida Street. Clarification is sought.
- How are spaces along the stretch of Ida Street going to be managed?
- If as stated, 20 spaces are allocated for Sites I1 & I2, this would not be acceptable as it does not comply with policy.
- Agreement is sought that all future occupiers of the development cannot apply or obtain an on-street parking permit to park a vehicle on the public highway. This is required to be appropriately conditioned.
- Scaled plans need to be submitted showing clearly the location of the off-street parking spaces proposed.
- In line with policy, provision needs to be made for disabled parking. Policy requires a minimum of the greater of 2 spaces or 10% of total parking be allocated for accessible parking.

Cycle Parking

- No formal cycle spaces are proposed. If what is being proposed are houses, as opposed to flats, then it is accepted that cycles can be stored within the curtilage of each individual property.

Servicing / Refuse / Emergency Arrangements

- Please see comments for Site G above. If what is being proposed are individual houses, it is considered that an appropriately sized bay on Ida Street be allocated for service / delivery vehicles.

Layout

- Location of car parking bays proposed need to be clearly identified.
- The width of the entry point to the access road seems too narrow for two-way movement and should be revised in accordance with guidance contained within DfT's 'Manual for Streets'.

TRAVEL PLAN

- A full scale Travel Plan shall be required in accordance with TfL guidelines.

- As part of the Travel Plan, there needs to be provision for a car club facility, cycle facilities and a restriction on the take up of on street parking permits.

CONSTRUCTION MANAGEMENT PLAN

- A Construction Management Plan should be submitted to the Council for approval. This relates to such issues as to separate contractors' access, construction traffic, guarded pedestrian access, the phased construction methodology and its implications for the safe operation of surrounding premises.

CONTRIBUTIONS (S106/S278)

- A financial contribution of £200,000 is sought for transport and traffic management improvement measures in the surrounding area.
- S278 condition required for necessary highways improvements to serve the development.
- Please include the following informative: In accordance with the Highways Act 1980, all highway works shall be carried out under section 278 agreement.

(OFFICER COMMENT: Following the highways comments, the applicant has submitted additional information in response to the issues and queries raised. Further information has been provided and are discussed within section 8 of the report. The recommended conditions, informatives and S.278 agreement would be applied to any planning permission granted. Contributions have been secured towards health care, education and leisure. This can be considered as mitigation for the increase in population. It is not considered the proposals would have a significant impact on the highway network and it is not considered that the requested highways contribution can be prioritised given the financial restraints of the scheme).

Further Highways comments, following additional information received 6/01/10:

- Many of the issues are to be dealt with via a revised TA and plans. I await submission - More data is required in order to justify the assumption that the community use would not have a material impact.
- It still considered that there would be operational and management issues in terms of issuing on-street permits to a small number of units whilst excluding the rest.
- The width of the access road (Ida Street) is still an issue as it is too narrow for two-way movement.
- The design should incorporate improvements to the operation of this access (e.g. waiting space near the entrance so that vehicles can wait off the public highway).
- It should be shown that the future conversion of disabled spaces is physically possible as they are larger than the standard bays.
- For Site I, the location of waiting vehicles which serve the site should be indicated on plan.

(OFFICER COMMENT: The issues raised are considered under the highways section of this report).

London Borough of Tower Hamlets – Waste Management

6.4 No comments received to date.

London Borough of Tower Hamlets - Energy

6.5 No comments received to date.

London Borough of Tower Hamlets – Crime Prevention

6.6 Site E.

- The park/green space between Willis St and Burcham street needs to be

sympathetically designed, to avoid it becoming a meeting place for groups and from that anti-social behaviour.

- Care should be taken that the ground floor balconies/amenity space do not contribute to climbing. This can be designed out with careful and considerate tweaking of the design of the balconies at ground and first floor levels.
- The access controlled communal entrance to the residential block should be video controlled, with no trades buttons, to prevent casual and planned illegal access. Post boxes should be within the lobby or individual front doors.

Site G

- Concerns here are the ground floor wheelchair unit (5b8p). The climbing issue raises its head again, and care must be taken to ensure the ground floor balconies/amenity space are designed to give both protection to the occupants of this apartment, but also to not allow climbing to upper floor balconies.
- As with Site E, access control systems into the blocks should be video systems for SBD purposes, and no trades buttons. Plus SBD standards for doors/windows/glass.

Site I - 1 & I - 2

- Generally these new buildings add to the active street scene, and the design does not appear to cause increased crime or ASB problems. Because the buildings have corners onto other streets, security to rear gardens is important.

London Borough of Tower Hamlets – Landscaping and Trees

- 6.7 No objections to works proceeding, few trees present and not worthy of preservation. Request an extensive landscape plan for the sites and also detail some tree planting for the site.

London Borough of Tower Hamlets – Access Officer

- 6.8 No comments received to date.

London Borough of Tower Hamlets – Communities Leisure and Culture

- 6.9 Cultural Services note that the increased permanent population generated by the development will increase demand on community, cultural and leisure facilities.

In priority order;

Leisure facilities

The proposed development will increase demand on leisure facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth. Sport England (the Department for Culture, Media and Sport (DCMS) agency tasked with implementing sports policy) have developed a sports facility calculator for s106 purposes. This calculates (based on population figures and research based demand data) the amount of water space and sports hall required to cater for the population of new developments. It then uses building cost index figures to calculate the cost associated. A population of 205 was inserted into the model and this generates a total leisure contribution of **£84,733.00**.

Open space

An off-site contribution should be sought to mitigate for the impact on existing open space. Based on the cost of laying out open space as agreed during the Wood Wharf negotiations, this would be £260/sqm x 1,470sqm = **£382,200.00**.

Library/Idea Store Facilities

Museums, Libraries and Archives (the sector DCMS agency) has developed a tariff approach to s106 contributions towards libraries and archives. This assumes a requirement of 30sqm of library space per 1,000 pop based on national research. The standard uses construction index figures and applies a cost of £3,465/sqm for London. This results in a per capita cost of £104. The site is likely to generate a population of 205. This means: $205 * £104/pop = \mathbf{£21,320.00}$.

Other

We would like to highlight that the purpose of the 150sqm of Community Space proposed onsite is not clear. If there is currently no defined purpose, it may be more appropriate for the developer to utilise the space for residential or commercial uses and pay a financial contribution towards community facilities in a town centre (in line with the LDF).

(OFFICER COMMENT: It is not considered that the requested contribution towards open space, libraries and community facilities can be justified for this scheme. Given the scheme would provide and increase in open space on the site and a community facility is being provided, in conjunction with the financial constraints of the scheme, the open space and community facilities contribution will not be sought. It is considered that given the Tower Hamlets 'Planning for Population Growth' Capacity Assessment Report 2009 shows that there is an overprovision of library space within the area, this contribution cannot be justified and will not be sought. Contributions have been secured towards healthcare, education and leisure. This can be considered as mitigation for the increase in population and is acceptable).

London Borough of Tower Hamlets – Education

- 6.10 The proposed dwelling mix has been assessed for the impact on the provision of primary school places. The mix is assessed as requiring a contribution towards the provision of 24 additional primary school places @ £12,342 = **£296,208**. This funding will be pooled with other resources to support the LA's programme for the borough of providing additional places to meet need.

(OFFICER COMMENT: This contribution would be secured as part of the S.106 obligation).

Tower Hamlets Primary Care Trust

- 6.11 Based on the calculated additional population, a contribution of **£155,881** is sought.

(OFFICER COMMENT: This contribution would be secured as part of the S.106 obligation).

Greater London Authority (GLA)

- 6.12 Housing – 44% Affordable housing would be provided once demolition is taken into account. A viability appraisal should be submitted with regard to the level of affordable housing, as well as the wider benefits of the scheme. Equipped LEAP play space should be provided. Density and dwelling mix is generally acceptable.

Urban Design – The approach is mostly acceptable, but there is insufficient justification on the massing approach of block G. There are also concerns regarding the treatment of the side elevation of block G (facing Ida Street). More information on building materials should be submitted and the purpose of the routes and landscaping to the rear of block G, I1 and I2 clarified. Further landscaping information is required regarding how it would relate to the surroundings and desire lines of pedestrian routes on site E need to be carefully considered.

Transport and Parking – There is unlikely to be a significant impact on the transport network however a travel plan should be submitted. Disabled parking is required and electric parking spaces should be considered. Occupants' rights to parking permits for the wider estate should be restricted. Cycle parking to be clarified. Improvements to local cycle and pedestrian routes should be considered. Introduction of a DLR real-time notification system is requested within the lobby of block E. A construction logistics plan and delivery and service plan are requested.

Access – Disabled parking required.

Sustainable development – The approaches to energy provision and carbon dioxide reductions are acceptable in principle. Need to demonstrate that enough space has been allocated for the communal heating scheme as well as allowing for future expansion, and further information for energy strategies on sites G, I1 and I2 should be provided. Further information on cooling requirements, photovoltaic panels and biomass boilers, especially with regard to air quality. Justification should be provided for not incorporating grey water recycling, roof water runoff collections and green/brown roofs.

(OFFICER COMMENT: Issues raised by the GLA are considered in the Material Planning Considerations (Section 8) of the report. Since the above comments were received, the applicant has submitted further information in response with regard to viability appraisal, materials, block G, landscaping strategy, cycle and disabled parking and sustainability. With regard to provision of DLR real-time notification system within the lobby of block E and other transport improvements requested, given the financial constraints of the scheme, it is not considered that these can be prioritised).

Transport for London (TfL)

6.13 Trip Generation

- When the existing retained units are taken into account across the Brownfield estate the new development represents a net gain of 114 units. TfL notes that with the trip rate methodology there are discrepancies between the PTAL, car parking provision and locations of the sites selected from TRAVL. However, TfL consider the results acceptable and that does not require further assessment to support this application.

Car Parking

- TfL supports the proposals for a car free development for Site E and the applicant's willingness to remove the occupant's right for on-street parking permit; this should be secured by way of a S106 agreement
- It is outlined that Site G will provide 9 car parking spaces, 4 of which are to be retained as on-street residential permit spaces on Brownfield Street. Based on a quantum of 23 units and unit size, this is compliant with parking standards within the London Plan, policy 3C.23, 'Parking Strategy and draft revised London Plan policy 6.13 *'Parking'*.
- TfL note that 20 spaces will be allocated for Site I-1 and I-2. The 20 spaces will replace on-street parking on Ida Street. As a result, TfL considers the proposals acceptable and suggests that occupant's (Sites G, I-1 and I-2), rights to parking permits for the wider estate are also removed.
- In line with London plan Policy 3C.23, *'Parking Strategy'* and draft revised London Plan policy 6.13 *'Parking'*, the applicant should provide adequate disabled parking across all sites.
- TfL additionally support any proposal to operate a car club scheme from the site.

Pedestrians

- TfL notes that the proposed scheme is within 960m of both All Saints and Langdon Park DLR stations. Site E is likely to generate the vast majority of new trips from Langdon Park Station whilst Sites G and I are likely to use All Saints DLR station due to the pedestrian link along Ida Street.
- TfL recommends that the borough investigate pedestrian improvements along the link routes to the two stations. Contributions should be secured by way of a S106 agreement in order to improve access to the DLR.
- TfL encourages the removal of guard railing across the estate wherever possible to increase the permeability of walking routes. As the site is within 900m of two DLR stations, TfL recommend the developer adopts a way finding and signage strategy that incorporates the principles of 'Legible London' Further information can be provided about this upon request.
- TfL encourages the development to make provision for real time travel information for the Docklands Light Railway, using the DAISY (Docklands Arrival Information System). This system should be located in communal areas accessible for all uses within the development. It is therefore recommended that a minimum contribution of £20,000 is set aside for the installation of this system, secured by way of a S106 agreement.

Buses

- The site is well served by local bus services. As such, TfL accepts that there is sufficient capacity on those services as to have minimal impact on the bus network.
- TfL would welcome the opportunity to discuss if bus routes could better serve the area. During the construction phases of sites E, G and I, consideration needs to be given to bus route 309, to minimise disruption, avoiding diversions where possible. This should be included within a Construction and Logistics Plan as discussed below.

Cycling

- TfL requests that the introduction of a cycle route along the eastern fringes of East India Dock Road and along Cotton Street should be considered.
- TfL supports the proposal to provide 147 cycle parking spaces for sites E and G. However, to ensure compliance with cycle parking standards as set out in London Plan Policy 3C.22 '*Improving conditions for cycling*', a minimum of 18 cycle parking spaces should be provided for site I.

Travel Plan

- TfL notes that the travel plan framework is acceptable in its current form and has passed the ATTrBuTE assessment. Nevertheless, TfL requires a full travel plan to be submitted to support this application, to ensure compliance with London Plan policy 3C.3, '*Matching development to transport capacity*' and draft revised London Plan policy 6.3 '*Assessing transport capacity*'.
- The travel plan should include site specific objectives and measurable and time bound targets.
- TfL expects the development to be supported by a Construction Logistics Plan (CLP) and a Delivery and Servicing Plan (DSP). Both of these plans should be secured by section 106 agreement with the borough.

Conclusion

- Provided that the development is mitigated to TfL's satisfaction following the above comments, TfL considers this development could accord with transport policies of the London Plan.

(OFFICER COMMENT: With regard to provision of DLR real-time notification system within the lobby of block E and other transport improvements requested, given the financial

constraints of the scheme, it is not considered that these can be prioritised).

English Heritage

6.14 No comments on the proposal

Environment Agency

6.15 Originally, objected to the application due to lack of sequential test.

Further comments received 13/01/10 confirm the following:

As the four development sites subject to this application appear to fall outside the flood risk zone then we are satisfied that evidence of the Sequential Test does not need to be provided to us. In light of this we WITHDRAW our OBJECTION to the proposed development.

We therefore have no objection in principle to the proposed development provided the following planning conditions are imposed on any planning permission granted:

1. scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority
2. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
3. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority,
4. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the local planning authority.

Commission for Architecture and Built Environment (CABE)

6.16 The following issues were raised by the design review panel:

- Design quality needs further work and depth of thinking to ensure a positive impact on this part of Poplar
- The wider issues of the estate in terms of public space, relations between the proposed and existing building and future developments beyond the site have not been taken into account
- Detailed analysis of the context required, which should inform the strategies for the site, the scale of development and height and design of buildings
- Quality of information insufficient
- Whilst a case for a tall building could be made on this site, it is not considered the proposal in its current form meet the high standards set out within tall building guidance
- Elevations of the tower need more work

(OFFICER COMMENT: It is considered that a lack of knowledge of the estate may have hindered the panel's review of the scheme. It is considered by officers that the context of the site and estate as a whole has been analysed and fed into the design of the scheme. Comments regarding presentation of the scheme, expression of the building and information required for landscaping, materials and detailing have been taken on board by the applicant. The applicant has produced further information to address concerns raised. Materials and

landscaping details would be conditioned as part of any planning permission granted).

London City Airport

6.17 No comments received to date.

National Air Traffic Services

6.18 No comments received to date.

Thames Water

6.19 No objection in principle, however recommend standard informatives and a condition regarding impact piling.

(OFFICER COMMENT: The suggested condition and informatives have been included within section 3 of the report).

BBC reception advice

6.20 No comments received to date.

Olympic Delivery Authority

6.21 No comment on the proposals.

London Thames gateway Development Corporation

6.22 No comments received to date.

20th Century Society

6.23 'The Society has had a series of pre-application meetings with PRP, in which both our remit and the designs for the new buildings were discussed and some of the Society's views clearly have been taken into account. One of the key considerations for the Society was height and that the new tower on the Willis St site should not rise above the existing Balfour Tower. Views east from the railway line across the conservation area would certainly be affected and the Society can see no proper justification for a tower any larger. The height, we believe, should be governed by the existed listed building in the conservation area.

The Society's second point regards design and again, this is something we discussed at length with PRP. Whilst we appreciated PRP's admiration of Goldfinger as an architect, the Society felt that any indication that PRP had borrowed from him, in external details or motifs, would be crude and not fully understanding of the way in which Goldfinger's internal design and layout translated onto the exterior of a building. The Society still feels that imitating any great architecture in this way is not honest or desirable. The new build should exhibit qualities of its own and from its own time'.

English Heritage (Archaeology)

6.24 No comments received to date.

7. LOCAL REPRESENTATION

- Willis Street car park is currently underused

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use

Acceptability of the proposed uses in this location.

2. Density

The acceptability of the proposed density

3. Housing

The acceptability of the proposed housing mix and tenure

4. Design and scale

Impact on the amenity of the surrounding area including amenity space.

5. Amenity

Impact on the amenity of the surrounding area.

6. Highways and parking

Transport and highways implications.

7. Sustainability

Sustainability principles

8. Impacts on local infrastructure / S106

Any required mitigation

Land Use

- 8.2 The existing land use of the Brownfield Estate is predominantly residential. There are no specific land use designations in the adopted UDP 1998 or Interim Planning Guidance (October 2007). The application proposes additional housing and a small community centre which, in principle, is acceptable in land use terms.
- 8.3 The application proposes 144 new build residential units in total. The demolition of 30 small bed-sit and 1 bedroom units and a Public House which are in a poor state of repair, would allow the redevelopment of site G, I1 and I2. The sites where demolition is proposed are not situated within the conservation area. 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 Interim Planning Guidance (October 2007) policy CP23, which seeks to prevent the loss of housing.
- 8.4 Taking into account the demolition, a net gain of 114 units would be achieved. The provision of additional housing to facilitate the regeneration of the estate accords with the aims of London Plan Policy 3A.3 and Interim Planning Guidance (October 2007) policies CP19 and CP20, which seek to maximise the supply of housing; and the aims of Interim Planning Guidance (October 2007) policy CP23, which seeks to improve all existing housing stock. This is further reinforced by policy SP02 of the Core Strategy (December 2009). As such the proposed demolition and redevelopment in principle is considered acceptable.
- 8.5 The proposed community use would provide 148sqm floorspace and it is proposed that it

would serve residents of the estate as an information and resident centre. The proposed community centre would provide an active frontage and natural surveillance over the streetscene. The community use in principle is considered acceptable within this location.

- 8.6 Given that there are alternative Public Houses available within 300m of the site at Chrisp Street, in conjunction with the need for housing, the loss of the Public House on site G is considered acceptable in principle. In accordance with policy RT6 in the Interim Planning Guidance (October 2007).
- 8.7 In conclusion, the proposed land uses in this location are supported by the London Plan and local policy objectives.

Density

- 8.8 London Plan density matrix within policy 3A.3 suggests that densities within urban sites with good transport links should be within the range 450-700 habitable rooms per hectare. This is reinforced by Policy SP02 (2) of the Core Strategy (Submission Version 2009) which seek to correspond housing density to public transport accessibility and proximity town centres.
- 8.9 Overall, the existing Brownfield Estate has a density of approximately 268 habitable rooms per hectare. The proposed density of the schemes on site E, G, I1 and I2 ranges from 223 to 894 habitable rooms per hectare with Site E accommodating 894 habitable rooms per hectare. Once built, this would give the Brownfield Estate an overall density of 322 habitable rooms per hectare.
- 8.10 The Brownfield Estate is situated within close proximity of numerous bus routes and the DLR stations at Langdon Park and All Saints. In particular, site E is located 150m away Langdon Park DLR station. The Town Centre at Chrisp Street is also a short walk away. Problems typically associated with excessive density are poor design, parking and lack of open space. Whilst the proposed development on site E exceeds the density guidance, given its sustainable location, appropriate design, car-free development and provision of open space, it is considered the density of the scheme is acceptable.

Housing

- 8.11 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. This is further supported by policy SP02 in the Core Strategy (Submission Version 2009) which seeks between 35%-50% affordable home on sites providing 10 units or more.
- 8.12 The scheme provides a total of 54 affordable units which equates to 44% affordable housing by habitable room overall, taking into account the demolition of 30 units. The scheme is therefore acceptable and exceeds the minimum 35% as required by policy CP22 and HSG3 in the Interim Planning Guidance (October 2007) and policy SP02 in the Core Strategy (Submission Version 2009).
- 8.13 Policy SP02 (4) in the Core Strategy (Submission Version 2009) seeks a tenure split of 70% social rented and 30% intermediate within affordable housing provision. Overall, the scheme delivers 68% social rented and 32% intermediate which is considered acceptable and closely in line with policy SP02 in the Core Strategy (Submission Version 2009). The proposal would comply with the Mayors emerging housing guidance which seeks a 60:40 split between

social and intermediate housing.

8.14 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. To reflect the local need for family sized accommodation within the borough, policies CP21 and HSG2 in Interim Planning Guidance (October 2007) specify that a mix of unit sizes should be provided with 45% family sized (3 or more beds) accommodation within the social rented sector and 25% within the intermediate and market housing. Policy SP02 in the Core Strategy (Submission Version 2009) reinforces that 30% of new housing should be family sized, including 45% of new social rented homes.

8.15 The application proposes the following mix of unit sizes for the new build. The target percentages given reflect those specified by policy HSG2 in the Interim Planning Guidance (October 2007):

		Affordable social rent			Intermediate			Market		
Unit	Total units	Units	%	Target	Units	%	Target	Units	%	target
Studio	1	0	0	0	0	0	25	1	1	25
1 bed	49	0	0	20	5	23	25	44	49	25
2 bed	51	8	25	35	13	59	25	30	33	25
3 bed	23	4	13	30	4	18	25	15	17	25
4 bed	16	16	50	10	0	0		0	0	
5 bed	4	4	13	5	0	0		0	0	
Totals	144	32	100%	100%	22	100%	100%	90	100%	100%

8.16 Overall, the scheme provides 36% family sized units (3 beds or more) across the entire scheme. The proposal would provide 76% family sized social rented units and 18% of the proposed dwellings would be family sized within the intermediate sector. Given the quality of the 4 and 5 bedrooms houses with gardens that would be provided in the social rented sector, the overall housing mix is considered acceptable and responds to local need in accordance with policy HSG2 in Interim Planning Guidance (October 2007) and policy SP02 in the Core Strategy (Submission Version 2009).

8.17 Policy HSG13 in the UDP 1998 requires all new development to provide adequate internal space. Supplementary planning guidance note 1: residential space sets minimum internal flat and room sizes. The proposed residential units within this application have acceptable internal space standards in line with policy HSG13 in the UDP 1998 which is further supported by policy SP02 in the Core Strategy (Submission Version 2009).

8.18 Policy HSG7 in the Interim Planning Guidance (October 2007) and policy SP02 (6) in the Core Strategy (Submission Version 2009) seeks adequate external amenity space for new dwellings.

8.19 All units, with the exception of one 1 bedroom market housing unit on site E have balconies. Balconies on site E range from 5sqm to 11sqm. Given that the units have private amenity space and the provision of new amenity space at the base of the building totalling 792sqm, amenity space provision for site E is acceptable. All units proposed on site G have access to private amenity space of at least 10sqm in the form of balconies or gardens. Site G has a communal garden for residents totalling 258sqm. The ground floor 4 bedroom maisonettes have private gardens of 18sqm. On site I1 and I2 all houses have at least 50sqm private gardens.

8.20 Overall, taking into account the provision of communal amenity space and private amenity

space provision, the proposal meets the requirement of policy HSG13 in the UDP 1998 which is further supported by policy SP02 in the Core Strategy (Submission Version 2009) and amenity space provision for the proposed units is acceptable.

- 8.21 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. This is reinforced by policy SP02 (6) in the Core Strategy (Submission Version 2009).
- 8.22 In line with policy, a total 7 fully wheelchair accessible units are proposed and 10% overall will be designed to ensure that they could easily be converted for wheelchair users. All of the units would be constructed to Lifetimes Homes standards and the details of this would be required by condition.

Design

- 8.23 Good design is central to all objective of the London Plan and is specifically promoted by the policies contained in Chapter 4B of the London plan. Saved policy DEV1 in the UDP 1998 and Policy CP4 and DEV2 of the Interim Planning Guidance (October 2007) states that developments are required to be of the highest quality design, incorporating the principles of good design. These principles are further supported by policy SP10 in the Core Strategy (Submission Version 2009).
- 8.24 London Plan policies 4B.9 and 4B.10 seek to ensure tall buildings are of a appropriately designed and located to help create attractive landmarks and a catalyst for regeneration. In particular, London Plan policy 4B.10 sets out design criteria for tall buildings. These aims are further supported by policy CP48 and DEV27 in Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (Submission Version 2009).
- 8.25 London Plan policy 4B.12 and policy CON2 in the Interim Planning Guidance (October 2007) seek to preserve the character of conservation areas and heritage assets. These policies are reinforced by the aims of policy SP10 in the Core Strategy (Submission Version 2009).

Site E – Willis Street

- 8.26 The application proposes a 20 storey building on the existing car park site. The proposed building is designed to be a free-standing structure set within its own landscaped setting, similar to the principles followed by Goldfinger for Balfron Tower and Carradale House. The proposal would provide 792sqm of publicly accessible open space within the site. Active uses at ground floor would be created by the residential entrances and community use, thus enhancing the streetscene.
- 8.27 The building has been designed incorporating principles of Goldfinger in terms of orientation of the taller elements and the juxtaposition of high-rise and low-rise within the estate. The site provides an opportunity to mark the entrance to Brownfield Estate and book-end the conservation area facing towards Glenkerry House and Balfron Tower. By siting the tower at the most westerly edge of the site and orientating the main elevations towards east-west, the building reflects the approach of Goldfinger and complements his approach to creating communal landscaped gardens around the base.
- 8.28 The building forms part of the panorama as seen from Greenwich Park viewpoint within the London Views Management Framework. The proposal would not dominate the view, and would appear smaller than adjacent buildings in the foreground such as Canary Wharf. As such, it is not considered the proposal would be detrimental to the panorama and will be an acceptable addition to the view.

- 8.29 Whilst tall, it is not considered that the proposal would appear an overly dominant addition to the area. Balfour Tower will remain the tallest and most striking building on the estate and given the distance, the proposal would not interfere with the setting of the listed Balfour Tower and Carradale House. The siting and design principles have been carefully considered to respect the form of the Brownfield Estate and conservation area.
- 8.30 The GLA stage 1 report states:
'With regards to the setting of the Conservation Area, the new building will provide a modernist form that draws elements of siting, footprint and scale from earlier buildings, without resorting to pastiche, and will be an appropriate addition'.
- 8.31 In terms of façade treatment, the Design and Access Statement reports that the approach for the new building is not to mimic, but to acknowledge the original architectural features and make reference to these so that the new and old can be read as part of the same neighbourhood in terms of their composition. Goldfinger expressed the structure of his high rise buildings and used the concrete frame to set a grid for the elevations. The walls to the flats are set back from the face of the concrete frame to increase the importance of the frame giving the façade a three dimensional quality.
- 8.32 The approach to site E has been to express a strong grid over the building with the main skin to the apartments set back slightly. The materials forming the structural grid are to be grey with a textured finish giving the appearance of an exposed aggregate. The solid vertical end panels would be darker in colour. Balconies would consist of glass balustrades and full height glazed windows to the apartments to allow sufficient light into the flats.
- 8.33 The applicants and urban design officers have discussed the proposed materials at length to reach the best possible solution. Full material details will be available to view at the committee meeting. High quality materials consisting of shades of grey stone cladding would emphasise the horizontal and vertical detailing of the facade. The façade approach and proposed materials would respect the context of the site and are considered acceptable, subject to condition requiring full details to be approved.
- 8.34 The proposed tall building within this location is considered acceptable and the scheme addresses the range of tall building policy criteria, particularly the detailed criteria of London Plan policy 4B.10 and policy DEV27 of the Interim Planning Guidance (October 2007), 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;
 - There is no adverse impact upon strategic views and the scheme is an acceptable addition to the skyline;
 - There is no adverse impact to the character of listed buildings or conservation areas;
 - At ground floor level, the proposal would relate at a human scale, and integrate with the street;
 - The proposal provides an increased amount of public open space;
 - 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;
 - The proposal poses no adverse traffic and parking impacts given the proposed residential units would be car free;
 - 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.

- 8.35 The proposed building on site E would clearly have an impact given its height, However due to its freestanding nature and open setting, in conjunction with its design and respect for the character of the conservation area and Brownfield Estate as a whole, the impact is acceptable. The proposed design is considered acceptable and the proposal would preserve the character of the conservation area in accordance with design policies DEV1 in the UDP 1998, policy DEV2 and CON2 in the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (Submission Version 2009).
- 8.36 The proposed open space to the base of the proposed tower would not only provide a setting for the building, but would provide an overall increase in the amount of public open space for the estate. The space provided would be integrated with the existing adjacent open space to create a larger, high quality, more useable public open space. Play equipment would be incorporated into this space. Full landscaping details would be secured by condition. The approach is considered acceptable and accords with policy OSN2 in the Interim Planning Guidance (October 2007) and policy SP04 in the Core Strategy (Submission Version 2009) which seek to protect and enhance open space within the borough.

Site G – Brownfield Street

- 8.37 The site currently comprises a 3 storey residential block fronting Brownfield Street. The site also comprised a public house on the corner of Brownfield Street and Lodore Street. However, this has been demolished. A small green open space (Adderley Street Square) is located to the east of the site adjacent to Lodore Street.
- 8.38 The application proposes a single built form consisting two elements, a 4 storey linear block of maisonettes facing Brownfield Street and a 5 storey corner block of apartments facing Brownfield Street and Lodore Street.
- 8.39 The proposed footprint generally follows that of the previous and existing buildings on the site. The proposed scale respects the buildings immediately surrounding the site which are generally 4 storeys in height. The proposed siting and massing is considered appropriate in the context of the site.
- 8.40 The design rationale is a simple, brick building that seeks to respect the surrounding residential blocks. The GLA raised some queries in their comments regarding justification for the proposed design and materials approach. Their comments also requested further attention to the elevational detail of the blank gable end facing Ida Street. Since these comments, the applicant has submitted further information and has added windows to the gable end to ensure natural surveillance facing Ida Street. This approach is considered acceptable. Full details of materials would be conditioned.
- 8.41 The proposal on site G would provide dual aspect units with private amenity space. To the street elevations, the building would be set back providing defensible space for residents and front gardens for the maisonettes. A communal garden to the rear will be accessible to residents only of site G. The proposed site layout is considered acceptable.
- 8.42 The proposed design, scale and bulk of site G is considered acceptable in accordance with policy DEV1 in the UDP 1998, policy DEV2 in the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (Submission Version 2009) which seek to ensure developments incorporate good design principles and respect their context.

Site I1 and I2 – Ida Street

- 8.43 The sites currently comprise 2 storey residential blocks situated at the end of the terrace row. The application proposes to demolish these buildings and replace with two storey dwelling houses of 4 and 5 bedrooms. Site I2 would feature dormer windows within the roof slope.
- 8.44 The proposed dwellings would continue the building line of the existing streetscene. Each dwelling would be set back from the streetscene by a front garden. The properties would be a simple design constructed in brick which reflects the character of the existing properties within Ida Street. Each property would have a minimum 50sqm private rear garden. This is acceptable in line with amenity space policy HSG13 in the UDP 1998 which is further supported by policy SP02 in the Core Strategy (Submission Version 2009).
- 8.45 The proposed design, scale and bulk of site I1 and I2 is considered acceptable in accordance with policy DEV1 in the UDP 1998, policy DEV2 in the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (Submission Version 2009) which seek to ensure developments incorporate good design principles and respect their context.

Conclusion

- 8.46 Overall, the proposal is acceptable in design terms. The proposal provides a high quality development that is an appropriate design and would contribute to housing need. A large number of family sized units would be created within the proposals and whilst a large proportion of units within site E would be for general market need, this helps to create a balanced community. In addition, this allows provision of affordable family sized units on the more suitable sites G and I1 and I2 which allows for the opportunity for larger units with larger private amenity space provision.

Amenity

- 8.47 Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek 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.

Overlooking

- 8.48 With regard to site E, given the location, distance and orientation of windows, it is not considered that there would be any unacceptable overlooking or loss of privacy to neighbouring occupiers.
- 8.49 With regard to sites G, I1 and I2, given the location, distance and orientation of windows, it is not considered that there would be any unacceptable overlooking or loss of privacy to neighbouring occupiers.

Loss of light

- 8.50 A report carried out by Scott Wilson dated October 2009 has been submitted in support of the application. This demonstrates that the health centre on Chrisp Street and 2-22 Burcham Street would experience some deterioration in daylight as a result of the development. However, the Annual Probable Sunlight Hours calculations demonstrate compliance with BRE standards for all but one surface. Given that the BRE guidance should be interpreted with some flexibility and the urban context of the site, it is considered that the impact is acceptable and a refusal could not be substantiated on daylight grounds. Given the health centre is non-residential, it is not considered that a refusal could be substantiated on daylight grounds. All other buildings would not be significantly affected in terms of daylight and sunlight as a result of the development.

Overshadowing

- 8.51 A report carried out by Scott Wilson dated October 2009 has been submitted in support of the application. This shows that a sports pitch of Langdon Park School, will be 100% overshadowed during March for approximately three hours a day. However, this overshadowed area is less than the allowable maximum of 40% that should be prevented from receiving any sunlight. The level of overshadowing is considered acceptable within the urban context and would not inhibit the use of the schools playground to an unacceptable level.
- 8.52 Given the orientation of the site, there would not be significant overshadowing impact on surrounding residential properties. Whilst there will be some overshadowing from the proposal on site E in the late afternoon to the properties at 2-22 Burcham Street, it is not considered that this impact is unacceptable and given the urban context, a refusal would not be substantiated on these grounds.
- 8.53 The applicants noted concern during public consultation from the residents of Glenkerry House regarding potential overshadowing by the new building proposed for Site E. Within the report by Scott Wilson dated October 2009, the results show, it is not predicted to be affected by overshadowing from Site E at any time. This is therefore acceptable.

Sense of enclosure

- 8.54 Given the location and orientation of the proposed buildings, it is not considered that the proposals would result in an unacceptable sense of enclosure to neighbouring residential occupiers.

Noise

- 8.55 Given the scale of the development, the applicant would be required to adhere to an approved construction management plan to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic. A comprehensive construction management plan secured by S.106 agreement, would ensure that the level of disturbance and disruption within the locality during construction is minimised and kept to an acceptable level. Construction hours would be controlled by planning condition.
- 8.56 It is not considered that the proposed uses would cause unacceptable noise and disturbance. A planning condition would restrict the operation hours of the community use to protect the residential amenity of neighbouring residential occupiers. Given the size of the community use, it is not considered that there would be unacceptable noise and disturbance as a result of the use.
- 8.57 Overall, the proposal is considered acceptable and would not cause unacceptable harm to residential amenity in terms of overlooking, overshadowing, loss of light and noise in accordance with policy DEV2 and DEV50 in the UDP 1998 and policy DEV1 and DEV10 in the Interim Planning Guidance (October 2007).

Transport & Highways

- 8.58 Both the Unitary Development Plan and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport.
- 8.59 Following initial highway comments the applicant has submitted additional information

regarding cycle parking. The proposed cycle parking provision is considered to be sufficient for both the residential and community use in line with policy requirements and is therefore acceptable.

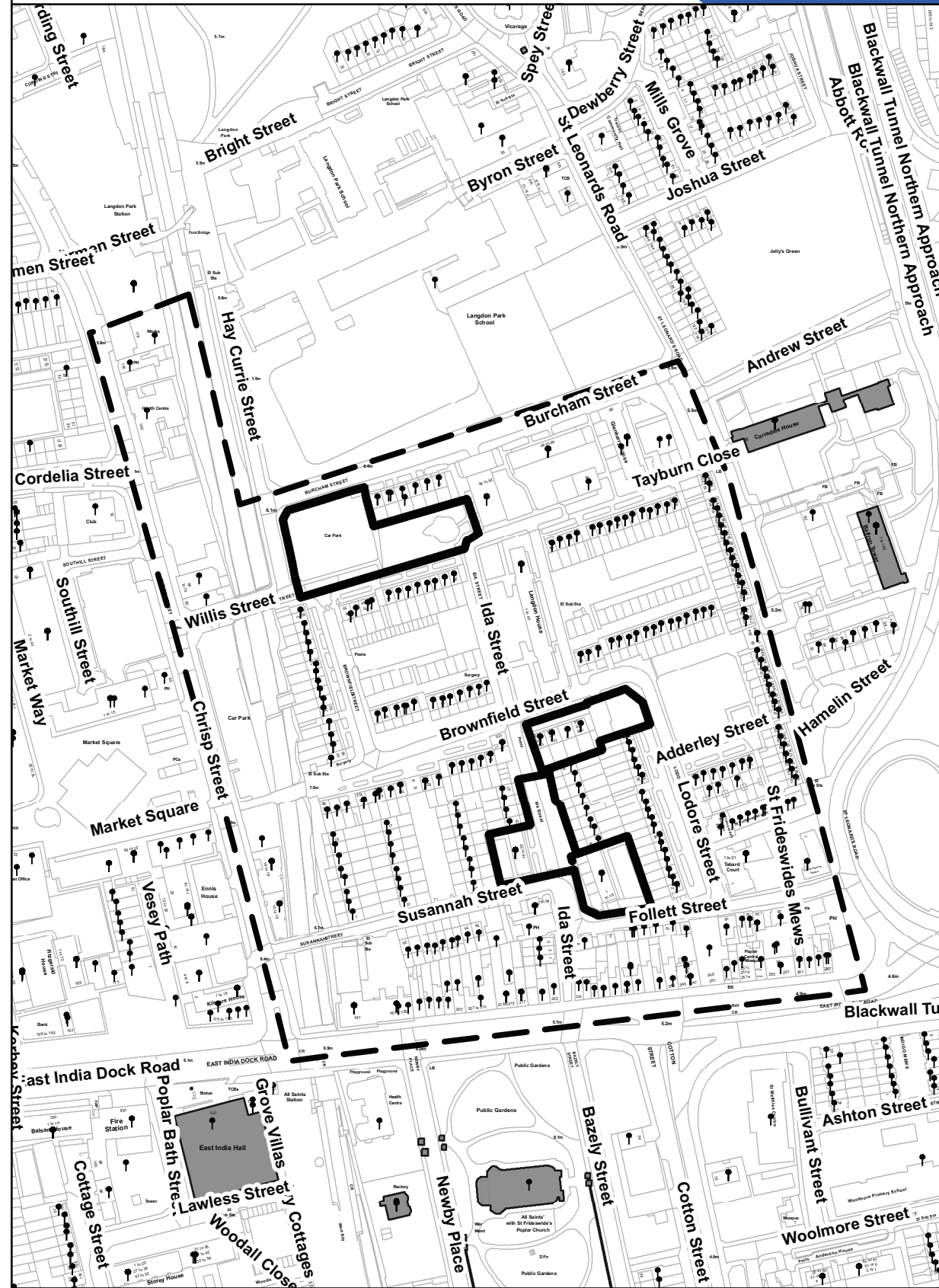
- 8.60 Given the scale of the proposed community use, location close to public transport and the intended local resident use it would cater for, it is not considered that the use would give rise to a high number of trips by car and therefore would not harm the local highway network.
- 8.61 Within site E, the proposed refuse storage would be underground and collected from Willis Street. Refuse storage for site G is provided for the apartments alongside the communal entrance and for the upper level maisonettes there is freestanding storage outside the main entrance. The lower level maisonettes will have individual refuse storage provided. The houses on Ida Street (site I1 and I2) would have individual refuse storage and recycling facilities at the front of the properties. A condition requiring full details of the refuse stores and the appearance would be attached to any permission granted. The refuse provision is considered acceptable in line with policy DEV15 in the Interim Planning Guidance (October 2007) and SP05 in the Core Strategy (Submission Version 2009).
- 8.62 In line with Highways comments, a dedicated servicing bay on Willis Street has been allocated for site E and is shown on the plans. This servicing bay would be controlled by the use of two drop down bollards. It is not considered that the lower density schemes at site G, I1 and I2 would require dedicated servicing bays as this could take place on-street.
- 8.63 The proposed car-free agreement for the new units is considered acceptable given the accessible location and provision of a Travel Plan within the S.106 agreement. The provision of disabled parking throughout the development has been confirmed by the applicant following initial highways comments and is considered acceptable in line with planning policy.
- 8.64 The principle of the loss of the car park (site E) is considered acceptable. A parking assessment carried out has shown that the loss of these car parking spaces, can be accommodated within the surrounding street network and therefore there would not be an unacceptable impact on the surrounding streets.
- 8.65 The proposals are considered acceptable in highways terms in accordance with policies DEV1 and T16 in the UDP 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 in the Core Strategy (Submission Version 2009). A Travel Plan, Servicing Management Strategy, Construction Logistics Plan and the car free agreement are to be secure by planning conditions and via the S.106 agreement.

Sustainability

- 8.66 The approach to energy and sustainability is considered to be generally acceptable in principle. The applicant has broadly followed the energy hierarchy in policy 4A.1 in the London Plan. However further information has been requested to ensure acceptability in line with policy requirements. This information will be submitted by the applicant and additional comments will be circulated at the committee meeting.

9.0 CONCLUSIONS

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



Planning Application Site Boundary
 Statutory Listed Buildings

Consultation Area
 Land Parcel Address
 0 30 m
 1:3,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288

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Agenda Item 7.3

Committee: Strategic Development	Date: 2 February 2010	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/09/02421	
		Ward(s): Bethnal Green South	

1. APPLICATION DETAILS

Location: Sainsbury's Foodstore, 1 Cambridge Heath Road, London, E1 5SD

Existing Use: Car Park

Proposal: Installation of temporary car park to maintain existing customer car parking levels (258) during Crossrail works on adjacent site

Drawing Nos: 09428-200; 09428-201; 09428-202; 09428-203; 09428-204; 09428-206; 01_AP_0000_001; 01_AP_0000_002; 01_AP_0010_002; 01_AP_0010_003; 01_AP_0010_004; 01_AP_0010_005; 01_AP_0020_001; 01_AP_0020_002; 01_AP_0020_003; 01_AP_0020_010; 01_AP_0020_011; 01_AP_0030_001; 01_AP_0110_001; 01_AP_0110_002; 01_AP_1111_001; 01_AP_0120_001; 01_AP_0120_002 and 01_AP_0120_003

Supporting Documents: Design Statement dated November 2009
Impact Statement dated November 2009

Applicant: Sainsbury's Supermarkets Limited
C/o Miss Anna Snow
Turley Associates
25 Savile Row
London
W1S 2ES

Owner: Sainsbury's Supermarkets Limited

Historic Building: No

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

Planning Permission

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposed temporary car park would on balance, be an acceptable land use, as the

use of the land as a car park is existing and the multi storey car park re-provision would allow for the continued operation of the supermarket store, in order to cater for the needs of visitors to the town centre and for local residents and contribute to the vitality and viability of the district town centre, in accordance with policy 2A.8 of the London Plan 2008 (Consolidated with Alterations since 2004), saved policy ST34 of the Council's adopted Unitary Development Plan 1998, policies CP15 and CP16 of the Council's Interim Planning Guidance (2007) and policy SP01 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to protect and enhance the Town Centre function and the vitality and viability of Town Centres.

- The development's height, scale, bulk and design is on balance acceptable, due to the temporary nature of the development, and acceptable in terms of policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies CP4, DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), and policies SP03, SP09 and SP10 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) and policy SP09 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable. This is in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policies SP05 and SP11 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of highway improvements and public access improvements in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007) and policy SP13 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- Consideration has been given to the objections made to the scheme, but none of these are considered sufficient to outweigh the reasons for granting planning permission.

3. RECOMMENDATION

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

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

Financial Contributions

- A financial contribution of £221,000 for improvements to public realm and pedestrian environment on Brady Street.

Non-financial Contributions

- Production and implementation of a Travel Plan.

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

Conditions (Planning Permission)

- 1) Temporary Time Period and Reinstatement
- 2) Compliance with Approved Planning
- 3) Landscape Plan and Landscape Management Plan
- 4) External Materials
- 5) Security Management Plan
- 6) Hours of Car Park Operation
- 7) Tree Protection Measures
- 8) Cycle Parking Details
- 9) Archaeology
- 10) Sustainable Drainage Details
- 11) Construction Hours
- 12) Vibration limits
- 13) Energy Report
- 14) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives (Planning Permission)

- 1) S106 agreement
- 2) S278 agreement

- 3.3 That, if by 10 February 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. BACKGROUND, PROPOSAL AND LOCATION DETAILS

Background

- 4.1 The Crossrail Act 2008 received Royal Assent on 22 July 2008 and provides for the construction, maintenance and operation of Crossrail. Crossrail is a major new cross-London rail link project that has been developed to serve London and the southeast of England. The project includes the construction of a twin-bore tunnel on a west-east alignment under central London and the upgrading of existing National Rail lines to the east and west of central London.
- 4.2 The project will enable the introduction of a range of new rail journeys into and through London. It includes the construction of seven central area stations, providing interchange with London Underground, National Rail and London bus services, and the upgrading or renewal of existing stations outside central London. Crossrail will provide rail access to the West End and the City by linking existing routes from Shenfield and Abbey Wood in the east, with Maidenhead and Heathrow in the west.

- 4.3 Within the London Borough of Tower Hamlets, Crossrail will establish two new stations. One at Canary Wharf, which is already under construction, and one at Whitechapel, which will interchange with the existing Hammersmith & City and District Lines and a the East London Line.
- 4.4 As part of the construction programme for Crossrail, enacting rights given in the Crossrail Act 2008, Crossrail are taking over the southern portion of Sainsbury's existing site, which currently acts as a car park for the existing store and Whitechapel Town Centre. This area will be used by Crossrail to form a worksite for a period of five years, during the construction of the Crossrail project. At the end of this period the majority of the site will be returned to Sainsbury's, with the exception of a part of the area permanently retained by Crossrail to form a ventilation shaft.

Proposal

- 4.5 In order to lessen the impact of Crossrail, it is proposed to install a temporary decked car park over the reduced, retained car parking area. This would involve the demolition of the existing Petrol Filling Station and installation of two levels of car parking deck providing replacement of the 258 spaces, which is the same number as currently exists.
- 4.6 The car parking decks will be linked to the store via a glazed atrium, which will provide a traveller access from all parking levels into the store.
- 4.7 As part of the proposals Sainsbury's are proposing environmental improvement to Brady Street.

Site and Surroundings

- 4.8 The subject site is located to the north of Whitechapel Road, between Brady Street to the west and Cambridge Heath Road and Darling Row to the east and north. The Sainsbury's store, which is immediately adjacent to the north of the subject site, is broadly square in shape with the main customer entrance situated on the southern flank, adjacent the north boundary of the subject site.
- 4.9 The subject site is occupied by a portion of the existing Sainsbury's Car Park and is layed out typical of a large retail car park at ground level.
- 4.10 The surrounding area is characterised by a mix of uses, including educational, residential and commercial. Building heights in the area are typically mid range, with the majority 3-6 stories in height.
- 4.11 The site does not lie within a conservation area and there are no listed buildings within the site.

Relevant Planning History

- 4.12 BG/93/00081 Outline application for the redevelopment of the site to provide a retail superstore, petrol filling station, access, servicing and customer car park

 Outline Planning Permission Permitted 15/10/1993
- 4.13 PA/02/00672 Extension of existing petrol filling station kiosk, alterations to the retained building, the reconfiguration of the (petrol) pump islands, and the relocation of the air/water machines.

 Planning Permission Permitted 01/08/2002

4.14 PA/03/00563 Erection of single storey front and side extensions to enable the enlargement of the existing store (by an additional 1,593m²), together with associated works including the repositioning of the existing pedestrian entrances (from Brady Street and Darling Row), and the reconfiguration of customer car park layout and service yard area (Duplicate of previous application Ref: PA/02/1091).

Planning Permission Permitted 28/10/2003

4.15 PA/06/02010 Erection of single storey front and side extension to enable the enlargement of the existing store (by an additional 1571.3 sq m), together with associated works including the repositioning of the existing pedestrian entrance (from Brady Street and Darling Row), reconfiguration of the customer car park layout and service yard area. (Amendment to planning permission ref: PA/03/00563 including revised front elevation, site entrance and revised car park entry configuration).

Planning Permission Permitted 07/03/2007

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:

Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPG 13	Transport
PPG 22	Renewable Energy
PPG 24	Planning and Noise

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

2A.1	Sustainability Criteria
3A.3	Maximising the Potential of Sites
3C.17	Tackling Congestion and Reducing Traffic
3C.19	Local Transport and Public Realm
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.3	Maintaining and Improving Retail Facilities
3D.14	Biodiversity and Nature Conservation
3D.15	Trees and Woodland
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4A.20	Reducing Noise and Enhancing Soundscapes
4A.28	Construction, Excavation and Demolition Waste
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm

4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.10	Large-scale buildings – Design and Impact
4B.15	Archaeology

Unitary Development Plan 1998 (as saved September 2007)

Proposals:

DCCA	Whitechapel District Centre Core Area
AAIP	Area of Archaeological Importance or Potential
EWC	East West Crossrail
CS	Crossrail Safeguarding

Policies:

ST1	Effective and Fair Planning Service
ST28	Restrain Use of Private Cars
ST30	Improve Road Safety
ST34	Improved Provision of Shopping
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV15	Retention/Replacement of Mature Trees
DEV17	Siting and Design of Street Furniture
DEV51	Contaminated Land
EMP1	Employment Uses
EMP3	Surplus Floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment and Employment Issues
T7	The Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S10	Requirements for New Shopfront Proposals

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

Proposals:

DTC	District Town Centre
CB	Crossrail Boundary
AAIP	Area of Archaeological Importance or Potential

Core Policies:

CP 1	Creating Sustainable Communities
CP 3	Sustainable Environment
CP 4	Good Design
CP 7	Job Creation and Growth
CP 16	Vitality and Viability of Town Centres
CP 31	Biodiversity
CP 38	Energy Efficiency and Production of Renewable Energy
CP 39	Sustainable Waste Management
CP 40	A Sustainable Transport Network
CP 41	Integrating Development with Transport
CP 42	Streets for People
CP 46	Accessible and Inclusive Environments
CP 47	Community Safety

Policies:

DEV 1	Amenity
DEV 2	Character and Design
DEV 3	Accessibility and inclusive Design
DEV 4	Safety and Security
DEV 5	Sustainable Design
DEV 6	Energy Efficiency and Renewable
DEV 7	Water Quality and Conservation
DEV 8	Sustainable Drainage
DEV 9	Sustainable Construction Materials
DEV 10	Disturbance from Noise Pollution
DEV 11	Air Pollution and Air Quality
DEV 12	Management of Demolition and Construction
DEV 13	Landscaping and Tree Preservation
DEV 14	Public Art
DEV 16	Walking and Cycling Routes and Facilities
DEV 17	Transport Assessments
DEV 18	Travel Plans
DEV 19	Parking for Motor Vehicles
DEV 22	Contaminated Land

Core Strategy 2025 Development Plan Document (Submission Version December 2009)

Strategic Objectives:

SO1	Delivering Our Regional Role
SO3	Achieving Wider Sustainability
SO4	Refocusing on our Town Centres
SO10	Creating Healthy and Liveable Neighbourhoods
SO14	Dealing with Waste
SO16	Delivering Successful Employment Hubs
SO19	Making Connected Places
SO20	Creating Attractive and Safe Streets and Spaces
SO21	Creating Attractive and Safe Streets and Spaces
SO23	Creating Distinct and Durable Places
SO25	Delivering Placemaking

Spatial Policies:

SP01	Refocusing on our Town Centres
SP03	Creating Healthy and Liveable Neighbourhoods
SP05	Dealing with Waste
SP06	Delivering Successful Employment Hubs
SP08	Making Connected Places
SP09	Creating Attractive and Safe Streets and Spaces
SP10	Creating Distinct and Durable Places
SP12	Delivering Placemaking
SP13	Planning Obligations

Whitechapel Vision
Whitechapel Priorities
Whitechapel Principles

Supplementary Planning Guidance/Documents

Designing Out Crime (Part 1 & 2) – SPG 2002
Landscape Requirements – SPG 1998
Shop Front Design – SPG 1998

Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

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

LBTH Access Officer

- 6.2 Proposed surface treatment is striped, this could be read as level changes by many visually impaired people.
- 6.3 Elimination of kerbs in car park area may have implications for sensory impaired. It is important that drivers understand that pedestrians will be walking in and around the car park and it is designed in such a way that vehicles move around the site at an appropriate speed under 15 miles an hour.

Officer's Comments

- 6.4 Although the change in colours within the landscape treatment may cause some visually impaired persons to perceive a change in level, there would be no level change. Therefore, the surface treatment would not result in any issues of safety nor prevent accessibility to any member of the public. Furthermore, a condition of consent could be imposed to require materials of landscaping pavers to be approved prior to completion of the development and therefore officers could ensure that the contrast in materials is appropriate and would not cause significant impact.
- 6.5 The elimination of kerbs in the car park has been clarified with the applicant and while a large drop kerb will not be installed a tactile paving line around the edge of the vehicle area would clearly identify the surface used by vehicles.

LBTH Environmental Health

Noise and Vibration

- 6.6 Operational hours should be agreed to ensure that no noise nuisance is caused to local residents from vehicles using the car park at sensitive hours. Environmental Health does not object to the planning application on noise or vibration grounds, subject to conditions of consent related to construction being imposed on any approval.

Daylight/Sunlight

- 6.7 Environmental Health Team has reviewed the Daylight/Sunlight report by Drivers Jonas dated October 2009. There will be an impact at Kempton Court on Brady Street, however it can be considered acceptable because this is a temporary car park and as such the impact is for a temporary period. Therefore, Environmental Health Team has no objection on daylight/sunlight grounds.

Air Quality

- 6.8 The greatest increase in NO₂ is 0.32ug/m³. Mitigation is normally only required if there is an increase of more than 1-2ug/m³. Therefore Environmental Health Team has no objection on air quality grounds.

Officer's Comments

- 6.9 It is recommended the provided conditions relating to construction be included on any approval.

LBTH Highways

Parking

- 6.10 The proposal re-provides the same number of 258 car parking spaces as the existing car park, together with an atrium to enable vertical circulation for the parking decks. The applicants have supplied a detailed Transport Statement which does provide a cogent and acceptable justification for the re-provision of the same number of parking spaces.

- 6.11 When the site that is being used by Crossrail is returned to Sainsbury's at the completion of the Crossrail works and the Car Park is dismantled, fewer spaces should be provided in recognition of sustainability aims and also the improved accessibility by public transport that the nearby Crossrail station will provide.

Disabled Parking

- 6.12 18 spaces designed for disabled uses falls below the standard of 1 in 10 spaces and Highways raise concern over this.

Site Access

- 6.13 The gradient of the ramp to the car park is at 1 in 12, which is greater than the 1 in 10 standard to which Highways raise concern. It is noted however that this is not a permanent development. The ramp would have adequate width, satisfactory safety kerbs and an appropriate level standing area at the head.

Site Servicing

- 6.14 Sainsbury's servicing traffic will enter the site as at present, pass through the new roundabout and enter the current servicing yard. Sufficient headroom is provided. No objections are raised in relation to servicing.

Cycle Parking

- 6.15 Highways recommend a condition requiring the provision of the proposed cycle storage spaces on-site, employing Sheffield type stand design.

Pedestrians

- 6.16 As a result of the works two of the four current pedestrian routes disappear. Sainsbury's has had discussions about improving the access for non-car users through works to Brady Street.

Section 106

- 6.17 The proposed works to Brady Street has been calculated and there is a S106 requirement for £221,000 for the cost of the works.

Officer's Comments

- 6.18 It is recommended that a condition of consent be imposed requiring the removal of the structure on or before the expiry of the temporary 5 year period of permission and reinstatement of the car park at ground level on the existing car park site to a number of vehicle parking spaces, as approved by the Council on the basis of a Transport Assessment at that point in time.

- 6.19 The applicant has provided a 100% increase on the existing disabled parking level. It is acknowledged that this does indeed fall short of the Council's planning standard but does meet the British Standard for disabled parking provision. In support of their shortfall in the level of disabled parking the applicant has provided survey details showing that the disabled parking provision is not at full capacity in the existing car park usage. It is therefore considered with the 100% increase on the existing provision and compliance with the 6% British Standard provision, that the shortfall from the local planning standard is acceptable in this case.
- 6.20 The applicant has agreed to provide a financial contribution of £221,000 for the improvement of the pedestrian and public realm environment on Brady Street.

LBTH Policy (Retail officer)

- 6.21 The proposal is considered to be suitable given the role and function of the Sainsbury's store. As an anchor store and key retailer to the Whitechapel district centre, it is vital that the store remains fully operational to cater for the needs of visitors to the town centre and for local residents. Also, given the offer and format (including extensive car parking provision) of the store, Sainsbury's serves a wide catchment – one which might seek to do its weekly shop by car. This would contribute to the vitality and viability of the town centre as per Planning Policy Statement 4 and the Council's 1998 Adopted UDP, 2007 Interim Planning Guidance and 2009 Core Strategy (submission document).

English Heritage Greater London Archaeological Advisory Service

- 6.22 The site is located in an Archaeological Priority Area as defined by the London Borough of Tower Hamlets. Previous desk based assessments for the site in advance of the construction of Sainsbury's in 1993 noted that a 17th century plague pit may be present on the site. This was not investigated in the 1990s as the suspected location lay within the car park area which was assumed to be unaffected by the development. However, the proposals outlined in this application will have an impact in this area. The proposed development may, therefore, affect remains of archaeological importance.
- 6.23 Greater London Archaeological Advisory Service advises that arrangements for archaeological investigations should be prepared in advance of development works. These investigations, possibly in the form of a field evaluation, should be secured by attaching the recommended condition to any consent that the Borough is minded to grant.

Officer's Comments

- 6.24 It is recommended the provided condition relating to archaeology be included on any approval.

Greater London Authority (Statutory)

- 6.25 GLA consider that the development has no strategic issues and the application was not referable.

Transport for London

- 6.26 Transport for London does not believe the proposal would have an unacceptable impact on the Transport for London Road Network (TLRN).

LFEP

- 6.27 No objection received

Metropolitan Police

- 6.28 Metropolitan Police main points are regarding lighting, and whether this would be on all night (even if the store isn't) mainly due to how accessible the store car park might be, and then CCTV and the question of security and monitoring, but generally no concerns.

Officer's Comments

- 6.29 It is recommended a condition of consent requires the submission of a security management plan for the proposed car parking structure to ensure adequate security management of the car park, including after hours, to avoid the after hours use and anti-social behaviour within the development. It is expected that this would address CCTV and lighting also.

7. LOCAL REPRESENTATION

- 7.1 A total of 587 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: 5 Objecting: 5 Supporting: 0

- 7.2 The following issues that are material to planning considerations were raised in representations:

- Loss of privacy
- Security of the car park and anti-social use after hours
- Disruption in the area due to construction events
- Loss of light
- Danger to pedestrians from increased traffic
- Traffic congestion from increased traffic
- Height of structure
- Property values
- Albion Yard Residences' loss of parking
- Level of use of existing car park

Officer's Comments

- 7.3 An objector has raised concern over loss of privacy to Kempton Court residents. The design of the western elevation of the car park has taken this into consideration and included privacy screening to prevent the users of the development from being able to view from the elevated level into the residences of Kempton Court. It is therefore considered that there will be no loss of privacy to those residents as a result of the proposed development.
- 7.4 Objectors have raised the matter of lack of security within the current car park and the late night anti-social and noisy use that occurs there currently. They consider that the proposed new car park development would be used in the same way. In order to address this matter it is recommended that a condition of consent be imposed, requiring the applicant to submit for approval a security management plan for the development. It is considered that such a plan would ensure that Sainsbury's maintain adequate security within the development to prevent the use of the area for after hours anti-social behaviour.
- 7.5 There are indeed a number of construction developments proposed within the Whitechapel

area which will have a cumulative impact on construction impacts. The purpose of the proposed temporary car park development at Sainsbury's is to allow for the continued operation of the existing store during the Crossrail development. Therefore, in order to accomplish this, the applicant is proposing to implement the development before the main construction begins with relation to Crossrail. In addition as the structure is pre-fabricated off site the construction time and impact is significantly reduced.

- 7.6 The Daylight and Sunlight report provided by the applicant has been reviewed by Council's Environmental Health Team who considered that the level of impact on the daylight and sunlight is acceptable and would not lead to a significant impact on the living conditions of the residents of Kempton Court.
- 7.7 An objector has raised the issue of danger to pedestrians and traffic congestion as a result of an increase in traffic. The proposed development would only replace the same number of car parking spaces as the existing development and would not be considered to result in any increase in the number of vehicles using the car park. It is also potentially likely that the removal of the petrol filling station would actually reduce the trip generation to the site. Thus it is not considered that the proposal would significantly increase traffic congestion or increase the danger to pedestrians as a result of further traffic generation.
- 7.8 The height and scale of the development is considered on balance in keeping with the existing height of development within the surrounding area. To the west of the development the development at Kempton Court is a similar height at 14m to the 14.6m of the highest point of the Atrium. The site is separated from all adjacent buildings by roadway or the Crossrail worksite, with the exception of the Sainsbury's store itself that the development adjoins.
- 7.9 Property values are not considered a material planning consideration. However, it should be noted that the structure is only proposed for a temporary period of 5 years in which time the adjacent site will be a Crossrail worksite.
- 7.10 The loss of parking at Albion Yard Residences' is not associated with Sainsbury's. There are ongoing discussions between Crossrail and Albion Yard residents regarding this matter.
- 7.11 Submissions have raised that the current car park is on average on two-thirds full. The applicant has however provided details of the use of the car parking which suggest that there are times when the car park is at capacity. While it is accepted that the car park may not be fully utilised at all times, at peak times it has been demonstrated there is a requirement for the current level of parking to be maintained.

8. MATERIAL PLANNING CONSIDERATIONS

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

Principle of the Land Uses

- 8.2 Although the principle of a multi storey car park is not normally supported, it is considered on

balance acceptable for a temporary use to facilitate the construction of Crossrail and retain the viability and operation of the Sainsbury's supermarket.

- 8.3 The site is currently used as a car park associated with the Whitechapel Sainsbury's and also providing car parking for the Whitechapel District Town Centre as a whole. The temporary re-provision of the car park during the Crossrail construction period would not introduce a new land use as the car park would be built on the same site as the northern portion of the existing car park.
- 8.4 As an anchor store and key retailer to the Whitechapel district centre, it is considered vital that the Sainsbury's store remains fully operational to cater for the needs of visitors to the town centre and for local residents. Given the offer and format (including extensive car parking provision) of the store, Sainsbury's serves a wide catchment, one which might seek to do its weekly shop by car. This contributes to the vitality and viability of the town centre.
- 8.5 Furthermore, Sainsbury's is a key employer in the Whitechapel area, and any loss in operational capacity would likely result in a reduction in employment. The replacement of the parking facilities at the current level would allow the store to continue to operate at the current employment levels.
- 8.6 It is therefore considered that on balance the land use for a temporary period is acceptable in order to re-provide the existing level of parking spaces and that the development would be in accordance with policy 2A.8 of the London Plan 2008 (Consolidated with Alterations since 2004), saved policy ST34 of the Council's adopted Unitary Development Plan 1998, policies CP15 and CP16 of the Council's Interim Planning Guidance (2007) and policy SP01 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to protect and enhance the Town Centre function and the vitality and viability of Town Centres.

Impact on the Amenity of Adjoining Occupiers and the Surrounding Area

Daylight and Sunlight

- 8.7 Saved policy DEV2 of the UDP, policy DEV1 of the IPG, policy SP10 of the CS and policy 4B.10 of the London Plan require that developments preserve the amenity of the adjacent occupiers, including sunlight and daylight.
- 8.8 The applicant has provided a Daylight and Sunlight Report with their application outlining the daylight and sunlight received by the adjacent buildings. It has assessed the daylight and sunlight levels of the proposed development against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.9 The Council's Environmental Health Team has reviewed the submitted daylight and sunlight report and concluded that the level of impact on the daylight and sunlight is acceptable and would not lead to a significant impact on the living conditions of the neighbouring residents.
- 8.10 It is considered in terms of daylight and sunlight that there would not be an unacceptable impact on the adjacent residents and that the proposal would be generally in accordance with saved policy DEV2 of the UDP, policy DEV1 of the IPG, policy SP10 of the CS and policy 4B.10 of the London plan.

Privacy

- 8.11 Issues of privacy/overlooking need to be considered in accordance with saved policy DEV2

of the UDP, policy DEV1 of the IPG, and policy SP10 of the CS, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.

- 8.12 The Council's UDP states that new developments should be designed to ensure that there is sufficient privacy for residents and that a distance of about 18 meters between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. With the exception of the western elevation and the relation to the residences of Kempton Court the proposed car park would be over 25m from the adjacent residential buildings.
- 8.13 In order to protect the privacy of the residences at the adjacent Kempton Court, which is located approximately 16m from the raised parking levels, the applicant is proposing privacy screening at the western elevation of the development. This would prevent users of the car park from looking into the residences at Kempton Court, thereby maintaining the privacy of those residents. It is therefore not considered that the proposed car park would significantly impact on the privacy of neighbouring developments.
- 8.14 It is considered that the proposed development would be acceptable in terms of privacy and in accordance with saved policy DEV2 of the UDP, policy DEV1 of the IPG and policy SP10 of the CS.

Noise and Vibration

- 8.15 In protecting the amenity of the surrounding area saved policies DEV2 and DEV 50 of the UDP, policies DEV1 and DEV 10 of the IPG and policies SP03 and SP10 of the CS also require the noise and vibration nuisance from a development to be minimised.
- 8.16 The applicants have submitted a Noise Impact Assessment, prepared by Cole Jarman Associates. With respect to the operation of the proposed car park the noise impacts are assessed to have an imperceptible change in loudness, when considered within the existing noise environment. It is therefore considered that no additional acoustic mitigation measures are required and that the development would not have an unacceptable impact on the acoustic environment and living conditions of neighbouring residences.
- 8.17 However, responses to the public consultation of the application have highlighted an existing issue with the after hours use of the existing car park for anti social behaviour that causes late night noise disruption to residents. While this is an existing situation, in order to ensure that the anti social activities and the noise disturbance is not continued within the proposed temporary car park, it is recommended that a condition of consent be imposed on any approval requiring a security management plan for the development to be agreed, including after hours security, to avoid the after hours use and anti-social behaviour within the development.
- 8.18 Furthermore, it is recommended that conditions of consent be imposed relating to opening hours of the car park to reflect the opening hours of the store and prevent unauthorised.
- 8.19 As discussed below, mitigation of any noise and vibration created by construction can be addressed via conditions, to ensure minimal disruption of the living conditions of nearby residents.
- 8.20 It is therefore considered that the proposed development does not result in any significant impact on the acoustic environment and would not result in any significant impact on the living conditions of the neighbouring residences and that the development would accord with saved policies DEV2 and DEV 50 of the UDP, policies DEV1 and DEV 10 of the IPG and policies SP03 and SP10 of the CS.

Construction

- 8.21 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development, however these will be temporary in nature.
- 8.22 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 8.23 It is therefore recommended that if approved a condition of consent is included, which would specify hours of construction, noise levels and vibration levels, in order to avoid and mitigate the effects of construction.
- 8.24 There are also a number of existing mature trees on the site around the proposed development and likely construction site. Officers consider that a condition should be imposed on any planning permission to protect the trees from construction impacts. This would include a requirement for protective fencing and prevention of the storage of materials under the canopy of the trees.

Vehicle Traffic Movements

- 8.25 Vehicle movements associated with the proposed development have the potential to impact on the amenity of the area through noise, pollution and the general vehicle movement within the public realm. Saved policy DEV2 of the UDP, DEV 1 of the IPG and policy SP03 of the CS seek to protect this amenity.
- 8.26 The proposed development would not be undertaken to increase the number of car park spaces provided but would be maintaining the existing number of car park spaces during the period of Crossrail construction on the southern portion of the existing car park area. It is therefore not considered that the proposal would result in an increase on the existing number of users and therefore it is not envisaged that the proposal would result in additional vehicle movements to the car park than already exist.
- 8.27 It is therefore considered that the impact on the amenity of the area through vehicle traffic movement will not be increased and in terms of the impact of vehicle movements the development will accord with saved policy DEV2 of the UDP, DEV 1 of the IPG and policy SP03 of the CS.

Traffic and Servicing Issues

Trip Generation

- 8.28 Policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan, saved policies ST28 and T16 of the UDP, policies CP41, DEV17 and DEV19 of the IPG and policy SP09 of the CS seek to restrain unnecessary trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 8.29 As previously stated, the proposals do not increase the number of parking spaces available and therefore are not considered to increase the traffic produced by the development from the current level that utilise the site. In fact, with the removal of the Petrol Filling Station, the number of vehicle trips to the site is likely to be reduced.
- 8.30 It is therefore considered that the trip generation would be in accordance with the aspirations of policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan, saved policies ST28 and T16 of

the UDP, policies CP41, DEV17 and DEV19 of the IPG and policy SP09 of the CS.

Level of Parking

- 8.31 London Plan Policies 3C.17 and 3C.23 seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policies DEV17 and DEV19 of the IPG and policy SP09 of the CS.
- 8.32 The proposed development seeks to re-provide the 258 car parking spaces of the existing Sainsbury's car park within a new temporary multi-storey parking structure. The applicant has provided a Transport Assessment that does provide a cogent and acceptable justification for the re-provision of the same number of parking spaces.
- 8.33 The Council's Highways Team has reviewed the application and is accepting of the proposal. However, they considered that, when the site being used by Crossrail is returned to Sainsbury's at the completion of the Crossrail works and the temporary multi-story car park is dismantled, fewer spaces should be provided in recognition of sustainability aims and also the improved accessibility by public transport that the nearby Crossrail station will provide.
- 8.34 Under section 72(1) of the Town and Country Planning Act 1990 conditions can be imposed on the grant of planning permission requiring the carrying out of works on any land under the control of the applicant. It is therefore recommended that a condition of consent be imposed requiring the removal of the structure on or before the expiry of the temporary 5 year period of permission requested and reinstatement of the car park at ground level on the existing car park site to a number of vehicle parking spaces, as approved by the Council on the basis of a Transport Assessment at that point in time.
- 8.35 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 and 3C.23 of London Plan, policies DEV17 and DEV19 of the IPG and policy SP09 of the CS.

Cycle Parking Facilities

- 8.36 Policy 3C.22 of the London Plan 2008, saved policy ST30 of the UDP, policies CP40, CP42 and DEV16 of the IPG and policy SP09 of the CS seek to provide better facilities and a safer environment for cyclists.
- 8.37 The proposals within the development have included an increase in the cycle parking facilities that are provided on the site. Currently, the site provides 48 cycle parking spaces. The proposed temporary replacement car park development would provide 60 cycle parking spaces in a covered location on the ground level, near the entrance to the store. A condition of consent is recommended to ensure the layout of the cycle parking is acceptable.
- 8.38 It is therefore considered that the proposed development would accord with policy 3C.22 of the London Plan 2008, saved policy ST30 of the UDP, policies CP40, CP42 and DEV16 of the IPG and policy SP09 of the CS.

Deliveries and Servicing

- 8.39 Saved policies ST30 and T16 of the UDP, policy DEV17 of the IPG and policy SP09 of the CS seek to provide adequate provision for the servicing and operation of developments while minimising the impact on the highway.
- 8.40 The proposed temporary car park development would not result in any changes to the existing servicing. Servicing is currently provided at the eastern side of the store in a dedicated servicing area. The proposed development would maintain acceptable access to this bay and would not impact on the service of the store, which is considered acceptable.

8.41 It is therefore considered that the proposed servicing arrangements are acceptable in terms of saved policies ST30 and T16 of the UDP, policy DEV17 of the IPG and policy SP09 of the CS.

Public transport capacity

8.42 Policies 3C.1 and 3C.2 of the London Plan, policy CP41 of the IPG and policies SP08 and SP09 of the CS seek to integrate development with transport and ensure that development is appropriate for the transport provision in the location.

8.43 The proposal would not be considered to result in any increased pressure on the existing public transport facilities. The re-provision of the 258 car parking spaces within the temporary car park would ensure the provision for users of the store to continue to access the store by their existing modes. The car park itself would not be a generator of public transport trips.

8.44 It is therefore considered that the transport network has an appropriate capacity in the location for the proposed development, in accordance with policies 3C.1 and 3C.2 of the London Plan, policy CP41 of the IPG and policies SP08 and SP09 of the CS.

Highways Improvements

8.45 The proposed development would not result in any increase in trip generation as a result of the temporary re-provision of the car park, as the number of parking spaces to be provided is the same as the existing number of parking spaces provided.

8.46 However, the proposed Crossrail worksite would result in two of the existing pedestrian routes to the store being blocked for the period of construction. Policies 3C.21 and 3C.22 of the London Plan, policies CP42 and DEV16 of the IPG and policy SP09 of the CS seek to improve walking and cycling conditions.

8.47 As the Crossrail development would have a negative impact on the pedestrian and cycle environments and the proposed car park would not be able to replace the blocked routes across the worksite, the applicant has agreed to provide a financial contribution towards the upgrade of the public realm and pedestrian environment of Brady Street, which will become the main pedestrian access to the store from Whitechapel Road.

8.48 The proposed improvements to the pedestrian environment and public realm has been assessed and costed by the Council's Highways Team. The Highways Team have requested £221,000 for the proposed works, which the applicant has agreed to pay as a financial contribution.

8.49 Furthermore, as part of the development the applicant is proposing an increase in cycle parking facilities from 48 cycle spaces to 60 cycle spaces.

8.50 It is therefore considered that the proposed development would improve the pedestrian and cycling environment in the surrounding area and would adequately meet policies 3C.21 and 3C.22 of the London Plan, policies CP42 and DEV16 of the IPG and policy SP09 of the CS.

Sight lines/Access

8.51 The proposed access and egress points for the car park development are existing vehicle entry and exit points to the site. The proposals do not significantly alter these provisions and would not result in any buildings or other development that would be considered to impact on sightlines of vehicles exiting the site.

- 8.52 The parking and servicing provisions allow for sufficient manoeuvring space to allow vehicles to enter and exit the site in forward gear, ensuring there is no need for vehicles to reverse onto the highway.
- 8.53 Council's Highways department have reviewed the application and made no objection to the proposed manoeuvring, sightlines or access points. It is therefore considered that the proposed development, in terms of sight lines and vehicle access would not cause unacceptable safety concerns to pedestrians or the highway network.

Design and Layout of the Development

- 8.54 The proposal comprises of a temporary 3 storey car park deck access via an atrium circulation space to maintain the number of existing car park spaces during the course of the Crossrail construction works. The existing car park and petrol filling station are proposed to be demolished. Although the principle of a multi storey car park is not supported, it is considered on balance acceptable for a temporary use to facilitate the construction of Crossrail and retain the viability and operation of the Sainsbury's supermarket.

Mass and Scale

- 8.55 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, saved policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP03, SP09 and SP10 of the CS seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment, high quality in design and protect the amenity of the surrounding environment and occupiers.
- 8.56 The proposed parking deck and Atrium would be 3 storeys in height, with the Atrium roof being the highest portion of the development at approximately 14.6m. This would be an increase in height of approximately 9m to that of the existing supermarket store.
- 8.57 The immediate area is dominated by a number of large scale buildings, 3-6 storeys in height. Immediately to the north of the proposed car park is the existing large format Sainsbury's store, which the development joins, and residential blocks of Grindall House and Collingwood House, which are 5 storeys in height. To the east is Swanlea School and Kempton Court. Kempton Court raises to a similar height to the proposed car park structure, being approximately 14m high. The properties to the south, which will be separated from the structure by the Crossrail Worksite, are dominated by 3 to 5 storey buildings, including the Ideas Store. It is considered that, although the atrium and car park structure adds a significant scale of built form to the site, the scale of the structure can be accommodated in the surrounding environment, given the temporary nature of the development.
- 8.58 Overall it is considered that the scale and massing of the building is acceptable, as it has not significantly altered the character of the existing area in terms of height and scale and it is only proposed for a temporary area. It is considered that in terms of scale and mass, due to the temporary nature of the development, the proposal is acceptable on balance with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, saved policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP03, SP09 and SP10 of the CS.

Appearance and Materials

- 8.59 The new circulation space, referred to as an atrium, houses lifts, travellers and a staircase, providing means of circulation for customers from the car parking decks down to the sales floor. The Atrium stretches over the full width of the front of the existing store. At ground level the atrium provides the main entrance. The south and west elevations of the Atrium are predominantly glazed, giving the volume a horizontal expression, allowing natural light to

enter the building and softening the appearance of the scale of the structure.

- 8.60 The parking deck is located in front of the Atrium and is constructed by using a modular system made up of structural columns, roof trusses, decks and balustrades to the deck perimeters. The system is demountable and can easily be dismantled and recycled after the 5 year Crossrail construction period. The balustrades are externally clad with pre-stressed textile mesh faced cladding panels in aluminium carrier frames. The cladding follows the bands of the balustrades provide a strong horizontal emphasis. The bands also follow the run of the ramp from first to second floor level. The textile mesh will be finished with printed graphics to create a unique design to create a high quality environment when viewed both, from a distance and close up.
- 8.61 It is considered that despite the temporary nature of the structure, it is proposed to use high quality materials which will provide an acceptable appearance for the length of the proposed temporary development. The applicants have provided preliminary samples of the graphics for the cladding, however at this point have not provided a sample of the finished material. Officers are accepting of the proposals, but it is recommended that the external materials are conditioned for approval of sample finishes in order to ensure the high quality finishes and appearance.
- 8.62 The proposed external appearance of the temporary car park structure and Atrium is considered to be of a high quality and, subject to recommended conditions relating to the final appearance and quality of the graphic materials and external cladding, would be considered to be acceptable in terms of policies 4B.1, 4B.2 and 4B.10 of the London Plan, saved policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP03, SP09 and SP10 of the CS.

Landscaping

- 8.63 Landscaping is used to enhance the aesthetics and amenity of the public realm and outdoor spaces, within and surrounding developments. In addition, appropriate landscaping can provide enhancements to the biodiversity and natural habitats within the area.
- 8.64 The applicant has submitted plans showing a general landscaping strategy for the site, providing detail on the landscaping proposed at the ground floor. The proposals are for a high quality of public realm, easily legible route into the store. The ground floor of the development would incorporate bicycle parking and a dedicated taxi pick-up and drop off point.
- 8.65 The underside of the deck is proposed to have strip lighting, indicating the way to and from the store in the darker months of the year, thereby accentuating the two main pedestrian routes from above. The entrance area and taxi pick up and drop off area would have seating opportunities for customers waiting.
- 8.66 Due to the restricted amount of areas open to daylight, the only planting area proposed under the deck structure is the central area within the drum of the vehicle access onto the parking decks. A grove of birch trees is proposed.
- 8.67 While officers consider that the proposals outlined in the application are of high quality and will provide an appropriate landscape, it is also recommended that a condition is imposed on the application to ensure that the proposed landscaping is of an acceptable level and quality, to ensure the amenity of the publicly accessible areas and the development as a whole.
- 8.68 Furthermore, it is recommended that a condition be imposed to require a landscape management plan in order to ensure that the landscaping is maintained to an acceptable level to ensure the quality and appearance of the landscaping.

- 8.69 Subject to conditions it is considered the proposed landscaping for the development would be in accordance with saved policy DEV12 of the UDP, policies DEV1, DEV2 and DEV 13 of the IPG, policy SP10 of the and policies 4A.11, 4B.1 and 4B.10 of the London Plan.

Views

- 8.70 Policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan, saved policy DEV8 of the UDP, policies CP50 and CON5 of the IPG and policy SP10 of the CS protect strategic views of the city and locally important vies of the townscape.
- 8.71 The site does fall within a designated Strategic View Consultation Area under the London Plan 2008. The proposed temporary replacement car park is not considered to significantly impact on any wider townscape views.
- 8.72 The proposal is therefore considered in accordance with policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, saved policy DEV8 of the UDP, policies CP50 and CON5 of the IPG and policy SP10 of the CS.

Access

- 8.73 The proposed development is fully accessible to mobility impaired persons. Lifts, signage and disabled parking are all provided for public access areas. The Council's Access Officer has raised some concerns with the details of the landscaping, which it is considered can be addressed through the recommended landscaping details condition, if planning permission is approved.
- 8.74 It is therefore considered that the access for mobility impaired persons is acceptable and would be in accordance with saved policy ST12 of the UDP, policies CP46 and DEV3 of the IPG, policy SP10 of the CS and policy 4B.5 of the London Plan.

Sustainability

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

Energy

- 8.76 The applicant has provided a Sustainability and Energy Report with the application, detailing what sustainable energy measures and provisions have been provided within the development.
- 8.77 PPS22 seeks to require the inclusion of renewable technology and energy efficiency within developments, as do policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan, policies CP38 and DEV6 of the IPG and policy SP11 of the CS, unless it can be demonstrated that the provision is not feasible.
- 8.78 In order to minimise the onsite energy use most effectively, as part of the works associated with the Whitechapel store, the current site wide energy use to be reviewed and minimised through consideration of the following energy efficient technologies:
- Use of daylight linked dimming control systems to the atrium area.
 - Fluorescent high T5 16mm frequency lighting with efficiency exceeding Building Regulation requirements

- Accent display lighting typically 35/70w CDM-T with efficiency exceeding Building Regulation requirements.
- Night Time / Out of Hours lighting levels reduced to 20% in lieu of 30%, as previously.
- External lighting typically 150w Metal Halide or high pressure sodium with efficiency exceeding Building Regulation requirements
- Presence detector operated lighting in staff facilities areas
- Economy setting on the main sales area supply fan using an inverter drive
- Removal of staff operated sales area lighting override facility
- LED external 'Sainsbury's' signage
- LED Frozen case lighting
- Bakery equipment is sourced in agreement with DEFRA
- Cold air is removed from the chiller aisle and utilised to cool certain areas of the store specifically the computer rooms and offices.
- Use of weir screens on refrigeration to improve their efficiency.
- Use of Night Blinds on all Sales Area Refrigerated Cabinets
- A full store Building Management System (BMS) that pre authorises all use of energy in the building removing the chance of human error.
- A comprehensive building control strategy that reflects the different building usages throughout the day.
- Web –Based Sub-metering on all major energy loads to manage usage and future maintenance.
- Specification of Lifts and Travellator equipment, incorporating energy efficient motors.

- 8.79 It is recommended that a condition of consent is imposed to require the applicant to submit details of this review and how it results in energy savings for the development. Although no details have been provided as to the inclusion of renewable energy, it is considered that the site wide approach has potential to provide significant energy savings compared to a viable renewable energy approach, given the temporary nature of the development.
- 8.80 It is therefore considered that, subject to the recommended condition, the proposed energy strategy would represent an acceptable carbon emissions saving and that the proposed development is considered to accord to policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008, policy CP38 of the IPG and policy SP11 of the CS.

Biodiversity

- 8.81 Policy 3D.14 of the London Plan 2008, saved policy DEV61 of the UDP, policy CP31 of the IPG and policy SP04 of the CS seek to protect and enhance biodiversity and natural habitats.
- 8.82 The site is not designated as a Site of Nature Conservation or Importance. The site is currently hard standing and the temporary nature of the development would preclude significant investment in providing habitats such as green roofs. The applicant is however proposing a grove of trees within the landscaping scheme and, where able, the retention of the majority of the trees along the boundary to Darling Row.
- 8.83 It is therefore considered that the proposed development would maintain the existing level of habitats on this inner city location and that the proposed development would be consistent with policy DEV61 of the UDP, policy CP31 of the IPG, policy SP04 of the CS and Policy 3D.14 of the London Plan 2008.

Water

Flood Risk, Water run-off and Waste Water

- 8.84 The current site is predominantly hard standing. The applicant has stated that they will ensure that the rate of water run-off from the development would be no worse than the existing car park. They have also stated that they intend to implement a rainwater harvesting

system to flush public and staff toilets – subject to further on site appraisal during detailed design phase.

- 8.85 It is therefore recommended a condition is imposed to require the submission and approval of details of Sustainable Urban Drainage systems and rainwater harvesting within the development, to ensure that the water run-off from the development is minimised.
- 8.86 It is therefore considered that the proposal would accord with policies 4A.14, 4A.16 and 4A.17 of the London Plan, saved policy DEV69 of the UDP, policies DEV7 and DEV8 of the IPG and policy SP04 of the CS.

Construction Waste and Recycling

- 8.87 Policy 4A.28 of the London Plan 2008, policy CP39 of the IPG and policy SP05 of the CS require developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.88 By constructing the car park from a modular system, which is constructed off-site, the applicant has already gone some way to minimising the waste that would have been produced through on-site development. Furthermore, the applicant has stated that a waste management hierarchy will be put in place.
- 8.89 The waste management hierarchy would ensure that the development is implemented in accordance with the principles that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.90 If development is undertaken in accordance with the waste management hierarchy the development would be considered to be in accordance with policy CP39 of the IPG, policy SP05 of the CS and policy 4A.28 of the London Plan.

Planning Obligations

- 8.91 Policy DEV 4 of the UDP, policy IMP1 of the IPG and policy SP13 of the CS state that the Council will seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.
- 8.92 The applicant has agreed to the following being included in a Section 106 to ensure mitigation of the proposed development:
- A financial contribution of £221,000 for improvements to public realm and pedestrian environment on Brady Street.
 - Production and implementation of a Travel Plan.
- 8.93 In accordance with policy DEV 4 of the UDP, policy IMP1 of the IPG and policy SP13 of the CS it is considered that the inclusion of these matters in a Section 106 Legal Agreement, together with the recommended conditions would adequately mitigate against the impacts of the development.

Conclusions

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

Site Plan and Consultation Zone

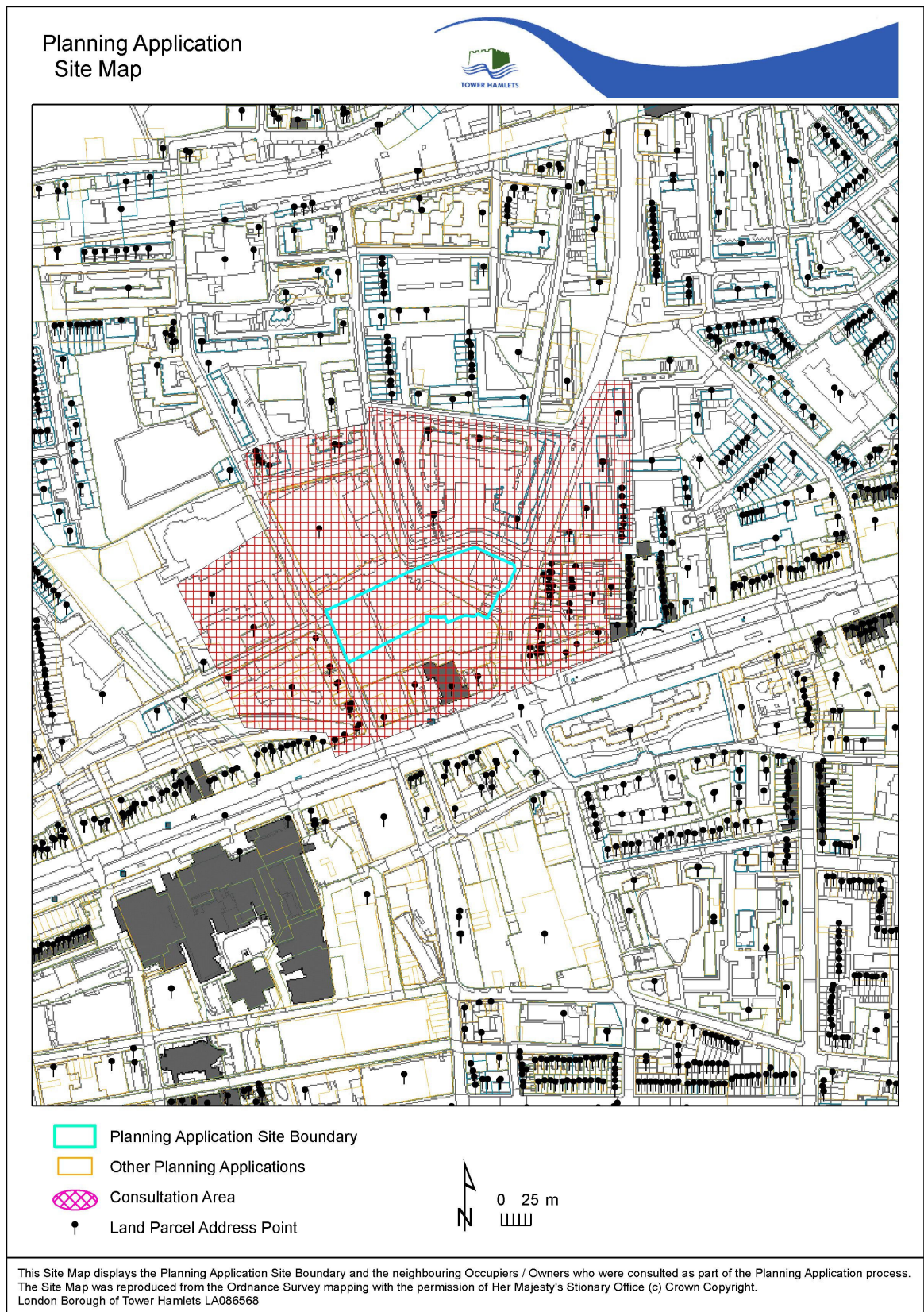


Figure 8.1 – Map showing site consultation zone

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Agenda Item 7.4

Committee: Strategic Development	Date: 2 February 2010	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Laura Webster		Ref No: PA/09/2099	
		Ward(s): Limehouse	

1. APPLICATION DETAILS

Location:	Site at 82 West India Dock Road and 15 Salter Street, London
Existing Use:	Vacant site (former commercial buildings now demolished)
Proposal:	Erection of a part 3, 14 and 16 storey building to provide a 252 hotel and incorporating meeting/conference rooms, restaurant, cafe and bar as well as formation of a drop-off area and servicing access off Salter Street
Drawing Nos:	<p>Drawings:</p> <p>7101-P0-100, 7101-P0-101 REVISION -, 7101-P1-100 REVISION H, 7101-P1-101 REV H, 7101-P1-102 REV H, 7101-P1-103 REV H, 7101-P-1-112 REV H, 7101-P-115 REV H, 7101-P2-100 REV H, 7101-P2-101 REV H, 7101-P3-101 REV H, 7101-P3-102 REV H, 7101-P3-103 REV H, 7101-P3-104 REV H, 7101-P3-105 REV H, 7101-P3-106 REV H, 1125/SK/14, 1125/SK/15 REV A, 1125/SK/13 REV A, 1125/SK/16 REV A</p> <p>Documents:</p> <ul style="list-style-type: none"> - Design and Access Statement dated October 2009 - Planning Impact Statement dated October 2009 - Construction Methodology Report 15 September 2009 - Construction Environmental Management Plan August 2009 - Daylight and Sunlight Report, GL Hearn 6th October 2009 - Transport Assessment September 2009 - Radio and Television Reception Impact Assessment 8th September 2009 - Flood Risk Assessment October 2009 - Noise and Vibration Assessment 6 October 2009 - Wind Microclimate Study 16th September 2009 - Air Quality Assessment October 2009 - Lighting Technical Report September 2009 - London City Airport Aviation Assessment - Utility Services Requirements October 2009 - Code of Construction Practice August 2009 - Phase I Geotechnical Assessment September 2009 - Sustainable Energy Strategy December 2009 - Sustainability Report 19 December 2009 Rev B
Applicant:	Aitch Group
Owners:	West India Dock Road Ltd
Historic Building:	N/A

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

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

Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- a) The proposal is in line with the Mayor and Council's policy, as well as government guidance which seeks to maximise the development potential of sites. As such, the development complies with policy 4B.1 of the London Plan which seeks to ensure high quality development maximises the potential of sites.
 - b) The principle of a hotel led scheme within this sustainable location would complement Canary Wharf and the areas role as a leading centre of business activity, by serving business and recreational tourism, thus supporting London's world city status. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), policies ART1 and CAZ1 of the Council's Unitary Development Plan 1998, policy CP12 of the Interim Planning Guidance (October 2007) and policy SP01 and SP06 in the Core Strategy (December 2009) which seek to support the economic role of the borough, London and the UK generally.
 - c) The proposal is smaller in bulk and scale than the approved scheme granted planning permission by the Planning Inspectorate at appeal. As such, the building's height, scale, bulk and design is acceptable since it accords with regional and local criteria for tall buildings. The proposal is therefore acceptable in terms of policies 4B.8, 4B.9 and 4B.10 of the London Plan (Consolidated with alterations since 2004), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3, CP46 and DEV27 of the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (December 2009) which seek to ensure buildings are of a high quality design and suitably located.
 - d) The high quality design of the proposal ensures the development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance with London Plan (Consolidated with Alterations since 2004) policies 4B.1, 4B.2, 4B.8 and 4B.9, policy DEV8 of the Council's Unitary Development Plan and policies CP48 and CP50 of the Interim Planning Guidance (2007) and policy SP10 in the Core Strategy (December 2009) 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.
 - e) The proposal would improve the existing public realm within the locality and form a positive public space for all users, in accordance with policy 4B.1 and 4B.3 in the London Plan (Consolidated with Alterations since 2004), policies DEV1 in the Unitary Development Plan 1998, policies DEV2 and DEV3 in the Interim Planning Guidance (October 2007) and policies SP04, SP09 and SP10 in the Core Strategy (December 2009) which seek to ensure high quality spaces.
 - f) The proposal would not have an unacceptable impact on the residential amenity of nearby properties in terms of loss of light, overshadowing, increased overlooking or noise. As such, the proposal is in line with policy DEV2 and DEV50 in the Unitary Development Plan 1998, policies DEV1 and DEV10 in the Interim Planning Guidance (October 2007) and policy SP01 in the Core Strategy (December 2009) which seek to protect the amenity of existing and future residents of the borough.

- g) Transport matters, including parking, access and servicing, are acceptable and accord with London Plan (Consolidated with Alterations Since 2004) policies 3C.1 and 3C.23, policies ST34, T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Interim Planning Guidance (October 2007) and policy SP08 in the Core Strategy (December 2009) which seek to ensure developments minimise parking and promote sustainable transport options.
- h) Sustainability matters, including energy, are acceptable and accord with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (Consolidated with Alterations since 2004), policies DEV5 to DEV9 of the Interim Planning Guidance (October 2007) and policy SP11 in the Core Strategy (December 2009) which seek to promote sustainable development.
- i) Contributions and obligations have been secured towards the provision of public realm improvements, management plans and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007) and policy SP13 in the Core Strategy (December 2009) which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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

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

- a) Transport for London contribution - £15,000 for works around Westferry station
- b) Public Realm Improvements
- c) Public Access (24 hours) through the site
- d) Travel Plan
- e) Construction Logistics Plan
- f) Service Management Plan
- g) TV Reception
- h) Local Labour ('Access to employment initiative' to ensure that the development provides employment and business opportunities for the residents of the borough during the construction of the development and at the end user stage of the commercial uses).
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

3.3 That if by 3rd May 2010 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (legal services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission.

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

Conditions

- 1) Full time limit
- 2) Samples of materials to be approved
- 3) Façade detailing at a scale of 1:20 to be approved
- 4) Hours of operation for the ground floor café and bar
- 5) Hours of operation for servicing vehicles
- 6) Site drainage details (highways)
- 7) Loading and unloading to remain ancillary to the use of the building
- 8) Contamination condition
- 9) Full details of cycle parking to be submitted
- 10) Scheme of highways improvements (S.278) approved and implemented
- 11) The energy efficiency and CHP technologies shall be implemented in accordance with the proposals made in the 'Sustainability Energy Strategy (2nd October 2009)' and 'Sustainability Energy Strategy (19th December 2009)'
- 12) The renewable energy technologies shall be implemented in accordance with the proposals made in the 'Sustainability Energy Strategy (2nd October 2009)' and 'Sustainability Energy Strategy (19th December 2009)'
- 13) Details to be approved in writing by the local planning authority of a BREEAM assessment where the development shall seek to achieve a minimum of an "Excellent" rating.
- 14) Implementation in accordance with the approved Flood Risk Assessment
- 15) Preliminary risk assessment regarding water contaminants to be submitted and approved
- 16) Verification report regarding potential water pollutants to be approved
- 17) Remediation strategy if water pollutants are found during development
- 18) Piling and foundation design details to be submitted and approved
- 19) Foul and surface water details to be approved and implemented
- 20) Full details of Public Art to be approved and implemented
- 21) Mitigation measures within the Lighting Technical Report By WSP dated September 2009 to be implemented
- 22) Glazing specification within the Noise/Vibration Assessment Report by WSP Acoustics dated 8 October 2009 to be implemented

Any other condition(s) considered necessary by the Head of Development Decisions.

3.5 Informatives

- 1) S.278 and S.72 highways agreement
- 2) Thames Water informatives
- 3) Highways informatives
- 4) Energy and sustainability informatives
- 5) Environment Agency informatives

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes to construct a part 3, 14 and 16 storey building to provide a 252 bedroom hotel incorporating meeting/conference rooms, restaurant, cafe and bar. The proposal would incorporate a drop-off area and servicing access off Salter Street. The proposal would provide publicly accessible public realm improvements through the site.

Site and Surroundings

- 4.2 The site is located to the north west of the Isle of Dogs and Canary Wharf. The site is situated in a prominent location within the area enclosed by transport infrastructure to all sides. The site is bounded by Westferry station and the railway viaduct to the south, Salter

Street to the west, West India Dock Road to the North and Westferry Road to the east.

- 4.3 The site is situated adjacent to Westferry DLR station. The site is approximately 700m away from Canary Wharf where London underground services are available (Jubilee Line). Regular bus routes 277, 135, D3 and D7 run along Salter Street adjacent to the site. Additionally, routes 15 and 115 are within reasonable walking distance on east India Dock Road.
- 4.4 The site is currently a vacant site, bounded by hoardings following demolition of the previous buildings on the site. It is currently in temporary use by contractors working on the DLR upgrades. Prior to demolition, the site comprised two storey warehouse buildings dating from around 1950. The buildings ran the perimeter of the site with a central service yard accessed by vehicular traffic from Salter Street.
- 4.5 The northern boundary of the site abuts an area of open land with 6 on-street parking spaces. To the west of the site on Salter Street, there is a warehouse building accommodating a van-hire outlet and a four storey residential development known as Compass Point. The south of the site is bounded by the DLR railway viaduct. One of the pedestrian entrances to Westferry DLR station is a staircase situated between the southern boundary of the application site and the DLR viaduct. The area east of the site is bounded by main roads. The wider area surrounding the site comprises a mix of commercial, industrial, retail, leisure and residential uses varying in scale.
- 4.6 The site is not situated within a Conservation Area. The site is not situated within the immediate vicinity of any historic listed buildings.
- 4.7 The site has an excellent public transport accessibility level (PTAL) of 6a.

Planning History

- 4.8 PA/04/1038 - Demolition of existing buildings and redevelopment by a seven storey building (22.6m) and a 20 storey building for mixed use purposes (1,442 sq m of commercial floorspace plus 120 flats) comprising (1) a seven storey building to comprise 136 sq m. of commercial floorspace at ground floor level and 21 self contained flats plus communal amenity space at roof level and (2) a twenty storey building to include 1,306 sqm. of commercial floorspace at ground, first and second floors plus 99 self contained flats plus amenity space. The proposal includes a paved public concourse between the two buildings with a public art feature, DLR ticket machine and a glazed canopy overhead.

An appeal was made against non-determination of this application. It was approved by the Planning Inspectorate 9th May 2007, subject to conditions.

- 4.9 The proposal within this application is smaller in scale than the previously approved application under PA/04/1038. The tall element is 16 storey as opposed to 20 storeys in the previous application, and the built form fronting Salter Street is 3 storeys as opposed to 7 storeys in the previous application.

5. POLICY FRAMEWORK

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

Government Planning Policy Guidance/Statements

PPS25	Development and Flood Risk
PPS1	Delivering Sustainable Development

Spatial Development Strategy for Greater London (London Plan 2008) Consolidated with alterations since 2004.

Policies	2A.1	Sustainability Criteria
	3B.1	Developing London's economy
	3B.3	Mixed Use Development
	3B.9	Tourism Industry
	3C.1	Integrating Transport and Development
	3C.2	Matching Development to Transport Capacity
	3C.3	Sustainable Transport in London
	3C.20	Improving Conditions for Busses
	3C.21	Improving Conditions for Walking
	3C.22	Improving Conditions for Cycling
	3C.23	Parking Strategy
	3D.7	Visitor accommodation and facilities
	4A.1	Tacking 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
	4B.1	Design Principles for a compact city
	4B.3	Enhancing the Quality of the Public Realm
	4B.5	Creating an inclusive environment
	4B.9	Tall Buildings
	4b.10	Large Scale Buildings
	5C.1	The strategic priorities for North East London
	5C.3	Opportunity areas in North East London

Unitary Development Plan 1998 (as saved September 2007)

Policies:	ST37	Improve of Local Environment
	ST43	Use of High Quality Art
	DEV1	General design and environmental requirements
	DEV2	Development requirements
	DEV3	Mixed use developments
	DEV12	Landscaping
	DEV 50	Noise
	DEV51	Contaminated Land
	DEV55	Litter and Waste
	DEV56	Waste Recycling
	EMP1	Encouraging new employment uses
	EMP6	Employing Local People
	HSG15	Development affecting residential amenity
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Routes
	ART7	Location of Major Hotel Development
	U2	Development in areas at risk of flooding

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

Proposals:	N/A
Core Strategies: CP1	Creating Sustainable Communities

CP2	Equal Opportunity
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job creation and Growth
CP12	Creative and Cultural Industries and Tourism
CP13	Hotels, Serviced Apartments and Conference Centres
CP40	A Sustainable Public Transport Network
CP41	Integrating Development with Transport
CP42	Streets for People
CP46	Accessible and Inclusive Environments
CP48	Tall Buildings

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
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV13	Landscaping and Tree preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment / Change of Use of Employment Sites

Core Strategy Development Plan Document (Submission version December 2009)

Policies	SP01	Town Centre Activity
	SP02	Housing and sustainable communities
	SP03	Healthy Lifestyles
	SP04	Open Space
	SP05	Waste Management
	SP06	Economy and Employment
	SP07	Education and Training
	SP08	Transport Network
	SP09	Pedestrians and Streets
	SP10	Heritage and Good Design
	SP11	Sustainability and Climate Change
	SP12	Placemaking
	SP13	Planning Obligations

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

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

6. CONSULTATION RESPONSE

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

The following were consulted regarding the application:

London Borough of Tower Hamlets - Environmental Health

- 6.2 Contaminated Land – The site and surrounding area have been subjected to former industrial uses. The submitted phase 1 environmental assessment dated September 2009 is considered acceptable. A contamination condition requiring contamination risk to be fully identified and appropriately mitigated prior to development is to be attached to any permission granted.

Daylight and Sunlight – The contents of the report is acceptable, There are no unacceptable impacts from the scheme on the following surrounding residential buildings in terms of VSC, ADF, NSL (DDC) and APSH.

- i) 27-29 West India Dock Road.
- ii) 31-41 West India Dock Road.
- iii) 43 West India Dock Road.
- iv) 1-26 Fonda Court.
- v) 140-162 Limehouse Causeway.
- vi) 1-44 Compass Point.

Lighting – The contents of the Lighting Technical Report By WSP dated September, 2009 for Aitch Group is acceptable. However, the mitigation methods in the Report (as in paragraph 7.1.8 and 7.1.9) should be implemented to mitigate light nuisance to sensitive receptors.

Noise and Vibration – The Noise/Vibration Assessment Report by WSP Acoustics dated 8 October, 2009 for Aitch Group puts the site in PPG24 NEC "C" and should apply the glazing specification in paragraph 6.1 and 6.2 also as stated in Tables 7 and 8 of the Report. The Vibration Assessment is acceptable and meets the below low probability of adverse comments. The Report and its contents are acceptable.

London Borough of Tower Hamlets - Highways

- 6.3
- The site is in an area of very good public transport accessibility. It is therefore acceptable that no parking spaces are provided for the able-bodied.
 - The applicant is not proposing to build up to the site edge, thus allowing a decent level of pedestrian amenity in this busy area next to Westferry DLR.
 - The applicant should be required to dedicate this land which is to become part of the footway to the Public, under a s72 agreement. The Highway Authority would then maintain it.
 - The footways on Salter St (north) are of a reasonable width to accommodate current and likely future levels of foot traffic, but in poor condition which will only worsen with construction traffic. A s278 agreement would be necessary (I recommend as part of a s106) to restore footways on both sides of the roads all around the site.
 - Some of the public realm improvements are on the Councils highway and non-highway ownership. This recognises that the environment is in need of improvement, but may need further work to enhance the area. For example this space needs to provide sustainable alternatives e.g. visitor cycle parking spaces or improved lighting attached to the hotel to brighten the passage between Westferry Station and the south flank of the hotel.
 - Accept in principle the stopping up of the highway area between the north flank of the hotel and the bus way since from records show the pattern of highway no longer matches what's on the ground.
 - Disabled parking provision required in accordance with policy

- Loss of on-street parking to be justified.
- Cycle parking, for staff and visitors required in accordance with policy.
- Adequate coach parking required.
- The servicing arrangements require proper auto tracking to ascertain whether the HGV shown actually can turn within the boundaries of the site. The over-standard width of the servicing crossover I think is there because the vehicle cannot turn on site.
- A Vehicle to pedestrian visibility splay of 1.5m x 1.5m must be achieved at the vehicular access point of the site.
- There is refuse storage in the service area which is within the standard distance to the Highway.
- A drop off and pick up area, where taxi and chauffeur driven cars can park has been provided off the highway, which is acceptable.

(OFFICER COMMENT: Following the highways comments the applicant has submitted additional information in response. Further information regarding the servicing arrangements has been provided. Coach parking, disabled parking and adequate cycle have been provided and are discussed within section 8.27-8.33 of the report. Following receipt of the additional information, no further comments from highways have been received to date. The recommended conditions, informatives and S.278 agreement would be applied to any planning permission granted. A S.106 agreement would secure the public realm improvements).

London Borough of Tower Hamlets – Landscape and Trees

- 6.4 No objections subject to submission of a planting scheme and a funding agreement to allow extra tree planting on nearby streets.

(OFFICER COMMENT: The 4 existing trees to the north of the site are to be retained. Planting will be incorporated into the east of the site. As such, given the proposal would not result in the overall loss of trees on site, a funding agreement is not considered appropriate. Full details of the planting and hard landscaping scheme have been submitted within the application and will be secured within the S.106 agreement).

London Borough of Tower Hamlets - Energy

- 6.5 Further information is requested from the applicant on the following issues:

- Energy Baseline: Clarification on the inclusion of unregulated energy in the SBEM modelling. Reason - to ensure compliance with Policy 4A.4 Energy Assessment.
- Decentralised Energy: Confirmation that the potential of the CHP system and associated absorption chillers have been maximised before the consideration of any renewable energy technologies. Reason - to ensure compliance with Policy 4A.6 Decentralised Energy: Heating, Cooling and Power.
- BREEAM: A pre-assessment should be provided to demonstrate the development can achieve an 'Excellent' rating. Reason - to ensure consistency with the Consolidated London Plan (2008) Policy 4A.3 Sustainable Design and Construction and local planning policy DEV5 Sustainable Design (interim planning guidance).

Conditions and Informatives:

- Recommend conditions regarding energy efficiency and renewable energy.
- Recommend a condition regarding sustainability

Further comments received 11/01/2010 following submission of further information by the applicant

- Principally the Sustainable Energy Strategy is considered appropriate for the

development. The London Plan energy hierarchy has been followed appropriately.

- A sustainability statement has been submitted outlining how the scheme responds to the Sustainable Design and Construction Supplementary Planning Guidance.
- The BREEAM methodology is considered appropriate for this scheme and an 'Excellent' rating should be targeted.
- Conditions recommended

(OFFICER COMMENT: Conditions have been imposed to ensure renewable energy technologies and energy efficiency and CHP technologies are implemented in accordance with the proposal submitted. A condition would be imposed whereby the Council will approve the BREEAM assessment. Additional energy and sustainability information has been submitted since these comments were received to address the issues raised. This is discussed in further detail within 8.34-8.35 section of the report).

London Borough of Tower Hamlets – Crime Prevention

- 6.6 Supportive of the central walkway, active frontages will help the public and DLR users. The walkway space should have good lighting and ground floor glass should be laminated as it is more vulnerable to attack.

(OFFICER COMMENT: details of the public walkway can be included as part of the S.106 obligation).

London Borough of Tower Hamlets – Waste Management

- 6.7 No comments received to date.

Greater London Authority (GLA)

- 6.8 Land Use: In line with London Plan Policy 3D.7, a hotel use is acceptable in this location.

Urban Design: The layout, scale and façade treatment are appropriate to its context and are supported in line with London Plan policies 4B.1, 4B.9 and 4B.10.

Inclusive access: the provision of 5% wheelchair accessible bedrooms is acceptable in line with London Plan policies 4B.5 and 3D.7. The use of revolving doors at the main hotel entrance however, does not comply with London plan policy 4B.5.

Climate change and mitigation: The proposed energy efficiency measures, size of CHP system and proposed renewable energy technologies do not comply with policies in chapter 4A of the London Plan.

Climate change and adaptation: A sustainability statement has been submitted in line with London Plan policy 4A.3, but further information is required in relation to green roofs, grey water recycling and surface water attenuation.

Transport: The proposal is broadly supported in transport terms but further work is required in relation to trip generation, walking and cycling.

(OFFICER COMMENT: Following the above comments, the applicant has provided additional information regarding energy and transport seeking to address the issues raised. This is discussed further in section 8.27-8.33 and 8.34-8.35 of the report. No further comments from the GLA have been received to date).

Transport for London (TfL)

- 6.9 - It is not expected that the proposal would have an unacceptable impact on the public transport network.
- TfL requests a £100,000 contribution towards improving the public realm around Westferry station.
 - Car free approach supported, however disabled parking should be provided.
 - TfL supports the drop off area for taxis and the lay-by for coaches on Salter Street.
 - TfL supports the service access from Salter Street
 - Cycle parking should accord with planning policy and be shown on the plans.
 - Construction Logistics Plan and a Service Plan should be secured via S.106 agreement.
 - A Travel Plan should be secured via S.016 agreement.

(OFFICER COMMENT: TfL have not provided detail of any specific projects or works that the requested contribution would fund. The applicant is delivering the following:

- Comprehensive scheme of public realm improvements inside and outside the red line boundary. This includes the area to the north and south of the site by the DLR station.
- The public realm area within the red edged site boundary would be laid with a combination of natural stone and high quality concrete block paving with integral lighting. The works are subject to approval by the Local Planning Authority.
- The area adjacent to the station within the ownership of the DLR, would be laid with high quality concrete block paving.
- The area to the north of the site would be a mix of high quality concrete paving and natural stone with some integral lighting.
- Public rights of access through the site

The break down of costs submitted by the applicant amount to approx £480,000 in total. The applicant has agreed to provide a contribution of £15,000 to TfL to enable DLR to carry out works necessary around the station. The council considers that the works to be carried out by the applicant and the contribution, equates to sufficient public realm improvements given the scale of the scheme and is acceptable).

(OFFICER COMMENT: A Construction Logistics Plan, Service Plan and Travel Plan would be secured as part of the S.106 obligations).

English Heritage

- 6.10 No comments on the proposal

Environment Agency

- 6.11 No objection in principle to the proposed development provided the recommended planning conditions are imposed on any planning permission granted.

(OFFICER COMMENT: The recommended conditions have been included as conditions 14-19 as set out in section 3 of this report).

Commission for Architecture and Built Environment (CABE)

- 6.12 - General massing and scale supported.
- A simpler architectural expression could be more successful.
 - An over complicated articulation will lead to unresolved junctions between different forms and materials.
 - Not convinced by the green glass and consider a simpler, more elegant architectural aesthetic could create a more positive landmark that can stand the test of time.
 - Scheme should be considered in light of *Guidance on Tall Buildings* (CABE/English Heritage 2007).

(OFFICER COMMENT: Full details of the materials and façade detailing would be conditioned).

London City Airport

6.13 No comments received to date.

National Air Traffic Services

6.14 No safeguarding objections to this proposal.

London Fire and Emergency Planning Authority

6.15 No comments received to date.

Docklands Light Railway

6.16 No comments received to date.

Thames Water

6.17 No objection in principle. Standard informative advice for applicant.

(OFFICER COMMENT: Thames Water advice to the applicant would be added as an informative).

BBC reception advice

6.18 No comments received to date.

Olympic Delivery Authority

6.19 No comment on the proposals.

National grid

6.20 No comments received to date.

7. LOCAL REPRESENTATION

7.1 A total of 265 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised within the local press and on site via a site notice.

The total number of representations received in response to notification and publicity of the application were as follows:

No of individual responses:	11	Objecting:	5	Supporting:	5
No of petitions received:	1	objecting containing	17	signatories	
		0 supporting containing	0	signatories	

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

- Scale and height
- Overlooking

- Overshadowing
- Loss of light
- Noise from use and traffic
- Noise and road closures during construction
- Salter Street too small to accommodate service and hotel vehicles
- Traffic congestion
- Loss of car parking
- Pressure on car parking within the area
- No benefit to the community or community facilities
- Would set a precedent
- Would not enhance public realm

7.3 The following **objections** were raised in representations that are **not material** to the determination of the application.

- Views / right to a view

7.4 The following points were raised **in support** to the application:

- Would bring investment to the area
- Investment would support local businesses
- Regeneration benefits to the area
- Job creation
- Strong demand for hotel accommodation within the area
- Improves access and the environment around the station
- Would provide a landmark and gateway to the area

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use

Acceptability of the use in this location.

2. Design and scale

Impact on the amenity of the surrounding area including amenity space.

3. Amenity

Impact on the amenity of the surrounding area.

4. Highways

Transport and highways implications.

Land Use

8.2 Policy 3D.7 in the London Plan 2008 encourages the provision of new visitor accommodation in town centres, and other locations such as Opportunity Areas, with good public transport access to central London and transport termini. Although not in a designated town centre or Opportunity Area the site is immediately adjacent to a DLR station offering direct services to central London and is within a 700m walk of Canary Wharf which is designated as a major centre in the London Plan. Policy CP13 in the Interim Planning Guidance (October 2007) supports the provision of hotel accommodation in areas of high public transport accessibility. Policy SP06 in the Core Strategy (Submission Version 2009) further reinforces this. As such, the proposed use is considered acceptable in principle within this location.

8.3 The applicant has undertaken an assessment of need for a new hotel in this location. This demonstrates that demand for such accommodation in the area is likely to rise in the short to

medium term. It is considered that the proposal would support both business and recreational tourism given its location.

- 8.4 The proposal would also provide a café, bar/restaurant and conference facilities, which would support active frontages to the ground floor of the development. These uses considered acceptable within this mixed use location.
- 8.5 The proposal would create a significant number of jobs that will help to sustain the local economy. It is expected that approximately 150 people will be employed once the development is completed. The development will therefore make a contribution towards increasing the employment potential of the borough. A clause within the S.106 agreement would require local employment initiatives to be adopted to ensure the borough benefits from employment opportunities.
- 8.6 The site is situated in a mixed use area and it is considered that the proposed use is compatible with surrounding uses. The proposal would create active uses at ground floor level which would contribute to the attractiveness of the area making the entrance around Westferry station more appealing to users.
- 8.7 In conclusion, the provision of a hotel and associated facilities in this location is supported by the London Plan and local policy objectives which seek to promote leisure and tourism and benefit employment and the economy within the borough.

Design

- 8.8 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 4B of the London Plan. Saved policy DEV1 in the UDP 1998, Policy CP4 and DEV2 of the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (December 2009) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.9 The application proposes two connected buildings: a 16 storey building adjacent to West India Dock Road that would accommodate the hotel, bar, gym, boardrooms and ancillary office space; and a smaller 3-storey annex building fronting Salter Street the would accommodate the café, restaurant, meeting rooms and the plant, servicing and vehicle drop off space. The two buildings are connected by an enclosed walkway.
- 8.10 The principle of a tall building on this site has been established by the previous planning permission PA/04/1038. The previous application proposed a mixed use commercial and residential scheme including a 20 storey building located adjacent to West India Dock Road. This permission is still extant. However, it has not been implemented to date.
- 8.11 Within the previous appeal decision, the Inspector concluded the following points:
 - Because of the excellent public transport links available, the proposal would offer an opportunity to increase the density of development in a sustainable manner.
 - The proposal would add to the attraction of the public transport facilities located adjoining the site by providing an easier and more attractive user-friendly environment.
 - The site is situated within a diverse urban context, not just in terms of uses, but also in terms of heights and densities of buildings. The area lacks any strong sense of place or destination. The streetscene area lacks any appeal or quality.
 - The appeal site is a highly visible island site, not located in a terrace or within any closely abutting neighbouring development. It has wide roads around it which encourage a proposal of significant scale. He considered the redevelopment would offer an opportunity to mark the presence of the DLR station with a significant building, with associated development which would provide a sense of place for a site which is potentially an important interchange between public transport modes, and a

waymarker between Docklands and the City.

- 8.12 The site is located adjacent to the raised DLR station and in an area with limited sensitive buildings. A taller building on this site would act as a landmark for the DLR station and due to the disparate and weak architectural styles of the surrounding buildings, the scheme would help to create a striking and engaging building that would help generate an improved architectural quality in the immediate surroundings. The area is also characterised by the backdrop of tall buildings at Canary Wharf and in longer views, the proposed building would complement this existing character. As such, the proposed height, bulk and scale of the current application is considered acceptable in accordance with policy 4B.9 and 4B.10 in the London Plan and policy DEV2 and DEV27 in the Interim Planning Guidance (October 2007).
- 8.13 The proposed external materials are a simple palette of glazed and metal cladding in bronze and copper green colour. This approach seeks to provide a striking landmark building that complements its context. The scheme incorporates a lighting strategy that would provide visual interest at night. The proposal does not seek to mimic the glazed buildings within Canary Wharf. Overall the design is not considered to be overly complex and subject to conditions regarding the details of materials and finishes, it is considered the scheme would represent quality and would provide a landmark within the locality for the present time and for the future. The use of materials and external façade approach is considered acceptable in principle in accordance London Plan and local plan design policy requirements.
- 8.14 It is considered that not only is the current scheme within this application of a significantly higher architectural quality than the previous scheme, it also provides better public realm improvements. In line with the Inspectors findings, the current scheme has been designed to create a sense of place, provide public realm improvements, mark the presence of Westferry DLR station and provide a clear reference point for way finding.
- 8.15 The scheme would improve connectivity to the DLR station with the introduction of a new north to south pedestrian route that would be accessible 24 hours a day. This route would have active ground floor uses and, in conjunction with the proposed public realm strategy, would provide an attractive public route which greatly improves the current public realm within the locality. Full details of the planting, hard landscaping and lighting scheme have been submitted within the application. The approach is considered acceptable. Public Artwork is proposed on a ground floor wall within the public precinct in the form of words and images. This artwork intends to relate to the heritage of the area which is considered acceptable in principle. However, full details of the artwork would be secured by condition.
- 8.16 Part of the public realm improvements to the north of the site fall outside the application boundary. However, the applicant is committed to delivering a comprehensive high quality public realm strategy and these improvements will be secured as part of the S.106 agreement.
- 8.17 In accordance with London Plan policy 3D.7 the scheme contains 5% wheelchair accessible bedrooms, plus a further 5% easily adaptable to wheelchair standards. These rooms are evenly distributed throughout the building which is acceptable.
- 8.18 External surfaces are level or have a shallow gradient to enhance accessibility for all users and the drop-off area is located adjacent to the main hotel entrance which is supported.
- 8.19 Overall, the proposal is considered to have been carefully designed to deliver a high quality development which is appropriate within its context. The proposal would enhance the site and provide positive public realm improvements to the benefit of all users. The proposal would meet the criteria set out in tall building policy 4B.9 in the London Plan and policy SP10 in the Core Strategy (December 2009). The proposal meets the high quality design requirements of policy 4B.1 and 4B.3 in the London Plan and Local Plan policies, which seek to ensure high quality developments that are appropriate to their context.

Amenity

- 8.20 Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek 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.

Overlooking

- 8.21 Given the location, distance from neighbouring residential buildings and orientation of the proposal, it is not considered that there would be any unacceptable overlooking or loss of privacy to surrounding residential occupiers.

Loss of light

- 8.22 The applicants submitted a daylight and sunlight report carried out by GL Hearn dated 6th October 2009 to support the application. The contents of this report demonstrated that there would be no unacceptable loss of daylight and sunlight to surrounding residential occupiers in accordance with the requirements of the BRE guidance and policy DEV2 in the UDP 1998 and policy DEV1 in the Interim Planning Guidance (October 2007).

Overshadowing

- 8.23 In terms of overshadowing, the proposal is considered acceptable and as demonstrated in the report carried out by GL Hearn dated 6th October 2009, the scheme would not have an increased impact in terms of overshadowing when compared to the current approved scheme on the site.

Noise

- 8.24 Given the scale of the development, the applicant would be required to adhere to an approved construction management plan to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic. A comprehensive construction management plan secured by S.106 agreement, would ensure that the level of disturbance and disruption within the locality during construction is minimised and kept to an acceptable level.
- 8.25 It is not considered that the proposed uses would cause unacceptable noise and disturbance given the mixed use location of the site. Given the scale of the proposal and its location adjacent to major transport links, it is not considered excessive noise and disturbance from traffic would be created. A planning condition regarding servicing hours and hours of operation would ensure the amenity of nearby residential occupiers is protected. Therefore, the proposal is considered acceptable in accordance with policy DEV50 in the UDP 1998 and policy DEV10 in the Interim Planning Guidance (October 2007).

Transport & Highways

- 8.26 The London Plan, Unitary Development Plan 1998 and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport. This is further supported by policy SP09 in the Core Strategy (Submission Version 2009).
- 8.27 The site is situated within an area of high public transport accessibility. The use is considered to be appropriately located with easy access to pedestrian routes and public transport.

- 8.28 It is considered that the public realm improvements outweigh the loss of 6 public car parking spaces to the north of the site given the high accessibility of the site and policy aims with regard to promoting sustainable transport modes. As such, no objection is raised on these grounds.
- 8.29 The car-free approach, by way of no parking on site, is supported within this accessible location. Access to parking provision for disabled users and adequate cycle parking provision is required. Following initial highways comments, the applicant has provided further information and the proposal includes sufficient cycle parking in accordance with planning policies. An on-street disabled parking space can be provided within Salter Street. This is shown on Drawing SK-14 which is acceptable.
- 8.30 Access arrangements to the site off Salter Street are considered appropriate in highways terms in principle. The drop off area and lay-by for coaches is supported in principle. It is considered that the access route and arrangement are suitable for the scale of the use. A service management plan will be secured via S.106 agreement to ensure servicing is carried out appropriately and would minimise any disruption on Salter Street.
- 8.31 Following initial highways comments, further information was requested regarding the servicing arrangements and auto tracking to ascertain whether the HGV shown actually can turn within the boundaries of the site. A Vehicle to pedestrian visibility splay of 1.5m x 1.5m must be achieved at the vehicular access point of the site. This information has now been provided by the applicant and is considered acceptable.
- 8.32 Works surrounding the site to the footpaths would be secured under a S.278 highways agreement. The proposed public realm improvements and the provision of a travel plan, servicing management plan and construction logistics plan are to be secured via a S.106 agreement.
- 8.33 Given the accessibility of the site, It is not considered that the proposal would have an unacceptable impact on the surrounding highway network. Transport for London and LBTH Highways support the scheme in principle subject to conditions and S.106 obligations which will be secured as part of any planning permission granted.

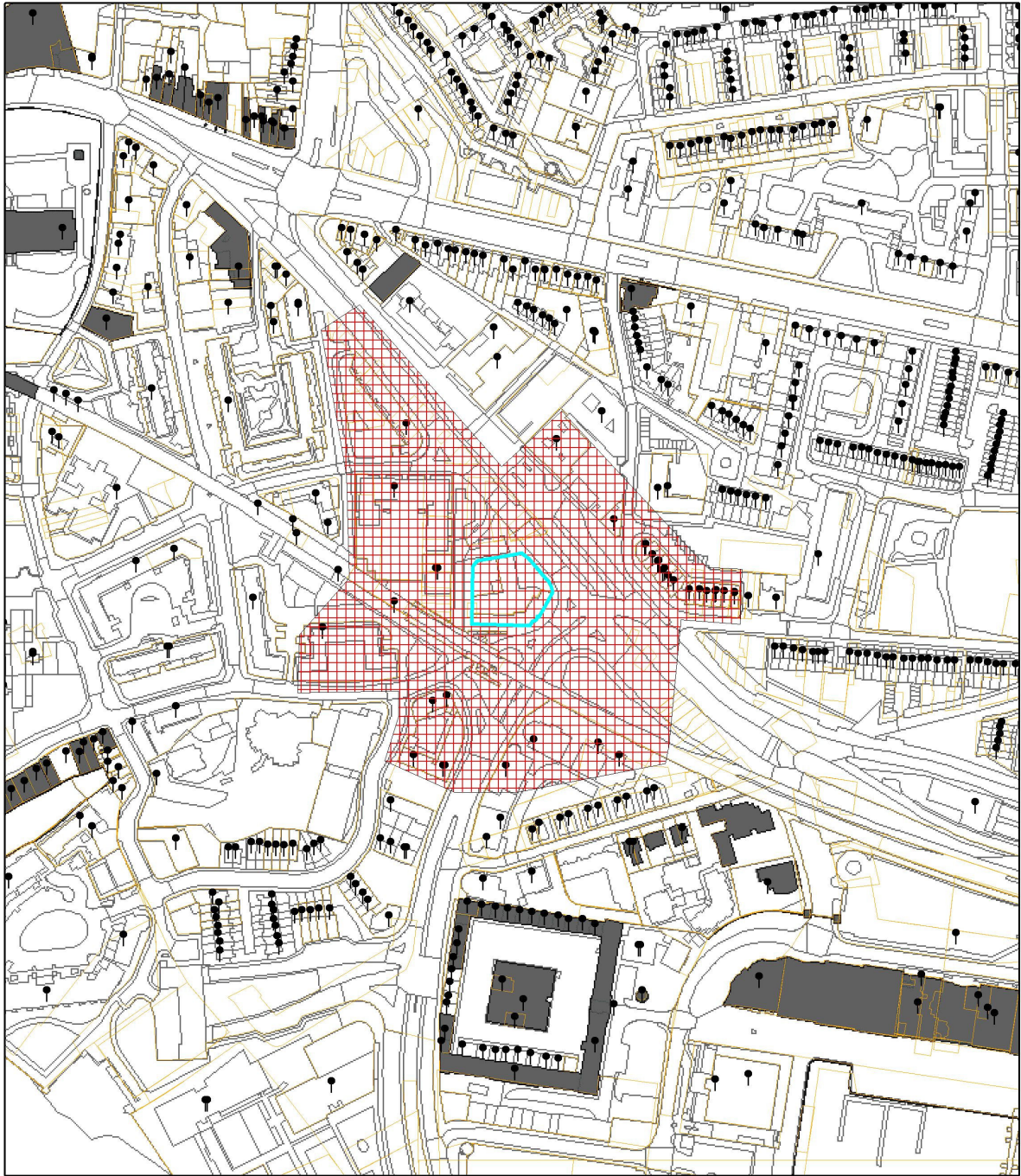
Other

- 8.34 Following initial comments from LBTH and the GLA, additional information regarding energy and sustainability has been provided to address the issues raised. In principle, the Sustainable Energy Strategy is considered appropriate for the development. The London Plan Energy Hierarchy has been followed appropriately. A sustainability statement has been submitted outlining how the scheme responds to the Sustainable Design and Construction Supplementary Planning Guidance. The BREEAM methodology is considered appropriate for this scheme and an 'Excellent' rating should be targeted.
- 8.35 The contents of the Lighting Technical Report By WSP dated September, 2009 for Aitch Group is acceptable. However, the mitigation methods in the Report as in paragraph 7.1.8 and 7.1.9 should be implemented to mitigate light nuisance to sensitive receptors. As such, the lighting scheme within the proposed development would not give rise to unacceptable noise pollution as a result of the development.

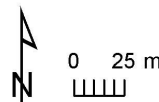
9.0 CONCLUSIONS

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

Planning Application Site Map



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



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

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Agenda Item 7.5

Committee: Strategic Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item No: 7.5
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/09/01637	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location:	The Innovation Centre, 225 Marsh Wall, London E14 9FW
Existing Use:	Office (Use Class B1)
Proposal:	Demolition of existing building and erection of a building of between 11 and 43 storeys in height, comprising of 265 residential units (Use Class C3), a 56-bedroom hotel (Use Class C1), office floorspace (Use Class B1), retail floorspace (Use Classes A1, A2, A3 and A4) and leisure uses (Use Class D2) together with a rooftop amenity area, plant and parking at basement level and associated landscaping
Drawing Nos:	<ul style="list-style-type: none"> • Drawing nos. DPA-101A – 107A, DPA-201B, 202A, 203B, 204B, 205A, 206A, DPA-401A – 407A, DPA-501A – 506A • Planning Statement prepared by GVA Grimley • Design & Access Statement • Environmental Statement Volume I prepared by URS • Environmental Statement Volume 2 (Townscape, Conservation and Visual Impact Assessment) prepared by Professor Robert Tavernor/ Miller Hare • Environmental Statement Volume 3 (Technical Appendices) • Landscape Statement prepared by Capita Lovejoy • Energy Statement prepared by Hoare Lea • Sustainability Statement prepared by Hoare Lea • Transport Assessment and Travel Plan prepared by WSP • Statement of Community Involvement prepared by Indigo • Letter from GVA dated 18th December 2009 together with associated documents entitled 'Response to Consultation' appendices 1-7
Applicant:	Angel House Developments Ltd
Owner:	Angel House Developments Ltd
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policy HSG1 of the Council's Interim Planning Guidance (2007) and also policy SP02 of the Core Strategy Development Plan Document (2009) which seeks to ensure the use of land is appropriately optimised.

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, supporting technical reports, adopted UDP, IPG, Core Strategy DPD, London Plan and PPGs		Development Control 020 7364 5009

- The leisure (Class D2), office (Use Class B1) and retail (Use Classes A1-A4) uses 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, policies DEV1 and RT4 of the Council's Interim Planning Guidance (2007), policy SP06 of the Core Strategy Development Plan Document (2009) 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 proposed hotel (Use Class C1) is acceptable as it 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 also tourism in general and, in this respect will support London's world city status. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved ART7 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, policy SP06 of the Core Strategy Development Plan Document (2009) 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 building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme accords 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, policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007) and policies SP10 and SP12 of the Core Strategy Development Plan Document 2009 which seek to ensure buildings and places are of a high quality of design and suitably located.
- The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), saved policy HSG7 of the Council's Unitary Development Plan 1998, policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document 2009 which seek to ensure that new developments offer a range of housing choices.
- The scheme provides acceptable space standards and layout. As such, the scheme is in line with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policies CP5, DEV1 and DEV2 of Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2009) which seek to provide an acceptable standard of accommodation.
- The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan 1998, policies HSG7 of the Council's Interim Planning Guidance (2007) and policy SP02 of the Core Strategy Development Plan Document (2009), which seek to improve amenity and liveability for residents.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007), policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (2008) and policy SP10 of the Core Strategy Development Plan Document (2009) 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.

- 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), policy DEV1 of the Interim Planning Guidance (2007) and policy SP10 of the of the Core Strategy Development Plan Document (2009) which seek 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, saved policies T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) and policy SP08 and SP09 of the Core Strategy Development Plan Document (2009) which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007) and policies SP04, SP05 and SP11 of the of the Core Strategy Development Plan Document (2009), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements and open space provision; transport infrastructure improvements; social and community facilities; employment & training; health care provision and access to employment for local people in line with Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance (October 2007) and policy SP02 of the Core Strategy Development Plan Document (2009), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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

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

Financial Contributions

- a) Provide **£407,286** towards education improvements
- b) Provide **£608,598** towards public realm improvements and open space provision
- c) Provide **£404,020** towards transport infrastructure, local pedestrian environment improvements and highways improvements, including the implementation of a pedestrian crossing on Marsh Wall
- d) Provide **£147,721** towards social & community facilities
- e) Provide **£64,102** towards employment & training, specifically access to employment and improvements to Idea Store and local library services
- f) Provide **£355,773** towards improving health within the Borough
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(total s106 contribution of **£1,987,500**)

Non-Financial Contributions

- h) Affordable housing contribution of 35%
- i) Car-free agreement
- j) TV reception monitoring
- k) Code of Construction Practice - To mitigate against environmental impacts of construction
- l) Access to employment - To promote employment of local people during and post construction, including an employment and training strategy
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

Conditions

- 1) 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) Wheel cleaning facility during construction
- 6) Renewable energy measures to be implemented in accordance with the ES and Energy Strategy
- 7) Full details of plant, machinery, air conditioning and ventilation required, together with noise attenuation measures for both residential and commercial elements
- 8) Full details of sound insulation between the floors for leisure (Use Class D2) and other floors
- 9) Submission of details of delivery, access and storage of biomass
- 10) Submission of a Delivery and Service Plan (DSP)
- 11) Submission of a Construction Management Plan
- 12) Submission of full Travel Plan
- 13) Development to be carried out in accordance with Flood Risk Assessment
- 14) Submission of a contamination risk assessment
- 15) Submission of a contamination verification report
- 16) Details of secure cycle and bin storage
- 17) Cycle parking provision to be provided and retained at a rate of 337 spaces plus 10 visitor spaces – to be submitted and agreed
- 18) Details of shower and changing facilities for commercial units
- 19) Submission of remediation strategy if contamination not previously identified is found
- 20) No infiltration of surface water drainage into the ground is permitted
- 21) Piling or any other foundation designs using penetrative methods not permitted
- 22) Provision of shower and changing facilities for the commercial and retail elements
- 23) Submission of a drainage strategy
- 24) Submission of impact studies of the existing water supply infrastructure
- 25) Submission of details of sound/noise insulation and mitigation measures
- 26) Provision of ecological enhancement measures as detailed in Environmental Statement
- 27) Lifetimes Homes standards and 10% should be wheelchair accessible
- 28) Full details of energy efficiency and passive design measures confirming the carbon dioxide emissions reductions, full details of CHP system, PV panels, rainwater harvesting system and absorption chillers

- 29) Submission of BREEAM pre- and final assessment, and Code for Sustainable Homes pre- and final assessment
- 30) Schedule of highway works to be submitted and approved. Works to be completed prior to occupation
- 31) Four disabled parking spaces to be provided
- 32) 20% of vehicle parking spaces to incorporate electric car charging points
- 33) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 106 agreement required
- 2) Section 278 highways agreement 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 Building Control
- 7) Contact LBTH Environmental Health
- 8) Contact Environment Agency
- 9) Contact TfL regarding requirements of Traffic Management Act 2004
- 10) Section 61 Agreement (Control of Pollution Act 1974) required
- 11) Contact London Fire & Emergency Planning Authority
- 12) Advert consent required for all signage
- 13) Contact Natural England regarding specifications for ecological enhancements
- 14) Notify HSE of any work on asbestos
- 15) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the demolition of the existing four-storey office building and the erection of a part 43, part 11 storey building comprising of 265 residential units, a 56-bedroom hotel, office floorspace (1,039 sq.m) retail floorspace (308 sq.m) and leisure uses in the form of a communal gym. The proposal also includes a rooftop amenity area at 11th floor level, a triple height basement to house plant and parking at basement level and associated landscaping.
- 4.2 The 265 residential units are between one and five-bedrooms in size, 35% of which are proposed to be allocated as affordable housing (based on habitable rooms).
- 4.3 The retail space is proposed to be located at ground level fronting Marsh Wall, with the office floorspace at ground and first floor level. The proposed hotel is located at 2-9th floor level. The residential units and service apartments are located at second floor upwards, with the affordable units located solely at 2nd to 13th floor level.
- 4.4 The proposal includes a total of 40 car parking spaces, 3 disabled parking spaces and 347 cycle parking spaces at basement level.
- 4.5 The application proposal is externally identical to that previously proposed under application ref. PA/08/01989 (detailed below within the relevant planning history section). The key

changes within this application are the reduction in the number of residential units from 302 to 265, the removal of serviced apartments and incorporation of a 56 bed hotel and the slight increase in the size of the office and retail floorspace.

Site and Surroundings

- 4.6 The application site is a rectangular site of approximately 0.28 hectares in area, presently occupied by a four storey office building with a number of parking spaces to the rear.
- 4.7 The site is bounded to the south by Marsh Wall, to the west by Lord Armoury Way (an access road serving the numerous surrounding commercial buildings) and to the north and east by commercial buildings. Beyond Marsh Wall to the south lies the Skylines industrial estate. The nearest residential buildings are Meridian Place and Antilles Bay, 37m to the northwest and 67m to the northeast respectively.

Relevant Planning History

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

PA/00/01379	Planning permission was granted in October 2000 for the removal of the existing side access stairs to the main entrance and provision of a new central staircase
PA/08/01989	A planning application was received on 12 th September 2008 and proposed: "Demolition of existing building and erection of a building of between 11 and 43 storeys in height, comprising of 302 residential units (Use Class C3), 18 serviced apartments (sui generis), office floorspace (Use Class B1), retail floorspace (Use Classes A1, A2, A3 and A4) and leisure uses (Use Class D2) together with a rooftop amenity area, plant and parking at basement level and associated landscaping". The application was on the agenda for the Strategic Development Committee Meeting on 2 nd of April 2009 with an officer recommendation of approval, however the applicant withdrew the application shortly before the meeting.

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:

Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
2A.7	Areas for Regeneration
2A.9	The suburbs: Supporting Sustainable Communities
3A.1	Increasing London's Supply of Housing
3A.2	Borough Housing Targets
3A.5	Housing Choice
3A.7	Large Residential Developments
3A.9	Affordable Housing Targets
3A.10	Negotiating Affordable Housing in Individual Private Residential and Mixed use Schemes
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.20	Health Objectives
3A.23	Health Impacts
3A.24	Education Facilities
3A.23	Community Strategies
3A.24	Meeting Floor Targets

3A.28	Social and Economic Impact Assessments
3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3B.3	Mixed Use Development
3C.1	Integrating Transport and Development
3C.2	Matching Development with Transport Capacity
3C.23	Parking Strategy
3D.7	Visitor Accommodation and Facilities
3D.11	Open Space Provision in DPDs
3D.14	Biodiversity and Nature Conservation
4A.22	Spatial Policies for Waste Management
4A.7	Renewable Energy
4A.4	Energy Assessment
4A.3	Maximising the Potential of Sites
4A.16	Water Supplies and Resources
4A.17	Water Quality
4A.18	Water and Sewerage Infrastructure
4A.20	Reducing Noise and Enhancing Soundscapes
4A.33	Bringing Contaminated Land into Beneficial Use
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
4A.3	Sustainable Design and Construction
4B.9	Tall Buildings – Location
4B.10	Large Scale Buildings – Design and Impact
5C.1	The Strategic Priorities for North East London

Unitary Development Plan 1998 (as saved September 2007)

Proposals:	Central Activities Zone
	Flood Protection Area
	Within 200m of East West Crossrail
Policies:	CAZ1 Location of Central London Core Activities
	DEV1 Design Requirements
	DEV2 Environmental Requirements
	DEV3 Mixed Use Developments
	DEV4 Planning Obligations
	DEV8 Protection of Local Views
	DEV9 Control of Minor Works
	DEV12 Provision Of Landscaping in Development
	DEV43 Protection of Archaeological Heritage
	DEV44 Preservation of Archaeological Remains
	DEV46 Protection of Waterway Corridors
	DEV50 Noise
	DEV51 Contaminated Soil
	DEV55 Development and Waste Disposal
	DEV56 Waste Recycling
	DEV69 Efficient Use of Water
	EMP1 Promoting economic growth and employment opportunities
	EMP3 Change of use of office floorspace
	EMP5 Compatibility with Existing Industrial Uses
	EMP6 Employing local People
	EMP8 Encouraging Small Business Growth
	EMP10 Development Elsewhere in the Borough
	EMP12 Business Uses in Industrial Employment Areas
	EMP13 Residential Development in Industrial Employment Areas
	HSG7 Dwelling Mix and Type

HSG13	Internal Space Standards
HSG 14	Provision for Special Needs
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures
ART7	Hotel Developments

Interim Planning Guidance for the purposes of Development Control

Proposals: Development Site ID46 (Residential, Employment, Public Open Space, Retail and Leisure)
Flood Risk Zone 2 and 3

Core Strategies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP15	Provision of a Range of Shops and Services
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing and Amenity Space
	CP28	Healthy Living
	CP29	Improving Education Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage

	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE1	Industrial Land Adjoining Industrial Land
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision Outside of Town Centres
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
AAP Policies:	CON5	Protection and Management of Important Views
	IOD1	Spatial Strategy
	IOD2	Transport and Movement
	IOD3	Health Provision
	IOD4	Education Provision
	IOD5	Public Open Space
	IOD6	Water Space
	IOD7	Flooding
	IOD8	Infrastructure Capacity
	IOD18	Employment Uses in the Central Sub-Area
	IOD19	Residential 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
	IOD22	Site Allocations in the Central Sub-Area

Supplementary Planning Guidance/Documents

Residential Space Standards

Core Strategy Development Plan Document (Submission Version December 2009)

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Cubitt Town Vision, Priorities and Principles

Government Planning Policy Guidance/Statements

	PPS1	Delivering Sustainable Development
	PPS3	Housing
	PPG 4	Industrial, Commercial Development and Small Firms

PPG9	Nature Conservation
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

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

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

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Access to Employment

6.3 A contribution of £1 per sq.ft of commercial floorspace is sought towards employment and training and initiatives.

OFFICER COMMENT: An employment and training contribution of £14,494 (14,494 x £1) is sought within the s106 agreement, as detailed at paragraph 3.1, above.

LBTH Building Control

6.4 Building Control have raised a number of issues with regard to the proposed fire escape and fighting measures. (OFFICER COMMENT: Whilst such issues are controlled by Building Regulations, the applicant has responded by providing a revised Fire Strategy, which has been provided to Building Control and the LFEPA. Informatives have been added advising the applicant to contact Building Control prior to demolition and construction, as detailed above in section 3)

LBTH Children's Services

6.5 The proposed dwelling mix has been assessed for the impact on the provision of primary school places. The mix is assessed as requiring a contribution towards the provision of 33 additional primary school places, at a cost of £12,342 each. As such a contribution of £407,286 is sought. This funding will be pooled with other resources to support LBTH's programme for the provision of additional school places to meet demand.

OFFICER COMMENT: An education contribution of £407,286 is sought within the s106 agreement, as detailed at paragraph 3.1, above.

LBTH Cultural Services

6.6 The following financial contributions are sought to mitigate the impacts of the proposal, in priority order:

- Leisure facilities - £147,721
- Libraries and Idea Store facilities - £49,608
- Open Space - £1,454,828

OFFICER COMMENT: The requested contributions towards leisure facilities and libraries/Idea Store facilities are sought within the s106 agreement, as detailed at paragraph 3.1, above. In light of the total s106 package sum of £1,987,500 (based upon a contribution of £7,500 per unit) it is not possible to provide the full contribution towards open space. As

such, in order to allow contributions towards higher priorities such as leisure facilities and libraries, a lower contribution of £608,598 towards open space is sought.

LBTH Energy Efficiency

- 6.7 Given the similarity of the scheme to the previously submitted, Energy Efficiency have referred to their previous comments:

Energy

Although the renewable energy contribution falls short of the 20% requirement, the potential of the low and zero carbon technology has been maximised for this development and the proposed energy strategy is therefore acceptable. The energy strategy will require revision for the detailed design stage and therefore a condition requiring the submission of details of all energy efficiency and passive design measures confirming the carbon dioxide reductions, together with details of the PV panels and CHP system.

Sustainability

The submitted sustainability strategy addresses most sustainability and sustainable design and construction issues. A condition should be added which requires the submission of a BREEAM assessment for the commercial element of the development and a Code for Sustainable Homes assessment.

OFFICER COMMENT: Conditions requiring the above have been attached, as detailed at paragraph 3.3 above.

LBTH Environmental Health

- 6.8 Health & Environment

- 6.9 Concerns raised regarding the submitted air quality assessment. Dust monitoring, a risk assessment and traffic management plan during demolition and construction should be conducted. A s106 contribution of £10,000 is also requested for the installation of automatic traffic data collection equipment, to aid in the understanding of the traffic impacts of the development and traffic flows in the vicinity. Carbon management would also be monitored.

OFFICER COMMENT: Such matters will be required within the Construction Management Plan, a condition for which is recommended above within paragraph 3.3. A contribution of £10,000 towards traffic data collection is sought within the s106 agreement, as detailed at paragraph 3.1, above. The applicant also provided a revised air quality assessment which has been forwarded to Environmental Health for consideration.

Noise & Vibration

- 6.10 No comments received. As such it is considered that the previous comments upon application PA/08/01989 remain relevant: No objections in principle, subject to conditions requiring details of sound insulation and noise reduction measures, manufacturers' data sheets and proposed noise attenuation measures for all plant, mechanical ventilation or air conditioning plant.

OFFICER COMMENT: Conditions have been attached accordingly, as detailed above within paragraph 3.3

Land Contamination

- 6.11 The proposal is likely to result in the excavation of a large amount of contamination. As such, a condition requiring further contamination investigation and mitigation works should be attached.

OFFICER COMMENT: As detailed above within paragraph 3.3, a condition requiring a site investigation has been added.

Daylight, Sunlight and Microclimate

- 6.12 The proposal has minimal daylight and sunlight impacts upon the residential developments at Antilles Bay and Meridian Place. In terms of overshadowing, the permanent and transient overshadowing created by the tower element of the scheme upon the roof terrace is acceptable. The contents of the microclimate assessment are acceptable.

LBTH Highways

- 6.13
- The site has a PTAL rating of 4 therefore having a moderate level of access to local public transport links
 - The proposed level of parking provision (40 spaces) would be significantly lower than the maximum standard and is therefore acceptable
 - The proposal includes 3 disabled parking spaces, which falls short of the IPG standard of 10% of all parking spaces. As such, one additional space should be provided
 - A Car-Free Agreement is recommended
 - The pedestrian and vehicular access arrangements to the site are acceptable
 - The location and design of refuse storage are acceptable
 - Servicing arrangements are proposed to be via Lord Armoury Way, which is acceptable
 - Cycle parking provision (347 spaces) exceeds IPG requirements and is therefore acceptable. 30 visitor spaces should be provided rather than the 10 proposed. These should be secured by condition
 - The applicant should ensure that the cycle storage area is secure
 - With regard to the submitted Transport Assessment, the methods of assessment are acceptable. The proposed increase in development traffic would not have a detrimental effect on the existing highway network or traffic movements within the area
 - With regard to the Construction Travel Plan, the increase in the number of construction vehicles would be negated by the use of appropriate construction site management measures. The applicant should submit a construction travel plan
 - The proposed increase in passenger trips for buses, DLR and Underground are within the respective capacities
 - Section 106 contributions should be secured for the following:
 1. The implementation of a raised pedestrian crossing on Marsh Wall (£60,000)
 2. Street lighting improvements (£40,000)
 3. Carriageway improvements (£40,000)
 4. Contribution to signal junction improvements on Marsh Wall/Limeharbour (£100,000)
 - A Section 278 Highway Agreement is required
 - A full travel plan is to be submitted for approval prior to the occupation of the proposed development
 - A Service Management Plan should be conditioned as the proposed use of Marsh Wall for articulated lorries to load on Marsh Wall is not supported and it is not considered that the proposed servicing bay to the rear could accommodate them either

OFFICER COMMENT: A car-free agreement and the requested contributions have been included in the Section 106 Agreement, as detailed above at paragraph 3.1. An additional disabled parking space, a Service Management Plan, a Construction Management Plan and

full Travel Plan have all been secured by way of conditions, as detailed at paragraph 3.3, above. An informative has been attached informing of the required s278 Highway Agreement.

LBTH Landscaping

6.14 No comments received.

LBTH Waste Policy and Development

6.15 No comments received.

Tower Hamlets Primary Care Trust (PCT)

6.16 The TH PCT requested a total planning contribution, as calculated by the HUDU model, of £1,554,508 (Capital element £355,733 and Revenue element £1,198,775)

OFFICER COMMENT: In line with established practice, the developer has agreed a Capital Planning Contribution of £355,733. See section 8 of this report for discussion of s106 contributions

British Waterways (Statutory Consultee)

6.17 No objections.

English Heritage (Statutory Consultee)

6.18 No comments received.

Environment Agency (Statutory Consultee)

6.19 The Environment Agency referred to their previous comments upon application ref. PA/08/01989. These stated:

No objections, subject to the imposition of the following conditions:

- Development to accord with Flood Risk Assessment
- Land contamination investigation and assessment required
- Verification report for remediation required
- Amendment to remediation strategy, to address instances where new contaminants are found during works
- No infiltration of groundwater without approval
- Method of piling and foundations required

OFFICER COMMENT: The above conditions are recommended, as detailed within paragraph 3.3 of this report.

Government Office for London (Statutory Consultee)

6.20 No comments received.

Greater London Authority (GLA) (Statutory Consultee)

- 6.21
- The principle of a mixed-use redevelopment of the site is supported
 - The proposed affordable housing level of 35% is acceptable
 - The proposed split of 75% social rented accommodation and 25% intermediate is considered acceptable
 - The proposed residential density of 2,543 habitable rooms per hectare exceeds the London Plan guidance of 650-1,100 HR/ha, however is justified in this instance

- The proposal is broadly consistent with the design principles of the London Plan. However, further information is required regarding internal design standards (particularly for north facing units), the quality of the ground floor 'pocket square', a management plan for access and servicing of the uses and an space standards assessment [OFFICER COMMENT: The applicant has since provided these details, a copy of which has been sent directly to the GLA]
- The proposal provides 1,109sq.m. of flexible and innovative play space. As such, the shortfall of 21sq.m. is unlikely to have a negative impact on the residents
- The proposal would form an interesting addition to the cluster of tall buildings at Canary Wharf by virtue of its cantilevered upper storeys and would not interfere with any Strategic Views
- The scheme would have a marginal effect on the setting of the Greenwich World Heritage Site and the setting of its listed buildings
- The development would fit in well with cumulative development approved and proposed for the local area
- If planning permission is granted, the exact type of glazing and use of colour should be condition by the local planning authority [OFFICER COMMENT: A condition has been attached to the effect]
- Whilst the application details that 10% of the units will be wheelchair accessible, this is not detailed on the plans. The applicant should provide this information [OFFICER COMMENT: The applicant has since provided this information]
- The proposed range of child play facilities should be secured by condition
- The energy strategy is acceptable in principle, subject to the provision of additional information and the attachment of a condition requiring the applicant to explore connection to the Barkentine district heating system or provide details of a central single energy centre [OFFICER COMMENT: The applicant has since provided a response, which is discussed in section 8]
- TfL comments: See below

London City Airport (Statutory Consultee)

6.22 No comments received.

London Fire and Emergency Planning Authority (Statutory Consultee)

6.23 Objections raised on the grounds of the proposed fire escape and fighting measures incorporated into the building.

OFFICER COMMENT: Such issues are controlled by Building Regulations. However, the applicant has responded by providing a revised Fire Strategy, which has been provided to Building Control and the LFEPA. Informatives have been added advising the applicant to contact Building Control prior to demolition and construction, as detailed above in section 3

London Underground Ltd (Statutory Consultee)

6.24 No comments received, however raised no objections upon the previous application ref PA/09/01989.

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

6.25 No objections raised.

Natural England (Statutory Consultee)

6.26 No comments received. However, Natural England, when consulted upon the previous application, ref. PA/08/01989, were encouraged that their suggested biodiversity and ecology measures have been incorporated into the scheme.

OFFICER COMMENT: Conditions have been recommended to secure the ecological enhancement measures.

Transport for London (TfL) (Statutory Consultee)

- 6.27
- Agree that the PTAL rating for the site will rise due to the relocated South Quay DLR station being 300m closer to the site than within the previous application
 - Section 106 contributions requested to maintain and upgrade the nearby strategic walk network; £468 per residential unit to improve the local bus service; contribution towards improving the streetscape towards the DLR station; contribution towards DLR radio signal surveys
 - Level of car parking is supported. A reduction would be welcomed
 - Car-free agreement recommended and 10% of parking spaces reserved for disabled use
 - 20% of parking spaces to incorporate a electric car charging point
 - A controlled pedestrian crossing to be provided across Marsh Wall
 - Provision of DAISY (Docklands Arrival Information System) boards within the site
 - Delivery and Service Plan to be submitted
 - The submitted Travel Plan to be secured and monitored through the s106 process

OFFICER COMMENT: Conditions have been recommended which secure electric charging points, a Delivery and Service Plan and a full Travel Plan. A car-free agreement, pedestrian crossing, DAISY boards, DLR radio signal survey and bus service contribution have been included within the s106 agreement.

Commission for Architecture and the Built Environment (CABE)

6.28 Declined to comment.

British Broadcasting Corporation (BBC)

6.29 No comments received.

Greenwich Maritime World Heritage Site

6.30 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 proposed building appears ill-proportioned and clumsy, would loom high in the lower view from Grand Square, Greenwich Maritime College, to the detriment of views from Maritime Greenwich

(OFFICER COMMENT: The height and design 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. Furthermore, Grand Square is not a strategic viewpoint or assessment point as defined within the London Plan).

Association of Island Communities

6.31 No comments received.

London Borough of Greenwich

6.32 No comments received.

London Wildlife Trust

6.33 No comments received.

Metropolitan Police

6.34 The proposal details good surveillance, CCTV and lighting. No objections.

National Grid

6.35 No objections raised.

Port of London Authority

6.36 No objections raised.

EDF Energy

6.37 No objections.

Thames Water

6.38 Thames Water have identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal. As such, Thames Water have requested a number of conditions be attached to any planning permission, requiring the submission of impact study, and a drainage strategy is to be submitted and approved prior to the commencement of any development. A number of informatives are also recommended.

OFFICER COMMENT: Relevant conditions have been added in order to address Thames Water's concerns.

7. LOCAL REPRESENTATION

7.1 A total of 360 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: 29 Objecting: 29 Supporting: 0
No of petitions received: None

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

Design

- Height of the building is overbearing and too close to adjacent buildings
- The height competes with Canary Wharf contrary to IPG policy IOD21
- The proposal fails to take into account the possible future development of neighbouring sites within and around the allocated development site ID46 therefore preventing the proper, co-ordinated regeneration of the Marsh Wall area
- The design is unattractive, particularly the coloured glazing and the cantilevered top floors
- The proposal lacks architectural innovation
- The building will appear as an incongruous feature within Marsh Wall
- The density is too high for the size of the site and as targeted in the development plan policy

- The proposed building occupies almost all of the site and lends little to the public realm

Amenity

- The height and width of the building will obstruct daylight and sunlight and create reflective light
- The proposed open space at ground floor level is unusable
- Cumulative impacts of demolition and construction of this and other developments within the vicinity, such as Wood Wharf, will include dust, noise and traffic

Transport

- Marsh Wall and Preston's Road are already at capacity in terms of traffic
- No parking provision for construction workers will be hard to police and will result in attempted parking in the private bays of adjacent developers
- There is insufficient parking provided to serve the development
- Servicing cannot occur without disrupting vehicular movements in Lord Armory Way
- No off-street servicing is proposed (OFFICER COMMENT: Off-street servicing is proposed at the rear of the site)
- There is no coach parking proposed contrary to policy T17 (OFFICE COMMENT: The Council's Interim Planning Guidance parking standards recommend that hotels of over 100 bedrooms require coach parking. As such, the scheme does not require this and LBTH Highways have raised no objection on these grounds)

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

- The permanent mooring of a hotel vessel (as granted by planning permission PA/08/01359) will impact upon the security along the dockside (OFFICER COMMENT: This issue was addressed within the aforementioned application and is not relevant to this proposal, which is not located on the dockside)
- Lord Armoury Way is not a public right of way, rather it is a private road to Meridian Gate and Meridian Place. Therefore the proposed construction could not take place (OFFICER COMMENT: Ownership issues are not a material planning consideration)

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

- There is no overall development plan in place for the area and a comprehensive, holistic approach to the redevelopment of the area involving all landowners should take place
- (OFFICER COMMENT: As detailed above within section 5 of this report, there is a comprehensive policy framework in place for the assessment of the a development proposal upon this site. Furthermore, the site is allocated as a development site within the Interim Planning Guidance Isle of Dogs Area Action Plan – ID46 – and the new Core Strategy Development Plan Document 2009 contains placemaking visions, priorities and principles for the Cubitt Town area)
- The applicant has failed to consult with adjoining landowners regarding the redevelopment of the site and, furthermore, little public consultation took place (OFFICER COMMENT: Whilst this is a non-material planning consideration and therefore a reason for refusal cannot be sustained on such grounds, it is noted for Members consideration)
- The drawings show insufficient context to assess the scheme properly and the documents scanned onto the Council's website could not be read properly (OFFICER COMMENT: Officers consider the submitted plans to be of a suitable quality to allow a full and proper assessment of the proposal. With regard to the scanned documents, a degree of quality can be expected to be lost when scanning, however the documents are also available to view in the Council's office)

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. Housing
4. Design
5. Amenity
6. Transport
7. Sustainability
8. Section 106 Agreement

Land Use

8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.

8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', it promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.

8.4 In respect of regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria' also promotes the optimal use of land. Policy 2A.9 'The Suburbs: Supporting Sustainable Communities' refers to promoting change and enhancing of quality of life with higher-density, mixed-use development and by considering means of improving sustainability of land use. Policy 3B.1 'Developing London's Economy' seeks to support the economy of London by promoting a range of premises of different types and sizes thereby encouraging mixed uses. Policy 3B.3 'Mixed Use Development' (90) mentions that mixed uses are also encouraged within the sub-regional development frameworks. Identifying capacity to accommodate new job and housing opportunities, through mixed-use development, is encouraged in Policy 5C.1 'The Strategic Priorities for North East London' of the London Plan.

8.5 Further in respect of Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is accommodated in a sustainable way. The Mayor's North East London sub-region is a priority for development, regeneration and infrastructure improvement. It has many of the capitals largest development sites as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated in this region. 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.

8.6 In addition, the London Plan indicates that the application site is located within the Isle of Dogs Opportunity Area. Policy 2A.5 'Opportunity Areas' states that planning frameworks should set out a sustainable development program that, amongst other things, will contribute to exceeding minimum guidelines for housing and delivering good design. The Isle of Dogs Opportunity Area is also identified in the London Plan as being capable of accommodating at least 10,000 additional dwellings and states that "*the conversion of surplus business capacity south of Canary Wharf could add to this, helping to meet London's strategic housing need and support a wider mix of services for residents, workers and nearby communities*" (paragraph 5.75).

8.7 In respect of local policy, the LBTH UDP 1998 identifies the site as falling within the Central

Activities Zone. Saved strategic policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within the central area zone. Saved 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).

- 8.8 Whilst the UDP makes no reference to residential development in the Central Area Zone, the Council's most up-to-date statement, the Interim Planning Guidance (IPG), does. In the IPG, the application site falls outside the Central Activity Zone. Although, it is designated as development site 'ID46' in the IPG (and the Isle of Dogs AAP), for a residential-led, mixed-use development, also comprising employment, public open space, retail and leisure. The Core Strategy DPD's (2009) vision for Cubitt Town reinforces these principles by detailing that new development should be focussed to the north and provide a mix of uses.
- 8.9 Pursuant to CP19 'New Housing Provision' of the IPG, 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 IPG states that population growth and housing delivery will continue to be a key driver of change in the Borough with the Isle of Dogs (as well sites specifically allocated for housing as is the case for the subject application) being identified as being one of the areas where the Council will seek to accommodate the majority of housing growth. This is also supported by policy SP03 of the Core Strategy Development Plan Document (2009).
- 8.10 Policy CP13 of IPG Core Strategy also supports large-scale hotels in areas of high PTAL and in north and central areas of Isle of Dogs. As such, the proposed 56-bedroom hotel is considered to be an appropriate land use in this location.
- 8.11 A review of national, regional and local policy above indicates that there is a presumption in favour of considering residential development within a mixed use scheme on this site. This is explicit in the IPG and the London Plan. Although the UDP implies that land uses other than residential development take priority in the CAZ, there is an emphasis on seeking compatible uses rather than exclusion of any particular one.

Density

- 8.12 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.13 The site has a public transport accessibility level (PTAL) of 4. For central sites with a PTAL range of 4, the IPG and London Plan seeks to provide a density of between 650 and 1,100 habitable rooms per hectare on the site. The proposed density would be 2,543 habitable rooms per hectare. In numerical terms, the proposed density would appear to be an overdevelopment of the site. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.14 It should be remembered that density only serves an indication of the likely impact of

development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

8.15 Although the density is in excess of the range of the London Plan and IPG, it is considered acceptable for the following reasons which are analysed in depth later in the report:

- There are no significant impacts identified for neighbours, for example, overshadowing, microclimate (wind), loss of outlook, loss of privacy;
- There are no significant impacts identified for future residents including noise and air quality as discussed later in section 8 under 'Amenity for future occupiers';
- There are no symptoms of overdevelopment for example, poor design (see 'Design', insufficient floorspace for residential accommodation, inappropriate housing mix (See 'Housing');
- The scheme is of high architectural quality (See 'Design');
- Tall buildings are appropriate in this location (See 'Design');
- The scheme has acceptable access to public transport (See 'Transport');
- The GLA stated within their Stage 1 response that such a density is acceptable
- Planning contributions for transport, health, education, social & community facilities and open space will be secured to mitigate the impact of the development and the subsequent increase in the local population (See 'S106 planning contributions')

8.16 In light of the above, the density is considered acceptable given that the proposal poses no significant adverse impacts and is appropriate to the area context.

Employment

8.17 The existing site contains a four storey office building with a total gross internal floorspace of 3,407sq.m. The application proposal contains 1,011sq.m of office floorspace (Use Class B1), together with 299sq.m of retail floorspace (Use Classes A1-A4), which represents a total loss of 2,097sq.m. of employment floorspace. The application details that the site presently employs 130 people on a full-time basis, whilst the proposal will reduce this to 88 people full time, a net loss of 42 jobs.

8.18 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

8.19 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

- 8.20 The applicant has submitted a detailed Employment Supply Study, which details that just under half of the existing building is currently on the market with rents being quoted at £20 per sq.ft. The report details that the existing building accounts for 0.19% of the existing office space in the Docklands and this figure is set to reduce further as the office stock in the area continues to rise as developments complete. As such, the loss of floorspace proposed by the application is negligible.
- 8.21 The report also details that despite the cost savings of locating in a fringe location such as South Quay/Marsh Wall, the vacancy rate of 13.7% of existing stock, compared to 2% in Canary Wharf, is indicative of the low level of occupier demand for outdated space such as 225 Marsh Wall. The report goes on to state *“The loss of currently under-utilised employment space at Angel House would be off-set by the new employment in the mixed-use development... with the increasing size of the Docklands office market over the coming years there will also be more people employed in the area and a greater demand for local housing.”*
- 8.22 The London Development Agency consider that the net loss of 42 jobs is justified in light of the applicant’s employment supply study which adequately addresses viability issues of office supply in this location. The LDA also note that it is important that the creation of jobs resulting from commercial uses are maximised in a manner can benefit local residents and businesses in accordance with policy 3B.11 of the London Plan. As detailed above in section 3.1, the s106 agreement secures a commitment for the promotion of employment of local people during and post construction. This will be facilitated by the Council’s Skillsmatch and Local Labour and Construction service.
- 8.23 In light of the above, it is considered that the submitted Employment Supply Study adequately addresses viability issues of office supply in this location, and the loss of employment space is justified in accordance with policies EMP3 of the UDP 1998, EE2 of IPG Core Strategy and also policy SP06 of the Core Strategy DPD (2009) which promotes a range and mix of employment uses, particularly in Activity Areas such as this.

Housing

Affordable Housing

- 8.24 Adopted UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan’s strategic target of 25%. 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 as well as the borough’s own affordable housing targets. 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.
- 8.25 The Interim Planning Guidance: Core Strategy and Development Control Plan (October 2007) policy CP22 seeks 50% affordable housing provision from all sources across the borough with a minimum of 35% affordable housing provision on sites capable of providing 10 or more dwellings. Policy SP02 of the Core Strategy DPD (2009) supports this. IPG policy HSG10 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floor space.
- 8.26 A total of 75 of the 265 residential units within the proposal will be affordable, which represents a total provision of 35% based on habitable rooms. The scheme therefore satisfies the Council’s IPG and Housing Needs Survey targets.

Housing Mix

- 8.27 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”.
- 8.28 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.”

		affordable housing						market housing			
		social rented			intermediate			private sale			
Unit size	Total units in scheme	units	%	target %	units	%	target %	units	%	target %	
Studio	34	0	55.3	0	0	73.7	0	34	83.7	0	
1 bed	88	8		20	9		37.5	71		37.5	
2 bed	82	23		35	5		37.5	54		37.5	
3 bed	53	18	44.7	30	5	26.3	25	30	16.3	25	
4 bed	4	4		10	0			0			0
5 bed	4	3		5	0			0			1
TOTAL	265	56			19			190			

Table 1: Unit Mix

- 8.29 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 of between 3 and 6 bedrooms. 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, as in the case of 225 Marsh Wall, which is a small and therefore constrained site.
- 8.30 Policy CP21, CP22 and HSG2 of the IPG and policy SP02 of the Core Strategy Development Plan Document (2009) seek to create mixed communities. A mix of tenures and unit sizes assists in achieving these aims.
- 8.31 According to policy HSG2 of the IPG, the family housing provision in the social rented, intermediate and private sale components should be 45%, 25% and 25% respectively. The scheme is proposing 44.7%, 26.3% and 16.3% family housing in the social rented, intermediate and private sale units respectively. As such, both the social rent and intermediate family housing provision meet the policy targets and the family housing provision is considered to be acceptable (see also table 2, below)

Table 2: Family Housing

Tenure	% Policy req't	% As proposed	% Annual Monitoring 2008-9
Social-rented	45	44.7	35
Intermediate	25	26.3	7
Market	25	16.3	3
Total	30	23	11

8.32 The amount of family housing for private sale does not meet the target of 25%. However, given the policy-compliant provision overall within the affordable housing, it is considered that the proposed mix is acceptable.

Social Rented/ Intermediate Shared Ownership and Housing Mix

8.33 The following table summarises the affordable housing social rented/intermediate split proposed against the London Plan and IPG:

Table 3: Social Rent/Intermediate Split

Tenure	The Proposal	London Plan	IPG
Social Rent	75%	70%	80%
Shared Ownership	25%	30%	20%
Total	100%	100%	100%

8.34 The proposed tenure split lays halfway between the London Plan and the Interim Planning Guidance targets and is therefore considered to be acceptable.

Wheelchair Housing and Lifetime Homes

8.35 Policy HSG9 'Accessible and Adaptable Homes' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or "easily adaptable" standard. A total of 10% (27 units) is provided, in compliance with this policy.

Floorspace Standards

8.36 Saved policy HSG13 'Conversions and Internal Space Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.

8.37 The proposed flats have total floor areas and individual room areas which comply with SPG requirements.

Amenity Space

8.38 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”.

- 8.39 Saved 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 (It being noted that this situation is proposed, involving the creation of a public square upon the corner of Lord Armory Way and Marsh Wall). The amenity space standards of the UDP and IPG are summarised below.

Table 4: Amenity Space and 1998 SPG standards

Tenure	Proposed	SPG Requirement	Total (m ²)
Family Units	61	50sqm of private space per family unit	3,050
Non-family units	204	50sqm plus an additional 5sqm per 5 non-family units;	255
Child Bed spaces	113	3sq.m per child bed space	339
Total			3,644

- 8.40 The table below indicates the amenity space required in accordance with policy HSG7 of the Interim Planning Guidance:

Table 5: Interim Planning Guidance (Policy HSG7)

Units	Total	Minimum Standard (sqm)	Required Provision (sqm)
Studio	34	6	204
1 Bed	88	6	528
2 Bed	82	10	820
3 Bed	53	10	530
4 Bed	4	10	40
5 Bed	4	10	40
TOTAL	265		2,162
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	305
Total Housing Amenity Space Requirement			2,467sq.m.

- 8.41 The redevelopment of Angel House proposes to provide private amenity space for all

residents on the form of balconies. The residents of the private units will also have access to winter gardens. The total private amenity space provision equates to approximately 16sq.m. per dwelling. The communal amenity space and child play space will be provided as a flexible space on the eleventh floor, partially indoors and partially on top of the 11-storey element of the building. The applicant details within the submitted planning statement, that *“the communal space is designed to be used by all residents of the proposed development and is intended to provide play and amenity space orientated towards children and young people, but welcoming to adults. The space will combine hard and soft landscaping to create a unique and interesting space”*.

- 8.42 As detailed below within Table 6, the application proposes a total of 4,286sq.m of private amenity space, which exceeds the IPG requirement of 2,162sq.m. Policy HSG7 of the IPG also requires 305sq.m of communal open space and 363sq.m of child play space for this development. The London Plan requires a child play space quantum of 1,130sq.m based on approximately 113 children living within the proposed development. As detailed above, the application proposes a flexible communal and play space area, which totals 1,109sq.m in area. The GLA have raised no objections to the shortfall of 21sq.m. It is therefore considered that the proposal satisfies the requirements of both the Interim Planning Guidance and the London Plan.

Table 6: Proposed Amenity Space

	LBTH Policy Requirement	London Plan Policy Req't	Proposed within scheme
Private Amenity Space	2,162 sq.m	N/A	4,286sq.m
Communal Open Space	305 sq.m	N/A	1,109 sq.m flexible communal and play space
Child Play Space	363sq.m	1,130sq.m	

Design

Introduction

- 8.43 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.
- 8.44 Policy 4B.1 of the London Plan ‘Design Principles for a Compact City’ requires schemes, inter alia, to create/enhance the public realm, respect local context/character and be attractive to look at.
- 8.45 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.
- 8.46 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. Policy DEV3 of the IPG seeks to ensure inclusive design principles are incorporated into new development. Policy SP10 of the Core Strategy Development Plan Document (2009) reinforces this.

Tall Buildings

- 8.47 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. Policy 4B.10 'Large-Scale Buildings – Design and Impact' provides further guidance on design considerations, including context, attractiveness and quality.
- 8.48 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.
- 8.49 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. These criteria are examined below.
- 8.50 Policy IOD21 of the Isle of Dogs Area Action Plan 'Design and built form in the Central sub-area' states that the 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. The placemaking vision for Cubitt Town within the Core Strategy DPD (2009), as supported by policy SP12, states that new development should be focussed to the north which should protect views from these parks to Canary Wharf whilst providing transition between the higher rise commercial area to the north, to the lower rise residential areas to the south and east.

Analysis

- 8.51 The application proposes the erection of a part 43, part 11 storey building, with a maximum height of approximately 137m AOD. The upper three stories of the tower element are cantilevered and partially overhang the lower 11-storey element of the building.
- 8.52 In terms of Policy CP48 (Tall Buildings) of the LBTH Interim Planning Guidance, it states that the Council will, in principle, support the development of tall buildings in the northern part of the Isle of Dogs where they consolidate the existing tall building cluster at Canary Wharf. Part 3 of CP48 states:
"3) All proposals for tall buildings must:
a) contribute positively to a high quality, attractive environment;
b) respond sensitively to the surrounding local context;
c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;
d) contribute to the social and economic vitality of the surrounding area; and
e) not create unacceptable impacts on social and physical infrastructure"
- 8.53 In respect of 3a, the scheme is considered to contribute positively to a high quality and attractive environment for the following reasons:
- The application proposes a landmark building incorporating high quality external finishes, creative architectural treatments, including the rooftop amenity area and the cantilevered feature. All of this creates a very distinctive and unique architectural statement that will add to the variety of buildings in this evolving urban context
 - It proposes good internal floorspace as well as a range of open space options as

detailed under the 'Housing' chapter of this report;

- The scheme provides complimentary facilities to the residential use, including a gymnasium and swimming pool which will benefit future residents;
- The scheme provides for waste, recycling and cycle storage to serve future residents; and
- The proposal provides significant section 106 contributions to mitigate the impact of the development and fund, inter alia, public realm, open space, education, community and transport improvements

8.54 In respect of 3b the scheme responds sensitively to the local context in the following ways:

- The proposed scheme responds sensitively to the Canary Wharf tall building cluster, and continues the tapering heights from both north to south and west to east. It would therefore sit comfortably within the cluster when viewed from the south and east, particularly when taking into account the consented Wood Wharf development (outline) and the Millennium Quarter tall buildings
- In terms of the recently extended Coldharbour Conservation Area, which lies approximately 132 metres to the east of the site, the submitted views analysis shows that the proposed building would not appear overbearing from within the Conservation Area, and would appear as a tall building in the distance in keeping with its existing setting of low rise, uniform buildings with a backdrop of a tall building cluster
- In terms of ground floor treatment, the building is designed in such a way that it addresses the ground floor street frontages with a series of entrances, open pedestrian thoroughfares around the site with active retail and entrance lobby frontages and a public square and landscaping on Lord Amory Way, further opening access and views at street level to the dockside and Canary Wharf;
- By opening up the views and access to Lord Amory Way and the dockside, pedestrian routes to transport nodes within the Canary Wharf cluster are improved;
- Vehicular access is via Lord Amory Way, with visitor parking and the entrance to the basement parking discreetly located within the north elevation of the building;
- The proposed design sets a good example of a residential tall building, with a distinct footprint, cantilevered western elevation over Lord Amory Way and a slender tower which adds distinctiveness to the townscape;
- The metallic ribbon feature which traces the extent of the north and south elevations, together with the folding glass screens to the balconies will add to and compliment the existing diversity of architectural style in this location, whilst also presenting an interesting façade from all vantage points;
- It does not fill in or detract from the tall building cluster of Canary Wharf; and
- There are no adverse impacts upon any strategic views

8.55 In respect of 3c, the scheme does not pose any unacceptable impacts on neighbours including overshadowing, microclimate (wind), noise, privacy/overlooking or general disturbance impacts. This is discussed in detail later within this report, under the Amenity section.

8.56 In respect of 3d, the proposal contributes socially and economically to the surrounding area by providing housing of appropriate mix in terms of affordable and family housing, as well as satisfying amenity spaces standards, Lifetime Homes standards and providing for minimum 10% wheelchair accessible housing. The proposed building also provides satisfactory levels of accessible parking for people with a disability. All this contributes to the creation of a sustainable and diverse community in the local area. In addition to the economic benefits of nurturing a sustainable community, the scheme also provides serviced apartments, office floor space for small and medium sized enterprises and retail floorspace. In addition, the proposal is predicted to generate 89 jobs.

8.57 In respect of 3e, planning contributions towards transport infrastructure improvements,

education improvements, open space, public realm improvements, social and community facilities, employment and training and health will all be secured to ensure the impact on the locality is mitigated and benefits are borne.

8.58 Policy DEV27 Tall Buildings Assessment of the Interim Guidance states:

“Applications for all tall buildings must satisfy the criteria listed below:

Design and Context

- 1. Demonstrate the design is sensitive to the context of the site.*
- 2. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements.*
- 3. Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
- 4. Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
- 5. Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
- 6. Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
- 7. Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*
- 8. Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- 9. Achieve a very high standard of safety and security for occupants of the development and users of the immediate surrounding area.*
- 10. Be visually integrated into the streetscape and the surrounding area.*
- 11. Present a human scaled development at the street level.*
- 12. Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- 13. Incorporate adaptable design measures.*

Environment

- 14. Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
- 15. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- 16. Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
- 17. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them.*
- 18. Achieve high internal and external noise standards, including the consideration of*

appropriate mixes of uses and use locations within the development.

Socio-Economic Impacts

- 19. Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
- 20. Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*

Access and Transport

- 21. Incorporate the principles of inclusive design.*
- 22. Be located in an area with good public transport access.*
- 23. Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
- 24. Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*
- 25. Have good access to, or contribute to the provision of, high quality pedestrian and cyclist routes between the site and public transport, public open space, shops and social and community facilities.*
- 26. Provide publicly accessible areas within the building, including the ground floor, and where there are opportunities to provide viewing platforms, the top floor.*

Additional Considerations

- 27. Where residential uses are proposed, comply with the density requirements in policy HSG1.*
- 28. Conform to Civil Aviation requirements.*
- 29. Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*
- 30. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.”*

8.59 Points 1, 2, 8, 10, 12, 14, 15, 19, 20, 21, 24 and 26 have been addressed above, within the considerations of policy CP48 (Tall Buildings). With regard to criterion 3 (consideration of design alternatives), this was explored at the pre-application stage and is considered within the ‘design evolution’ section of the submitted design and access statement. A tall building is considered to be appropriate in this location and in context with the emerging character of this particular area of the Isle of Dogs.

8.60 Criterion 4 (views)

Together with the submitted elevational plans, Computer generated Images (CGIs) are detailed within the submitted Design and Access Statement and Townscape, Conservation and Visual Impact Assessment documents. These indicate consideration of the external appearance from all angles as well as its night-time appearance. These indicate that the proposed building is of a high standard of design and appearance.

8.61 Criteria 5 and 6 (consideration of views and impact on skyline)

Strategic London-wide views and the contribution made to the skyline of the Isle of Dogs have been analysed within the submitted Views Assessment and the Design & Access Statement. There are no adverse impacts upon the St Paul’s Cathedral Strategic View, and the proposed building would form part of the cluster of tall buildings at Canary Wharf when viewed from Maritime Greenwich. The proposed building is considered to sit comfortably within the Canary Wharf cluster within all views, particularly when considering the recently constructed and consented schemes at Wood Wharf, Pan Peninsula and London Arena.

- 8.62 Criterion 7 (Conservation Areas, Listed Buildings, World Heritage Sites)
As detailed earlier in the report, it is not considered that the proposal has an adverse impact upon the character and setting of the nearby Coldharbour Conservation Area. Furthermore, the proposed building would have a minimal effect on the setting of the Greenwich World Heritage Site and the setting of its listed buildings when viewed from the General Wolfe statue, Greenwich Park, as recognised within the London View Management Framework (2007).
- 8.63 Criterion 9 (safety and security)
Safety and security is achieved with access to the upper levels controlled at ground level by foyer access. Active frontages on the majority of elevations and the minimisation of blank frontages, as well as the activity associated with the retail units and public square, will ensure surveillance to maintain safety and security and deter crime. A condition requiring the submission of details of all external lighting has been attached, as detailed in section 3, above.
- 8.64 Criterion 11 (human scale)
A human scale is achieved at street level with active frontages created by the commercial units, a high ceiling foyer entrance, trees and public square. This prevents continuous or blank frontages.
- 8.65 Criterion 13 (adaptable design measures)
Adaptability is incorporated into the scheme by generous floor-to-ceiling heights at ground and first floor level and large, open floor plates to accommodate the variable needs of commercial uses. The residential flats including wheelchair accessibility, lifetime homes and minimum floorspace standards in the design, as discussed previously.
- 8.66 Criterion 16 (sustainability)
Sustainability has been considered with a series of renewable energy measures and low and zero carbon technologies in the scheme, which the GLA and the Council's Energy Efficiency department have deemed acceptable. Conditions have been imposed requiring details of all renewable energy and energy efficiency measures, and sustainability will be ensured by conditions requiring travel plans and construction management plans.
- 8.67 Criterion 17 (biodiversity)
There are no impacts identified upon biodiversity or open spaces, including watercourses, waterbodies and their hydrology. The Environment Agency, Natural England and the London Wildlife Trust have raised no objections to the scheme subject to various conditions and informatives.
- 8.68 Criterion 18 (noise)
The internal noise standards have been considered by LBTH Environmental Health Team, who are satisfied that there will be no significant impact to neighbours or future occupiers, subject to conditions.
- 8.69 Criterion 22 (accessibility)
The site has good access to public transport with a site specific Public Transport Accessibility Level (PTAL) of 4. The site is within close proximity of South Quay DLR station, numerous bus services and Canary Wharf Underground station.
- 8.70 Criterion 23 (capacity)
The proposal is considered to be within the capacity of the area, as it proposes low levels of vehicular parking and s106 contributions are to be secured to upgrade and improve transport infrastructure in the area accordingly.
- 8.71 Criterion 25 (pedestrian and cycle routes)
Section 106 monies will contribute to improving the local public realm, with an improved

pedestrian environment and street lighting improvements. Sustainable transport initiatives will also be supported through the s106.

- 8.72 In respect of additional considerations 27 – 30, the density of the scheme is considered acceptable, as detailed above within the land use section of this report. No objections have been received from London City Airport, NATS or the BBC with regard to Civil Aviation requirements and television reception respectively. With regard to public safety requirements, such matters are handled by Building Control at the detailed design stage.
- 8.73 Policies DEV 1 and DEV 2 of the LBTH adopted UDP 1998, policies SP10 and SP12 of the Core Strategy DPD (2009) as well as consolidated London Plan Policies 4B.8 Tall Buildings – Location, Policy 4B.1 Design Principles for a Compact City’, Policy 4B.3 ‘Maximising the Potential of Sites’ 4B.9 ‘Large-Scale Buildings – Location’ and 4B.10 ‘Large Scale Buildings - Design and Impact’ are also considered to be addressed by the above comments.

Design Conclusions

- 8.74 From the above analysis, it is concluded that the principle of a tall building is supported on this site having regard to local and regional policy. Whilst the immediate local context of the site is significantly lower than that proposed, it is considered that the emerging context of the Marsh Wall and Crossharbour axis, which takes into account Pan Peninsula, 22 Marsh Wall, London Arena, Indescon Court and the Millennium Quarter developments for example, will see numerous other sites come forward for redevelopment to maximise their potential.
- 8.75 It is considered that the proposed building will contribute positively to the Canary Wharf cluster and provide visual interest at a more local context, due to its exemplary design, use of materials, mix of uses and incorporation of amenity space. Subject to conditions to ensure high quality detailing of the development is achieved in terms of materials, landscaping and lighting, 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), IPG (2007) and Core Strategy DPD (2009).

Amenity

Daylight and Sunlight

- 8.76 DEV2 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 policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.77 Policy DEV1 of the IPG 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. This policy is supported by policy SP10 of the Core Strategy DPD (2009).
- 8.78 Policy 4B.10 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.
- 8.79 The submitted Environmental Statement details that two residential developments are within range of the proposed development, so as to be considered ‘sensitive receptors’, which contain habitable rooms*. These are:

- Meridian Place located approximately 35 metres to the immediate north-west of the site; and
- Antilles Bay located approximately 65 metres to the north-east of the proposed development

In light of Antilles Bay not being situated directly adjacent to the proposed development, it will not form a significant further obstruction to sky visibility. As such, it was not considered necessary to test this building. The Council's Environmental Health department are satisfied with this assumption.

* The UDP (1998) advises that habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sq.m.).

- 8.80 Daylight is normally calculated by two methods – the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the room's use.
- 8.81 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.
- 8.82 The report details that all of the existing residential units at Meridian Place will receive more than 80% of their existing level of daylight. This is the headline VSC test and as such satisfies the BRE guidelines. In terms of ADF values, all rooms retain ADF levels in excess of 90% of their existing no sky-line areas, therefore satisfying the British Standard requirements.
- 8.83 In terms of sunlight, the submitted report details that all rooms, save for two bedrooms in Meridian Place, would receive compliant levels of sunlight.
- 8.84 It is necessary to have regard to the particular circumstances of the location in question and the assessment should be made in the context of the site. Given the density of this city centre location and the regenerative benefits that the proposal would bring to the area and the Borough as a whole in terms of affordable housing and numerous financial contributions, on balance, it is considered that a refusal on the grounds of a loss of light to two bedroom windows could not be substantiated in this instance.
- 8.85 It is therefore concluded that the proposed development would not have a significant effect on the sunlight or daylight received by the surrounding residential developments and the proposal would not impact significantly on the living conditions of any residents.

Overshadowing

- 8.86 The submitted Environmental Statement includes an overshadowing assessment, which shows that there will be a negligible impact to the permanent overshadowing of the surrounding amenity areas, which includes the courtyard to the north of Meridian Place, the proposed public square at ground floor level and the rooftop amenity area.
- 8.87 In terms of transient overshadowing, there is a small addition to shadowing during the morning, however this impact is considered to be acceptable by the Council's Environmental Health department.

Air Quality

- 8.88 A number of residents objected on the grounds of dust created during the construction phase. A condition has been attached requiring the submission and approval of a

Construction Management Plan, which should detail measures to reduce dust escape from the site during demolition and construction. Such matters are also covered by separate Environmental Health legislation.

Noise and Vibration

- 8.89 The submitted Environmental Statement demonstrates that noise impact has been given comprehensive consideration to the satisfaction of the Council's Environmental Health Team. Appropriate and reasonable mitigation measures have been identified to safeguard internal living areas from unacceptable levels of noise, also agreed by the Environmental Health Team. Therefore, the scheme complies with PPG24 and other relevant guidance and standards which seek to minimise the adverse effects of noise.
- 8.90 In terms of noise emitted by the proposed development and its impact upon nearby residents, conditions have been attached to ensure any plant and machinery to be installed incorporates adequate noise attenuation measures.
- 8.91 In terms of noise and vibration during demolition and construction, the submitted Environmental Statement identifies that this will have a minor adverse impact. In accordance with advice from the Council's Environmental Health officers, conditions have been attached which restrict construction hours and noise emissions, and a condition has been attached requiring the submission and approval of a Construction Management Plan which will further assist in ensuring noise reductions. The applicant is also required to submit details of any plant and machinery proposed prior to commencement of development. Such matters are also covered by separate Environmental Health legislation.

Sense of Enclosure/Loss of Outlook

- 8.92 This impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective. Nevertheless, in the opinion of officers, given the separation distances between the development and the residential developments at Antilles Bay and Meridian Place, together with the fact that they are not directly adjacent to the site and have buildings between them and the site, it is considered that the development would not create an unacceptable sense of enclosure or loss of outlook to habitable rooms near the site.

Overlooking

- 8.93 A number of objections were received from local residents on the grounds of overlooking of habitable rooms from the proposed development, particularly those in Antilles Bay and Meridian Place, which are the closest residential developments and both medium rise of up to eight storeys in height. Meridian Place is located approximately 35 metres to the north-west of the site, whilst Antilles Bay is located approximately 65 metres to the north-east of the proposed development.
- 8.94 Whilst the proposed building is significantly taller than Antilles Bay and Meridian Place, both are located a considerable distance away from the proposed development, and neither are immediately adjacent to it. For a dense urban environment such as this site, it is not considered that the proposal is within significant distance to cause undue overlooking and subsequent loss of amenity.

Micro-Climate

- 8.95 Planning guidance contained within the London Plan 2008 places great importance on the creation and maintenance of a high quality environment for London. Policy 4B.10 (Large-scale buildings – design and impact) of the London Plan 2008, requires that “*All large-scale*

buildings including tall buildings, should be of the highest quality design and in particular: ... be sensitive to their impacts on micro- climates in terms of wind, sun, reflection and over-shadowing". Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

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

- 8.96 Within the submitted Environmental Statement, the applicant has assessed the likely impact of the proposed development on the wind climate, by placing an accurate model of the proposed building in a wind tunnel. The assessment has focused on the suitability of the site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances and in retail areas, and sitting/standing conditions in public realm areas during summer) and the impact relative to that use.
- 8.97 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria. The wind conditions around the existing site are considered relatively calm, being generally suitable for sitting use throughout the year.
- 8.98 Overall, the residual effect of the proposed development, with required mitigation measures in place, is expected to be minor adverse to moderate beneficial. The mitigation measures include trees, hedges and screens at street level around the proposed area of public realm, perimeter screening around the roof terrace at eleventh floor level and a canopy at the centre of the roof terrace. The cumulative impact of other known planning applications in the vicinity of the application site make a beneficial contribution to the wind microclimate of the proposed development. Additional development around the site will increase the shelter on-site and will eliminate many of the adverse impacts identified for the proposed development.
- 8.99 It is therefore considered that the proposed development would be acceptable in terms of the impact on microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site in accordance with London Plan policy 4B.10 (Large-scale buildings – design and impact), policy DEV1 (Amenity) of the IPG and policy SP10 (Creating distinct and durable places) of the Core Strategy DPD (2009).

Transport

- 8.100 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.101 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 'Sustainability Criteria', 3A.7 'Large Residential Developments', state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 'Integrating Transport and Development' 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 'Local Transport and Public Realm Enhancements' 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 'Improving Conditions for Buses', 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.

- 8.102 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.
- 8.103 Having regard for the IPG, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3. Policies SP08 and SP09 of the Core Strategy DPD (2009) broadly seek to deliver an accessible, efficient and sustainable transport network.
- 8.104 The PTAL rating for the site is good (level 4), however TfL have indicated that PTAL level is now likely to be higher following the relocation of South Quay Station. Four bus routes (D6, D8, D3 and D7) are within close proximity of the site, and the new South Quay DLR station is approximately 200m to the west of the proposal site. The site is also approximately 960m (12 minutes walk) from the Canary Wharf Underground station. The site has good pedestrian access to the aforementioned public transport modes via the adjacent Marsh Wall and Lord Amory Way.
- 8.105 The proposal includes a total of 40 car parking spaces, 3 of which will be for disabled parking use, 337 cycle parking spaces at basement level and 10 at ground level for visitor use. All vehicular access for parking and servicing is via the back of the building with no servicing taking place from Marsh Wall or Lord Amory Way.
- 8.106 In addition, a financial contribution of £404,020 towards transport infrastructure, local pedestrian environment improvements and highways improvements, including the implementation of a pedestrian crossing on Marsh Wall, has been included within the s106 agreement.

Vehicular Parking

- 8.107 The scheme proposes to provide 40 car parking spaces, 3 of which are for disabled use. This provision is to be located in the basement and will be accessible via two car lifts. The parking provision is the equivalent of approximately 0.14 spaces per residential unit, and is within the maximum standards of policy DEV19 (Parking for Motor Vehicles) of the IPG and London Plan 2008 policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy). Whilst the disabled parking provision is one space short of meeting the IPG standard of 10% of all spaces, the additional space can be secured by way of condition, as detailed within section 3 of this report.
- 8.108 It is therefore considered that the vehicle parking provisions would be in accordance with

policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy) of London Plan 2008. A S106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits. This will ensure no overflow parking on the public highway.

Cycle Parking

- 8.109 The application proposes 337 secure cycle parking spaces at basement level, together with 10 visitor spaces at ground floor level. This represents a provision in excess of 1 space per residential unit, and is therefore in excess and in accordance with Planning Standard 3: Parking and policy DEV16 of the IPG.

Servicing and Refuse Collection

- 8.110 Plant, delivery and servicing spaces within the proposed development are located at ground floor level to the north of the proposed development to match the condition of the existing building. Refuse collection would be carried out from the rear, matching the existing arrangements from where there would be direct access to ground floor bin storage areas. This is acceptable to the Council's Highways department.

Trip Generation

- 8.111 The submitted Environmental Statement includes a transport and access section, which details the trip generation of the proposed development. TfL and the Council's Highways department have analysed the methods of assessment and deemed them acceptable. Furthermore, the proposed increase in traffic generation, would not have a detrimental effect on the existing highway network, public transport networks or traffic movements within the area.

Delivery service plan and construction logistics plan

- 8.112 TfL have requested the submission of a delivery service plan and a construction logistics plan. Conditions securing the submission of a Construction Management Plan and a Delivery and Service Plan have been recommended, as detailed within section 3.3 of this report.

Travel Plan

- 8.113 TfL have requested that additional detail is required from the submitted Travel Plan, including how to promote sustainable transport measures, the inclusion of a site management office and the provision of a travel plan for the commercial element of the development. As detailed above within section 3.3 of this report, it is recommended for the travel plan to be secured by way of condition to the satisfaction of the LPA and TfL. Together with future monitoring of the Travel Plan through the s106 agreement, this is considered to be an acceptable approach in this instance.

S106 Contributions

- 8.114 Given the large amount of additional residents and employment the development would bring to the area, the Council and TfL have determined that contributions for transport infrastructure and public realm improvements are required via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is discussed further within the Section 106 Agreement section of this report, below.
- 8.115 TfL have requested a number of contributions, including the maintenance and upgrade of the nearby strategic walk network; £468 per residential unit to improve the local bus service; contributions towards improving the streetscape towards the DLR station and a

pedestrian crossing to be provided across Marsh Wall.

Energy Efficiency and Sustainability

- 8.116 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.
- 8.117 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:
- Reduce the carbon dioxide and other omissions that contribute to climate change;
 - Minimise energy use by including passive solar design, natural ventilation and vegetation on buildings;
 - Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
 - Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.
- 8.118 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.
- 8.119 The applicant submitted an Energy Strategy with the application. The following reductions in carbon dioxide emissions are proposed to be achieved:

Table 7: Energy Efficiency

Approaches		Reduction in Carbon Dioxide Emissions	
"Be Lean" - Energy Efficiency Measures		7.9%	
"Be Clean"	CHP	17.7%	18.1%
	Absorption Chillers	0.4%	
Renewable Energy	PV Panels	0.88%	
TOTAL		26.9%	

- 8.120 The applicant has also detailed within the submitted Energy Strategy that discussions have taken place with the Barkantine Estate regarding connection to the district heating system, who have responded that the proposed development is too far away. However, the applicant details that future proofing can take place whereby the proposed building could be connected should a district heating system be built in the area.
- 8.121 The information has been considered by the Council's Energy Efficiency Department who

have commented that although the renewable energy contribution falls short of the 20% requirement, the potential of the low and zero carbon technology has been maximised for the proposed development and the proposed energy strategy is therefore acceptable, subject to conditions requiring the energy strategy to be revised at the detailed design stage and the submission of details of all energy efficiency and passive design measures confirming the carbon dioxide reductions, together with details of the PV panels. Conditions have been recommended to this effect, as detailed above within section 3.

- 8.122 Furthermore, 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's energy consultant has recommended a condition be attached which requires the CHP heat network to supply all domestic and non-domestic facilities in the building, and to be installed prior to the occupation of the 125th apartment. A condition has been attached to this effect.

Section 106 Agreement

- 8.123 The applicant has proposed a section 106 contribution of £7,500 per residential unit, which equates to a total s106 package of £1,987,500 (265 x £7,500). This pro-rata sum is in line with developments approved elsewhere within the area. The heads of terms are as follows:

Highway and Transport Contributions

- 8.124 Provide £404,020 towards transport infrastructure and local pedestrian environment improvements. This includes:
- £60,000 towards the implementation of a raised pedestrian crossing on Marsh Wall
 - £40,000 towards street light improvements
 - £40,000 towards carriageway improvements to Marsh Wall in the vicinity of the site
 - £100,000 towards proposed signal junction improvements at Marsh Wall/Limeharbour
 - £124,020 towards the improvement of local bus services (£600 per residential unit)
 - £20,000 towards the provision of DAISY boards within the development
 - £10,000 towards the installation of automatic traffic data collection equipment
 - £10,000 towards DLR radio signal surveys

Education

- 8.125 The Council's Education department have requested a contribution of £407,286 towards education within the Borough. This is calculated on the basis of the development creating demand for 33 additional primary school places at £12,342 each.

Health

- 8.126 The Tower Hamlets Primary Care Trust have requested a contribution of £355,773 towards the development of health and wellbeing centres within Local Area Partnership 8, specifically the new network service hub at Wood Wharf.

Social and Community Facilities

- 8.127 The Cultural Services team have requested a contribution of £147,721. The proposed development will increase demand on leisure facilities and our emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth. Sport England as the Department for Culture, Media and Sport (DCMS) agency tasked with implementing sports policy have developed a sports facility calculator for s106 purposes. This calculates (based on population figures and research based demand data) the amount of water space and sports hall required by new developments. It then uses building cost index figures to calculate the cost associated. The model generates a total

leisure contribution of £147,721.

Employment and Training

- 8.128 The Access to Employment Officer has requested a contribution of £1 per square foot of commercial and office floorspace towards employment and training initiatives. This generates a contribution of £14,494 based on 1,347sq.m of retail and office floorspace. £49,608 is also requested for the Idea Store and local libraries.

Public Realm Improvements and Open Space Provision

- 8.129 A contribution of £1,454,824 towards the provision of open space has been requested by the Cultural Services team to mitigate for the impact on existing open space. Based on the cost of laying out open space as agreed during the Wood Wharf negotiations, this would equate to £1,419,320. Using the principle established by the Newfoundland permission, an addition £35,504 should be added to mitigate the impact of the proposed hotel use, bringing the total to £1,454,824.

OFFICER COMMENT: In light of other contribution requests detailed above and the total s106 monies available, a lesser sum of £608,598 has been allocated towards Public Realm Improvements and Open Space Provision. This approach has been agreed with the Council's Cultural Services team.

Affordable Housing

- 8.130 Provision within the S106 legal agreement should be made to ensure the provision of 35% affordable housing in accordance with the application as stated above.

Other Planning Issues

Biodiversity

- 8.131 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. The application proposes mitigation measures such as the provision of new habitats for wild birds within and around the proposed building. As such, it is considered that the proposed development would not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.

Environmental Statement

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

Demolition & Construction

- 8.133 With regards to the objections received on the grounds of cumulative impacts during demolition and construction, this matter was covered within the submitted Environmental Statement. The Council is satisfied that such impacts have been adequately assessed, and mitigation measures have been identified. These measures include the implementation of a Construction Management Plan which will require the developer to liaise with other sites under construction during the same period. Other mitigation measures include wheel washing facilities for construction vehicles and air quality controls. These have been secured by way of condition.

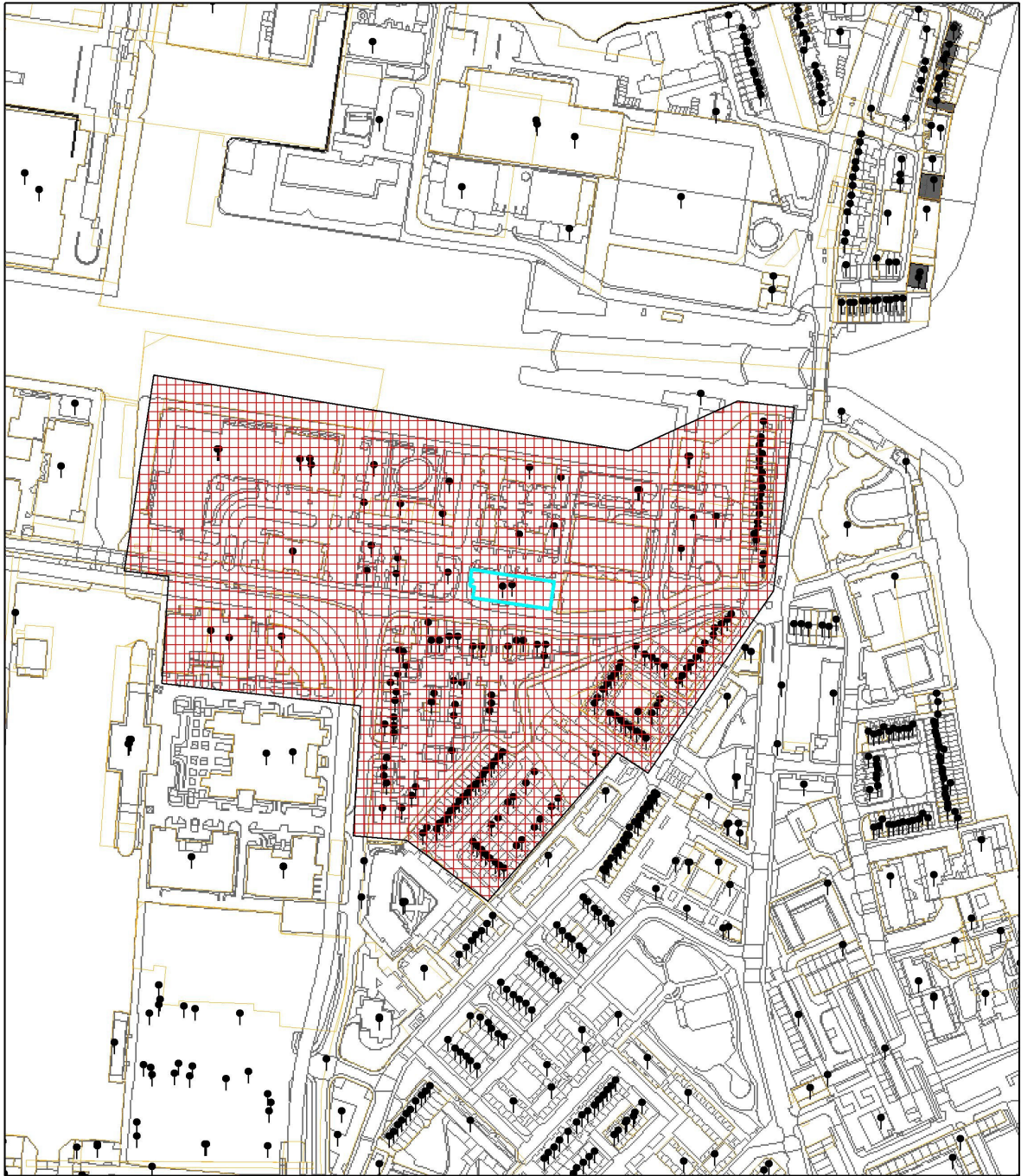
Television & Radio Reception

8.134 The submitted Environmental Statement includes an assessment of such potential electronic interference. The assessment details that the proposal, with mitigation measures, will have negligible impacts to television, radio and mobile phone reception. As detailed in section 3 above, the s106 agreement secures TV reception studies and mitigation measures to be carried out during the course of construction and upon completion.

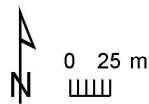
9 **Conclusions**

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

Planning Application Site Map



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



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

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