

Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Tuesday, 16 March 2010 at 7.00 p.m.

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## A G E N D A

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### VENUE

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

**Members:**

**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**

**Deputies (if any):**

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 Harun Miah, (Designated Deputy representing Councillor Dulal Uddin)

Councillor Abjol 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](mailto:zoe.folley@towerhamlets.gov.uk)

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

**Tuesday, 16 March 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 2<sup>nd</sup> February 2010

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**4. RECOMMENDATIONS**

To RESOLVE that:

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

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

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

## **6. DEFERRED ITEMS** **17 - 20**

**6 .1 Former Goodmans Fields, 74 Alie Street (Land North of Hooper Street and East of 99 Leman Street, Hooper Street) London (PA/09/965)** **21 - 90** **Whitechapel ;**

**6 .2 40 Marsh Wall, London E14 9TP (PA/09/01220)** **91 - 132** **Millwall;**

**6 .3 Site at 82 West India Dock Road and 15 Salter Street London (PA/09/2099)** **133 - 160** **Limehouse;**

## **7. PLANNING APPLICATIONS FOR DECISION** **161 - 162**

**7 .1 33-35 Commercial Road, London, E1 1LD (PA/08/01034 and PA/08/01035)** **163 - 204** **Whitechapel ;**

# Agenda Item 2

## DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

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

### Declaration of interests for Members

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

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

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

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

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

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

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

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

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

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

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 7.00 P.M. ON TUESDAY, 2 FEBRUARY 2010**

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

**Members Present:**

Councillor Shafiqul Haque (Chair)

Councillor Marc Francis (Vice-Chair)

Councillor Rupert Eckhardt

Councillor Stephanie Eaton

Councillor Alibor Choudhury

Councillor Shahed Ali

Councillor Shiria Khatun

Councillor Muhammad Abdullah Salique

**Other Councillors Present:**

Councillor Bill Turner

Councillor Abdal Ullah

**Officers Present:**

Stephen Irvine

– (Development Control Manager)

Megan Crowe

– (Legal Services Team Leader, Planning)

Jerry Bell

– (Strategic Applications Manager Development and Renewal))

Ila Robertson

– (Applications Manager, Development and Renewal)

Alan Ingram

– (Democratic Services)

Laura Webster

– Planning Officer

Zoe Folley

– (Committee Officer, Democratic Services Chief Executive's)

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**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Rania Khan, for whom Councillor Muhammed Abdullah Salique deputised, and Councillor Dulal Uddin

## 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 occasionally went to prayers in the mosque.
	7.1	Personal	
Shahed Ali	6.1, 7.1, 7.2, 7.3, 7.4, 7.5	Personal	Correspondence received from concerned parties.
Shiria Khatun	7.2	Personal prejudicial	She was a member of Poplar HARCA Board.
Alibor Choudhury	7.1	Personal	Correspondence received from concerned parties and a Ward Councillor for the site.
Muhammed Abdullah Salique	7.1	Personal	He occasionally went to prayers in the mosque. He was a former member of Poplar HARCA Board.
	7.2	Personal	
Marc Francis	6.1, 7.1, 7.2, 7.3, 7.4, 7.5	Personal	Correspondence received from concerned parties
Stephanie Eaton	6.1, 7.2	Personal	Correspondence received from concerned parties

## 3. UNRESTRICTED MINUTES

The minutes of the meeting of the Committee held on 15 December 2009 were agreed and approved as a correct record.

## 4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be



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 be 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 Site at 438 – 490 Mile End Road, London, E1 4PE (PA/09/1916)**

Mr Stephen Irvine, Development Control Manager, introduced the report regarding the application for planning permission concerning the premises at 438-490 Mile End Road, London, E1, which had been deferred at the meeting of the Committee held on 15 December 2009.

He then presented details of the suggested reasons for refusal of the planning application, based on concerns voiced by Members at that meeting and referred to the detailed statements in the report which addressed those concerns, together with a revised S106 offer from the developer to better mitigate the impact of the development.

The Committee considered each proposed reason for refusal in turn.

Height, bulk and massing – Mr Irvine reported that the GLA advised that the design of the scheme was in accordance with design policies and complied with all relevant GLA policies. English Heritage had raised no objections and considered that it should be approved in line with national policy, the London Plan and the Council's own policies. Planning officers considered that, overall, the scale of the proposed scheme was acceptable and in keeping with the area and in line with policy. In short there was no policy support for residential use of the site but there was support for use as an educational facility.

In relation to the absence of affordable housing, the site was located in the Knowledge Hub and it would have no impact on available housing land. Officers also clarified the terms of the revised S106 agreement including plans to allocate bursary places to students on the Ocean Estate.

Councillor Shahed Ali expressed concern over the proposed student accommodation. He commented that the plans did not take into account the Council's desire to encourage more mixed used development in the Borough. In reply Mr Irvine commented that the Council's own plans stated that the site was suitable for educational use and was not ideal for residential development. Therefore it was policy compliant.

In reply to a question from a Member Mr Irvine clarified the meaning of the term beneficial occupation, and explained that the main difference between the previous plans in December and the present application was the revised Section 106 package.

Councillor Francis pointed out that the scale of the proposed new building had been reduced from 11 to 7 storeys. In addition, there were substantial additional S106 financial mitigations and the original public realm mitigations remained in force.

The Chair indicated that Councillors Shiria Khatun and Muhammed Abdullah Salique were ineligible to vote as they had not been in attendance when the application had been previously considered by the Committee.

Councillor Marc Francis proposed an amendment to conditions 3, 5 and 9 and additional conditions 14 and 15 of the S106 agreement which, on being put to the vote, was declared carried three for and nil against. On a vote of three for and nil against on the substantive motion, it was –

**RESOLVED** that, subject to any direction by the Mayor of London, planning permission for demolition of existing structures at 438-490 Mile End Road, London, E1 and erection of a new building ranging from three to nine 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 be **GRANTED** 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 15<sup>th</sup> 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 £120,000 towards environmental improvements to the public space to the east of the development and in Union Drive, Canal Close and Solebay Street; and accent lighting to "heritage" buildings at the end of Grove Road.

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 community projects 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, or failing that others from other parts of Tower Hamlets 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.
14. Prior to commencement of development, a financial contribution of £500,000 towards the enhancement of the Bancroft Local History Archive and Library.
15. Hours of use of the roof terrace to be restricted from 9 a.m. to 9 p.m.

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

### **7.1 81& 83 Duckett Street, London E1 4TD (PA/09/00676)**

Mr Jerry Bell, Strategic Applications Manager, introduced the report seeking planning permission for a two-storey mosque and cultural centre at 81 and 83 Duckett Street, London, E1 4TD. He referred to the public consultation measures that had been undertaken and to the material planning considerations that had been taken into account.

Members also sought assurances as to whether the capacity of the proposed Mosque was sufficient; the proposals to replace the lost trees; the need to ensure that human remains from the burial ground were suitably relocated; the need to ensure the portacabin was only a temporary structure.

In relation to the removal of remains to another burial site, Officers reported that there was a condition in the application that would ensure this. English Heritage were happy with this condition and would ensure that this issue was

dealt with in a proper and humane way. A standard English Heritage condition designed to secure this was also in place.

In relation to concerns raised over whether the Mosque could accommodate the expected number of visitors during prayer times (1500), the proposed Mosque would have capacity to accommodate 2,000 visitors on prayer days. Officers considered that this was sufficient capacity.

It was also reported that as part of the S106 agreement, a £50,000 contribution had been secured to ensure the trees were replaced in the park. One of the conditions required the temporary structure to be removed in 5 years.

On being put to the vote, it was unanimously –

### **RESOLVED**

- (1) That planning permission for the erection of a two-storey mosque and cultural centre (Use Class D1) at 81 and 83 Duckett Street, London, E1 4TD and the siting of a temporary portacabin onto adjoining parkland for prayers and community use for the duration of construction be **GRANTED**, all as shown on the plans and subject to the prior completion of a legal agreement and to the conditions and informatives set out in the report.
- (2) That power be delegated to the Head of Development Decisions to impose the conditions and informatives.
- (3) That, if within three months of the date of this committee the legal agreement has not been completed, power be delegated to the Head of Planning & Building Control to refuse planning permission.

At 7.45 p.m., the Chair indicated that the meeting would adjourn briefly to allow members of the public to leave the public gallery. The meeting reconvened at 7.56 p.m.

## **7.2 Brownfield Estate, London, E14 (PA/09/2100)**

Councillor Shiria Khatun, having earlier declared a personal, prejudicial interest in this item, left the meeting prior to consideration of the planning application.

Ms Ila Robertson, Planning Officer, introduced the report regarding the application for planning permission for the development of the car park at the Brownfield Estate, London, E14.

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 Malcolm Millington, a local resident, expressed a number of concerns regarding site E application (the Willis Street application). He considered that there was a shortage of affordable family sized affordable units in the area but 80% of the units were 1-2 bedroom units. The proposed dwelling would be too expensive for local residents, who would have to be earning around £30,000 a year to be able to afford the properties. He also drew attention to the need for open space in the area. The car park supplied this but the Tower removed it. Mr Millington supported the concerns expressed by 'CABE' and considered that the proposals would harm the Conservation area. In relation to traffic issues, more information was needed on traffic access. He considered that the new junction at the Blackwall Tunnel would bring new traffic to the site and that the construction traffic would add to this.

Mr Colin Woollard, a local resident, stated that there was a large contingency of local residents from the estate present, who supported the application. He added that housing accommodation was a basic need and this continued to be an increasing problem. Housing shortages resulted in long waiting lists and overcrowding, and meant that there was not much hope for young people of being able to have homes locally. The proposed high rise development would meet people's needs and was environmentally friendly as it would be a car free zone.

Ms Kazi Begum reported that she was a teacher and a resident of the estate. She had first hand knowledge of how overcrowding affected students. It led to low self esteem, underachievement, under-employment and anti-social behaviour. More homes were needed to break this vicious cycle. This was not a luxury but an essential. There was a lot of support for the proposals on the estate.

Ms Robertson reported the following points.

- There would be some overshadowing, but this fell under the 40% standard in the BRE guidance.
- In relation to the loss of amenity and day light and sun light the report indicated that there would be a minimum loss. The construction impact would be controlled by conditions. The proposals would result in an acceptable amount of affordable family housing and complied with the requirements of the Council's UDP. English Heritage had not raised any objections.
- In summary the proposals would have no impact on the strategic views, listed buildings, open spaces traffic or parking impact.

Members queried the conclusions reached by CABE; the validity of their findings; the plans to remove trees; the adequacy of the parking proposals for the family units; the possibility of expanding the scope of the Section 106 contributions. Councillor Eaton also felt that any removal of the trees be limited to only 1-2 trees.

Members considered that the high percentage of affordable housing proposed under the scheme should be welcomed, especially as the family sized units

were at a ground level. Members considered that the development could be accommodated on the site and considered that on balance it should be supported.

Councillor Stephanie Eaton proposed an amendment to condition 3.3B(c) concerning the legal agreement which, on being put to the vote, was carried unanimously. On a unanimous vote, the Committee then -

## **RESOLVED**

(1) That planning permission be **GRANTED** at Brownfield Estate, London, E14 for:

- 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).

All as shown on the plans SUBJECT TO the completion of a prior legal agreement and the conditions and informatives set out in the report, with condition 3.3 B(c) being amended to read:

“Provide a contribution of £84,733 towards the provision of Leisure facilities and include provision of additional lighting, if appropriate, at Langdon Park School to mitigate for the loss of light to the school playing field.”

(2) That authority be delegated to the Corporate Director Development & Renewal to negotiate the legal agreement.

(3) That power be delegated to the Corporate Director Development & Renewal to impose the conditions and informatives.

(4) That, if by 29<sup>th</sup> March 2010 the legal agreement has not been completed, power be delegated to the Corporate Director Development & Renewal to refuse the planning permission.

### **7.3 Sainsbury's Foodstore, 1 Cambridge Heath Road, London, E1 5SD (PA/09/02421)**

Councillor Shiria Khatun rejoined the meeting prior to consideration of this planning application.

Mr Jerry Bell, Strategic Applications Manager, introduced the report regarding the application for planning permission for a temporary car park at Sainsbury's Foodstore, 1 Cambridge Heath Road, London, E1 5SD to maintain existing customer car parking levels during Crossrail works on the adjacent site.

Mr Bell indicated that there had been an extensive consultation exercise to which a number of objections were raised. In summary, the objections centred around loss of privacy; height of the building; loss of car parking spaces. There were also concerns about anti social behaviour. Mr Bell addressed each of these concerns and reported that they would be mitigated by conditions. Overall, officers considered that the benefits of the scheme outweighed the concerns. The height of the structure was in keeping with the surrounding buildings. The issues around the loss of light had been looked at by Environmental Health and they considered that the scheme was acceptable.

Councillor Eaton put forward questions which were answered by officers about the need for additional disabled persons' parking bays; the comments made by the LBTH Access Officer; whether the plans for the entrance to the store would affect the Idea Store. Members also stressed the need to ensure the proposals were only temporary.

Councillor Salique asked questions which were answered by officers about the plans for addressing any loss of light, the impact on Swanley School in Brady Street, the Section 106 assessment and the environmental improvements to Brady Street.

Councillor Stephanie Eaton proposed an amendment to add a further condition requiring provision of disabled parking to conform to LBTH standards and this was carried on a unanimous vote. On a further unanimous vote, the Committee then –

Overall Members were minded to support the proposals subject to the inclusion of Councillor Eaton's proposed condition.

## **RESOLVED**

- (1) That planning permission for the installation of a temporary car park at Sainsbury's Foodstore, 1 Cambridge Heath Road, London, E1 5SD to maintain existing customer car parking levels (258) during Crossrail works on adjacent site be **GRANTED**, as shown on the plans, subject to the completion of a prior legal agreement and to conditions and informatives set out in the report (as amended by the supplemental report tabled at the meeting) and subject to the following further condition:
  - The number of disabled parking bays to conform to London Borough of Tower Hamlets standards.
- (2) That power be delegated to the Head of Development Decisions to impose the conditions and informatives.

- (3) That, if by 10<sup>th</sup> February 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, power be delegated to the Head of Development Decisions to refuse planning permission.

**7.4 Site at 82 West India Dock Road and 15 Salter Street, London (PA/09/2099)**

Ms Laura Webster, Planning Officer, introduced the report regarding the application for planning permission for development of a vacant site at 82 West India Dock Road and 15 Salter Street to erect a 3, 14 and 16 storey building providing a 252 room hotel, incorporating meeting/conference rooms, restaurant, café and bar, along with formation of a drop-off area and servicing access off Salter Street.

Councillor Francis expressed concern at the mitigation measures. He considered that (There aren't any affordable homes here??), the mitigation measures did not go far enough given the scale of the proposal and the impact on the local area. He queried whether any other requests were made of the developer in terms of the Section 106 agreement.

Members also expressed concern about the loss of parking; queried where the coaches and large vehicles would park; how they would access/leave the site as the streets were narrow, and considered that the majority of hotel guests would use cars not the DLR. It was also considered that there were a large number of residential properties nearby, therefore a hotel would not be in keeping with the local area.

Members also queried the impact on 1-44 Compass Point and considered that there would be a loss of sunlight/day light and overshadowing. Members also queried whether all of the neighbouring properties had been consulted.

In reply officers reported that:

- The section 106 agreement clarified the circumstances in which a planning obligation could be sought.
- Officers had carefully considered the access arrangements, which had been discussed with the Highways engineers and approved by the Highways departments. They also complied with GLA access policies. HGV and coach parking arrangements were considered suitable.
- In relation to the consultation exercise, 265 of the neighbouring properties had been consulted by letter and two notices were put up. Adverts were also placed in the local press. A widespread consultation exercise was carried out and a large number of local residents were supportive of the proposals.
- On balance it was considered that the proposals would not give rise to an unacceptable loss of local amenity.



- In terms of loss of daylight, the Council's experts raised no objections and considered that the proposal was acceptable in this regard. It was not considered that there would be an overbearing impact on Compass Point, due to the distance away from the proposed scheme.

In summary, Members considered that the proposal would have an unacceptable impact on the surrounding area, notably Grenada House and others on that estate, and that there would be a loss of car parking spaces. With this in mind Members also felt that the mitigation measures were inadequate.

On a vote of two for and five against, it was –

### **RESOLVED**

That the Officer recommendation to grant planning permission for erection of a part 3, 14 and 16 storey building on the site at 82 West India Dock Road and 15 Salter Street, London, to provide a 252 hotel and incorporating meeting/conference rooms, restaurant, café and bar as well as formation of a drop-off area and servicing access off Salter Street be NOT ACCEPTED.

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

- The height, bulk and mass of the proposed building.
- Possible inadequacy of the degree of public consultation undertaken.
- Loss of street car parking spaces.
- Hotel use was incompatible with the residential nature of the area.

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.

### **7.5 The Innovation Centre, 225 Marsh Wall, London E14 9FW (PA/09/01637)**

Item withdrawn.

The meeting ended at 9.20 p.m.

Chair, Councillor Shafiqul Haque  
Strategic Development Committee

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# Agenda Item 5

## DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

### PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

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

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

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

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

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# Agenda Item 6

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Deferred Items	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
15 <sup>th</sup> December 2009	PA/09/965	Former Goodmans Fields, 74 Alie Street & Land North of Hooper Street and East of 99 Leman Street, Hooper Street, London	Redevelopment of Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 Leman 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 Leman Street: the overall scheme comprising 772 residential units (Class C3), 650 bedroom student accommodation (sui generis), 351 bedroom hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public	<p>The Committee indicated that they were minded to refuse the planning application because of serious concerns over:</p> <p>The overdevelopment of the site as manifested particularly in the number of towers and the height of the proposed buildings.</p> <p>Excessive massing of the perimeter buildings and their impact on surrounding properties.</p>

**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

			open space, landscaping, servicing, plant accommodation, car parking and access and associated works	
15 <sup>th</sup> December 2009	PA/09/01220	40 Marsh Wall, London E14 9TP	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	<p>The Committee indicated that they were minded to refuse the planning application because of serious concerns over:</p> <p>The issue of impact on views from the south of the site.</p> <p>The allocation of S106 funding towards urban realmworks.</p> <p>Public transport issues.</p> <p>Inadequacy of coach and other vehicular parking facilities.</p> <p>The height, density, bulk and mass of the proposed building.</p>
2 <sup>nd</sup> February 2010	(PA/09/2099)	Site at 82 West India Dock Road and 15 Salter Street London	Erection of a part 3, 14 and 16 storey building on the site at 82 West India Dock Road and 15 Salter Street, London, to provide a 252 hotel and incorporating meeting/conference rooms, restaurant, café and bar as well as formation of a drop-off area and servicing access off Salter	<p>The Committee indicated that they were minded to refuse the planning application because of concerns over:</p> <p>The height, bulk and mass of the proposed building.</p> <p>Possible inadequacy of the degree of public consultation undertaken.</p> <p>Loss of street car parking</p>

			Street	spaces.  Hotel use was incompatible with the residential nature of the area.
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**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/09/965 - Former Goodmans Fields, 74 Alie Street & Land North of Hooper Street and East of 99 Lemman Street, Hooper Street, London

6.2 PA/09/01220 - 40 Marsh Wall, London E14 9TP

6.3 PA/09/2099 - Site at 82 West India Dock Road and 15 Salter Street London

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.

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# Agenda Item 6.1

<b>Decision Level:</b> Strategic Development Committee	<b>Date:</b> 16 <sup>th</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jerry Bell		<b>Ref No:</b> PA/09/965	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

**Location:** Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 leman Street, Hooper Street) London

**Existing Use:** Offices (vacant)

**Proposal:** Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential, and construction of an additional storey to 75 Lemman Street. Overall scheme comprises 754 residential units, student accommodation, hotel, primary care centre, commercial uses, public open space, landscaping, car parking and associated works. (AMENDED DESCRIPTION)

Note: the application is supported by and Environmental Statement.

**Drawing Nos:** 0722A P0001; P0002; P0003; P0004; P0005; P0006; P0099A; P0100B; P0101A; P0102B; P0103A; P0104A; P0105A; P0106B; P0107A; P0108C; P0109B; P0110B; P0111B; P0112B; P0113B; P0115B; P0116B; P0117B; P0118B; P0119B; P0120B; P0121B; P0122B; P0123B; P0128B; P0130A; P0160C; P0161B; P0162C; P0162B; P0163A; P0164B; P0165C; P0166A; P0167B; P0168C; P0169C; P0170D; P0171C; P0172A; P0173A; P0174A; P0175B; P0176C; P0177; P0178; P0179; P0180; P0181A; P2500; P2501; P2502; P2503; P2505; P2506; P2508; P2509; P2510A; P2511; P2512A; P2513A; P2515; P2516; P3500A; P3501A; P3502A; P3503A; P3504A; P3505A; P3508A;

4723/C/SK002RevI02

07/2472-TS1; TS2; TS3; TS4; TS5; TS6; TS7; TS8; TS9; TS10; TS11; TS12; TS13

07/2517-MBS-B

2537/B-2; G-1; G-2; 1-1-REVA; 1-2-REVA; 2-1-REVA; 2-2-REVA; 3-1-REVA; 3-2-REVA; 4-1-REVA; 4-2-REVA; 5-1-REVA; 5-2-REVA; 6-1-REVA; 6-2-REVA

2723/E2; E3; S1; S2; S3

2472/KEYPLAN; E1; E2; E3; E4; E5; E6; E7; E8; E9; E10; E11; E12;

E13; E14; E15; E16; E17; E18

ELEV16.DWG; 1-4.DWG

TOWN371(08)1002R04; 5000R01; 5001;R04; 5003R04; 5004R03;  
5005R03; 5006R03; 5007R03; 5008R03; 0023R01

SK01; SK01A (x10 Individual dwgs)

Documents:

*Submission 29 May 09*

Environmental Statement Vol1

Environmental Statement Vol2

Environmental Statement Vol3 Heritage, Townscape and Visual  
Assessment

Environmental Statement Vol3 appendices

Environmental Statement Vol4 Transport Assessment

Environmental Statement Vols 5a & 5b technical appendices

Planning Statement

Design and Access Statement Vols 1 & 2

Statement of Community Consultation

Sustainability and Quality of Life Statement

Energy Statement

S106 heads of terms

*Further information 04 August 09 to address Mayor's Stage 1*

LVMF photographic images 1808-0529 v090731; 2705 v090710; 2805  
v090723B

Roamer animation and stills

Supporting tower plan 0722A P0005

*Further information 14 August 09 to address LBTH comments*

Arup dwg 123182-00, 123182-00-019

*Further information 15 October 09 to address LBTH Comments*

Updated schedules ref Nos. 0722A 10.01 AA rev F; 10.01AG rev B x 5  
dwgs

Updated Environmental Statement Vol1 (for regulation 19)

Updated Environmental Statement Vol6 (for regulation 19)

*Further information December 2010 to address LBTH Comments*

Updated Environmental Statement Vol7 (supplement and Non-  
Technical Summary)

**Applicant:** Mourant Property Trustees Ltd and Mourant & Co. Trustees Ltd as  
Trustees of the Omega No. 3 Property Unit Trust  
**Owner:** Berkley Homes, Berkley Gemini Ltd, LBTH, EDF, AHL City Quarter  
Trading Limited  
**Historic Building:** No  
**Conservation Area:** No

## 2. RECOMMENDATION

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

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

- B. The prior completion of a **legal agreement** to secure the following planning obligations:
- Affordable housing - **36%**
  - Public realm improvements - **£600,000**
  - Sustainable transport - **£339,300**
  - Open space - **£699,200**
  - Local youth, sport and culture - **£1, 909,325**
  - Education - **£1,468,698**
  - Healthcare - **£1,060,786 plus shell and core plus peppercorn rent for 3 years**
  - Local business support, employment and training, Enterprise team and the Skillsmatch service - **£1,164,640**
  - Public art - **£100,000**
  
  - **Total - £7,341,949**

Other contributions:

- Car free agreement for residential units with no parking spaces.
- Provision of a Travel Plan framework and monitoring.
- Provision of a car club on site including: a)The undertaking and costs associated with establishing a Car-Plus accredited car club on site which includes 2 cars and 2 parking bays reserved exclusively for this purposes; b) the undertaking and costs of any supporting service requirements of the car-club operator in providing the car club at this site; c) The promotion of the car club to occupiers;
- PCT shell and core to NHS specification
- PCT peppercorn rent for 3 years
- TV reception mitigation measures
- Air quality monitoring during construction.
- Commitment to participate in Council's local labour in construction initiatives.
- Considerate contractor scheme.

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

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

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

**Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Development in accordance with the approved plans
- 3) Final plan of phasing to be agreed
- 4) Detailed design treatment: elevations, balconies, PCT skylights, connection at roof level between 75 leman street extension and the building to the south; extract vents/bicycle pavilion
- 5) Frosted glass for communal space windows adjacent private amenity space at first floor
- 6) Restriction on class A3/A5 use to ground floor areas where future extract ventilation has been shown as specified on the plans
- 7) Full vent details and detailed plans including A3 & A5 and basement
- 8) Provide for not more than 199 car spaces (of which at least 29 to be accessible), 64 motorcycle spaces, 29 motor scooter spaces
- 9) Details of electric charging points in accordance with the ES Vol1 & 6 to be submitted

- prior to commencement
- 10) Provide 132 cycle spaces at ground level and elsewhere, 1928 in basement as shown on the approved basement and ground floor plans, giving total of 2068 spaces
  - 11) Details of the means by which access to the basement will be restricted and controlled in the interest of safety, security and minimising crime and terrorist threat per Metropolitan Police Crime Prevention Officer
  - 12) CHP plus other measures per ES for renewable, sustainable and efficient measures to be incorporated, maintained and utilised for the lifetime of the development
  - 13) Low carbon and renewable technologies to be operated and retained for lifetime of the development
  - 14) Code for sustainable homes
  - 15) BREEAM for non-res C3 uses
  - 16) Lifetime homes and 10% wheelchair housing
  - 17) Surface water control
  - 18) Basement access controls and management
  - 19) Landscaping details and management plan incl. bat and bird box provision
  - 20) Secured by design statement and certification
  - 21) Details of design of ecological (green) roof
  - 22) Full details of the CHP plant including emissions and their mitigation
  - 23) Microclimate mitigation incl. roof terraces
  - 24) Juliet balconies for all units that do not already benefit from a Juliet or private amenity space unless otherwise agreed in writing
  - 25) Mechanical ventilation and enclosure of balconies on Alie and Leman Streets to address noise and air quality
  - 26) Glazing to address NEC D
  - 27) Wind mitigation measures as per ES to be constructed and maintained for life of development
  - 28) Further wind testing of final landscape design
  - 29) Amended servicing management plan to be agreed in writing
  - 30) Waste and recycling storage in accordance with submitted documents
  - 31) Construction environmental management plan as recommended in ES Ch5
  - 32) Construction logistics plan
  - 33) Final travel plan including consideration of all uses
  - 34) Archaeology
  - 35) Development in accordance with the FRA
  - 36) Hours of construction
  - 37) Hours of piling
  - 38) Wheel cleaning equipment
  - 39) Contamination including Gas monitoring program and notice/inspection of remediation works per contamination officer
  - 40) Program of archaeology
  - 41) Scheme of highway improvements (s278)
  - 42) Access to garden behind PCT limited to daylight hours
  - 43) Cycle routes through the development
  - 44) Public walking and cycling access across the site in perpetuity
  - 45) Public access to open space in perpetuity
  - 46) Any additional conditions as directed by the Corporate Director Development and Renewal

#### **Informatives**

- 1) construction crainage per London City Airport
- 2) Precautionary advice per National Grid
- 3) Surface water drainage is developer's responsibility per Thames Water
- 4) Stormwater attenuation via on or off-site storage per Thames Water
- 5) Manhole requirements for connection to public sewer per Thames Water
- 6) No groundwater removal per Thames Water
- 7) Prior approval from Thames Water required for discharge to public sewer

- 8) Petrol/oil interceptors per Thames Water
- 9) Fat trap per Thames Water
- 10) Diversion of Thames Water infrastructure is at the applicant's expense
- 11) Advice in respect on minimum water pressure per Thames Water
- 12) Separate notification and approval for perm highway works and temp highway works during construction per Traffic Management Act 2004 and TFL.
- 13) Consideration of the following matters relevant to the Building Regulations per Building Control:
  - Advice not intended as a complete review or assessment
  - Notice of demolition prior to commencement
  - Section 20 application under the London building Act applicable
  - Attention should be paid to Party Wall Act
  - Fire service access including shafts in accordance with B5 requirements
  - Fire mains in accordance with section 15
  - Consideration of means of escape and dead end distances in respect of Requirement B1
  - Hotel corridor ventilation
  - Alternative means of escape or sprinklers for 4 storey houses
  - Separate routes of escape for each use
  - Single staircase buildings not to be connected to the basement
  - Building separation distances
  - Fire compartmentation between buildings
  - Solid waste storage and collection
  - Means of access to comply with Part M
  - Safe cleaning of windows in accordance with Approved Document N
- 14) Consideration of increasing provision of facilities for people with a disability in the hotel per Access officer
- 15) Soil cap and geotextile membrane for private gardens per contamination officer
- 16) Construction noise to address BS5228 and COPA section 61 per env. Health
- 17) D1 stack height calculation for domestic emission per env. Health
- 18) Dust monitoring methodology per construction mgt plan to be agreed in advance with env. Health
- 19) Future detailed floorplan design to consider separate kitchen and living rooms in social rent tenure to satisfy housing need per Housing
- 20) Archaeological design project per English Heritage(arch)
- 21) Efficient water use per Environment Agency
- 22) Construction crainage per London City Airport
- 23) Contact Env. Health Commercial regarding construction phase, operational phase, notifications regarding working with Asbestos, Notification of Cooling Towers and Evaporative Condenser Regulations 1992, establishment for special treatments, exemptions, animal establishment related legislation
- 24) Contact LFEPa regarding fire fighting main access, domestic sprinklers and basement storage
- 25) Section 61 agreement to agree construction methodology per Control of Pollution Act 1974 per environmental health
- 26) Precautionary Guidance of National Grid

### **3. BACKGROUND**

- 3.1 This application for planning permission was reported to Strategic Development Committee on 15<sup>th</sup> December 2009 with an officer recommendation for approval. A copy of the case officers report containing the Summary of Material Planning Considerations, Site and Surroundings, Policy Framework, Planning History and Material Planning Considerations is attached at Appendix 1.

- 3.2 Members indicated that they were minded to refuse the planning application because of 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. Inadequacy of coach and other vehicular parking facilities.
- 3.3 Members' resolved to defer making a decision to allow officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Section 6.2 and 6.3 of this report.

Changes to the proposed scheme

- 3.4 Since the deferral of the decision, the applicants have sought to address members concerns by introducing changes to the scheme.
- 3.5 The changes involve the removal of 1-2 storeys from the north west and north east perimeter blocks, resulting in the loss of 18 market units (This corresponds to the loss of 8 x 1 bedroom units, 6 x 2 bedroom units and 4 x 3 bedroom units) and 14 hotel rooms. The total number of residential units proposed is now 754. The number of affordable units remains the same at 252 with a 71:29 social to intermediate split, but the overall percentage of affordable units has increased from 35% to 36%. The number of hotel rooms has decreased from 351 to 337 rooms.
- 3.6 Members should also note that a revised s.106 package that seeks to provide an additional sum of £2,000,000 towards mitigating the impacts of the development

**4 ADDITIONAL CONSULTATION RESPONSES**

- 4.1 A total of 1793 neighbouring properties within the area shown on the map appended to this report were re-notified about the application and invited to comment. The application has also been re-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:	0	Objecting:	0	Supporting:	0
No of petitions received:	0				

- 4.2 Additional responses were received from the following Statutory and Non-Statutory consultees.

**Natural England**

No comment

**Greater London Authority**

No objections, previous comments stand

**Thames Water**

Thames water has re-provided their previous comments and an informative as requested is indicated on the appended report.

## **LBTH Housing**

No objection as the quantum of affordable housing remains unaffected.

### **5 CONSIDERATION OF PROPOSED CHANGES**

#### **The overdevelopment of the site as manifested particularly in the number of towers and the height of the proposed buildings.**

- 5.1 Although there have not been any amendments to the height and number of towers, an indication of overdevelopment would be excessively high densities
- 5.2 The application site has a Public Transport Accessibility Level (PTAL) 6a. Therefore density ranges are as follows:
  - Mayor's London Plan: 650-1100 habitable rooms per Hectare (central zone)
  - LBTH IPG: 650-1100 habitable rooms per Hectare (central)
- 5.3 The scheme is equivalent to **799 habitable rooms per hectare** based on the total site area of 2.9Ha and for scheme comprising of a total of 2318 habitable rooms. If the area occupied by the hotel and student housing is removed as suggested in the Planning Statement, the scheme is equivalent to 995 habitable rooms per hectare based on a site area of 2.33Ha.
- 5.4 Members are reminded that the GLA considers that the density successfully maximises the site's potential in accordance with Policy 3A.3 of the London Plan; and that the density sits comfortably within the ranges provided by the London Plan and the Councils Interim Planning Guidance
- 5.5 The height of the towers have already been reduced through negotiation with officers and is similar in height to other recently consented schemes in the area. This includes 61-75 Alie Street where a 28 storey tower was approved in March 2008 and Aldgate Union at a height of 22 Storeys approved in August 2007. It should be noted that the maximum height this schemes seeks to achieve is 23 storeys. Also, the development is in one of the two clusters in the Borough (the other being Canary Wharf) where tall buildings are acceptable. Members are reminded that CABI support the height of the towers, whilst English Heritage and Historic Royal Palaces (responsible for the protection of the Tower of London) raise no objections.
- 5.6 In relation to the number of towers, officers consider that the slimline nature of the towers reduces their impact whilst CABI welcome the function they serve in announcing the site.

#### **Excessive massing of the perimeter buildings and their impact on surrounding properties.**

- 5.7 The amendments to the north west and north east blocks would see the blocks reduce in height from the current 7 to 6 storeys and from 10 to 8 storeys respectively along Alie Street. This is considered to be a successful attempt to address members concerns over the impact of the development on the surrounding area.

This reduction will have no adverse impact on amenity, highways and the affordable housing provision. It is likely to increase the amount of daylight and sunlight received by the adjacent properties in Alie Street and is more sympathetic to the existing scale of buildings.

Given that the scale and bulk of the building primarily manifests itself in the perimeter blocks, this reduction in height is welcomed and it is considered that this addresses members concerns.

### **Inadequacy of coach and other vehicular parking facilities.**

- 5.8 Members are reminded that the Councils Highways officers have considered site accessibility, parking, s106 requirements including car free development and a car club, accessible parking for people with a disability, site access to the public highway, servicing/refuse/deliveries, visibility splays, cycle parking, pedestrian infrastructure and advise that there are no significant detrimental impacts to consider.
- 5.9 Given the advice above, officers remain of the opinion that parking facilities are acceptable and that a reason for refusal on this basis would, at best, be difficult to defend on appeal.

### **Other Considerations**

#### Affordable Housing

- 5.10 The revisions include the reduction in the number of residential units. The level of social rented and intermediate units remains the same. The revised scheme sees the number of private sale reduced from 520 units to 502 which means that the quantum of affordable increases from 35% to 36% by habitable room.

#### Planning Contributions

- 5.11 Government advice and the policy framework that governs planning contributions can be found at paragraph 8.141 of Appendix 1.
- 5.12 Following extensive negotiation with the developer's consultant, the Council's consultant confirmed that, in their professional opinion that viability was an issue. As such, the Council is not considered to be in a position to seek further contributions to those identified in the heads of terms at paragraph 3.1 (b) of Appendix 1 to this report. However, the applicants have sought to address members concerns in relation to the overdevelopment of the site, the resultant density, and the impact that this density has on local services and infrastructure. In so doing, they have offered an additional contribution of £2million to be distributed between towards youth, sport and culture services, employment and training and public art.
- 5.13 Some of this contribution would support projects that would look at onsite activity to research the barriers to work, working with community champions and local residents to identify aspirations and link the wants and needs of locals into existing services available as well as designing new purpose made training and skills services which meet the individual community need.

#### Environmental Impact Assessment

- 5.14 The application has been re-screened to consider whether it is necessary for a new EIA to be submitted. The screening has indicated that no new EIA needs to be submitted under Regulation 14 of the Environmental Impact Regulations 1999 and that the existing EIA will suffice. However, the applicant has submitted a supplement to the Environmental Statement accompanied by a Non-Technical summary. Both documents have been reviewed and officers consider that no new adverse impacts have been identified.

### **6. Conclusions**

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



6.2 However, if Members are minded to refuse the application, **subject to any direction by the Mayor of London** the following suggested reasons for refusal are as follows:

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 in Alie Street and Leman Street. 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 proposed development would result in unacceptable traffic and parking impacts and as such is contrary to Policies 2A.1, 3A.7, 3C.1, 3C.2, 3C.19, 3C.20 of The London Plan (Consolidated 2008), PPS1, PPG13, Policy ST25, ST28, ST30, T16, T18, T19, T21 of the LBTH UDP 1998, Policies DEV17, DEV18, DEV19 of the LBTH IPG 2007 which seek to ensure the proposal does not impact on the local road system.

### 6.3 Implications of the decision

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

1. Resubmission of an amended scheme to overcome reasons for refusal;
2. The applicant could appeal the decision and submit an award costs application against the Council.
3. 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 and are necessary to enable the development to proceed.
4. The Council would vigorously defend any appeal.

## **APPENDICIES**

Appendix One - Committee Report to Members on 15<sup>h</sup> December 2009

Appendix Two – Addendum Report to Members on 15<sup>th</sup> December 2009

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<b>Decision Level:</b> Strategic Development Committee	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jason Traves		<b>Ref No:</b> PA/09/965	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

**Location:** Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 leman Street, Hooper Street) London

**Existing Use:** Offices (vacant)

**Proposal:** Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 772 residential units (Class C3), 650 bedroom student accommodation (sui generis), 351 bedroom hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public open space, landscaping, servicing, plant accommodation, car parking and access and associated works.

Note the application is supported by and Environmental Statement.

**Drawing Nos:** 0722A P0001; P0002; P0003; P0004; P0005; P0006; P0099A; P0100B; P0101A; P0102B; P0103A; P0104A; P0105A; P0106A; P0107A; P0108B; P0109A; P0110A; P0111A; P0112A; P0113A; P0115A; P0116A; P0117A; P0118A; P0119A; P0120A; P0121A; P0122A; P0123A; P0128A; P0130A; P0160B; P0161A; P0162B; P0162B; P0163A; P0164B; P0165C; P0166A; P0167B; P0168C; P0169B; P0170C; P0171B; P0172A; P0173A; P0174A; P0175A; P0176B; P0177; P0178; P0179; P0180; P0181A; P2500; P2501; P2502; P2503; P2505; P2506; P2508; P2509; P2510A; P2511; P2512A; P2513A; P2515; P2516; P3500A; P3501A; P3502A; P3503A; P3504A; P3505A; P3508A;

4723/C/SK002Rev102

07/2472-TS1; TS2; TS3; TS4; TS5; TS6; TS7; TS8; TS9; TS10; TS11; TS12; TS13

07/2517-MBS-B

2537/B-2; G-1; G-2; 1-1-REVA; 1-2-REVA; 2-1-REVA; 2-2-REVA; 3-1-REVA; 3-2-REVA; 4-1-REVA; 4-2-REVA; 5-1-REVA; 5-2-REVA; 6-1-REVA; 6-2-REVA

2723/E2; E3; S1; S2; S3

2472/KEYPLAN; E1; E2; E3; E4; E5; E6; E7; E8; E9; E10; E11; E12;

E13; E14; E15; E16; E17; E18

ELEV16.DWG; 1-4.DWG

TOWN371(08)1002R04; 5000R01; 5001;R04; 5003R04; 5004R03;  
5005R03; 5006R03; 5007R03; 5008R03; 0023R01

SK01; SK01A (x10 Individual dwgs)

Documents:

*Submission 29 May 09*

Environmental Statement Vol1

Environmental Statement Vol2

Environmental Statement Vol3 Heritage, Townscape and Visual Assessment

Environmental Statement Vol3 appendices

Environmental Statement Vol4 Transport Assessment

Environmental Statement Vols 5a & 5b technical appendices

Planning Statement

Design and Access Statement Vols 1 & 2

Statement of Community Consultation

Sustainability and Quality of Life Statement

Energy Statement

S106 heads of terms

*Further information 04 August 09 to address Mayor's Stage 1*

LVMF photographic images 1808-0529 v090731; 2705 v090710; 2805 v090723B

Roamer animation and stills

Supporting tower plan 0722A P0005

*Further information 14 August 09 to address LBTH comments*

Arup dwg 123182-00, 123182-00-019

*Further information 15 October 09 to address LBTH Comments*

Updated schedules ref Nos. 0722A 10.01 AA rev F; 10.01AG rev B x 5 dwgs

Updated Environmental Statement Vol1 (for regulation 19)

Updated Environmental Statement Vol6 (for regulation 19)

**Applicant:** Mourant Property Trustees Ltd and Mourant & Co. Trustees Ltd as Trustees of the Omega No. 3 Property Unit Trust  
**Owner:** Berkley Homes, Berkley Gemini Ltd, LBTH, EDF, AHL City Quarter Trading Limited  
**Historic Building:** No  
**Conservation Area:** No

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

a) A mixed use approach to the redevelopment of the site which incorporates

- residential, hotel, student accommodation, PCT and commercial uses is acceptable and in accordance with Policies 2A.4, 2A.5, 2A.7, 5C.1 of the London Plan (Consolidated 2008), the Mayor's draft City Fringe OAPF, Policy ST12, CAZ1 of the LBTH UDP 1998, Policies CP8, CP19 of the LBTH IPG 2007, Policies CFR9, CFR14 of the City Fringe Area Action Plan (AAP), as well as the LBTH Aldgate Masterplan 2007 which promote a mixed use approach to the redevelopment of the site;
- b) The scheme would result in considerable job opportunities in accordance with Policies EMP1, EMP 2, EMP 6, EMP8 of the LBTH UDP 1998 as well as Policies CP1, CP15 of the LBTH IPG 2007 seek to promote employment including opportunities for local people;
  - c) The site layout, comprising a network of streets, will improve connectivity and permeability of the site and links with the surrounding area in accordance with Policies Policy 4B.1, 4B.10 of the London Plan (Consolidated 2008), Policy DEV1 of the LBTH UDP 1998, Policies CP4, CP48, Dev27 of the LBTH IPG 2007 as well as the Aldgate Masterplan which seek to improve connectivity;
  - d) The scheme incorporates energy efficient, renewable and sustainable measures thereby reducing its demand on non-renewable energy resources in accordance with Policies 4A.2 – 4A.7 of the London Plan (Consolidated 2008) as well as Policy DEV5 of the LBTH IPG 2007 which seek to ensure developments are efficient and environmentally sustainable;
  - e) The scheme, in particular the six (6) residential towers are designed to ensure they preserve the views and setting of the Tower of London. As such, the proposal accords with Policies 4B.1 and 4B.8 of the London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 2008, CP4, CP48, CP49, DEV2, and CON3 of the LBTH Interim Planning Guidance 2007 as well as the provisions of the LBTH Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007 and PPG15 which seek to preserve and enhance the setting of listed buildings, conservation areas and World Heritage Sites.
  - f) The scheme, in particular the six (6) residential towers which are visible in the Background Assessment Area of Townscape View 25 of the Mayor's LVMF, pose no significant impact upon views of the Strategically Important Landmark, The Tower of London. The proposal is therefore in accordance with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's London View Management Framework 2007, The Mayors draft London View Management Framework 2009, the Mayor's City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect strategically important views.
  - g) The scheme suitably addresses criteria for consideration of the acceptability of a tall building. The proposal is therefore in accordance with Policies 4B.9, 3A.3, 4B.1, 4B.10 of the London Plan (Consolidated 2008), Policies CP48 and DEV27 of the LBTH Interim Planning Guidance 2007, Policy CFR12 of the LBTH City Fringe Area Action Plan 2006 as well as the provisions of the LBTH Aldgate Masterplan 2007 and the Mayor's draft City Fringe Opportunity Area Planning Framework 2008, which seek to ensure that proposals for tall buildings are appropriate to their context, are high quality and minimise impacts.
  - h) The public open space provision exceeds 0.8Ha and is considered to be a standard of design that will cater for the needs of residents and users, in an area that currently suffers from a deficiency of open space. The proposal is therefore in accordance Policy CP30 of the LBTH Interim Planning Guidance, as well as the site specific guidance of Policies CFR1 and CFR5 of the LBTH City Fringe Area Action Plan 2007, as well as the LBTH Aldgate Masterplan which seeks to ensure provision of sufficient public amenity space to meet the needs of the community;
  - i) The application provides 35% affordable housing based on habitable rooms, thereby catering for housing need in accordance with Policy CP1, CP2, CP19, CP21, CP22,

- HSG1, HSG3 of the LBTH IPG 2008 and Policy 3A.5, 3A.10, 3A.11 of the Mayor's London Plan (Consolidated 2008) which seek to address housing need;
- j) Although the scheme provides a quantum of communal and private space meeting the requirements of the IPG but not the UDP, on balance, the variety of amenity space provision and the intended design treatment is considered to be good quality and of benefit to the amenity of future occupiers in accordance with PPS3 Housing, Policy ST23, HSG3 of the LBTH UDP 1998, and associated Residential Space SPG which seek to provide sufficient amenity space to address the needs of occupiers;
  - k) Subject to an appropriately worded condition for the final materials and detailed elevation treatments to be agreed, the appearance of the development is considered to be high quality and will contribute positively to the varied character of the immediate area in accordance with Policy 4B.16 of the London Plan, , Policy CP50, DEV1, CON5, of the LBTH IPG 2007, Policy CFR1 of the LBTH City Fringe Area Action Plan, as well as the LBTH Aldgate Masterplan and PPG15 which seek the highest possible quality of design and appearance of buildings.
  - l) Subject to an appropriately worded condition for the final materials and detailed elevation treatments to be agreed, the scheme is considered to enhance the streetscene and local context, posing no significant adverse impact on the character, appearance and setting of any immediately adjacent or nearby listed buildings and conservation areas, in accordance with PPG15, Policy 4B.1 and 4B.8 of the Mayor's London Plan (Consolidated 2008) as well as Policy DEV1 of the LBTH UDP 1998 and Policy CP4, CP48, CP49, DEV2 and CON3 of the LBTH UDP 1998 as well as the adopted Aldgate Masterplan which seek to protect the appearance and setting of listed buildings and conservation areas;
  - m) The scheme poses no significant amenity impacts to future occupiers other than impacts to lighting which are considered to be balanced by the benefits of the scheme and financial viability considerations. On balance the scheme has considered PPS1, Policy 4B.1 of the Mayor's London Plan (Consolidated 2008), Policy CP4 of the LBTH IPG in seeking to provide the best possible amenity for future occupiers.
  - n) No significant impacts to neighbours are posed other than in terms of loss of light to some residential properties. This is balanced by the dual aspect nature of those properties, the benefits of these scheme and financial viability considerations. Therefore, the proposal has considered Policies 4B.10 of the Mayor's London Plan (consolidated 2008), DEV1 of the LBTH Interim Planning Guidance, and DEV2 of the LBTH Unitary Development Plan 1998 which seek to protect the amenity of neighbours;
  - o) No significant traffic and parking impacts posed in accordance with Policies 2A.1, 3A.7, 3C.1, 3C.2, 3C.19, 3C.20 of The London Plan (Consolidated 2008), PPS1, PPG13, Policy ST25, ST28, ST30, T16, T18, T19, T21 of the LBTH UDP 1998, Policies DEV17, DEV18, DEV19 of the LBTH IPG 2007 which seek to ensure the proposal does not impact on the local road system.

### 3. RECOMMENDATION

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

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

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

- Affordable housing - **35%**
- Public realm improvements - **£600,000**
- Sustainable transport - **£339,300**
- Open space - **£699,200**
- Indoor sport and recreation - **£909,325**
- Education - **£1,468,698**
- Healthcare - **£1,060,786 plus shell and core plus peppercorn rent for 3 years**

- Local business support, employment and training - **£204,640**
- Public art - **£60,000**
- **Total - £5,341,949**

Other contributions:

- Car free agreement for residential units with no parking spaces.
- Provision of a Travel Plan framework and monitoring.
- Provision of a car club on site including: a) The undertaking and costs associated with establishing a Car-Plus accredited car club on site which includes 2 cars and 2 parking bays reserved exclusively for this purposes; b) the undertaking and costs of any supporting service requirements of the car-club operator in providing the car club at this site; c) The promotion of the car club to occupiers;
- PCT shell and core to NHS specification
- PCT peppercorn rent for 3 years
- TV reception mitigation measures
- Air quality monitoring during construction.
- Commitment to participate in Council's local labour in construction initiatives.
- Considerate contractor scheme.

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

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

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

**Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Development in accordance with the approved plans
- 3) Final plan of phasing to be agreed
- 4) Detailed design treatment: elevations, balconies, PCT skylights, connection at roof level between 75 leman street extension and the building to the south; extract vents/bicycle pavilion
- 5) Frosted glass for communal space windows adjacent private amenity space at first floor
- 6) Restriction on class A3/A5 use to ground floor areas where future extract ventilation has been shown as specified on the plans
- 7) Full vent details and detailed plans including A3 & A5 and basement
- 8) Provide for not more than 199 car spaces (of which at least 29 to be accessible), 64 motorcycle spaces, 29 motor scooter spaces
- 9) Details of electric charging points in accordance with the ES Vol1 & 6 to be submitted prior to commencement
- 10) Provide 132 cycle spaces at ground level and elsewhere, 1928 in basement as shown on the approved basement and ground floor plans, giving total of 2068 spaces
- 11) Details of the means by which access to the basement will be restricted and controlled in the interest of safety, security and minimising crime and terrorist threat per Metropolitan Police Crime Prevention Officer
- 12) CHP plus other measures per ES for renewable, sustainable and efficient measures to be incorporated, maintained and utilised for the lifetime of the development
- 13) Low carbon and renewable technologies to be operated and retained for lifetime of the development



- 14) Code for sustainable homes
- 15) BREEAM for non-res C3 uses
- 16) Lifetime homes and 10% wheelchair housing
- 17) Surface water control
- 18) Basement access controls and management
- 19) Landscaping details and management plan incl. bat and bird box provision
- 20) Secured by design statement and certification
- 21) Details of design of ecological (green) roof
- 22) Full details of the CHP plant including emissions and their mitigation
- 23) Microclimate mitigation incl. roof terraces
- 24) Juliet balconies for all units that do not already benefit from a Juliet or private amenity space unless otherwise agreed in writing
- 25) Mechanical ventilation and enclosure of balconies on Alie and Leman Streets to address noise and air quality
- 26) Glazing to address NEC D
- 27) Wind mitigation measures as per ES to be constructed and maintained for life of development
- 28) Further wind testing of final landscape design
- 29) Amended servicing management plan to be agreed in writing
- 30) Waste and recycling storage in accordance with submitted documents
- 31) Construction environmental management plan as recommended in ES Ch5
- 32) Construction logistics plan
- 33) Final travel plan including consideration of all uses
- 34) Archaeology
- 35) Development in accordance with the FRA
- 36) Hours of construction
- 37) Hours of piling
- 38) Wheel cleaning equipment
- 39) Contamination including Gas monitoring program and notice/inspection of remediation works per contamination officer
- 40) Program of archaeology
- 41) Scheme of highway improvements (s278)
- 42) Access to garden behind PCT limited to daylight hours
- 43) Cycle routes through the development
- 44) Public walking and cycling access across the site in perpetuity
- 45) Public access to open space in perpetuity
- 46) Any additional conditions as directed by the Corporate Director Development and Renewal

### **Informatives**

- 1) construction crainage per London City Airport
- 2) Precautionary advice per National Grid
- 3) Surface water drainage is developer's responsibility per Thames Water
- 4) Stormwater attenuation via on or off-site storage per Thames Water
- 5) Manhole requirements for connection to public sewer per Thames Water
- 6) No groundwater removal per Thames Water
- 7) Prior approval from Thames Water required for discharge to public sewer
- 8) Petrol/oil interceptors per Thames Water
- 9) Fat trap per Thames Water
- 10) Diversion of Thames Water infrastructure is at the applicant's expense
- 11) Advice in respect on minimum water pressure per Thames Water
- 12) Separate notification and approval for perm highway works and temp highway works during construction per Traffic Management Act 2004 and TFL.
- 13) Consideration of the following matters relevant to the Building Regulations per Building Control:
  - Advice not intended as a complete review or assessment
  - Notice of demolition prior to commencement

- Section 20 application under the London building Act applicable
  - Attention should be paid to Party Wall Act
  - Fire service access including shafts in accordance with B5 requirements
  - Fire mains in accordance with section 15
  - Consideration of means of escape and dead end distances in respect of Requirement B1
  - Hotel corridor ventilation
  - Alternative means of escape or sprinklers for 4 storey houses
  - Separate routes of escape for each use
  - Single staircase buildings not to be connected to the basement
  - Building separation distances
  - Fire compartmentation between buildings
  - Solid waste storage and collection
  - Means of access to comply with Part M
  - Safe cleaning of windows in accordance with Approved Document N
- 14) Consideration of increasing provision of facilities for people with a disability in the hotel per Access officer
  - 15) Soil cap and geotextile membrane for private gardens per contamination officer
  - 16) Construction noise to address BS5228 and COPA section 61 per env. Health
  - 17) D1 stack height calculation for domestic emission per env. Health
  - 18) Dust monitoring methodology per construction mgt plan to be agreed in advance with env. Health
  - 19) Future detailed floorplan design to consider separate kitchen and living rooms in social rent tenure to satisfy housing need per Housing
  - 20) Archaeological design project per English Heritage(arch)
  - 21) Efficient water use per Environment Agency
  - 22) Construction crainage per London City Airport
  - 23) Contact Env. Health Commercial regarding construction phase, operational phase, notifications regarding working with Asbestos, Notification of Cooling Towers and Evaporative Condenser Regulations 1992, establishment for special treatments, exemptions, animal establishment related legislation
  - 24) Contact LFEPA regarding fire fighting main access, domestic sprinklers and basement storage
  - 25) Section 61 agreement to agree construction methodology per Control of Pollution Act 1974 per environmental health
  - 26) Precautionary Guidance of National Grid

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

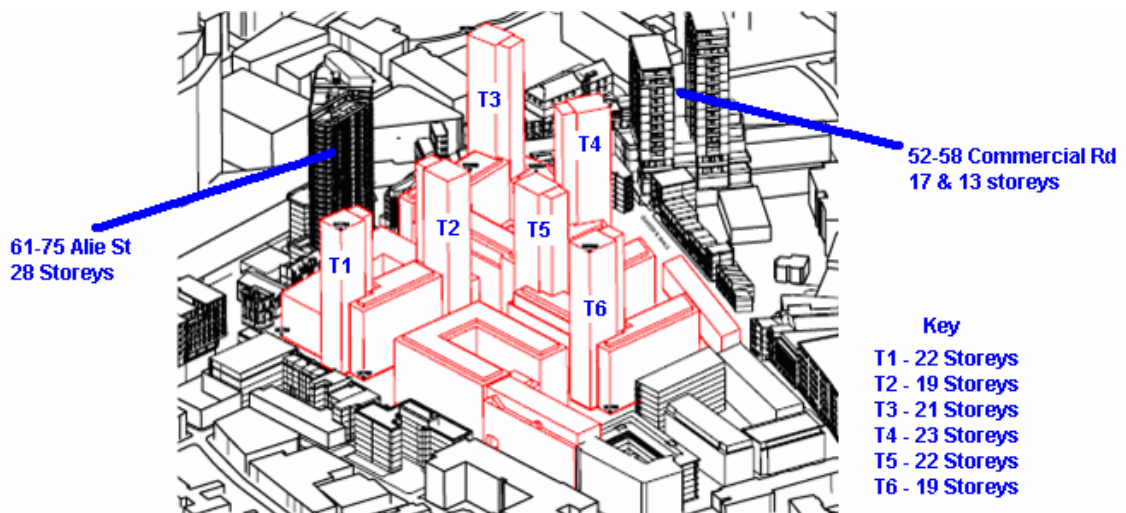
##### **Proposal**

- 4.1 The application is for demolition of the existing 3-8 storey office complex (pictured below) and redevelopment with a mixed-use scheme. The scheme comprises of four courtyard blocks ranging in height between 5-10 storeys. Each block has a central courtyard at first floor above commercial and servicing space at the ground floor. In addition, 6 towers project up from corners of the North-East, North-West and South-East Blocks. Tower heights range between 19-23 storeys.
- 4.2 Other features of the scheme include the erection of a 4 storey terrace along Gower's Walk, as well as conversion of 75 Leman Street to residential (Class C3) as well as construction of an additional storey. The scheme also includes a series of public opens spaces and pedestrian thoroughfares as well as a basement car park.



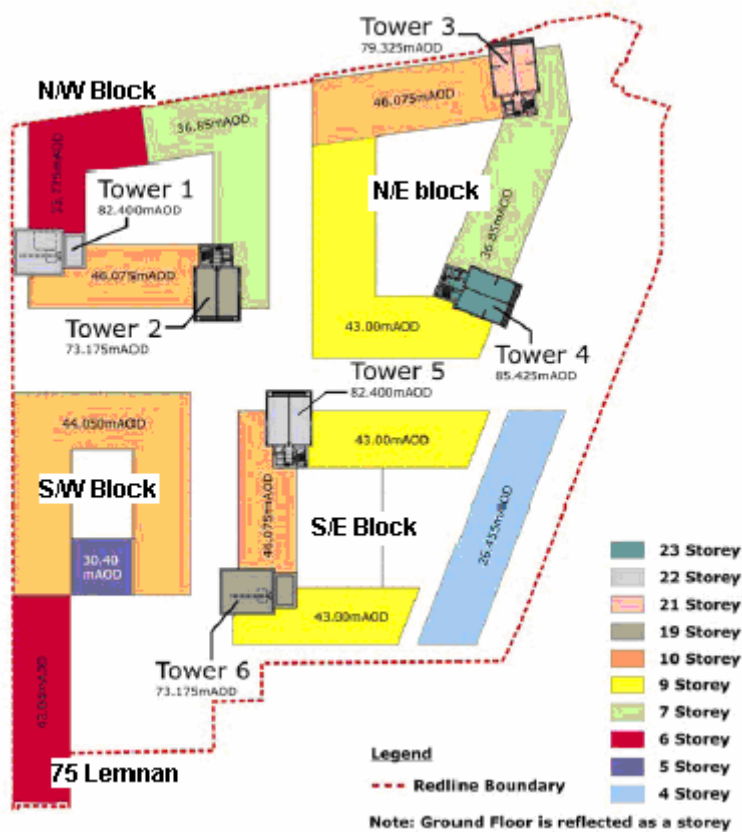
Photograph reproduced from D&A Statement Vol 1

4.3 Overall, the scheme (pictured below) comprises of 722 residential units (Class C3) (33 x studios, 221 x 1bed, 254 x 2bed, 240 x 3bed, 24 x 4bed)(includes flats and terrace housing), student accommodation (Sui Generis)(650 bedrooms), hotel (Class C1)(351 bedrooms), a 1756sqm primary care centre (Class D1), 9098sqm commercial uses (Classes A1, A2, A3, A4, A5, B1 & D2). Also, public open space, landscaping, servicing, mechanical plant, basement car parking (199 spaces), access and associated works.



Drawing reproduced from the original ES Vol 5B

4.4 The different aspects of the scheme, identified in the site plan below, will now be discussed in more detail.

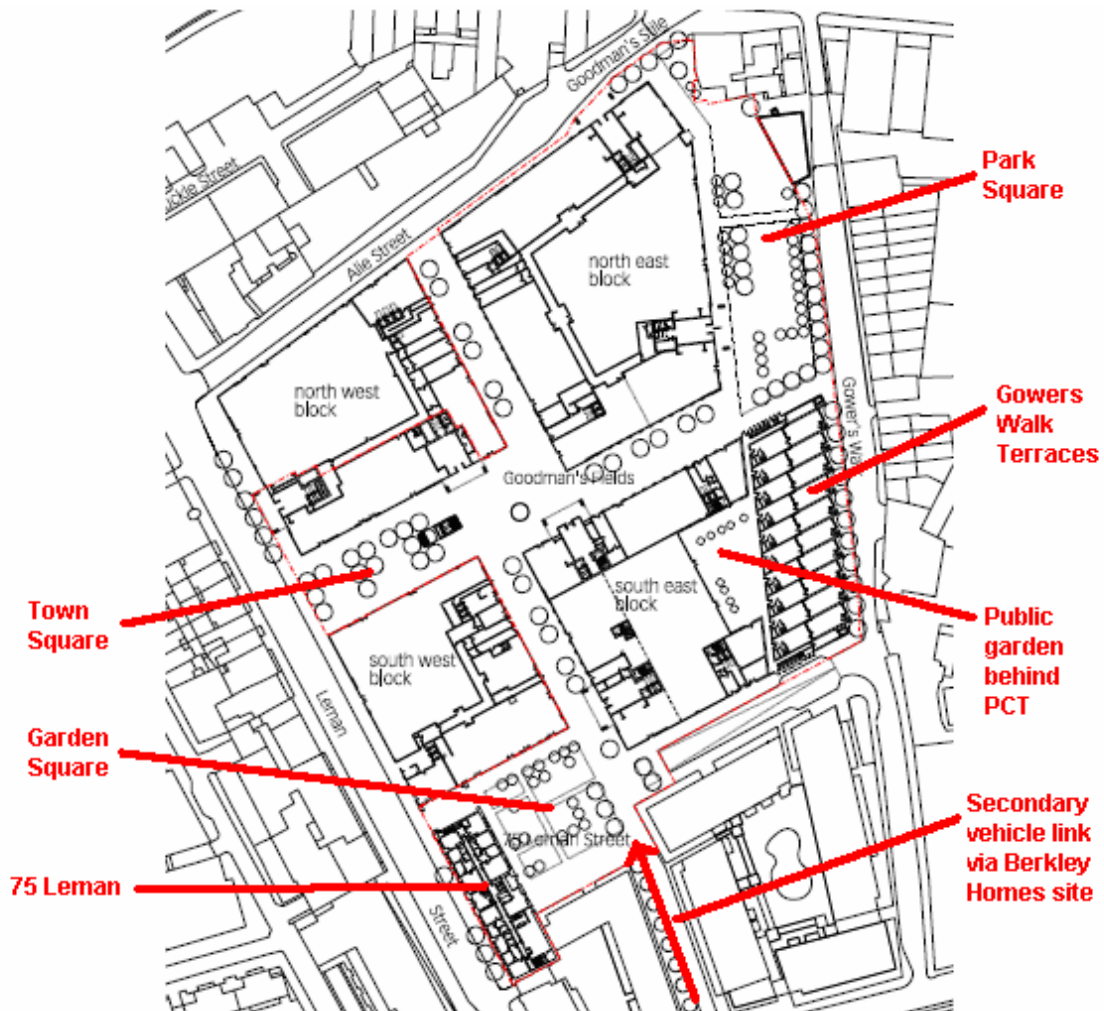


Drawing reproduced from the updated ES Vol 1.

- 4.5 The North-West block on the corner of Alie Street and Leman Street is a perimeter block with a central courtyard at first floor. The perimeter block is between 6 to 10 storeys (33.725m – 46.075m) in height with green roofs and roof gardens. This block also has two tower elements projecting above the perimeter form. These are T1 being 22 storeys (82.4m) and T2 being 19 storeys (73.175m) in height respectively. At the ground floor, the scheme comprises of 3 x commercial units, all of which show future potential for extract ventilation ductwork to facilitate food premises (Class A3/A5). The hotel entrance is also located in this block. Upper levels of this block are the hotel rooms (351 rooms) as well as 153 residential C3 dwellings (25 x studios, 60 x 1beds, 51 x 2beds, 17 x 3beds).
- 4.6 The North-East block fronts Alie Street. A perimeter building is proposed with a central courtyard at first floor. The block is between 7 and 10 storeys (36.85m – 46.075m) in height with roof gardens. Two tower elements project above the perimeter form and are T3 being 21 storeys (79.325m) and T4 being 23 storeys (85.425m) in height. The ground floor comprises 4 x commercial premises and of which only one shows future potential for extract ductwork to facilitate food premises (Class A3/A5). The upper levels comprise of 316 residential C3 dwellings (83 x 1beds, 96 x 2beds, 137 x 3beds).
- 4.7 The South-West block fronts Leman Street and is a perimeter block. It is between 5 to 10 storeys in height. The ground floor comprises of 3 x commercial units. The upper floors are composed entirely of student accommodation (661 bedrooms) with a central courtyard at first floor level. The roof tops are entirely used as communal terraces and roof gardens.
- 4.8 The South-East block is located within the site and will benefit from internal streets created as part of the application. A perimeter building is proposed with a central courtyard space at first floor as well as a publicly accessible space at ground floor behind the Primary Care Trust facility (PCT). It is between 9 and 10 storeys (43m – 46.075m) in height with roof gardens. Two tower elements project above the perimeter form and are T5 being 22 storeys (82.4m) and T6 being 19 storeys (73.175m) in height respectively. The ground floor

comprises of a 1756sqm PCT as well as 1 x commercial unit. Note that the commercial unit does not show future potential for extract ductwork to facilitate food premises (Class A3/A5). The upper floors comprise of 227 residential C3 dwellings (8 x studios, 53 x 1beds, 76 x 2beds, 75 x 3beds, 15 x 4beds). A communal terrace is situated above the PCT facility on the first floor.

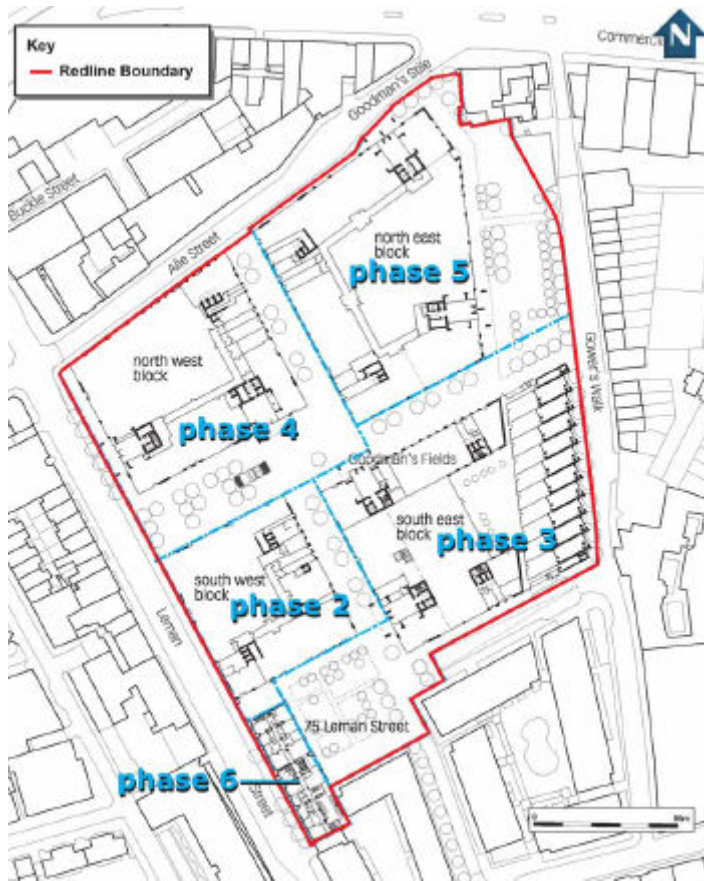
- 4.9 A terrace of 20 maisonette dwellings (11 x 3beds and 9 x 4beds) are proposed along Gowers Walk, behind the South-East block. The ground-first floor maisonettes benefit from a private garden. The second-third floor maisonettes have private balconies. Access to the upper maisonette flats is via deck access, with lift and staircase cores at either ends of the buildings.
- 4.10 No 75 Leman Street is an existing building of 6 storeys (plus sub-ground level). The proposal is to add an additional 7<sup>th</sup> floor (43m) and convert the building into 56 residential dwellings (24 x 1beds and 31 x 2 beds).
- 4.11 In between these blocks are internal streets, connecting a series of open spaces (pictured below) which are discussed in more detail below.



Drawing reproduced from the application drawings.

- 4.12 Park Square is located to the north east of the site and is one of the four main public open spaces proposed. It is the largest of the four spaces with a total area of approximately 2757.05sqm (measurements taken from plans). It is bound by the North-East block, the Gowers Walk maisonette block, Gowers Walk and the adjacent site to the north which fronts Commercial Road. It is for use by all age groups and has a variety of uses including an active play space (a ball games area is included in the intended detailed design).

- 4.13 Town Square is located between the North-West and South West blocks along Leman Street. It is approximately 1938.22sqm in area (measurements taken from plans). The space contains a lift access point for cyclists to the basement storage rooms. A mix of hard and soft landscaping will be incorporated into this area. The space has the potential to accommodate public art that would form part of the planning obligations for the scheme.
- 4.14 Garden Square is located to the south of the South-West block and behind No. 75 Leman Street. This space will provide a link into the Berkley Homes development further to the south. Garden Square is approximately 1856.74sqm in area (measurements taken from plans).
- 4.15 A public garden of approximately 630.30sqm (measurements taken from plans) is located behind the PCT of the South East Block and is accessible via either end of the Gowers Walk terraces. Public access will be restricted to daylight hours.
- 4.16 In addition, connecting spaces which also serve a public amenity space function are located between the North-East and South-East block as well as between the South-east and South-West blocks and provide 327.6sqm and 595.5sqm respectively (measurements taken from the plans).
- 4.17 These open spaces contribute a total area of approximately 8105.17sqm which will be genuinely publicly accessible.
- 4.18 In respect of servicing, a basement level is proposed which will provide for car parking (199 spaces including 37 for people with a disability), motorcycle parking (69 spaces), motor scooter parking (29 spaces), bicycle storage (1928spaces), as well as plant/mechanical storage. The basement will service all the development with dedicated loading bays. Visitor parking is located close to the access ramp to Gower's Walk. Beyond the visitor parking, a gated tenant parking area is proposed. Extract ventilation is provided for the basement with vents terminating in Park Square and Town Square. Two bicycle lifts provide direct access between the basement and Town Square.
- 4.19 The development specifics as reported in the Planning Statement are summarised as follows:
- A total of 772 residential dwellings (90,471sqm Class C3 floorspace)
  - Six residential tower elements of varying heights, the tallest of which is 23 storeys or 85.425m (T4 on the North-East Block)
  - A total of 650 student rooms (20,326sqm)
  - A 351 bedroom hotel (11,935sqm)
  - Ground floor commercial uses (Classes A1-A5, B1 and D2) totalling 9098sqm of floorspace
  - PCT facility (1756sqm)
  - A total of 35% affordable housing based on habitable rooms
  - Affordable housing split of 71:29 between social rent and shared ownership based on habitable rooms
  - A total of 34.2% family-sized housing based on unit numbers
  - Four public spaces and connecting spaces with a total area of 8105.17sqm
  - A total of 199 Car parking spaces, including 37 spaces for people with a disability
  - A total of 69 motorcycle and 29 motor scooter parking spaces
  - A total of 2068 bicycle parking spaces (includes 132 spaces at ground floor level)
  - Predicted employment generation of between 610-750 full-time jobs
  - Future construction in phases as shown below, noting that the plan shown is indicative and subject to agreement in writing by the local planning authority



Indicative phasing plan reproduced from the updated ES Vol1 – final plan to be agreed by the Local Planning Authority.

### Site and Surroundings

- 4.20 The application site has an area of 2.9Ha and is bounded by Lemman Street, Alie Street and Gowers Walk. It is suggested that this site represents the largest redevelopment opportunity in the Aldgate Masterplan area.
- 4.21 The application site comprises of a complex of red-brick, purpose-built offices between 3 to 8 storeys in height. The Royal Bank of Scotland (RBS) previously occupied the complex although, it has since become vacant. Across the site are various mature trees which are not protected by any Tree Preservation Orders.
- 4.22 No. 75 Lemman Street also forms part of the property. It comprises of a 7 storey building (including sub-ground floor level) which is currently vacant. The total floorspace of all the existing buildings is 51,000sqm.
- 4.23 Pursuant to regional Policy, the Mayor’s adopted London Plan (Consolidated 2008), as well as the draft City Fringe Opportunity Area Planning Framework (OAPF), the application site is within the Central Activities Zones (CAZ), an Opportunity Area and an Area for Regeneration.
- 4.24 Further in pursuance to the Mayor’s adopted London View Management Framework (LVMF) July 2007, the north-west corner of the site falls within the background assessment area for Assessment Points 25A.1 and 25A.2 which are within the Viewing Place of Queens Walk, known as Townscape View No. 25, ‘City Hall to Tower of London’. Assessment Point 25A.1 is protected by a Geometric Definition and Qualitative Visual Assessment (QVA). It’s management is also the subject of a Secretary of State direction. Assessment Point 25A.2 is protected by a Qualitative Visual Assessment (QVA) only.
- 4.25 On the 5<sup>th</sup> June 2009, the Mayor published a revised draft LVMF. The north west corner of

the scheme remains in the background assessment area of the Townscape View. Although, three assessment Points 25A.1, 25A.2 and 25A.3 are proposed. 25A.1 remains protected by a Geometric Definition.

- 4.26 Pursuant to local Policy, the Tower Hamlets Unitary Development Plan (UDP) 1998, the application site is located within the Central Area Zone and also within an area of archaeological importance or potential. Pursuant to the Interim Planning Guidance 2008, as well as the City Fringe Area Action Plan (AAP) 2006 the site is allocated for development, being identified as site 'CF12a' (Residential C3, Employment B1 and Public Open Space). Pursuant to the Aldgate Masterplan 2007, the site is identified for a new public open space and PCT. In addition, pedestrian links are to be provided across the site, as well as well linking the site with the area in general.
- 4.27 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They include:
- The Tower conservation area, located to the south east;
  - Whitechapel High Street, Fournier Street and Wentworth Street conservation areas, located to the north;
  - Myrdle Street, London Hospital and Whitechapel market conservation areas, to the east
  - Nos 19a, 62, 66, 68, 70 and 99 Lemman Street are Grade II listed buildings;
  - St Georges Lutheran Church, Alie Street is Grade II\* listed;
  - The German and English School, Alie Street is Grade II listed; and
  - Two warehouses on Black Church Lane are each Grade II listed.
- 4.28 In addition to being listed, The Tower of London is a UNESCO World Heritage site.
- 4.29 The surrounding area is diverse in its architectural style, building scale and land use activities. It covers a spectrum, from small-scale commercial/residential uses in terraces of several stories to modern commercial office towers with substantial floorplates. The development of Aldgate is being progressed through the masterplan including the closing of the gyratory to the north and creation of Braham Street open space for example.

#### Surrounding site histories

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

##### *99 Lemman Street*

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

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



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

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

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

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

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

*52-58 Commercial Road*

- 4.37 PA/03/00766 On 22 December 2005, planning permission was given for demolition of the existing buildings and redevelopment of the site to provide a mixed-use complex of four buildings comprising of a seventeen storey tower and a thirteen storey tower on the Commercial Road frontage, a six storey block and a five storey block either side of Gowers Walk, along with the provision of linear public open space. The scheme proposed a total of 136 x 1, 2 and 3 bedroom flats, including 38 affordable units; six live/work units; 25 parking spaces, storage and plant space in the basement; café (A3), retail (A1), health club (D2) and office space (B1) on the ground floor along with six reinstated car parking spaces from the social housing, west of Gowers Walk; offices, flats and live / work units on the second and third floors; offices, flats, live/work units and a health club on the third floor and flats on all of the floors above. The two blocks, either side of Gowers Walk, were to provide 22 of the affordable housing units only. The proposal included the redevelopment of the "triangle" site west of Gowers Walk and supersedes the previous application ref: PA/02/1111 received 29th July 2002. (Development affecting the setting of a Listed Building).

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

## **Planning History**

*Application site*

- 4.39 PA/02/00678 On 26 September 2005, outline planning permission was granted for consideration of siting and means of access for a change of use from offices to mixed development including residential (class C3); financial and professional (class A2), restaurant/public house (class A3), retail (class A1), offices (class B1), live/work (sui generis) and ancillary services.
- 4.40 PA/08/1634 On 05 March 2009, a similar scheme albeit with taller towers was withdrawn by the agent following extension discussions with the Council.

## 5. POLICY FRAMEWORK

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

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

Proposals:	Central Area Zones; area of archaeological importance or potential
Policies:	ST1 Core Objectives
	ST12 Central Area Zones
	ST15 Central Area Zones
	ST17 Central Area Zones
	ST23 Housing
	ST25 Housing
	ST 28 Transport
	ST30 Transport
	ST34 Shopping
	ST35 Shopping
	ST37 Open Space, Leisure and Recreation
	ST41 Arts, Entertainment and Tourism
	ST43 Arts, Entertainment and Tourism
	ST47 Education and Training
	ST49 Social and Community Facilities
	ST50 Social and Community Facilities
	DEV1 Design Requirements
	DEV2 Environmental Requirements
	DEV3 Mixed Use Developments
	DEV4 Planning Obligations
	DEV8 Protection of Local Views
	DEV9 Control of Minor Works within the Borough
	DEV12 Provision of Landscaping in Development
	DEV15 Retention and Replacement of Mature Trees
	DEV50 Noise
	DEV51 Soil Tests
	DEV55 Development and Waste Disposal
	DEV56 Waste Recycling
	DEV69 Efficient Use of Water
	CAZ1 Developing London's Regional, National and International Role
	EMP1 Promoting Employment Growth
	EMP3 Promoting Employment Growth
	EMP6 Access to Employment
	EMP7 Work Environment
	EMP8 Small Businesses
	HSG6 Vacant Accommodation
	HSG7 Dwelling Mix and Type

HSG13	Conversions and Internal Standards for Residential Development
HSG14	Special Needs Accommodation
HSG15	Development Affecting Residential Amenity
HSG16	Housing Amenity Space
T16	Traffic Priorities for New Development
T18	Pedestrians
T19	Pedestrians
T21	Pedestrians
OS9	Children's Playspace
ART1	Promotion and Protection of Arts and Entertainment Uses
ART6	Arts, Culture and Entertainment (ACE) Area
ART7	Tourist Accommodation

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

Proposals:	'CF12a'	Residential C3, Employment B1 and Public Open Space; Archaeological Priority Area Central Activity Zone
Core Policies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP12	Creative and Cultural Industries and Tourism
	CP13	Hotels, Serviced Apartments and Conference Centres
	CP14	Combining Employment and Residential Use
	CP15	Provision of a Range of Shops and Services
	CP16	Vitality and Viability of Town Centres
	CP17	Evening and Night-time Economy
	CP19	New Housing Provision
	CP20	Sustainable residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP28	Healthy Living
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Transport and Development
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security

DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance and Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routed and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity for Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV23	Hazardous Development and Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Retail Development and the Sequential Approach
RT5	Evening and Night-Time Economy
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating the Provision of Affordable Housing
SCF1	Social and Community Facilities
CON1	Listed Buildings
CON3	Protection of World Heritage Sites, London Squares, Historic Parks and Gardens
CON4	Archaeology and Ancient Monuments
CON5	Protection and management of Important Views

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

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

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

2A.1 Sustainability Criteria  
2A.4 The Central Activities Zone  
2A.5 Opportunity Areas  
2A.7 Areas for regeneration  
2A.8 Town Centres

3A.1	Increasing London's Supply of Housing
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of Affordable Housing
3A.10	Negotiating Affordable Housing in Individual Private residential and Mixed Use Schemes
3A.11	Affordable Housing Thresholds
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.21	Locations for Health Care
3A.23	Health Impacts
3A.28	Social and Economic Impact Assessments
3C.1	Integrating Transport and Development
3C.2	Matching Development to transport Capacity
3C.23	Parking Strategy
3D.7	Visitor Accommodation and Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.13	Children and Young People's Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.11	Living Roofs and Walls
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.9	Tall Buildings – location
4B.10	Large-scale Buildings – Design and Impact
4B.12	Heritage Conservation
4B.14	World Heritage Sites
4B.15	Archaeology
4B.18	Assessing Development Impact on Designated Views

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

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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
PPG13	Transport

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

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

**Other**

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

## 6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

**LBTH Arborculturalist**

6.3 No objection to the proposal and recommends a s106 planning contribution of £40k for tree planting of approximately 50 new street trees to improve connectivity of the site with the Aldgate.

(Officer comment: This planning contribution request could be considered in the future within the 'public realm' contribution secured as part of this application.)

**LBTH Access Officer**

Queries raised in respect of the details floorplan layouts of residential flats in terms of compliance with Lifetime Homes and wheelchair accessibility.

(Officer comment: An appropriate condition is recommended requiring compliance with Lifetime Homes standards and for minimum 10% wheelchair housing if the Council resolves to grant planning permission.)

**LBTH Crime Prevention Officer**

6.5 In general, happy with the proposal. The following queries are raised:

- Whether or not the garden behind the PCT will be 24hrs and consequently, the vulnerability of the rear gardens of the Gowers Walk Terraces
- The arrangements for access to the basement including the cycle lift

(Officer Comment: Informal discussions with the Crime Prevention Officer confirmed that access to the public garden behind the PCT would be restricted to daylight hours and secured by suitable gates and fencing. Appropriately worded conditions of approval restricting the hours of entry as well as the design of the space and boundary treatments fences and gates are recommended if the Council was to consider approval.

In respect of access to the basement, an appropriately worded condition is recommended for details of access controls and management to be submitted for approval prior to

commencement if the Council was to consider approval.)

### **LBTH Ecology**

6.6 No comments received

(Officer comment: It should be noted that LBTH Ecology previously commented on the similar withdrawn scheme (PA/08/1634) in which they advised that the review of the ES indicates the site currently has low ecological value and no evidence of any protected species. The proposed green amenity spaces as well as the ecological roofs would ensure a net gain in habitat for birds and bats, therefore, representing an enhancement of biodiversity.)

### **LBTH Biodiversity**

No comments received.

### **LBTH Education**

6.7 Planning contribution is sought based on calculation of the scheme generating the need for 120 additional school places at £12,342 per space.

(Officer comment: See section 8 for discussion.)

### **LBTH Energy Efficiency Unit**

6.8 Advice that the applicant has followed the energy hierarchy set out in the London plan policy 4A.1 and standard conditions for energy and sustainability can be applied to the scheme.

(Officer comment: Appropriately worded Conditions are recommended if the Council was to consider approval.)

### **LBTH Environment Health – Commercial Food safety**

6.9 No comments received

### **LBTH Environmental Health – Commercial Health and Safety**

6.10 Comments are provided in respect of the construction phase, operational phase, notifications regarding working with Asbestos, Notification of Cooling Towers and Evaporative Condenser Regulations 1992, establishment for special treatments, exemptions, animal establishment related legislation.

(Officer comment: An appropriately worded informative is recommended for the Environmental Health – Commercial Team to be contacted to discuss these non-planning related matters if the Council was to resolve to grant planning permission.)

### **LBTH Environmental Health – Contaminated Land**

6.11 The proposed remediation strategy is sufficient and a standard condition and informatives are recommended.

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission.)

### **LBTH Environmental Health – Noise and vibration, microclimate**

6.12 Microclimate:

- The wind assessment is acceptable provided mitigation measures are applied to courtyards and roof-top terraces

Other Issues:

- Further clarification sought on A3,A4,A5,D1,D2 mitigation i.e. future mechanical ventilation

Noise and Vibration:

- Glazing façade details have been provided for each building and the ventilation

systems are adequate

(Officer comment: Appropriately worded conditions of approval requiring the wind mitigation, mechanical ventilation and glazing are recommended if the Council resolves to grant planning permission.)

#### **LBTH Environmental Health – Smell/Pollution**

- 6.13 Confirmed that the most up-to-date data and policy guidance has been used to undertake the assessment and recommends an appropriately worded condition and informative to ensure air quality levels for future occupiers.

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission.)

#### **LBTH Highways**

- 6.14 The Team has considered site accessibility, parking, s106 requirements including car free development and a car club, accessible parking for people with a disability, site access to the public highway, servicing/refuse/deliveries, visibility splays, cycle parking, pedestrian infrastructure and advise that there are no significant detrimental impacts to consider. In addition, the need for a s278 agreement has been identified which is separate and exclusive to any s106 improvements and financial sums secured therein. Appropriately worded conditions and informatives are recommended).

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission)

#### **LBTH Landscape**

- 6.15 Queried the design of the publicly accessible garden behind the PCT in particular, the narrow access points as well as the relationship with the private gardens of the Gowers Walk terraces.

(Officer Comment: Amended plans have been received to enlarge the access points into the garden which is considered satisfactory and supported by the Landscape Team. The relationship to the adjacent private gardens will be subject to an appropriately worded landscape condition to ensure that the detailed design of fencing and planting achieves a suitable relationship.)

#### **LBTH Parks and Open Spaces**

- 6.16 Requested a s106 planning contribution for open space in addition to the provision of publicly accessible space on site.

(Officer comment: This contribution has been negotiated as part of the package and is referred to in section 2 of this report.)

#### **LBTH Waste Management**

- 6.17 Happy with the arrangement for waste collection including time-restricted servicing on some servicing roads in the development.

#### **LBTH Youth and Community Services**

- 6.18 No comments received.

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

- 6.19 No comments received.

#### **British Telecom**

- 6.20 No comments received



### **British Waterways**

6.21 BW advise they have no comments to make.

### **City of London Corporation**

6.22 Advice that it has no objection to make on this proposals.

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

- 6.23
- Welcome principles of the scheme like towers marking entrances, mix of uses, sustainability measures;
  - Welcome the tower heights in respect of their relationship to the Tower of London;
  - LPA to ensure it is satisfied with block massing creates high quality streets, spaces and accommodation;
  - Courtyard blocks: concern in respect of the quality of spaces between blocks as well as the residential units therein due to the quantum of development. Notes that streets are narrow and there may be problems with light particularly for the South-East Block. Concerned about the choice of building materials;
  - LPA to be satisfied that balconies do not exacerbate overlooking;
  - LPA to carefully consider materials;
  - Student accommodation: concern for overshadowing and oppressive nature of the central courtyard of this block. Also concern for the privacy relationships with neighbouring blocks;
  - Amenity space: Potentially strong urban scheme creating public and private spaces with a clear function and character;
  - Pleased that public spaces are located at the edge of the site;
  - Recommends the LPA needs to consider the light penetration into the public and private spaces will be sufficient;
  - Microclimate (wind) effects should also be considered ;
  - Recommends public realm to be of highest quality; and
  - Sustainability: Flexibility for reuse of buildings, the inclusion of a CCHP and Code Level 4 Sustainable Homes are all welcomed.

(Officer comment: See section 8).

### **EDF Energy Networks Ltd**

6.24 No comments received.

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

- 6.25
- Welcomes the reductions in tower height and therefore does not object to the proposal on grounds of possible harm to the setting and views of the World Heritage Site, The Tower of London;
  - However, continues to object to the impact on the proposal on the setting of nearby listed buildings particularly in Alie and Leman Streets as well as the setting of nearby conservation areas particularly Osborn Brick Lane Conservation area and Fournier Street Conservation Area.

(Officer comment: See section 8.)

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

6.26 Recommends conditions of approval to secure the program of mitigation.

(Officer comments: Appropriately worded conditions are recommended if the Council was to consider approval.)

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

6.27 No comments received although, the Authority previously commented on the similar withdrawn scheme (PA/08/1634) and therein recommended appropriately worded conditions

of approval for surface water control.

(Officer comments: Appropriately worded conditions are recommended if the Council was to consider approval.)

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

6.28 No comments received.

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

- 6.29
- The density successfully maximises the site's potential in accordance with Policy 3A.3;
  - The scheme is of high quality including public realm, maximising site potential and sustainability in addressing policy 4B.1;
  - The tower heights have not adequately addressed LVMF views of the Tower of London from City Hall as required by Policy 4B.16 and 4B.18;
  - Adequate playspace is provided in accordance with policy 3D.13;
  - The unit sizes and bedroom mix complies with policy 3A.5;
  - The affordable housing offer still needs to be appraised against policy 3A.10;
  - The landuses proposed are supported in line with policies 3A.7, 3B.9 5G.2, 3A.25 and 5C.3 with particularly strong support for including the PCT facility pursuant to policies 3A.18 and 3A.21;
  - The design is inclusive in accordance with policies 4B.5 and 3D.7;
  - The energy strategy is well considered but further information is needed to satisfy policies 4A.5 and 4A.6;
  - Water use and consideration of flooding suitably addresses policies 4A.14 and 4A.16;
  - Despite a challenging environment in terms of noise, vibration and air quality, the proposal nevertheless complies adequately with policies 4A.20 and 4A.19; and
  - The level of parking is not considered to comply with policy 3C.23. In more general highways issues, the scheme is in line with policy although, further details will be needed for consideration [at stage II]. S106 contributions are sought by TFL.

Since the stage I comments were issued and the scheme was subsequently amended and further clarification provided in respect of matters raised above. The GLA have advised on an informal basis that progress has been made and further consideration of the scheme would be given as part of the Stage II referral to the Mayor by the Local Planning Authority. Also, informal confirmation has been given that the [positive] progress to date is considered by the GLA as being sufficient comfort for the Local Planning Authority as to the GLA's position to progress the matter to a Committee resolution.

(Officer comment: See section 8)

#### **Health and Safety Executive (HSE)**

6.30 Advice that the proposal does not fall within their consultation distance of any facilities that are of importance and as such, has no comment to make.

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

6.31 Advice that the proposal will have a nil/negligible effect upon the setting of the Tower of London as seen from Queens Walk. Therefore, the Authority has no objection to the proposal.

(Officer comments: See section 8.)

#### **London Borough of Hackney**

6.32 Advised they have no objection to the proposal.

#### **London Borough of Southwark**

6.33 Advised that the modifications to the scheme address their concerns in respect of the previous application PA/08/1634. Although, they express a minor concern about the choice of cladding material which will emphasise the developments appearance in their opinion.

(Officer comment: An appropriately worded condition is recommended for materials to be agreed if the Council resolves to grant planning permission.)

#### **London City Airport**

6.34 The proposal does not conflict with any safeguarding criteria and therefore, LCA has no objection. Separately, construction crainage that may exceed the height of the proposed building heights should be subject to separate consultation with the LCA and be aware of relevant British standards.

(Officer comment: An appropriately worded informative regarding construction crainage is recommended if the Council was to consider approval.)

#### **London Fire & Emergency Planning Authority (LFEPA)(Statutory)**

6.35 No objections raised to the scheme following receipt of clarification in respect of regarding fire fighting and basement storage details.

#### **London Underground**

6.36 Advice that they have no comment to make on this application.

#### **London Wildlife Trust**

6.37 No comments received.

#### **Metropolitan Police (c/- CGMS consulting)**

6.38

- There is a policy basis for consideration of the need for policing facilities as part of the redevelopment of the site;
- Request for 125sqm floorspace required and completed to shell and core standard and benefiting from a peppercorn rent for 25 years.

(Officer comment: See section 8 for discussion.)

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

6.39 No safeguarding objection to the proposal.

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

6.40 No comments received although, the Authority commented on the similar withdrawn scheme (PA/08/1634) as follows:

- No objection
- Supportive of the proposed green roofs
- Encourage more 'wild' areas in the landscaping scheme
- Indicate that the site is generally located in an area of deficiency and recommends provision of natural area and green space

(Officer comment: Appropriately worded conditions of approval are recommended to require the detailed design of the ecological (green) roof to be agreed as well as the details and management of the landscape plan and as such, thereby enabling these comments to be addressed if the Council resolves to grant planning permission.)

#### **National Grid**

6.41 No comments received although, the Authority commented on the similar withdrawn scheme (PA/08/1634) insofar as providing an extract plan of site showing infrastructure and a list of precautions for guidance.

(Officer comment: An appropriately worded informatives are recommended in respect of the

recommended precautions if the Council resolves to grant planning permission)

#### **NHS London (Southside)**

6.42 No comments received.

#### **Save Britain's Heritage**

6.43 No comments received.

#### **Thames Water**

- 6.44
- Developer is responsible for providing adequate drainage;
  - Surface waters to be attenuated;
  - Removal of groundwater is not permitted;
  - Prior approval from Thames Water is needed for connection to the sewer;
  - Petrol and Oil interceptors are recommended in car parking;
  - Recommends the installation of a fat trap from all catering establishments;
  - On the basis of the above, no objection to the scheme;
  - Diversion of TW infrastructure is at the applicant's expense
  - Advice in respect on minimum water pressure

(Officer comment: Appropriately worded conditions and informatives are recommended to address the above matters if the Council resolves to grant planning permission.)

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

6.45 The PCT initially requested a HUDU contribution although, in subsequent discussions, revised their request to the following:

- Shell and core PCT provision to their specification;
- A contribution to the fit out in line with the HUDU assessment;
- A 3 year rent free period (a minimal peppercorn rent in order to contractually secure the site); and
- Following the rent free period we would anticipate paying a lease cost in line with the DV rental assessment of a health building within that part of the borough.

In general, the Tower Hamlets PCT have indicated they are supportive of a facility on site which will represent a strategically well-placed facility to meet the health needs of the local population thereby redressing the health inequalities of this area. Subject to the above contributions, the PCT otherwise confirm that their expectation is for a PCT facility of 1700sqm and 10 car parking spaces which have been met in the scheme.

(Officer comment: See section 8.)

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

6.46 *General*

- Comments represent an officer view and are offered without prejudice to the final decision of the GLA.

##### *Highways and Parking*

- Modelling shows junctions will be at capacity in the future;
- Recommend the development should not provide the on-site parking proposed save for 30 accessible spaces;
- Accessible parking should be redesigned to comply with the DDA act; and
- Recommend car free agreement to exempt future occupiers from being able to apply for parking permits;

##### *Walking*

- Welcomes the layout and improvements to pedestrian permeability;
- TA should fully examine pedestrian environment including bus stop accessibility;
- Recommends a pedestrian phase to the junction of Leman and Alie Streets;
- S106 contribution for implementation of improvements to public realm; and

- S106 contribution to upgrade of public realm and park in Aldgate with the closure of the gyratory.

#### *Cycling*

- Welcomes cycle parking offer.

#### *Buses*

- Net increase in trips as a consequence of the development and therefore, s106 planning contribution requested (£ amount unspecified).

#### *Services and Deliveries*

- Seeking Construction Logistics Plan and Service and Delivery Plan.

#### *Travel Plan*

- Welcomes the framework travel plan although clarification needed in respect of the site travel coordinator; and
- The hotel and student accommodation will also require travel plans.

#### *Traffic Management Act*

- Planning permission does not discharge obligations and requirements under the Traffic Management Act 2004 and as such, separate notification and approval may be required for the permanent highway scheme and temporary works during the construction phase

(Officer comment: see section 8.)

## **7. LOCAL REPRESENTATION**

- 7.1 A total of 1793 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 10      Objecting: 8      Supporting:2  
 No of petitions received:

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

#### Supporting

- Supportive of regeneration intent for the area
- Supportive of a reduction in tower heights from 21-24 storeys as originally submitted
- Suggestive of a reduction in residential units
- Suggest investment in local infrastructure (unspecified)
- The development will enhance the area (unspecified)
- The development will satisfy housing need and provide facilities/services including the PCT
- The development will satisfy demand for student accommodation in the area and it is expected that the demand will increase
- Student accommodation has benefits for the area (unspecified)

#### Objecting

##### *Landuse*

- Overdevelopment/overcrowding
- Affordable housing and student housing provision inappropriate in this location
- Lack of landscaping improvement to Alie Street
- In sufficient provision of greenspace
- The proposal will result in a loss of open space

### Design and Access

- Tower heights (21-24 storeys) are out of character with the area
- Towers (21-24 storeys) dwarf nearby heritage listed buildings
- Towers are an “alien” element in the locality
- The design of elevations is not acceptable
- Comment that the appearance of the current buildings on site is preferable
- Impact upon listed buildings and the World Heritage Site [The Tower of London]
- Tree loss
- The scheme lacks a contemporary design and aesthetic [unspecified]
- Lack of connectivity and permeability [unspecified]

### Amenity

- Pollution [unspecified]
- Loss of light [specific mention of 52 and 55 Leman Street]
- Loss of outlook
- Construction impacts on surrounding streets: noise, pollution (unspecified), traffic, wind, loss of light, loss of sky [outlook]

### Transport

- Congestion
- Impact upon highway
- Inadequate parking
- Street closure during construction to impact on access to houses
- Provision of bicycle storage unclear
- Impact to parking availability in Gowers Walk
- Request that future occupiers be exempt from applying for parking permits

### S106

- Art provision is tokenistic
- Art element is coming from outside the “*Whitechapel community*” [unspecified]
- Inadequate provision of studios and artworks
- Affordability of the spaces
- Percentage of art has not been referred to [issue unclear and unexplained]

### Other

- Inadequate infrastructure including: parking, medical, schools, open space, cycle paths.
- Criticism of the applicant’s Statement of Community Consultation
- Queried what comments were made by EH and the GLA

(Officer Comment: See section 8 of this report for consideration of objections relating to ‘land use’, ‘design and access’, ‘amenity’, and ‘transport’.

### In respect of ‘s106’:

- Given that there is no supplementary planning document for planning contributions, the contribution requested for public art is considered appropriate and acceptable, having regard to the range of s106 priorities and the scheme’s viability and contributions secured on nearby site.
- The key issue is the securing of the contribution rather than details of what the monies will be spent on which is a matter for the future, noting that potential opportunities have been noted in supporting application documents. How the monies will be finally spent and securing specific art works as part of this scheme is therefore not considered necessary.
- Finally, the provision of art studios and the affordability of those spaces is not a relevant requirement for the redevelopment of Goodmans Fields. Although, it is noted

that planning contributions are secured for local business support, employment and training initiatives

In respect of 'other' issues:

- In respect of inadequate infrastructure, the means by which the potential impacts of the scheme are mitigated/compensated by s106 planning contributions, thereby making the scheme acceptable in planning terms, is considered in section 8 under 'S106'.
- Notwithstanding the criticisms of the applicant's Statement of Community Consultation, it should be noted that the Council undertook consultation of the application in accordance with the Council's Statement of Community Involvement which is in excess of the minimum requirements stated in the General Development Procedure Order. Further consideration of this matter is therefore not required.
- The comments of EH and GLA are summarised in the previous section of this report)

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

- Tower Bridge access was closed previously and will be in the future
- Reference to previous objection to the development at 120 Commercial Road
- Reference to building regulations
- Reference to towers on separate unrelated site as causing "*smothering*"
- Reference to Grange Hill hours of operation
- Reliance on the public purse and government handouts [unspecified]
- This type of development is "*unfair*" [unspecified]
- The scheme, including the architectural model, has been modified since pre-application meetings between the applicant team and members of the public last year
- More consultation is needed because of the scale and complexity of the development
- Public bailout of the affordable housing element [unspecified]
- Inadequate time to comment in more detail on the application
- The bullying by the developer of the Council and the public to accept a substandard scheme [unspecified]
- Comments about location of cultural facilities in the surrounding area
- Comment that the roof-top terrace is an "*exclusive parking space for the birds*" [issue unclear]

7.5 The following procedural issues were raised in representations:

- More detailed consultation required
- The extent of community consultation by the developer and comments made during this exercise

(Officer comment: As noted above, consultation was undertaken in accordance with the Council's Statement of Community Involvement, being in excess of the minimum requirements stated in the General Development Procedure Order. Further consideration of this matter is therefore not required.

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design and Access
- Amenity
- Transport
- Environmental Statement

- Planning contributions

## **Land Use**

### Demolition

- 8.2 Consent is not required for demolition as the site does not contain any listed buildings does not fall within a conservation area.
- 8.3 Demolition is justified for the following reasons:
- The reuse of the building stock would have compromised the ability to deliver other aspects of the scheme E.g. open space and pedestrian route connectivity/permeability;
  - The new scheme's benefits in respect to design quality, sustainability and regeneration benefits.
- 8.4 Moreover, the principle of the replacement of the existing buildings was established by the previous consent for redevelopment, PA/02/00678 on 26 September 2005.
- 8.5 Overall, the demolition of the existing buildings is considered acceptable.

### Mixed-use

- 8.6 Mayoral and LBTH planning guidance promotes a residential-led, mixed-use redevelopment of the former Goodmans Fields site.
- 8.7 Pursuant to the London Plan Policy 2A.4, the site is within the Central Activity Zone (CAZ) where policy generally promotes finance, specialist retail, tourist and cultural uses and activities. The site is also within an Opportunity Area. This provides London's principle areas of opportunity to accommodate large scale development with substantial numbers of employment and housing in a mixed and intensive use of the land, assisted by good public transport accessibility. Pursuant to Policy 2A.5, the Mayor and partners will prepare and implement sub-regional frameworks that will set out the overall development program in each opportunity area, thereby contributing to the overall strategy of the London Plan. This includes seeking to exceed minimum guidelines for housing and employment capacity at the sub regional level, whilst taking into account of such things as local characteristics and delivering good design, including public realm and open space.
- 8.8 In addition, Policy 2A.7 of the London Plan identifies the application site within an area for regeneration. It is one of the 20% most deprived areas of London and therefore, of the greatest socio-economic need.
- 8.9 In pursuance of the North East London Sub-region of the London Plan and Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is appropriately accommodated in a sustainable way, and ensuring improvements to open space. The Mayor's North East London sub-region is a priority for development, regeneration and infrastructure improvement. It has many of the capital's largest development sites, as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated. Improvements to transport infrastructure will facilitate employment growth and areas of deprivation will need to be addressed by development. The sub region demands improvement, with a concerted effort by agencies to raise standards of education, health, services public facilities and training opportunities. It is also noted that the improvements needed in the sub region includes its network of open spaces as purported by the East London Green Grid. As such, the proposed uses, public open space and s106 planning contributions will address these priorities.



- 8.10 The Mayor's draft City Fringe OAPF confers the site as being within an area of opportunity and regeneration. The framework recognises the strategic need to accommodate the expansion of London as a world city, alongside the need to maintain economic and cultural activities, whilst accommodating intensification of residential development.
- 8.11 The LBTH UDP 1998 identifies the site within the Central Area Zone. Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within this zone. In addition to the range of uses on site and provision of publicly accessible space, a s106 planning contribution is secured towards indoor sport and recreation.
- 8.12 Whilst the UDP makes no reference to residential development in the CAZ, the Council's most up-to-date statement, the Interim Planning Guidance (IPG) for the purposes of Development Control, does.
- 8.13 The LBTH IPG 2008 identifies the application site as being within the CAZ. Policy CP8 recognises that this part of the borough plays a strategic and international role as a global financial and business centre. Therefore, the Council will, amongst other things, encourage office development on the fringe, and employment opportunities. The Policy indicates that new housing may be appropriate where it is not proposed in Preferred Office Locations and does not replace viable office sites as can be argued on the subject site. Pursuant to CP19, the Council will seek to address housing need by directing all required housing provision to brownfield sites that are appropriate. The only circumstances where this will not be supported are in instances where sites are identified for alternative uses including employment, open space, community/social facilities. The city fringe, where the application site is situated, is identified as being one of the areas where the Council will seek to accommodate the majority of housing growth.
- 8.14 In addition to being within the CAZ, the IPG as well as the City Fringe Area Action Plan (AAP) identify Goodmans Fields as development site CP12a within Aldgate and Spitalfields Market Sub-area. Policy CFR14 indicates that Goodmans Fields should come forward for redevelopment with the following uses, namely:
- Residential (C3)
  - Employment (B1)
  - Public Open Space
- 8.15 This proposal provides a mixed use scheme which complies with the Aldgate and Spitalfields Market Sub-area of the City Fringe AAP, where Policy CFR9 states that, amongst other things, employment uses are dominant but areas away from public transport interchanges can provide a transition to residential development in the form of mixed use schemes. This proposal provides for employment space including flexible spaces and spaces suitable for small business. It also provides a hotel use which is supported by the policy. Policy CFR10 further reinforces support for residential development in this sub-area.
- 8.16 In addition, the Council's Aldgate Masterplan 2007 provides further guidance for development of Goodmans Fields. Principles encourage include:
- Permeability through north-south and east-west linkages which is achieved by the pedestrian linkages across the site;
  - Open space provision which is provided across the site including Town Square, Park Square and Garden Square;
  - Active ground floor uses including commercial uses, primary care trust facility, hotel and residential terraces; and
  - A mixture of housing sizes and tenures in accordance with policy which will cater for need.
- 8.17 It is evident from the review of regional and local policy, that a mixed-use approach to the

redevelopment of Goodmans Fields, containing commercial and residential uses, as well as open space, is appropriate and acceptable. The specific uses contained within the scheme are identified in more detail below.

#### PCT Facility

- 8.18 Pursuant to the Mayor's Policy 3A.18, planning policy needs to consider social infrastructure including healthcare facilities. Policy CP28 of the LBTH Interim Planning Guidance indicates the Council will work with the PCT and other authorities to secure appropriate provision of new facilities. PCT facilities are to be encouraged in appropriate locations in mixed use schemes pursuant to Policy CFR3 of the City Fringe AAP. The Aldgate masterplan identifies the Goodmans Field site specifically for a new PCT facility. Therefore, this provision on site is fully in accordance with regional and local policy and guidance.
- 8.19 In addition, the Tower Hamlets PCT have indicated informally that they are supportive of a facility on site. They consider it to be a strategically well-placed facility to meet the health needs of the local population, thereby redressing the health inequalities of this area. In conversations concerning the withdrawn scheme PA/08/1634, the PCT confirm that their expectation is for a PCT facility of at least 1700sqm and provision for 10 car parking spaces. This has been met in the subject scheme.
- 8.20 In addition, the PCT required the following:
- Shell and core PCT provision to their specification;
  - A contribution to the fit out in line with the HUDU assessment;
  - A 3 year rent free period (a minimal peppercorn rent in order to contractually secure the site); and
  - Following the rent free period we would anticipate paying a lease cost in line with the DV rental assessment of a health building within that part of the borough.
- These matters have formed part of the s106 negotiations.

#### Student Accommodation

- 8.21 In the consideration of the acceptability of student housing, it is noted that objections have been received to this provision of site. However, pursuant to the Mayor's Policy 3A.25, the Mayor and boroughs should work with the LDA and higher education sectors to ensure that needs are met including the provision of student accommodation. In general, Policy HSG 14 of the LBTH UDP 1998 as well as Policy CP24 of the Interim Planning Guidance encourage student housing in the borough. Policies CFR1 of the City Fringe AAP identify that the Aldgate is appropriate for student accommodation, given the presence of London Metropolitan University and the potential consolidation of its activity to this area. Therefore, the inclusion of student accommodation on the subject site is appropriate and acceptable.

#### Hotel

- 8.22 Pursuant to the identification of the general need for hotels in London according to the Mayor's Policy 3D.6, the principle of a hotel on this site is acceptable. Similarly, the hotel provision on this site is supported by LBTH IPG Policy CP 13 as well as Policies CFR1 and CFR9 of the City Fringe AAP.

#### Employment

- 8.23 Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' opposes the loss of employment floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.

- 8.24 The scheme proposes a reduction of employment floorspace from 51,000sqm to 22,189sqm including commercial (8,945sqm), PCT facility (1,756sqm), and hotel (11,519sqm). Whilst a reduction in employment floor area would result, it should be noted that the office use had ceased prior to the previous application in 2002. The site has remained vacant ever since. As such, the site attracts no jobs at present.
- 8.25 In consideration of Policies EMP1 and 2, the between 610-770 full-time jobs will be created by the proposal. Further, in respect of Policy EMP 2, the scheme is considered to create high quality buildings.
- 8.26 Therefore, the loss of floorspace is considered justified, pursuant to Policies EMP1 and EMP2 of the adopted UDP 1998, since it provides 610-770 full-time jobs and high quality buildings.
- 8.27 The scheme is also consistent with EMP 6 'Employing Local People', and EMP8 'Small Business' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance which amongst other things, seek to encourage a range of job opportunities, that are supportive of the local community and small businesses.

#### Public open space

- 8.29 Pursuant to the London Plan, Policy 3D.8 indicates that all developments are expected to incorporate appropriate elements of open space that make a positive contribution to and are integrated with the wider network. Policy 3D.11 states that development plan documents, amongst other things, should:
- ensure future open space needs are considered in planning policies for Opportunity Areas and other areas of growth and change;
  - encourage linkages within the network of open spaces and to the wider public realm;
  - Improve accessibility for all; and
  - Identify/promote/protect green corridors, chains and include appropriate designations and policies for the protection of local spaces that are of value or potential value to local communities.
- This considerations are reinforced in the draft City Fringe OAPF.
- 8.32 In respect of local policy, ST12 of the LBTH UDP 1998 encourages the availability and accessibility to, amongst other things, recreational and leisure facilities within the Central Area Zone. This could be seen to include open space provision which serves a recreational and leisure function.
- 8.33 Both the LBTH IPG 2008 and City fringe AAP encourage the increased provision of good quality and well connected public open space to address the current deficiencies of the area, noting though that there is likely to be limited opportunities to create major new green spaces.
- 8.35 As previously stated, the Council's IGP, AAP and Aldgate Masterplan 2007, identify Goodmans Field as development site CF12a. Notwithstanding the borough-wide target of 1.2Ha open space per 1000 population, the APP indicates that Goodmans Field development should provide 0.8Ha of open space. The AAP indicates that the direction/implementation/delivery of the space will occur as part of the redevelopment of the site and should be as follows:
- Contiguous, large green public space;
  - A space that meets the needs of local residential communities including families and young people; and
  - The space should link to existing public spaces to the south and northeast as well as proposed spaces to the northwest;

8.36 In respect of the public amenity space provision, the subject scheme provides a series of three principle spaces. Also, a garden behind the PCT of the South-East block as well as several interconnecting streets in which it is considered that sufficient amenity is achieved for their consideration. The spaces are as follows:

- Park Square = 2757.05sqm
- Town Square = 1938.22sqm
- Garden Square = 1856.74sqm
- Public garden behind the PCT = 630.30sqm
- Interconnecting street between the North-east and South-east Block = 327.6sqm
- Interconnecting street between the South-East and South-West block = 595.5sqm

The total provision of public open space is **8105.17sqm**, exceeding the minimum requirement. The quantum is considered appropriate and acceptable given the need to strike a balance with development intensity and requirements including regional and local policy which seeks to maximise the efficient use of the site. It is considered to accord with the key priority for the City Fringe of addressing open space deficiency to meet the needs of the local community as well as the anticipated growth expected in residential development.

8.37 In addition the high quality nature of the series of interconnected spaces and what it does for connectivity, another priority of the policy, is considered of more value than emphasising an alternative approach suggested in the AAP and Masterplan of providing a single open space. As part of the design development. The proposed site layout is considered the most desirable.

8.38 In conclusion, the quantum of public open space is appropriate and acceptable and accords with Policies CP30 of the LBTH Interim Planning Guidance, as well as the site specific guidance of Policies CFR1 and CFR5 of the LBTH draft City Fringe Area Action Plan 2007, as well as the LBTH draft Aldgate Masterplan which seek sufficient provision of open space to address needs of the community.

## Housing

8.47 Pursuant to the Mayors Policy 3A.5, boroughs should identify housing needs within their area, including affordable housing and family housing.

8.48 The application proposes 772 residential (Class C3) units with the following mix:

Total Scheme			Affordable Housing								Market Housing			
			Social rented				Intermediate							
Unit size	Tot	Tot Hab rms	Tot	Hab rms	%	Targ et %	Tot	Hab rms	%	Targe t %	Tot	Hab rms	%	Target %
studio	33	33	-	-	0	0	4	4	4.3	25	29	29	5.6	25
1bed	221	442	19	38	11.9	20	54	108	58.1	25	148	296	28.5	25
2bed	254	762	43	129	27	35	21	63	22.6	25	190	570	36.5	25
3bed	240	961	73	293	45.9	30	14	56	15.1	25	153	612	29.4	25
4bed	24	120	24	120	15.1	10	-	-	-		-	-	-	
5bed	-	-	-	-	0	5	-	-	-		-	-	-	
Total	772	2318	159	580	100	100	93	231	100	100	520	1507	100	100

### Affordable Housing and split

8.49 Policy 3A.9 of the London Plan sets the strategic target that 50% of all new housing provision should be affordable through all available mechanisms and not just planning gain. In addition, Policy 3A.10 encourages councils to have regard for the need to encourage rather than restrain residential development, as well as having regard to the

individual circumstances of a site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

- 8.50 PPS3 states that the Government is committed to providing high quality housing for people who are unable to access or afford market housing. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.
- 8.51 In respect of on-site provision, the scheme would provide 35%, which complies with policy.
- 8.52 In respect of affordable housing split and pursuant to the London Plan Policy 3A.9 affordable housing target of 50%, 70% of this should be social rent and 30% should be intermediate rent. Policy CP22 of the Council's IPG requires an 80:20 split between social rented and intermediate housing. Both the LBTH Interim Planning Guidance and London Plan allow this ratio to vary only in instances where greater than 50% affordable housing is achieved.
- 8.53 The scheme proposes a split of 72:28 based on habitable rooms, which accords with Policy and is acceptable to the LBTH Housing Team.

Unit mix

- 8.54 Paragraph 20 of Planning Policy Statement 3 states that *“key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”*.
- 8.55 Pursuant to policy 3A.5 of the London Plan, the development should *“...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation.”*
- 8.56 Pursuant to Policy HSG7 of the LBTH UDP 1998, new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens. Exceptions to this policy apply where family housing is proposed in locations where physical conditions are unsuitable for family dwellings. Despite there not being any 5-6 bedroom dwellings proposed, the Housing Team are nevertheless satisfied with the mix.
- 8.57 Policy HSG 2 of the LBTH IPG seeks an appropriate mix of housing, including family housing. The required mix based on units size and tenure is set out in Table 2 of the IPG. A convenient summary of family sized housing requirements is provided in the table below. It includes a comparison to the family housing achieved across the entire borough as published in the Annual Monitoring report 2008-9.

**Table: Family housing provision comparison**

Tenure	% Policy	% PA/09/965	% Draft Annual Monitoring 2008/9
Social-rented	45	61.0	35
Intermediate	25	15.1	7

Market	25	29.4	3
Total	30	34.1	11

8.58 For social housing, 45% is required and 61% is provided. For intermediate housing the policy requires 25% family housing and the scheme provides 15.1%. In the market housing, 25% is required and 29.4% is provided. The overall family housing provision in the scheme is 34.1%.

8.59 The LBTH Housing team are satisfied with this mix.

#### Wheelchair Housing and Lifetime Homes

8.60 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or "easily adaptable". All units will meet Lifetime Homes standards and 81 flats, approximately 10.5%, are wheel chair accessible, in accordance with policy.

8.61 The LBTH Housing Team is satisfied with the provision and recommends an appropriately worded condition to ensure this provision.

#### Code for Sustainable Homes

8.62 Pursuant to Policies DEV2 and DEV69 of the LBTH UDP 1998 and CP3, DEV5 and DEV6 of the LBTH IPG, housing should meet a minimum sustainability target of Level 3. The scheme is targeting Code Level 4. This could be secured by an appropriately worded condition if the council was to consider approval. (It should be noted the scheme also addresses BREEAM standards for the non-residential component by targeting an 'Excellent' rating)

#### Internal Space Standards

8.63 Pursuant to the Residential Space SPG, typical floorplan layouts and figures have been provided in respect of C3 units along with a complete spreadsheet of floor areas for all flats in the development. Out of 2318 habitable rooms, 12 x bedrooms (Flat 2 bed flat type t1-24) fall below the minimum space standards by 0.5sqm. This represents 1.6% of all units or 0.5% of all habitable rooms and is not considered significant. As such, the proposal is considered to sufficiently address the provisions of the SPG as well as policies ST23, HSG13 of the LBTH UDP, which seeks to ensure quality housing and minimum level of amenity for future occupiers.

8.64 Overall, the scheme is considered to cater from housing need and is recommended for support in this regard.

#### Amenity Space

8.65 Pursuant to PPS3, paragraph 16 states that, the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development "...provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies". Further still, paragraph 17 of PPS3 states that "where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space".

8.66 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to

incorporate adequate provision of amenity space. The Residential Space SPG 1998 sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that, variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards of the UDP and IPG are summarised below.

**Table: Residential Space SPG 1998 requirements**

Tenure	Proposed	SPG Requirement	Required (m <sup>2</sup> )	Proposal (m <sup>2</sup> )
Family Units	264	50sqm of private space per family unit	13,200	<b>9283</b> = 4,167 (balconies/terraces) + 5,116 (roof terraces)
Non-family units	508	50sqm plus an additional 5sqm per 5 non-family units;	558	
Child Bed spaces	394	3sq.m playspace per child bed space	1182	<b>4,207</b>
<b>Total</b>			14,940	<b>13,490</b>

**Table: Amenity Space per HSG7, LBTH Interim Planning Guidance**

Units	Total	Min Std (sqm)	Required (sqm)	Provided (sqm)
Studio	33	6	198	
1 Bed	219	6	1314	
2 Bed	251	10	2510	
3 Bed	239	10	2390	
4 Bed	15	10	150	
5 Bed	-	10	-	
<b>TOTAL</b>			<b>6562</b>	Breakdown not specified
<b>Ground Floor Units</b>				
Studio	-	25	-	
1 Bed	2	25	50	
2 Bed	3	25	75	
3 Bed	1	50	50	
4 Bed	9	50	450	
5 Bed	-	50	-	
<b>Total</b>			<b>625</b>	Breakdown not specified
<b>Grand Total</b>			<b>7187</b>	<b>4167</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	<b>812</b>	<b>5116</b>
<b>Tot Amenity Space Requirement</b>			<b>7999</b>	<b>9283</b>

- 8.67 The application proposes **9283sqm** of amenity space provision for the entire site is as follows:
- **5,116sqm** of communal space in the form of roof gardens; and
  - **4,167sqm** of private amenity space including balconies, terraces and gardens
- 8.68 As is demonstrated in the above analysis, the proposal exceeds the provision of the IPG although, not the adopted UDP. The following factors should be noted in considering the above amenity space provisions:
- The Council's Residential Space SPG clearly states that space provision can be in open spaces and/or private gardens;
  - the scheme provides for a variety of public and amenity space opportunities, with landscaping plans showing high quality treatments;
  - Only 56 flats (25 x 1bed and 31 x 2bed) in the market tenure do not have any balcony provision to achieve appropriate internal daylight levels in the flats below. Notwithstanding that an appropriately worded condition is recommended for Juliet balconies to be added to these units to offer relief;
  - The roof terraces are a desirable form of communal space provided that the mitigation measures for microclimate (wind) are secured by an appropriately worded condition
  - The above amenity space calculations exclude the first floor communal courtyards which are only considered to be circulation space, given the levels of permanent overshadowing experienced.
- 8.69 On balance, the provision of amenity space in the scheme is considered acceptable and in line with IPG policy. The non-compliance with the UDP in this regard is considered on balance to be justified for the reasons identified above as well as the reasons for approval in section 2 of this report.

#### Children's playspace

- 8.70 Policies 3A.17 and 3D.13 of the London Plan (Consolidated 2008) as well as the Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation', seek a sufficient quantum (10sqm per child), quality and amenity of children's playspace in developments. Policy HSG7 of the LBTH IPG and Policy HSG16 of the UDP also seek the suitable provision of playspace in developments, including a minimum of 3sqm in the case of the UDP. In considering this requirement, the child yield estimated for this scheme is 394.
- 8.71 Therefore, requirements the scheme should provide a total of 1182sqm in accordance with Council Policy or 3940sqm based on GLA Policy. The Design and Access Statement Vol II identifies the integration of play space into the design of the public realm and communal amenity spaces of the development in the context of different age groups as well as different times of the day. The integration of landscape and play achieves a public open space and communal space offer where the entire 0.81Ha space is potentially playable. This ability is considered to be as a strong characteristic and asset of the proposal in negotiations with the Council's Landscape Team who welcome the play provisions included in the proposal. Notwithstanding, the Design and Access Statement Vol II specifically identifies **4,207sqm** children's playspace being provided, which is in excess of both the LBTH and GLA requirements. The scheme is considered acceptable and accords with the abovementioned policies which seek to ensure the adequate provision of children's play space within developments.

#### **Design**

##### *Tall buildings*



- 8.109 Local and regional policies consider tall buildings. There is also a range of published national policy including PPS1, PPS3 and PPG15 as well guidance, including 'By Design' published by DETR/CABE in 2000.
- 8.115 Objections have been raised in respect of the towers in terms of their height and visual impact. Although the site may be suitable form a tall building in terms of the high PTAL (Mayor's Policy 3A.3) and offer a high quality appearance (Mayor's Policies 4B.1 and 4B.9), Policies CP48 and DEV27 of the LBTH Interim Planning Guidance and the Mayor's Policy 4B.10 have a range of criteria for consideration of acceptability.

It is considered that the scheme addresses the range of tall building policy criteria, particularly the detailed criteria of DEV27 of the LBTH IPG, in the following key ways:

- The height, bulk, scale and external appearance is sensitive to the immediate and wider context;
- The scheme is considered to be high quality;
- The site is identified within an emerging cluster of tall buildings;
- There is no adverse impact upon strategic views and the scheme is a positive addition to the skyline;
- There is no adverse impact to the character of listed buildings, conservation areas or the WHS, The TOL;
- The proposal will be visually integrated with and present an appropriate scale to the street;
- It will provide public open space
- In terms of biodiversity, the communal roof terraces have substantial landscaped areas, as well as an appropriately worded condition for bat and bird boxes to be incorporated into the scheme;
- The proposal will contribute positively to vitality in the area with an active ground floor frontages;
- Other than in terms of daylight and sunlight impact, there are no significant amenity impacts posed;
- It poses no adverse traffic and parking impacts whilst also making provision for sustainable forms of transport including pedestrian connectivity and provisions for cycle users (bicycle parking and showers);
- The scheme considers access and inclusive design principles;
- The s106 agreement will include a TV mitigation requirement to ensure that any potential impact to reception is addressed; and
- It is not considered to conflict with aviation requirements having been referred to the relevant authorities for consideration

Overall, the scheme satisfies the criteria for consideration of tall buildings and as such the scheme acceptable, being in accordance with the abovementioned policies.

### Density

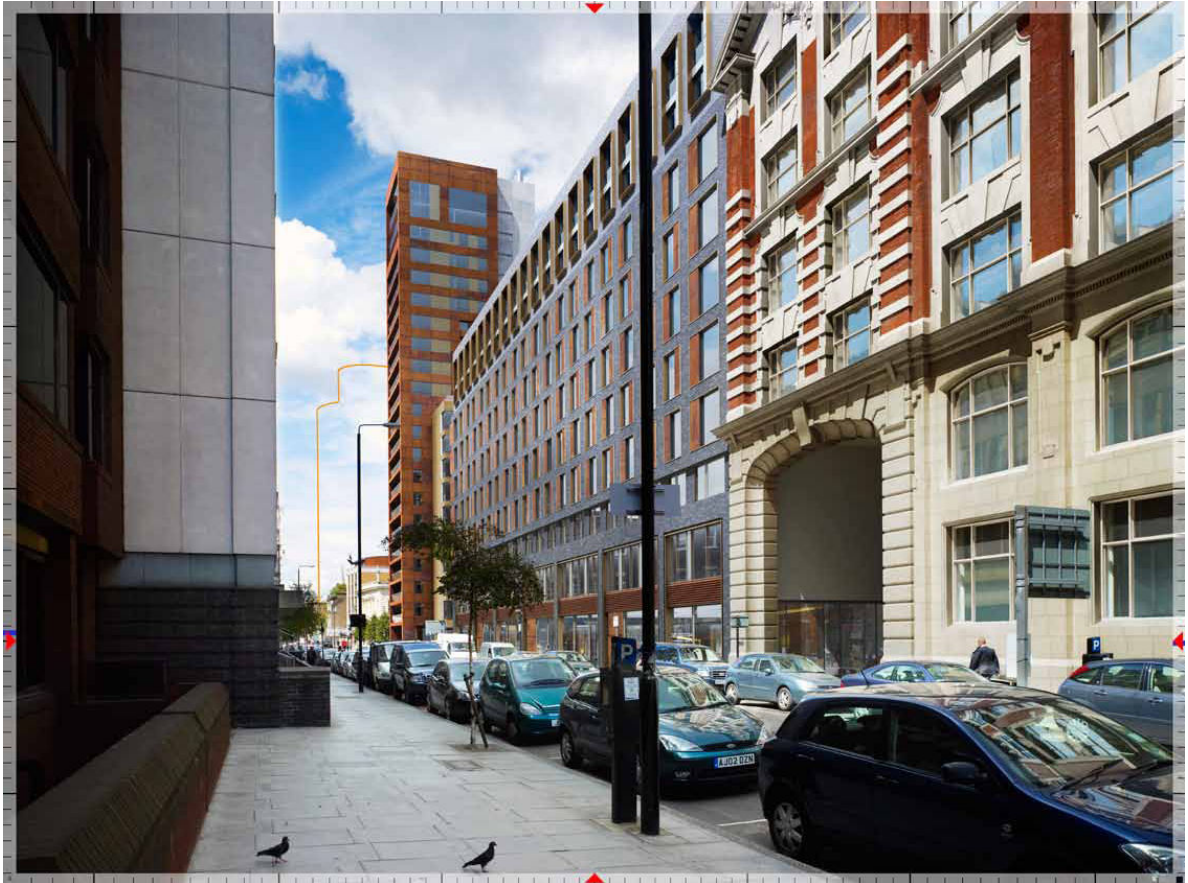
- 8.39 Objections were received in respect of overdevelopment of the site and excessive density. Policies of the Mayor and LBTH seek to maximise the efficient use of the site whilst ensuring that it is compatible with context, of high quality design and minimises environmental impacts for example.
- 8.44 The application site has a Public Transport Accessibility Level (PTAL) 6a. Therefore density ranges are as follows:
- Mayor's London Plan: 650-1100 habitable rooms per Hectare (central zone)
  - LBTH IPG: 650-1100 habitable rooms per Hectare (central)
- 8.45 The scheme is equivalent to **799 habitable rooms per hectare** based on the total site area of 2.9Ha and for scheme comprising of a total of 2318 habitable rooms. If the area

occupied by the hotel and student housing is removed as suggested in the Planning Statement, the scheme is equivalent to 995 habitable rooms per hectare based on a site area of 2.33Ha.

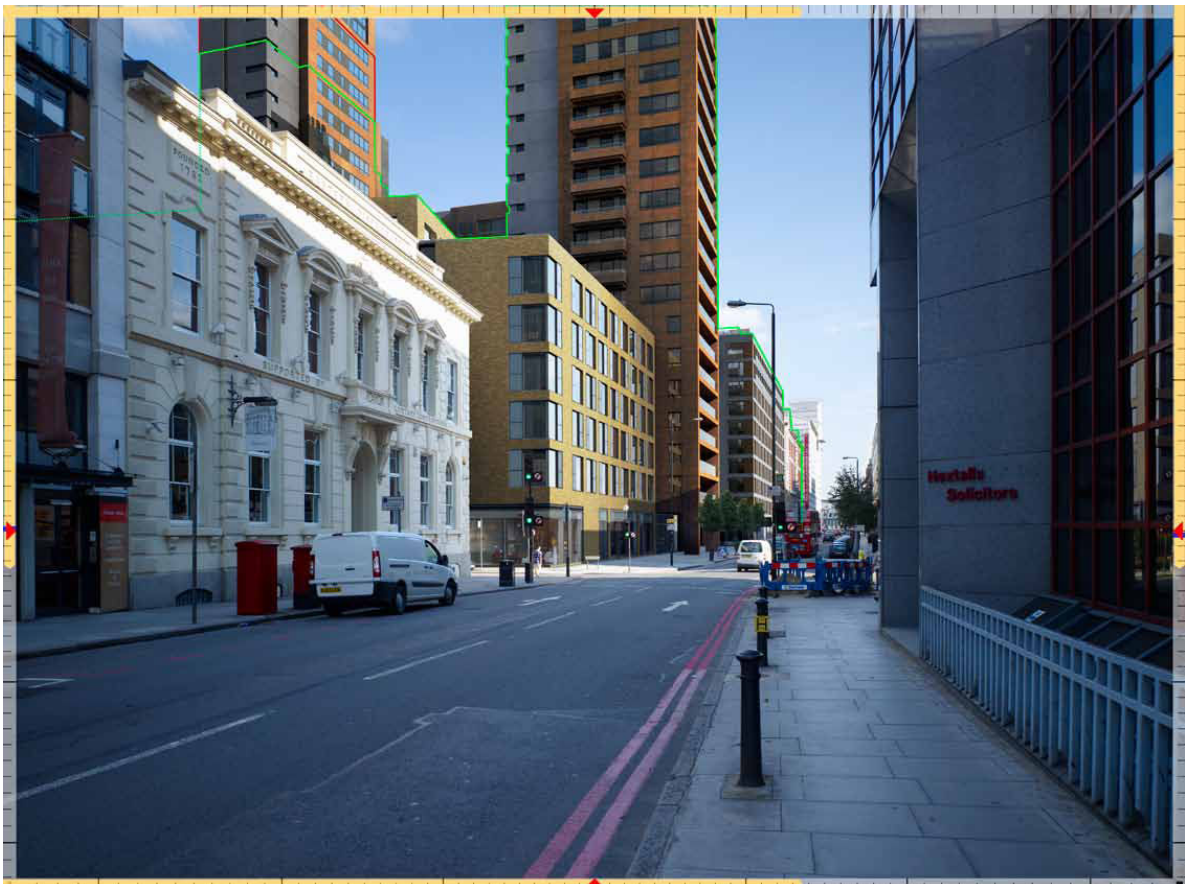
- 8.46 Therefore, the scheme accords with the intent of with Policy 3A.3 of the London Plan (Consolidated 2008) and CP20 and HSG1 of the LBTH Interim Guidance which seek to maximise the development potential of sites in an efficient and sustainable way.

*Appearance and layout*

- 8.72 Pursuant to The London Plan (Consolidated 2008), Policy 4B.1 requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a “*catalyst*” for regeneration. Policy 4B.10 provides further guidance on design considerations including context, attractiveness and quality. CABE and English Heritage ‘Guidance on tall buildings’ also informs the consideration of tall buildings as well as ‘By Design’ by DETR/EH.
- 8.73 In consideration of the LBTH UDP 1998, Policy DEV1 indicates development should be sensitive to the area, the capabilities of the site and be visually appropriate. Policy CP4 of the IPG states that buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 confirms that tall buildings must contribute to a high quality, attractive environment, as well as responding to context and contributing to vitality. These considerations also form part of the criteria of Policy Dev27 Tall Buildings Assessment of the LBTH Interim Planning Guidance.
- 8.74 In respect of objections received, is considered that the appearance of the development is one of its benefits as shown in the Accurate Visual Representations (AVRs) and drawings below. Buildings have a pleasing appearance and high quality finish. Notwithstanding the matters discussed later under ‘Views’, ‘Impact to setting of listed buildings and conservation areas’ and ‘Tall buildings’, the design and finishes of the elevations is considered to be high quality and would contribute positively to the varied architectural character and form of the area. The development would act as a potential catalyst for regeneration envisaged in the draft Aldgate Masterplan.



AVR of proposed view north along Lemman Street, taken from ES Vol 6.



AVR of proposed view south along Lemman Street, taken from ES Vol 6.



front elevation of Gowers Walk houses  
 rear elevation of Gowers Walk houses  
 Elevation drawings of the front and rear of the proposed Gowers Walk terraces, taken from the Design and Access Statement Vol I.

8.75 The layout of the scheme is also a benefit. The perimeter blocks are considered to be successful in addressing the street frontages of Alie and Lemman Street. The redevelopment of 75 Lemman Street and the terrace row along Gower’s Walk will offer genuinely active frontages. Also, the scheme will successfully integrate with the Berkley Homes scheme to the south. Overall, this will positively contribute to the evolving residential character of the area, thereby contributing to a sense of place and identity. The layout is also in accordance with the Aldgate Masterplan in the way that it improves connectivity and permeability. Such features of the scheme are evidenced in the layout diagram below.



Layout plan taken from the Design and Access Statement Vol I.

8.76 Although, the width of the internal streets along with the height buildings requires attention be paid to potential privacy and overlooking issues, no significant issues have been encountered in the assessment. Furthermore, it is considered that the scheme strikes a suitable balance in creating an interesting and pleasant environment. ‘Amenity’ is considered in more detail later in this report

8.77 Whilst sufficient details of the design of the elevations has been submitted to assess the

scheme in principle, the following detailed design matters will be conditioned to ensure the detailed appearance of the development is satisfactory:

- Detailed drawings and on-site mock-ups of the elevations;
- Detailed elevations, sections and mock-ups showing balcony joinery
- Detailed elevations and sections showing how the proposed additional storey to 75 Lemn Street connects with the building to the south being; and
- Detailed elevations and sections of the basement extract vents in Park Square as well as the design of vents and bicycle pavilion in Town Square.

8.78 In respect of ground floor uses and safety and security, the Gowers Walk Terrace and 75 Lemn Street conversion will provide round the clock activity through their residential use. The student accommodation and hotel will also provide this benefit. The remainder of the ground floor is for commercial uses, which also have the potential to contribute to day and night-time economy in accordance with the City Fringe AAP.

8.79 Noting discussions with the LBTH Landscape Team as well as the Design and Conservation Team, it is considered appropriate to restrict to access to the garden behind the PCT to daylight hours in the interests of safety and security and mitigation of crime. An appropriately worded condition is recommended if the Council resolves to grant planning permission.

#### *Sustainability*

8.80 Central Government policy promotes sustainable development. PPS1 seeks the prudent use of resources and includes the promotion of energy efficient buildings and combined heat and power systems. Considerations are expanded upon in the Planning Climate Change supplement to PPS1 as well as PPS22. In addition, PPS3 has the creation of sustainable communities as one of its objectives.

8.81 Policies of the Mayor's adopted London Plan (Consolidated 2008) deal with energy and sustainable design. Policy 4A.4 requires applications to be supported by an energy assessment. Policy 4A.3 requires developments to achieve the highest possible standards for sustainable design and construction. Policies 4A.5 and 4A.6 promote decentralised energy opportunities whilst minimising CO2 emissions. Policy 4A.7 seeks a 20% reduction in CO2 emissions from renewable energy generation on-site. More detailed consideration is provided in the Mayor's Energy Strategy and Sustainable Design and Construction SPG.

8.82 Similarly Local Borough policies within the Interim Planning Guidance 2008 deal with sustainability. Policy CP1 requires all new development to contribute to maintaining sustainable communities including implementing sustainable measures. Policy CP38 seeks to ensure developments minimise energy use for the lifetime of the development whilst encouraging renewable energy production. Policy DEV5 also seeks to minimise energy use and DEV6 seeks developments to reduce energy demand and CO2 emissions as well as promoting renewable energy production.

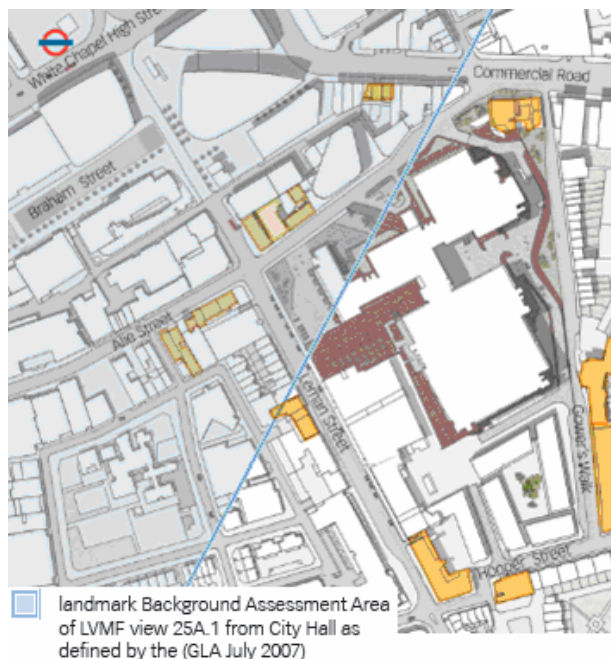
8.83 Measures incorporated into the scheme are as follows:

- Passive design and energy efficiency measures intended to reduce total emission on site by 5%
- A combined cooling, heating and power (CCHP) system and absorption chiller leading to CO2 reduction of 25%; and
- Ground source cooling that will further reduce CO2 emission by 0.5%

8.84 The above aspects of the scheme contribute positively to the Aldgate and are in accordance with Central Government, Mayoral and Borough Policy.

#### *Views*

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



Locality map taken from the Design and Access Statement Vol I.

8.86 Policies of The London Plan (Consolidated 2008) requires schemes to meet requirements of the LVMF. Schemes should:

- be suited to wider context in terms of proportion and composition and in terms of their relationship to other buildings (Policy 4B.10)
- give appropriate weight to the provisions of World Heritage Site Management Plans (Policy 4B.14).
- Consider how proposals which fall within the background assessment area preserve or enhance the ability to recognise and appreciate the Strategic Landmark Building, the Tower of London.

8.89 In the time that the application was received, the Mayor published the Revised Draft London View Management Framework (LVMF)(June 2009). The revision includes changes to the way in which Townscape View 25 will be assessed

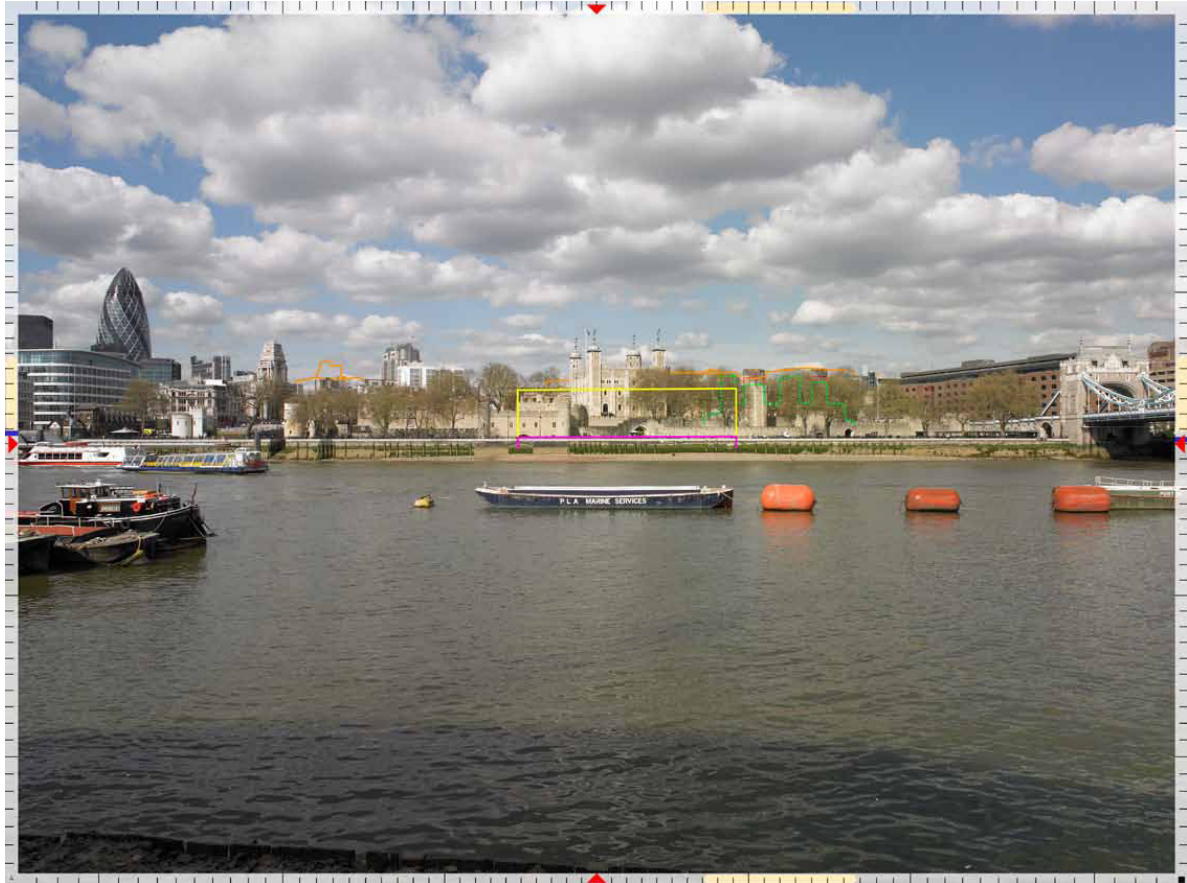
8.90 Local planning policies contained in the LBTH Interim Planning Guidance, City Fringe Area Action Plan and Aldgate Masterplan require development to preserve and enhance the ability to recognise and appreciate landmarks, as well as prevent impacts to strategic views.

8.91 In addition, the Historic Royal Palaces have produced the 'Tower of London World Heritage Site Management Plan' which guides the consideration of development affecting the TOL and refers to the townscape view and Mayoral policies concerning the LVMF.

8.92 The English Heritage draft SPG, 'Seeing the History in View', also provides guidance. It offers an approach to assessing heritage significance within a view and applies the approach to a real example, specifically, the Townscape View 25 of the LVMF. Therefore, it is especially relevant.

8.96 Since the previous scheme was withdrawn, the Mayor as well as the consultees English Heritage, Historic Royal Palaces, London Borough of Southwark as well as LBTH have

been involved in extensive discussions to secure revisions to the scheme to address their concerns. Revision involving the lowering of tower heights addresses their potential impact upon LVMF views. The subject application has also dealt comprehensively with nighttime appearance, seasonal variation as well as the geometric definition associated with view 25A.1. In addition, an animation sequence is provided showing the proposal within the kinetic (moving) view of the TOL at viewing place 25



AVR and magnified extract of View 25A.1 taken from ES Vol 6

- 8.97 The considerable endeavour in revisiting the proposals relationship to and potential impact upon views of the TOL in accordance with the LVMF has overcome previous concerns. The scheme is not considered to pose any significant harmful impact to the views of the

TOL. The scheme is thereby accords with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH draft City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's adopted London View Management Framework (July 2007), revised draft London View Management Framework (June 2009) LBTH draft City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect the views of the TOL.

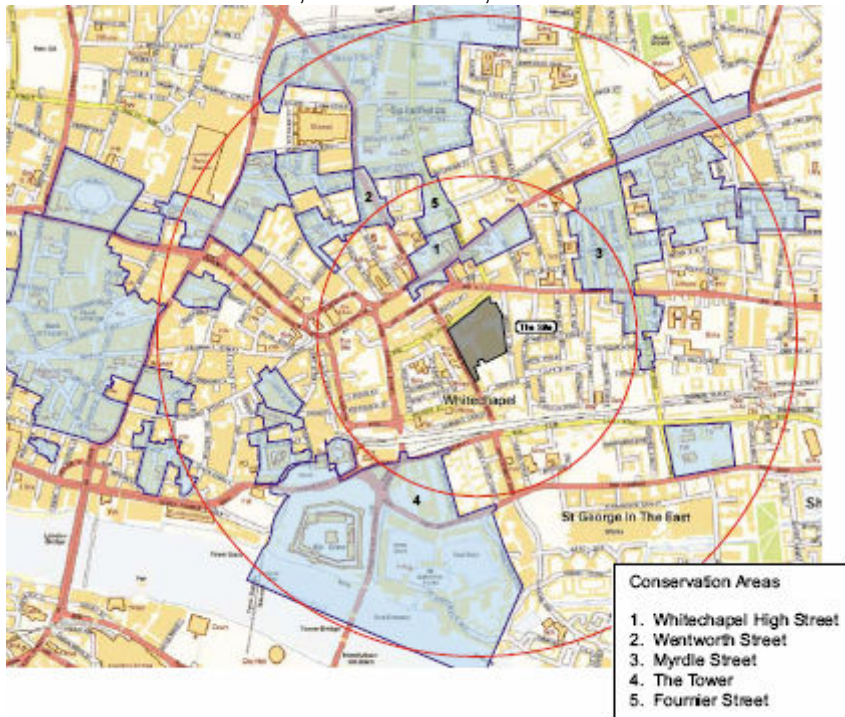
*Impact to setting of listed buildings and conservation areas*

8.98 The statutory requirement to consider proposal's upon the impact to the setting of listed buildings and conservation areas is contained in central, regional and local policy and guidance. It includes PPG15, the London Plan (Consolidated 2008), the LBTH UDP, IPG and Aldgate Masterplan.

For consideration of the potential impacts upon the setting and appearance of the TOL as a series of individually listed items and falling within the Tower Conservation Area, the potential impacts have been considered in 'views'. Otherwise, there are no significant impacts identified to the setting and appearance of the TOL and conservation area that would be posed by this application.

8.105 The ES is supported by a heritage, Townscape and Visual Assessment that considers the historic features in the surrounding area. These include:

- Conservation Areas, shown below;



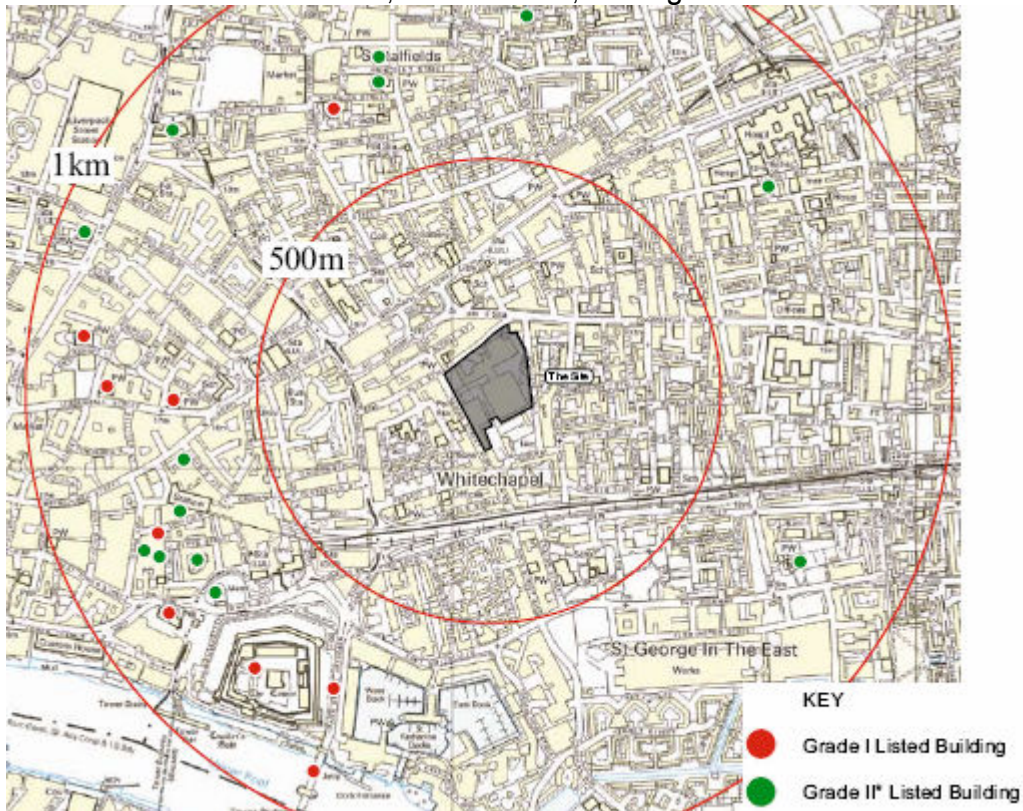
Map of conservation areas taken from the ES Vol III.

- Listed and locally listed items, shown below;





- Grade I and II\* listed items, shown below, it being noted that the TOL is also a WHS;



8.106 Objections have also been received from neighbours as well as EH about the impact to the setting of other listed buildings, namely:

- 19a, 62, 66, 68, 70, 99 Lemn Street
- 28, 30, 32, 36-44, 55, 57 and 59 Alie Street

8.107 For listed buildings in Alie Street and Lemn Street, which are immediately adjacent, no significant impact to views and setting are posed in the opinion of the LBTH Design and

Conservation Team. Similarly, no unacceptable harm to the local context has been raised by CABE. It should be noted that Alie and Lemman Street have diverse buildings in terms of architecture, scale and use. The quality of the elevations of the proposal which creates a strong street edge is considered a benefit. The bulk, scale and height of the buildings are considered appropriate to the area, nearby approvals as well as the previous approval for the site. Considerable attention has been given to the treatment of facades especially the South-East Student Block so as to ensure its relationships to and appearance within the street scene and setting of adjacent listed buildings positively preserves and enhances their character and appearance. Additionally, the reduction in tower heights further lessens their prominence.

- 8.108 The objections from neighbours and EH also refer to concern about a possible impact to the setting and views of surrounding conservation areas. It is considered that no significant detrimental impact is posed given the high quality appearance of the scheme. In addition, the prominence of the towers has been reduced by lowering their height. The Council's Design and Conservation team are supportive of the application and consider that there is no significant impact to surrounding conservation areas.

### *Summary*

- 8.116 In conclusion, the benefits of the scheme are its appearance, layout, ground floor treatment and consideration of sustainability. Furthermore, previous concerns including impacts to views of the TOL and its setting as a listed building have been addressed in the subject scheme and further revisions to it. The design is acceptable, accords with the policies identified and is recommended for approval.

## **Amenity**

### Future Occupiers and Users

- 8.117 Amenity for future occupiers is a planning policy consideration pursuant to the provisions of PPS1, PPS3, the London Plan (Consolidated 2008) and well as the Council's UDP and IPG.
- 8.122 On balance the scheme provides a suitable level of amenity and the following aspects are noteworthy:
- Microclimate (wind) conditions on the roof terraces are acceptable for the intended use subject to recommended mitigation measures which will be secured by condition;
  - No significant privacy/overlooking impacts are posed as a consequence of window-to-window relationships subject to an appropriately condition for screening;
  - The window glazing specification will ensure an appropriate internal noise environment for future occupiers having regard to PPG24;
  - Sufficient information is provided to ensure air quality for future occupiers is achieved subject to an appropriately worded condition of approval requiring mitigation measures be implemented in accordance with the ES;
  - The total floorspace of all flats exceeds the minimum provisions of the LBTH Residential Space SPG for all but 12 bedrooms out of 2318 (0.5%) which is not significant – See discussion in the 'Housing' section of this report
  - The majority of flats have private amenity space. Only 56 (7%) flats are without given the need to consider the internal light levels of flats directly below. This is not considered significant in the context of the overall amenity space provision on site and furthermore, an appropriately worded condition is recommended for Juliet balconies to provide some relief.
  - Although 240 habitable rooms in the development do not meet the Building research Establishment (BRE) guide for daylight levels, this only represents 10.4% of the

total 2318 habitable rooms in the development. Also given the inner London context, other benefits of the scheme as well as economic viability, it is considered that this level of non-compliance should not be a reason to reuse this otherwise acceptable scheme.

8.123 On balance, it is considered that the level of amenity is acceptable and as such the scheme is recommended for approval.

#### Neighbour Impacts

8.124 The consideration of impacts to neighbours are addressed in policies 4B.10 of the Mayor's London Plan (consolidated 2008), DEV1 of the LBTH Interim Planning Guidance, and DEV2 of the LBTH Unitary Development Plan 1998. Objections have been received in respect of loss of light and overshadowing, loss of privacy/separation distances, increasing sense of enclosure, loss of outlook, construction impacts.

8.125 The scheme poses no significant impacts. The following matters are noteworthy:

- There is no significant noise or general disturbance impacts to warrant refusal. Impacts during the construction phase will be mitigated by a condition requiring a Construction Management Plan. In the operational phase, the intended uses are compatible with the area and not considered to pose concern;
- Whilst the scheme will reduce outlook and increase the sense of enclosure, it should be noted that the existing building and building of the approved scheme (see section 4) limit the outlook of neighbours to some extent. The previous approval also permitted buildings closer to the street edges, thereby increasing the sense of enclosure. Furthermore, in acknowledging that this is a central London location on the city fringe, as well as responding to the area context and creating a pattern of development which establishes strong relationships to it, the increasing sense of enclosure is not considered undesirable, inappropriate or excessive in the area. Rather, it is likely to add positively to the emerging character and identity of the area;
- No significant air quality impacts are posed. It is noted that a condition requiring a construction management plan will deal with air quality impacts at the construction phase. At the operational phase, the development including traffic generation will not contribute any significant effect upon air quality. An appropriate condition is recommended for full particulars of the emissions of the bio-mass boiler at the detailed design stage;
- No significant traffic impacts posed to the local road system in the opinion of the LBTH Highways Team. They consider that the local road system is capable of accommodating the additional increase traffic generated. Any damage to public roads during construction would be repaired pursuant to the s278 agreement;
- In respect of privacy and overlooking the following considerations are relevant:
  - A minimum separation of +18m is achieved along Leman Street to adjacent properties;
  - The set-back between the South-West block to the Berkley homes development to the south is approximately 17.8m. Given this is relationship is the across the frontage of the development with the basement access ramp intervening, no significant is proposed;
  - The separation of the Gower's Walk terrace to the adjacent residential properties varies from approximately 12.4m to 16.6m. Given the off-set nature of window orientation of the proposed terrace windows as well as that the relationship is across a public street, any overlooking impact is considered tolerable; and
  - The separation between the scheme and properties on the northern side of Alie Street is variable from 11.5m up to 19m. For the most part, properties of the northern side of Alie Street are non residential. Where there is potential in the upper levels this is adjacent to the North-East block where the separation is

between 16-19m variable. Consequently, window-to-window relationships do not involve residential on either side of the road in the majority of cases. Where they do, the separation is more considerable, making any potential overlooking limited;

- The associated benefits of the scheme in respect of improved connectivity, permeability, and introduction of a healthcare facility will be of a positive benefit to local residents.

8.126 In respect of sunlight and the Building Research Establishment (BRE) good practice guide, 'Site Layout Planning for Daylight and Sunlight', significant impacts are identified for properties especially residential properties in Alie Street and Gower's Walk. If the consented scheme is taken as the baseline, the BRE test results in the ES show that the proposed scheme represents a greater impact. The properties affected are:

- 55-57 Alie Street;
- 43-58 Gowers Walk; and
- 61-75 Alie Street (approved scheme which not yet implemented)

8.127 In considering the significance of this impact to the assessment, the following matters are considered to offer a case to balance this impact:

- Some relief afforded the affected neighbours by virtue of them being dual aspect properties
- The benefits of the scheme coming forward as identified throughout the report and as summarised in section 2
- An awareness of the viability issues in bringing the scheme forward which necessitate the development potential of the site to be maximised.
- An appreciation that this brownfield site is a challenging and highly constrained site to entertain redevelopment, being in a built up area on the edge of the city fringe which has a range of landuse priorities, not just housing. Invariably then, realising development on this site will involve a compromise

8.128 On balance, it is considered that the benefits of the scheme coming forward are considered to outweigh the loss of light to neighbours based on the assessment using the BRE guidance and this alone is not considered to warrant refusal of the application.

## **Transport**

8.129 In consideration of national policy, PPG13 seeks to integrate planning and transport from the national to local level. Its objectives include:

- promoting more sustainable transport choices;
- promoting accessibility using public transport, walking and cycling;
- reducing the need for travel, especially by car.

Both PPS1 and PPS3 seek to create sustainable developments.

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

- 8.131 In respect of local policy, the UDP 1998, Policy ST25 seeks to ensure new housing development is adequately serviced by public transport. Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.132 Having regard for the IPG 2008, DEV17 states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 requires a travel plan for all major development. DEV19 sets maximum parking levels pursuant to Planning Standard 3.
- 8.133 A Transport Assessment and Travel Plan document, was submitted in support of the scheme.
- 8.134 Objections have been received in respect of the following:
- Impact upon highway
  - Inadequate parking
  - Street closure during construction to impact on access to houses
  - Provision of bicycle storage unclear
  - Impact to parking space availability in Gower's walk
  - Request that future occupiers be exempt from applying for parking permits
- 8.135 The Highways team consider the scheme to be acceptable for the following reasons:
- The level of car parking (199 spaces) is substantially lower than the 0.5 maximum threshold of the LBTH Interim Planning guidance;
  - 10% of the spaces will be for people with a disability;
  - The access from Gower's Walk is acceptable;
  - The refuse storage and servicing arrangements are considered acceptable;
  - The general servicing arrangements from the site have been considered and are acceptable;
  - An agreement will be required exempting future occupiers from applying for parking permits. This will acceptably address the concern about parking stress in surrounding streets;
  - In respect of pedestrian movement, the scheme will improve connectivity;
  - It is considered that the local highway system is able to accommodate the increased traffic generation;
  - In respect of demand for buses, Docklands Light Rail (DLR) and London Underground services, it is considered that both have sufficient capacity to accommodate the proposed increase in passenger trips during peak hour;
  - The applications are supported by a green travel plan which encourages sustainable transport modes;
  - The bicycle storage (2 spaces which includes 2 spaces at ground level) is acceptable;
  - in respect of pedestrian safety, adequate visibility splays on either side of the vehicular access point onto Gowers Walk have been provided;
  - The amended details for the servicing management plan concerning arrangements for the supplementary servicing route past the PCT are acceptable and will be

secured by condition.

8.136 The Highways team also recommend the following:

- A s278 agreement should be entered into with the Council's Highways Team pursuant to the Highway Act 1980 The s278 agreement and the financial obligations for which the developer is responsible for is completely separate and in addition to the s106 planning contributions secured;
- The waste management plan should be agreed with the waste team
- The development should have a car free agreement to prevent future occupiers from applying for parking permits;
- Planning contributions should include:
  - Gower Street highway and pedestrian improvements; and
  - General highway upgrade/improvement to surrounding streets to be agreed.

8.137 The issues raised by objectors have been covered in the assessment of the Highways Team and there is no matter outstanding. In addition, appropriately worded conditions of approval are recommended where applicable in response to comments of the Highways Team. A s278 agreement and suggested s106 planning contributions are to be secured if the Council resolves to grant planning permission. Finally, it should be noted that the Waste Team accept the proposed arrangements for the site.

8.138 Therefore, the scheme is considered acceptable on transport grounds having regard to the abovementioned policies.

### **Environmental Statement**

8.139 In accordance with the Town and Country Planning statutory procedures set out in the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, the subsequent amendments of 2006 and 2008 and following the EIA scoping opinion provided by LBTH on 17<sup>th</sup> Oct 2007, the current application is supported by an Environmental Statement (ES). The following considerations form part of the ES:

- Methodology;
- Design evolution and alternatives;
- Development program, construction phasing, activity and effects;
- Planning and landuse;
- Socio-economics;
- Archaeology;
- Transport and pedestrian accessibility;
- Noise and vibration;
- Air quality
- Ground conditions
- Water resources and flood risk
- Wind
- Daylight, sunlight and overshadowing;
- Ecology;
- Waste;
- Telecommunications interference;
- Townscape and Visual Assessment;
- Transport Assessment;
- Pedestrian movement;
- Public Realm Report; and
- Servicing Mgt Plan

8.140 A Regulation 19 requesting for further information was made in respect of this application The necessary information was received and placed on renotification/reconsultation prior to brining this report to committee. There is no matter outstanding in respect of the ES, the

development being considered acceptable having regard to the full range of issues summarised in this report.

### **Planning contributions**

- 8.141 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.
- 8.142 Planning obligations can be used in the following three ways: -
- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
  - (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
  - (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.143 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy.
- 8.144 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *"where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be"*.
- 8.145 Similarly the circular states that decisions on the amount of contributions *"should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place"*.
- 8.146 Policy DEV4 of the adopted UDP and Policy IMP1 of the Interim Planning Guidance clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 8.148 Given the history of the development which including the previous withdrawn scheme PA/08/1634 a Three Dragons Toolkit (viability appraisal) has been submitted notwithstanding that the subject scheme is offering 35% affordable housing.
- 8.149 The Council independently engaged consultants to evaluate the toolkit. Following extensive negotiation with the developer's consultant, the Council's consultant confirmed that, in their professional opinion that viability was an issue. As such, the Council is not considered to be in a position to seek further contributions to those identified below as a consequence of this. For example, it is not possible to secure planning contributions for Metropolitan Police although, it should be noted that there is nothing to preclude them approaching the developer separately regarding their priorities.
- 8.150 An overview of the contributions secured is provided at section 2 of this report.
- 8.151 For avoidance of doubt and as per advice in the 'transport' section of this report, q s278 agreement pursuant to the Highway Act 1980 is a matter with financial obligations which is completely separate and in addition to the s106 planning agreement set out in this report.

## **Other**

8.152 No other issues are identified.

## **9. Conclusions**

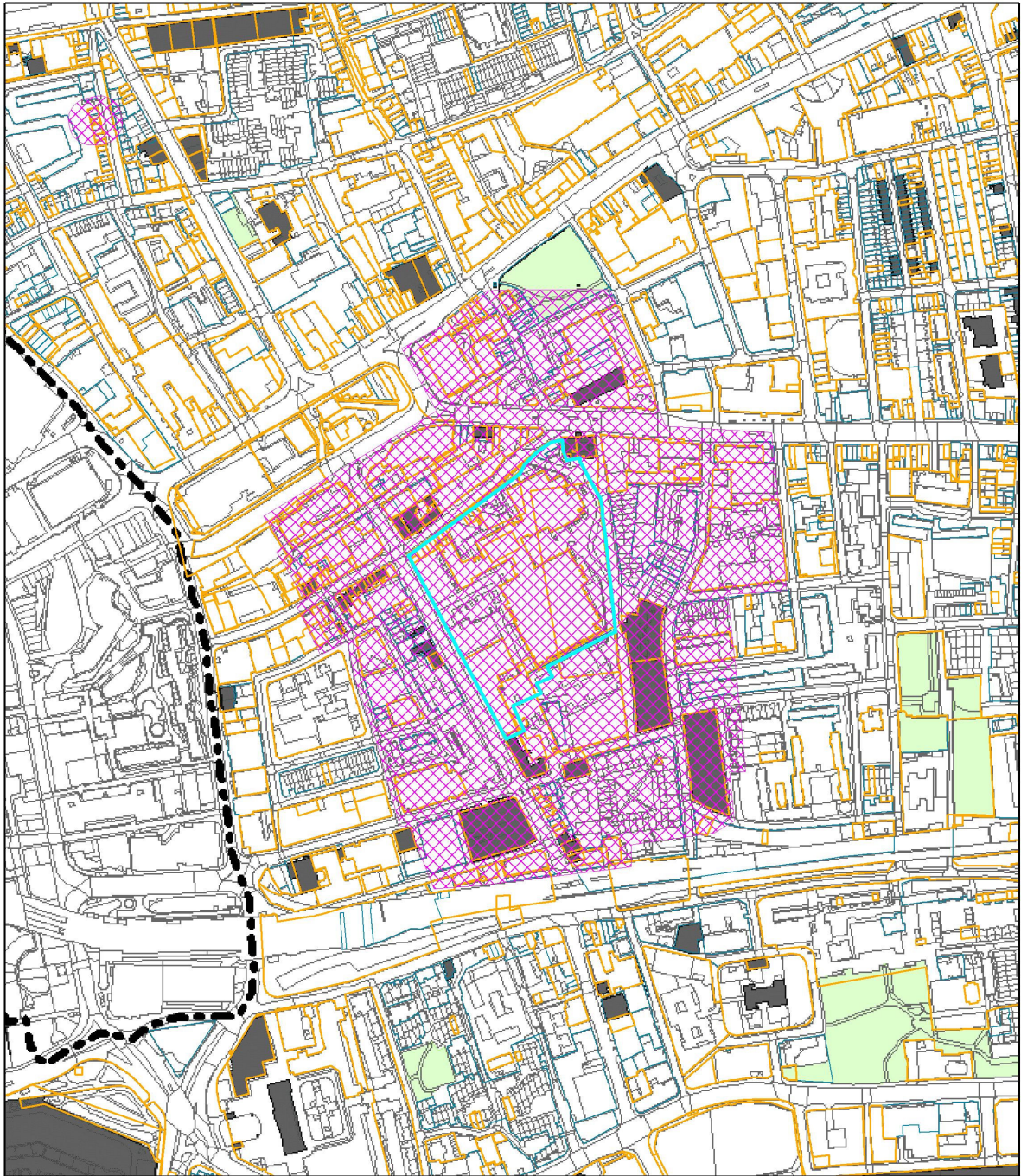
9.1 All other relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

## **Appendix**

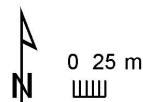
### **1 Site plan**



# Planning Application Site Map



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



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



# STRATEGIC DEVELOPMENT COMMITTEE

Tuesday 15<sup>th</sup> December 2009 at 7.00 pm

## UPDATE REPORT OF HEAD OF DEVELOPMENT DECISIONS

<u>Index</u>			
<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal</b>
6.1	PA/09/01198	Jobcentre Plus, 60 Commercial Road, London, E1 1LP	Demolition of existing building and erection of a 21 storey building plus basement to provide retail / commercial / community unit (Use Class A1, A2, A3, A4, B1, or D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works.
7.1	PA/09/02065 (Planning Permission) PA/08/02066 (Conservation Area Consent)	The Eric and Treby Estates, Treby Street, Mile End, London.	PA/09/02065 (Full Planning Permission) Regeneration of Eric and Treby Estate comprising the refurbishment of existing buildings the demolition of 14 bed-sit units at 1-14 Brokesley Street and the erection of buildings between 1 and 7 storeys to provide 179 residential units (comprising: 19 x studio, 61 x 1 bed, 52 x 2 bed, 38 x 3 bed and 9 x 5 bed), two new community buildings of 310sq.m and 150sq.m, a new housing management office of 365sq.m and 251sq.m of commercial space and the introduction of an estate wide landscape improvement scheme.  PA/09/02066 (Conservation Area Consent) Demolition of 1-14 Brokesley Street

7.2	PA/09/01220	40 Marsh Wall, London E14 9TP	Demolition of existing office building and erection of a 39-storey building (equivalent of 40 storeys on Manilla Street) with three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); together with rooftop plant and associated landscaping. The application also proposes the formation of a taxi drop-off point on Marsh Wall
7.4	PA/09/1961	438-480 Mile End Road, E1.	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.
7.5	PA/09/965	Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 leman Street, Hooper Street) London	Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 772 residential units (Class C3), 650 bedroom student accommodation (sui generis), 351 bedroom hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public open space, landscaping, servicing, plant accommodation, car parking and access and associated works.

<b>Agenda Item number:</b>	7.5
<b>Reference number:</b>	PA/09/965
<b>Location:</b>	Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 Lemman Street, Hooper Street)
<b>Proposal:</b>	Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 772 residential units (Class C3), 650 bedroom student accommodation (sui generis), 351 bedroom hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public open space, landscaping, servicing, plant accommodation, car parking and access and associated works.

## 1.0 REPORT CORRECTIONS

1.1 On page 185, reason for approval 'f' should read as follows;

*"f) The scheme which is located within in the Background Assessment Area of Townscape View 25 of the Mayor's LVMF, poses no significant impact upon views of the Strategically Important Landmark, The Tower of London. The proposal is therefore in accordance with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's London View Management Framework 2007, The Mayors draft London View Management Framework 2009, the Mayor's City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect strategically important views."*

1.2 On page 190, paragraph 4.3, the scheme comprises 772 residential units and not 722 residential units.

1.3 On page 230, paragraph 8.125, 5th bullet point, 2nd sub-bullet point should read as follows;

*"- The set-back between the South-West block and the Berkley Homes development to the south is approximately 17.8m. Given that this relationship is across a public frontage with the basement access ramp intervening, no significant privacy/overlooking impact is posed;"*

1.4 On page 235, paragraph 9.1, the recommendation is for approval and not refusal.

## 2.0 ADDITIONAL REPRESENTATIONS

2.1 Four (4) additional letters in support of the scheme have been received form the organisations; General Public Agency, Toynbee Hall, Whitechapel Gallery and East London Mosque. The following benefits were identified in their comments:

- The contribution of the scheme to improving the neighbourhood in terms of connectivity through the site and well-designed public spaces;
- The reincorporation of this site into the surrounding area which was not previously accessible;
- S106 contributions which include open space, public realm, art and local transport improvements;
- The suitable range of uses and open space provision;
- The regeneration of an unused and underutilised site;

- The development will attract visitors to Aldgate;
- Local people will have greater choice of shopping and services;
- The scheme will blend well [unspecified] with development in Aldgate and community facilities therein.

### **3.0 S106 PLANNING CONTRIBUTIONS**

3.1 On page 186, paragraph 3.1.B, it should be noted for avoidance of doubt that the total £339,300 Sustainable Transport contribution comprises the following components;

- £150,000 (inc £10k feasibility) for pedestrian crossing improvements at Alie Street and Leman Street; and
- £189,300 for bus service improvements.

3.2 On page 187, the total planning contribution is **£5,344,949** as a consequence of securing the following additional monies:

- £3,000 towards the costs of travel plan monitoring.

### **4.0 RECOMMENDATION**

4.1 Other than the above details, there is no change to the recommendation on page 186, paragraph 3.1 which is to **grant** planning permission

# Agenda Item 6.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Planning Application for Decision		
<b>Case Officer:</b> Simon Ryan	<b>Ref No:</b> PA/09/01220		
	<b>Ward:</b> Millwall		

## 1. APPLICATION DETAILS

**Location:** 40 Marsh Wall, London E14 9TP  
**Existing Use:** Office building (Use Class B1)  
**Proposal:** Demolition of existing office building and erection of a 39-storey building (equivalent of 40 storeys on Manilla Street) with three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); together with rooftop plant and associated landscaping. The application also proposes the formation of a taxi drop-off point on Marsh Wall

**Drawing Nos/Documents:**

- Drawing nos. 1065-PL-001-A, 1065-PL-098, 1065-PL-099, 1065-PL-100, 1065-PL-101, 1065-PL-102, 1065-PL-103, 1065-PL-104, 1065-PL-105, 1065-PL-106, 1065-PL-150, 1065-PL-160-A, 1065-PL-170-A, 1065-PL-200, 1065-PL-201, 1065-PL-202, 1065-PL-203, 1065-PL-210, 1065-PL-211, 1065-PL-220, 1065-PL-221, 1065-PL-223, 1065-PL-224, 1065-PL-225, 1065-PL-300, 1065-PL-301, 1065-PL-302, 1065-PL-303, 1065-PL-304, 1065-PL-310
- Design and Access Statement
- Planning Statement prepared by PC Planning & Development Consultants
- Sustainable Energy Strategy Report prepared by Mendick Waring Ltd
- Draft Workplace Travel Plan prepared by JMP Consultants Ltd
- Transport Assessment prepared by JMP Consultants Ltd
- Employment Study prepared by Knight Frank
- Hotel Demand Study prepared by Savills
- Statement of Community Involvement prepared by Lexington Communications
- Environmental Statement – Volume I prepared by URS
- Environmental Statement – Volume II (Townscape & Visual Assessment) prepared by URS
- Environmental Statement – Volume III (Technical Appendices) prepared by URS
- Environmental Statement – Non-Technical Summary prepared by URS
- Informal Cumulative Assessment prepared by URS

Additional Documents

- Verified Views Addendum brochure, dated February 2010
- Technical Traffic & Transport Summary Note, produced by JMP Consultants Ltd, dated 4<sup>th</sup> February 2010

<b>Applicant:</b>	Marsh Wall Chelsea LLP
<b>Ownership:</b>	<ul style="list-style-type: none"><li>• Mr Kamruz, BAK Investments Ltd</li><li>• London Borough of Tower Hamlets (area of highway where taxi drop-off is proposed is LBTH controlled)</li></ul>
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	No

## 2. RECOMMENDATION

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

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

Financial Contributions:

- a) Employment & Training – Provide **£597,608** towards local business support, improving access employment and training for local residents, Enterprise Team and the Skillsmatch service
- b) Transport Infrastructure Improvements - **£298,000** comprising:
  - £150,000 towards footway and carriageway reconstruction beyond the immediate environs of the site
  - £75,000 towards Mastmaker Road/Marsh Wall junction improvements
  - £20,000 towards the provision of TfL DAISY information boards;
  - £50,000 towards the re-provision of a bus stop; and
  - £3,000 towards the funding of Workplace Travel Plan monitoring
- c) Public Art - Provide **£35,000** towards public art within the local area. This is in line with contributions secured in the Millennium Quarter
- d) Tourism and Olympic Signage - Provide **£1,400** towards the installation of an Olympic sign and the provision of three new gates onto the Thames Path
- e) Open Space Provision – Provide **£40,260** towards the provision of open space in the Borough
- f) St Johns Community Centre, Glengall Grove - **£100,000** towards its repair and maintenance
- g) Olympic volunteering programme - **£30,000**
- h) Tower Hamlets leisure marketing and promotion - **£108,000**
- i) Tower Hamlets business tourism marketing programme - **£30,250**

Non-Financial Contributions:

- j) Car-free agreement
- k) TV reception monitoring
- l) Publicly accessible open space – To maintain access across the new public realm
- m) Code of Construction Practice - To mitigate against environmental impacts of construction
- n) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy
- o) Social Compact Obligation to Commit Skills - To provide training and skills development for local secondary school children, apprenticeships and developing employment linkages with the community for the duration of occupancy at the site
- p) Servicing Management Plan – To ensure servicing is undertaken in an appropriate manner
- q) Air quality monitoring during construction



- r) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: **£1,240,518**

- 2.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal agreement has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.
- 2.3 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) Submission of further details on plant, machinery and ventilation
  - 6) Submission of details of external lift
  - 7) Submission of a Servicing Management Plan
  - 8) Submission of a Construction Management Plan
  - 9) Submission of full Travel Plan
  - 10) Details of heat distribution system to be submitted
  - 11) Details of CHP system to be submitted
  - 12) Details of and commitment to connection of scheme to the Barkantine district heating system
  - 13) BREEAM “Excellent Standard”
  - 14) Hotel Management Plan, ensuring the suites are managed as short term accommodation for a period no longer than 90 days;
  - 15) A minimum of 10% of the hotel rooms and serviced apartments shall be designed to be wheelchair accessible
  - 16) Construction Logistics Plan
  - 17) Scheme of highway works to be submitted (s278 agreement)
  - 18) Development to be carried out in accordance with the approved Flood Risk Assessment and associated mitigation measures
  - 19) Submission of groundwater contamination risk assessment
  - 20) Piling only to be carried out with express written consent of LPA
  - 21) Submission of scheme for disposal of foul and surface water
  - 22) Submission of scheme for the protection and monitoring of groundwater
  - 23) Reuse of materials from existing building
  - 24) Submission of details of wildlife habitat measures on roof
  - 25) Provision of a blue-badge disabled parking space
  - 26) Taxi lay-by to be completed prior to the occupation of the building
  - 27) Details of the highway works surrounding the site; and
- Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

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

- 4) Changes to the current licensing exemption on dewatering
- 5) Contact London City Airport regarding cranes and scaffolding
- 6) Contact LBTH Environmental Health
- 7) Contact Environment Agency
- 8) Section 61 Agreement (Control of Pollution Act 1974) required
- 9) Contact London Fire & Emergency Planning Authority

Any other informative(s) considered necessary by the Corporate Director Development & Renewal

### **3. BACKGROUND**

- 3.1 This application for planning permission was reported to Strategic Development Committee on 15<sup>th</sup> December 2009 with an Officer recommendation for approval.
- 3.2 Members indicated that they were minded to refuse the planning application because of serious concerns over:
  - The issue of impact on views from the south of the site
  - The allocation of S106 funding towards highway improvements and footway reconstruction with York stone and granite sets on the south side of Marsh Wall
  - Public transport issues
  - Inadequacy of coach and other vehicular parking facilities
- 3.3 Members resolved to defer making a decision to allow Officer's to prepare a supplemental report setting out the reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Sections 6.3 and 6.4 of this report.

#### Changes to proposed scheme and additional information

- 3.4 Since the deferral of the decision, the applicant has sought to address members concerns by providing additional information with regard to the concerns raised upon views from the south of the site and also the provision of coach parking.
- 3.5 The applicant has provided a further views assessment, entitled '40 Marsh Wall Verified Views Addendum'. The document includes a number of verified cumulative views of the proposed development from a number of viewpoints. Copies will be made available within the Members' pack prior to the Strategic Development Committee meeting.
- 3.6 The applicant has also provided a Technical Traffic & Transport Summary Note, produced by JMP Consultants Ltd, which provides further information upon the development's proposed coach, car, taxi and cycle parking arrangements, together with the servicing arrangements.
- 3.7 Members should also note that a revised s.106 package that seeks to provide an additional sum of £100,000 towards mitigating the impacts of the development, taking the total s106 financial contribution to £1,240,518. Further commentary upon the revised s106 package can be found at paragraph 5.2, below.

### **4.0 ADDITIONAL LETTER OF REPRESENTATION**

- 4.1 One additional letter of representation has been received since the December Strategic Development Committee from the Milton Group, who are an adjoining landowner. The letter follows on from earlier representations (as detailed within paragraph 7.4 of the previous report and also within the update report) and states that they are not convinced that the submitted red line site plan accurately represents the true ownership of the site. The letter has since been passed to the applicant, who has contested this claim.

(OFFICER COMMENT: Officers are satisfied that the submitted Ownership Certificate has been correctly completed and this is therefore not a material planning consideration).

## **5.0 CONSIDERATION OF PROPOSED CHANGES AND FURTHER INFORMATION**

### **Impact on views from the south**

- 5.1 As detailed above, the applicant has produced an additional views assessment. This document contains a number of computer generated images which indicate the proposal's impact upon strategic and local views. From the views assessment, it is evident that the proposed building is not significant enough to raise any concerns with regard to views from the south and, in particular, the Greenwich Park Wolfe statue strategic view. The proposed building would be masked by the silhouettes of surrounding approved developments at Riverside South, City Pride, 2 Hertsmere Road (Columbus Tower) and Heron Quays. Furthermore, the proposal is 5 storeys shorter and considerably more slender than the adjacent 22 Marsh Wall, thereby adding visual relief to the emerging cluster of tall buildings in the area and conforming with policy IOD21's requirement for buildings in this area to taper in height to the south. Members are reminded that the GLA have confirmed that the proposal does not raise any concerns in relation to strategic views.

### **The allocation of s106 funding**

- 5.2 Following Members' concerns arising from the December 2009 Strategic Development Committee meeting with regard to the inappropriate allocation of s106 funds, the applicants have sought to address by offering an additional contribution of £100,000 to be distributed towards local employment initiatives.
- 5.3 Further to the above, officers have agreed with the Council's Highways Department to reduce the transport infrastructure improvements contribution from £859,300 to £298,000. As detailed above within section 2.1 of this report, the increased s106 funds have been reallocated, with £597,608 now allocated towards Employment and Training, including local business support, improving access employment and training for local residents, the Skillsmatch service and, in particular, the Enterprise Team. This team support projects that would look at onsite activity to research the barriers to work, working with community champions and local residents to identify aspirations and link the wants and needs of locals into existing services available, as well as designing new purpose made training and skills services which meet the individual community needs. A £100,000 contribution has also been allocated to the nearby St Johns Community Centre in Glengall Grove.
- 5.4 Contributions towards the promotion of an Olympics Volunteering Programme have also been included. This contribution would assist the 2012 Unit to actively encourage volunteering for the games from its residents to offer an additional opportunity to experience the games, build on the legacy of the games by building on the significant benefits of volunteering and to further develop the capacity of its third sector by promoting volunteering in local communities in the lead up to the Olympic Games.
- 5.5 Contributions towards promoting and raising the profile of Tower Hamlets to a wider audience and attracting business tourism in the area have also been included. The business tourism sector supports numerous businesses in the borough (restaurants, venues, hotels, bars, retail etc), the promotion of which will retain and increase jobs and capture local spend. Similarly, the proposed contribution towards Tower Hamlets leisure marketing would enable numerous guides to the Borough to be produced, including the Olympics and cultural walks.

### **Coach Parking Provision and Public Transport Impacts**

- 5.6 As detailed above, the applicant has provided a Traffic & Transport Summary Note, which reiterates the proposed coach, car, taxi and cycle parking arrangements, together with the servicing arrangements associated with the development. The Council's Highways Department have been reconsulted and advise that their original comments still stand and no objections are raised.
- 5.7 Members are reminded that the Council's Highways officers have considered site accessibility, parking, s106 requirements including car free development and transport infrastructure improvements, accessible parking for people with a disability, site access to the public highway, servicing/refuse/deliveries, coach parking, visibility splays, cycle parking, pedestrian infrastructure and advise that there are no significant detrimental impacts to consider.
- 5.8 Given the advice above, officers remain of the opinion that parking facilities and public transport impacts are acceptable and that a reason for refusal on this basis would, at best, be difficult to defend on appeal.

## 6.0 Conclusions

- 6.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS appended to this report and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.
- 6.2 However, if Members are minded to refuse the application, **subject to any direction by the Mayor of London** the following suggested reasons for refusal are as follows:
- 6.3 That the Committee resolve to **REFUSE** planning permission:
- A. Any direction by the Mayor of London.

For the following reasons:

1. The proposed development, by virtue of its excessive height and bulk, would appear out of character with the surrounding area. 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, DEV27 and IOD21 of the Council's Interim Planning Guidance 2007 which seek to ensure development and tall buildings in particular are of an appropriate design, height, scale and mass.
2. The proposed development would result in unacceptable traffic and parking impacts and as such is contrary to Policies 2A.1, 3A.7, 3C.1, 3C.2, 3C.19, 3C.20 of The London Plan (Consolidated 2008), PPS1, PPG13, Policy ST25, ST28, ST30, T16, T18, T19, T21 of the LBTH UDP 1998, Policies DEV17, DEV18, DEV19 of the LBTH IPG 2007 which seek to ensure the proposal does not impact on the local road system.
3. The planning obligations are considered inadequate to mitigate against the impact of the development. 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.

#### 6.4 Implications of the decision

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

1. Resubmission of an amended scheme to overcome reasons for refusal;
2. The applicant could appeal the decision and submit an award costs application against the Council.
3. 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 and are necessary to enable the development to proceed.

The Council would vigorously defend any appeal.

#### **7.0 APPENDICIES**

7.1 Appendix One - Committee Report to Members on 15<sup>h</sup> December 2009

7.2 Appendix Two – Addendum Report to Members on 15<sup>th</sup> December 2009

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

## 1. APPLICATION DETAILS

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



## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.

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

### 3. RECOMMENDATION

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

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

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

#### Financial Contributions:

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

#### Non-Financial Contributions:

- f) Car-free agreement
- g) TV reception monitoring
- h) Publicly accessible open space – To maintain access across the new public realm
- i) Code of Construction Practice - To mitigate against environmental impacts of construction
- j) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy
- k) Social Compact Obligation to Commit Skills - To provide training and skills development for local secondary school children, apprenticeships and developing employment linkages with the community for the duration of occupancy at the site
- l) Servicing Management Plan – To ensure servicing is undertaken in an appropriate

manner

- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

### **Conditions**

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

### **Informatives**

- 1) Section 106 agreement required
- 2) Section 278 & 72 Highways agreements required
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows
- 4) Changes to the current licensing exemption on dewatering
- 5) Contact London City Airport regarding cranes and scaffolding
- 6) Contact LBTH Environmental Health
- 7) Contact Environment Agency

- 8) Section 61 Agreement (Control of Pollution Act 1974) required
- 9) Contact London Fire & Emergency Planning Authority
- 10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

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

##### **Proposal**

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

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

- 4.6 The site is located within the northern part of the Isle of Dogs, on the western end of Marsh Wall. The site is roughly triangular in shape with its boundaries formed by Marsh Wall to the north, Cuba Street to the west and Manilla Street to the south. There is a level change between the north and the south of the site, with Cuba Street and Manilla Street accessed via existing steps from Marsh Wall.
- 4.7 The site is occupied by a five storey (including ground and basement) office building with retail and professional services at ground floor level. The existing building occupies almost

the whole site and was built in 1992 alongside an almost identical building upon the neighbouring site, 30 Marsh Wall. Between the two buildings are a set of public steps which provide a link between Marsh Wall and Manilla Street. The applicant details that the steps are in unknown third party ownership.

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

### **Relevant Planning History**

- 4.14 The following planning decisions are relevant to the application:
- |             |   |
|-------------|---|
| ID/94/00135 | Planning permission was granted by the London Docklands Development Corporation for the 'Formation of pedestrian steps between Marsh Wall and Cuba Street in conjunction with landscaping' on 3 <sup>rd</sup> November 1994 |
| PA/03/00547 | Planning permission was granted on 10 <sup>th</sup> June 2003 for the change of use of ground floor unit from use Class B1 (office) to use Class A2 (financial and professional services)                                   |

## 5. POLICY FRAMEWORK

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

### Unitary Development Plan

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

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

Proposals:		Major Centre (borders) Flood Risk Area
Core Strategies:	IMP1	Planning Obligations
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP13	Hotels and Serviced Apartments
	CP15	Provision of a Range of Shops
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP33	Site of Nature Conservation Importance
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design

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

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

2A.1	Sustainability Criteria
3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London's economy
3B.9	Tourism Industry
3B.11	Improving Employment Opportunities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.23	Parking strategy
3D.1	Supporting town centres
3D.3	Improving retail facilities
3D.7	Visitor Accommodation and Facilities
3D.14	Biodiversity and nature conservation
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.12	Flooding
4A.13	Flood risk management

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

**Government Planning Policy Guidance/Statements**

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

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

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

**6. CONSULTATION RESPONSE**

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

**LBTH Access to Employment**

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

**LBTH Communities, Leisure and Culture**

6.3 Cultural Services have requested s106 contributions towards leisure facilities and a £193,370 contribution towards open space provision in the Borough. (OFFICER COMMENT: A Social Impact Obligation to Commit Skills has been secured within the s106 agreement to provide training and skills development for local secondary school children, apprenticeships and developing employment linkages with the community for the duration of occupancy at the site. With regard to open space provision, the requested figure is to be discounted by the



amount of open space provided on site which is 589m<sup>2</sup>. Based on laying out costs for open space this equates to a discount of approximately £153,140 (£260/m<sup>2</sup> \* 589m<sup>2</sup>) (as set in News International and Wood Wharf approvals). Accordingly, a financial contribution of **£40,260** is requested)

#### **LBTH Energy Efficiency**

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

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

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

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

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

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

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

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

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

#### **LBTH Highways**

- 6.9 Highways considered the proposal to be acceptable in highways terms and the impact upon the highway and public transport network can be mitigated through s106 contributions, section 278 and 72 Highways agreements.
- 6.10 Parking and Disabled Parking: Highways have no objections to the development being car free. The proposed levels of cycle and disabled parking are acceptable.
- 6.11 Highway Impact and Trip Generation: The TRAVL database comparison sites used for the trip generation of the proposed development are satisfactory. The trips generated (persons and vehicles) demonstrate that the increase would not have an adverse impact on both the highway network and public transport which cannot be mitigated.
- 6.12 Drop Off & Pick Up: Drop off and pick up will take place on Marsh Wall. A lay-by would be provided on the southern side of Marsh Wall and will be positioned directly in front of the site, secured by way of section 278 & 72 Highways Agreements, which will also ensure that a footpath with a minimum width of 2 metres is maintained. The lay-by will not be for the sole use of 40 Marsh Wall since it would be constructed on the public highway. (OFFICER NOTE: A condition has been attached that requires the prior agreement of the necessary highways works. These are separate to the s106 contribution works, as detailed above)
- 6.13 Coach Parking: The LBTH Interim Planning Guidance requires 1 coach parking space per 100 hotel bedrooms. This has not been provided due to site constraints. The applicant has demonstrated that coach trips will be discouraged and clients will be encouraged to use

executive coaches and mini-buses which can easily be accommodated on Cuba and Manilla Street. In the event that a large coach is used, the hotel operator will ensure a Banksman is available to oversee its activity on the highway. It was also demonstrated that such a 'boutique hotel' would be unlikely to generate such coach trips.

- 6.14 Servicing: This will take place off the highway through a servicing bay on Manilla Street. A Service Management Plan should be provided, as well as a Construction Management Plan. (OFFICER COMMENT: Conditions have been attached requiring the provision of a Servicing Management Plan and a Construction Management Plan prior to implementation).
- 6.15 Section 106 Contributions: Financial contributions are required towards footway reconstruction with granite kerbs and York stone paving and also carriageway resurfacing on southside of Marsh Wall between the Millennium Quarter and Westferry Circus. Grand total - **£786,300**. (OFFICER COMMENT: the requested contribution has been secured within the s106 agreement)

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

- 6.16 No comments received.

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

- 6.17 No comments received.

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

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

#### **EDF**

- 6.19 No objections.

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

- 6.20 No objections.

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

- 6.21 No objections.

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

- 6.22 No objections, subject to the attachment of a number of conditions relating to flood risk assessment, contamination, piling and protection of water quality. Informatives are also recommended regarding the protection of the aquatic environment, both groundwater and surface water. (OFFICER COMMENT: Conditions and informatives have been attached accordingly).

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

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

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

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

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

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

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

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

#### **London Wildlife Trust**

- 6.29 No comment.

#### **London Underground (statutory consultee)**

6.30 No objections.

**Maritime Greenwich - World Heritage Site Coordinator**

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

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

6.32 No comments received.

**Natural England (statutory consultee)**

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

**Thames Water (statutory consultee)**

6.34 No comments.

**Transport for London (statutory consultee)**

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

**7. LOCAL REPRESENTATION**

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

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

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

- The number of hotels in the area has destroyed the local character
- The proposed building will dramatically change the skyline of the area
- There is an over-concentration of hotels within the area
- The proposed development will not be accessible to local residents
- There are no benefits of the scheme to local residents
- The loss of the existing 'Office Angels' employment agency will be detrimental to local

residents

- The area needs smaller homes for young couples and older people rather than hotels
- Marsh Wall is often partially blocked by coaches serving the International Hotel and this proposal will exacerbate existing traffic problems on Marsh Wall

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

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

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

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

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

### **Land Use**

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

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

8.4 According to the London Plan, tourism is seen as a key growth industry for London. To accommodate this growth, policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity Areas as priority locations for new hotel accommodation and seeks to maximise densities. Policy 3D.7 also supports a wide range of tourist accommodation, such as serviced apartments.

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

the provision of hotel accommodation with associated ancillary commercial facilities in this location is supported by the development plan.

## **Employment**

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

## Design

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

## Analysis

- 8.25 The application proposes the erection of a 39 storey building (40 storeys upon Manilla Street due to a level change across the site) with an area of hard and soft landscaping which sets the building away from Marsh Wall and Cuba Street. The height of the proposed building is 127.15m AOD.
- 8.26 The site is located upon a curve in Marsh Wall, creating a triangular site within close proximity of the 22 Marsh Wall and Arrowhead Quay development sites, as detailed above within section 4 of this report. The busy nature of the area, together with its close proximity to the Canary Wharf estate, has resulted in the emergence of an interesting cluster of tall buildings around the site.
- 8.27 The proposal was discussed at pre-application stage. The applicants have responded to all of the Council's Design Officer's comments and the result is a refined and well considered design which responds to surrounding consented buildings and context. There is a particular emphasis on high quality façade treatments and a quality public realm, with accessible and active frontages to Marsh Wall, Cuba Street and Manilla Street.
- 8.28 Architecturally it is a visually distinctive building. The building is visually separated into two sections – a 9-storey plinth at the base and an interlocking 39/40 storey tower. The plinth is



orientated to the east/west in order provide a better volumetric relationship to, and continue the emerging 9-storey street scene within Cuba Street and Manilla Street as formed by the recent development at 22 Marsh Wall and the neighbouring 30 Marsh Wall, as shown below within **figure 1**. The plinth is proposed to be clad in a distinctive smooth glazed cladding system, made up of a mixture of saffron-hued glass panels which increase in transparency towards ground level in order to create active frontages.

- 8.29 The tower element of the proposed building is formed by two interlocking rectilinear and curved elements, which create a slim, elegant profile that responds well to the site's location upon the curve of Marsh Wall. The façade treatment of the rectilinear element of the tower comprises a series of opaque and transparent vertical flush glazing with horizontal aluminium channels at alternative levels. The interlocking curved element of the tower uses a triple height glazing system with projecting vertical aluminium fins which contrasts the horizontal rhythm of the rectilinear element. It is considered that the building would add visual interest and contrast to the emerging cluster of tall buildings at this western end of Marsh Wall, from both a local perspective at street level and from longer distance views.



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

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

- 8.31 The GLA's Stage I report states:

*"For the most part, the proposed building will appear amongst a skyline of other tall*

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

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

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

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

8.34 With regard to CABE's comments as detailed above, whilst there is no masterplan in place for this area of the Isle of Dogs, it is considered that the vast number of development plan policies (listed above), comprising the London Plan, UPD, IPG and IODAAP, provide sufficient guidance to ensure the appropriate redevelopment of this site. Furthermore, it should also be noted that, as detailed above, a number of developments of a similar scale to

that proposed are located within close proximity to the application site and a number of other sites within the area have been or are engaged within the Council's formal pre-application process. Accordingly, officers are seeking to ensure a coherent, sustainable approach to the redevelopment of the area is achieved.

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

#### Heritage Issues

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

#### Accessibility and Inclusive Design

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

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

#### Safety and Security

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

#### **Amenity**

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

#### Sunlight/Daylight

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

*required*". However, in accordance with the guidance, and with best practice, where there is no guidance on the acceptable level for non-domestic buildings, commercial buildings are usually assumed not to require sunlight, and as such, is not included within the assessment.

*a. Surrounding Daylight/Sunlight*

- 8.54 The submitted Environmental Statement has tested the impact of the proposal upon the habitable rooms within the North Pole Public House, 1-7 Bellamy Close and 19-26 Cuba Street. Other surrounding buildings are considered non-habitable and are therefore detailed assessments are not considered necessary. The Council's Environmental Health Officer has agreed this approach.
- 8.55 Overall, the analysis undertaken demonstrates that the impact of the proposed development is negligible with regard to daylight. The majority of windows at 19-26 Cuba Street will receive increased levels of daylight as a result of the proposed building reducing in width compared to the existing building, whilst there will be a minor adverse impact upon daylight levels to 4 of the 8 windows at the North Pole public house. In total, out of the 88 windows tested, 18 would be adversely affected by the proposal as a result of having a Vertical Sky Component (VSC) loss of over 20%.
- 8.56 Regarding sunlight, the BRE guidelines state that "*access to sunlight should be checked for the main window of each room which faces within 90 degrees of due south*". None of the windows that are considered to be affected by the proposal face within 90 degrees of due south and, as such, it is not considered necessary to test them.
- 8.57 On balance, it is acknowledged that there will be a loss of daylight to a small number of windows at the North Pole public house and 19-26 Cuba Street as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.
- 8.58 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the habitable rooms surrounding the site comply with the BRE daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

*b. Internal Daylight Assessment*

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

*c. Overshadow*

- 8.60 The BRE report advises that for an amenity area to appear adequately sunlit throughout the year no more than two-fifths (40%) and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.
- 8.61 The results of the submitted permanent overshadowing assessment indicates that 4.4% of

the proposed amenity space will be in permanent shadow on March 21<sup>st</sup>. This level is well within the BRE guideline criteria and the impact of the proposal is considered to be minimal.

#### Air Quality

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

#### Wind

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

#### Noise and Vibration

- 8.67 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.
- 8.68 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments.
- 8.69 Within the submitted Environmental Statement, the applicant undertook a noise assessment. The Council's Environmental Health officer had no objection to the scheme subject to appropriate noise and vibration conditions. The scheme is therefore considered acceptable.

#### Privacy/ Overlooking

- 8.70 Issues of privacy/overlooking are to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.
- 8.71 The proposed Hotel/ Serviced Apartments are not a form of permanent housing and therefore

are considered to be non-domestic buildings. The North Pole public house habitable windows are located approximately 9 metres directly south of the site. However, the existing building at 40 Marsh Wall abuts the site boundary and the present separation distance is equal. Whilst the proposed building overhangs the pavement to the south above the 9/10 storey plinth, it is considered that no overlooking would occur as the north pole public house is considerably shorter at 4 storeys. There is a minimum separation distance of 10m between the application site and the habitable windows at 19-26 Cuba Street, which is considered to be acceptable in such an urban environment. Accordingly, there are no privacy concerns raised by the proposed development.

## **Highways & Transportation**

### Access

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

### Car and Cycle Parking

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

### Servicing and Refuse Provisions

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

### **Energy Efficiency & Sustainability**

- 8.82 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.
- 8.83 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:
- Reduce the carbon dioxide and other 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.
- 8.84 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised energy networks; and requiring applications to demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.



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

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

**Table 1: Proposed carbon emission reductions**

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

### **Other Planning Issues**

#### Biodiversity

- 8.91 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor British Waterways raised any objections to the proposal on such

grounds. As detailed above, Natural England requested that Black Redstart habitats be provided at roof level. The applicant has since provided a revised roof plan which incorporates an element of brown roofing. A condition has also been attached requiring the submission of details of ecological enhancements.

#### Flooding

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

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

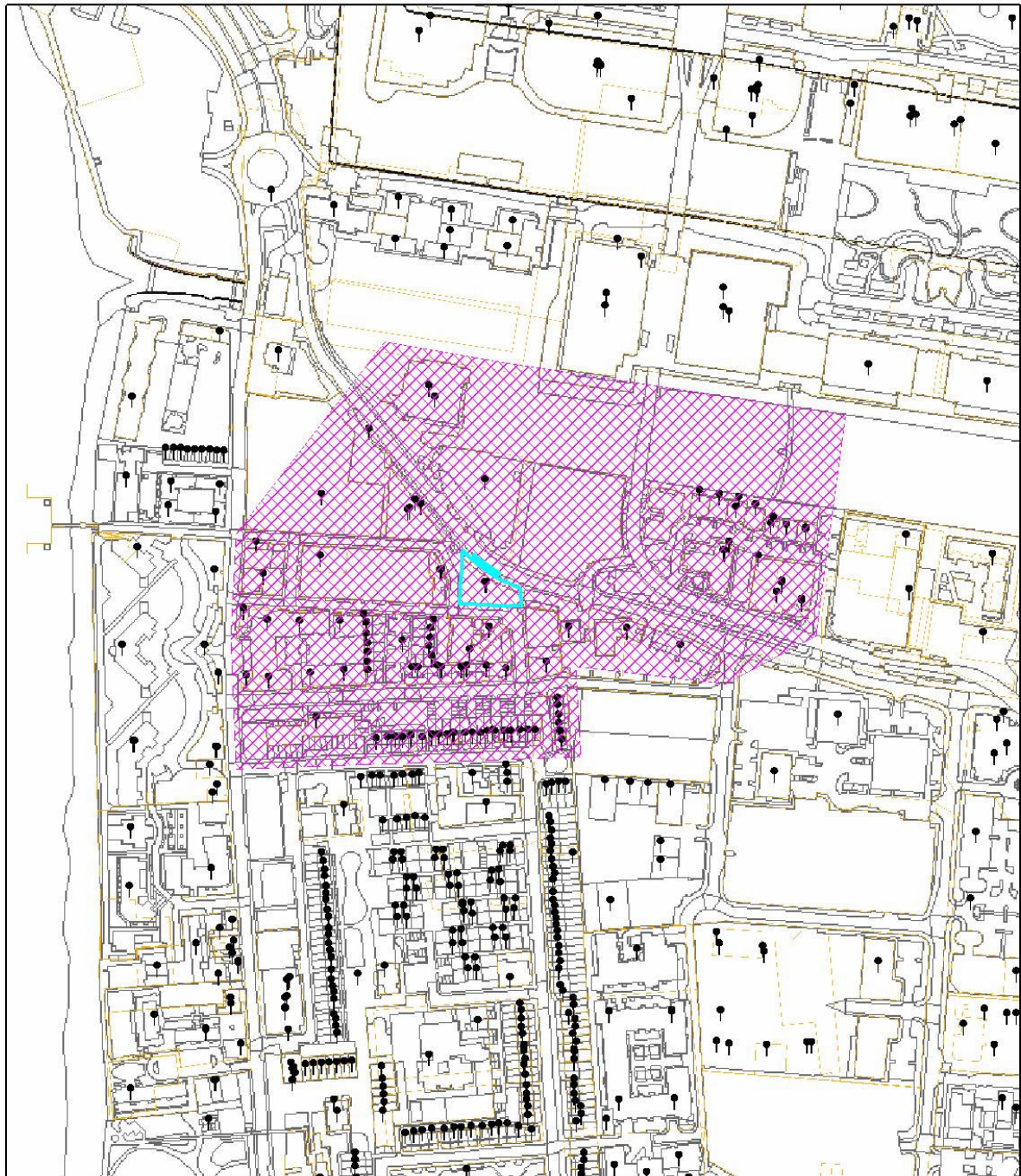
#### Environmental Statement

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

#### **Conclusions**

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

# Planning Application Site Map



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



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



# STRATEGIC DEVELOPMENT COMMITTEE

Tuesday 15<sup>th</sup> December 2009 at 7.00 pm

## UPDATE REPORT OF HEAD OF DEVELOPMENT DECISIONS

<u>Index</u>			
<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal</b>
6.1	PA/09/01198	Jobcentre Plus, 60 Commercial Road, London, E1 1LP	Demolition of existing building and erection of a 21 storey building plus basement to provide retail / commercial / community unit (Use Class A1, A2, A3, A4, B1, or D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works.
7.1	PA/09/02065 (Planning Permission) PA/08/02066 (Conservation Area Consent)	The Eric and Treby Estates, Treby Street, Mile End, London.	PA/09/02065 (Full Planning Permission) Regeneration of Eric and Treby Estate comprising the refurbishment of existing buildings the demolition of 14 bed-sit units at 1-14 Brokesley Street and the erection of buildings between 1 and 7 storeys to provide 179 residential units (comprising: 19 x studio, 61 x 1 bed, 52 x 2 bed, 38 x 3 bed and 9 x 5 bed), two new community buildings of 310sq.m and 150sq.m, a new housing management office of 365sq.m and 251sq.m of commercial space and the introduction of an estate wide landscape improvement scheme.  PA/09/02066 (Conservation Area Consent) Demolition of 1-14 Brokesley Street

7.2	PA/09/01220	40 Marsh Wall, London E14 9TP	Demolition of existing office building and erection of a 39-storey building (equivalent of 40 storeys on Manilla Street) with three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); together with rooftop plant and associated landscaping. The application also proposes the formation of a taxi drop-off point on Marsh Wall
7.4	PA/09/1961	438-480 Mile End Road, E1.	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.
7.5	PA/09/965	Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 leman Street, Hooper Street) London	Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 772 residential units (Class C3), 650 bedroom student accommodation (sui generis), 351 bedroom hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public open space, landscaping, servicing, plant accommodation, car parking and access and associated works.

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/09/01220
<b>Location:</b>	40 Marsh Wall, London E14 9TP
<b>Proposal:</b>	Demolition of existing office building and erection of a 39-storey building (equivalent of 40 storeys on Manilla Street) with three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); together with rooftop plant and associated landscaping. The application also proposes the formation of a taxi drop-off point on Marsh Wall

## 1 REPORT CORRECTION

- 1.1 The drawing numbers detailed within section 1 of the report should also include drawing no. 1065 PL-204.

## 2 ADDITIONAL REPRESENTATION

- 2.1 An additional letter has been received from Charles Russell LLP, who act on behalf of adjoining land owners. The letter follows on from their earlier representation (as detailed within paragraph 7.4 of the report) and states that their client owns various parcels of land at and around 40 Marsh Wall, and they are not convinced that the submitted red line site plan accurately represents the true ownership of the site. The letter has since been passed to the applicant, who has contested this claim and provided a copy of the Land Registry title plan. (OFFICER COMMENT: Officers are satisfied that the submitted Ownership Certificate has been correctly completed and this is therefore not a material planning consideration).

## 3 RECOMMENDATION

- 3.1 That Member's note the comments made. The recommendation given at section 3.1 of agenda item 7.2 is unchanged.

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# Agenda Item 6.3

<b>Committee:</b> Strategic Development	<b>Date:</b> 16 <sup>th</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Planning Application for Decision		
<b>Case Officer:</b> Laura Webster	<b>Ref No:</b> PA/09/2099		
	<b>Ward:</b> Limehouse		

## 1. APPLICATION DETAILS

<b>Location:</b>	Site at 82 West India Dock Road and 15 Salter Street, London E14
<b>Existing Use:</b>	Vacant site (former commercial buildings now demolished)
<b>Proposal:</b>	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
<b>Drawing Nos/Documents:</b>	<p>Drawings: 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: - 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 6<sup>th</sup> October 2009 - Transport Assessment September 2009 - Radio and Television Reception Impact Assessment 8<sup>th</sup> September 2009 - Flood Risk Assessment October 2009 - Noise and Vibration Assessment 6 October 2009 - Wind Microclimate Study 16<sup>th</sup> 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</p>
<b>Applicant:</b>	Aitch Group
<b>Ownership:</b>	West India Dock Road Ltd
<b>Historic Building:</b>	No
<b>Conservation Area:</b>	No

## **2. BACKGROUND**

- 2.1 This application for planning permission was reported to Strategic Development Committee on 2<sup>nd</sup> February 2010 with an Officer recommendation for approval.
- 2.2 Members indicated that they were minded to refuse the proposal for the following reasons:
- The height, bulk and mass of the proposed building and impact upon public realm;
  - The possible inadequacy of the degree of public consultation undertaken;
  - The loss of 6 street car parking spaces;
  - Hotel use being incompatible with the residential nature of the area.

## **3. CONSIDERATION OF REASONS**

### **Height, bulk and mass of the proposed building**

- 3.1 The height, bulk and mass of the proposed building is considerably less than the extant permission on the site. The extant permission is up to 20 storeys in height and up to 7 storeys in height on the Salter Street elevation. This permission was granted on appeal by the Planning Inspectorate, despite the Council's argument that the scheme was too high and bulky. In these circumstances, it is highly unlikely that an argument that the proposal is unacceptable on height, bulk and scale grounds is likely to be successful and there is a possibility that a refusal on these grounds could be seen being unreasonable. Officers therefore recommend that this proposed reason for refusal is not pursued.
- 3.2. All impacts on the surrounding public realm have been assessed and are considered acceptable by officers.
- 3.3 Nevertheless, to address Members concerns about the impact of this scheme on the wider area, Officers have negotiated two new heads of terms to address their concerns about the wider impact of the scheme on the adjacent area:
1. A payment of £125,000 towards leisure and recreation facilities in the local area, including the improvement of Poplar, Bartlett and/or Mile End Park.
  2. A requirement that the applicant participates in the Council's 'Skillsmatch' job brokerage service to ensure local people benefit from the new jobs created by this development.
- 3.4 Officers believe that these additional S106 contributions mitigate Members concerns.
- ### **Car Parking**
- 3.5 The loss of car parking to the north of the site has been considered and is acceptable in highways terms. The loss of car parking only arises as a result of the requirement to implement a comprehensive and successful public realm strategy, which would greatly improve the local area. The applicants have indicated that they are willing to amend the public realm scheme within the S.106 to retain the car parking spaces. However, officers consider this would compromise the success of the public realm improvements.
- ### **Consultation**
- 3.6 Consultation was carried out by the Council in line with statutory requirements. The applicant also carried out their own public consultation exercise to properties within a 250 metre radius of the site (1229 properties in total), prior to submission of the application. The Council's legal officer advised the committee that a reason for refusal on the basis on inadequate consultation could not be sustained on appeal given the statutory consultation requirements had been complied with. Officers therefore do not

recommend that this is considered as a reason for refusal.

### **Hotel Use**

- 3.7 The argument that a hotel use at the site is unacceptable and is contrary to planning policy would be impossible to sustain. The London Plan, the Council's Interim Planning Guidance and Core Strategy (December 2009) all support the principle of a hotel use at this site. The use is therefore considered acceptable within this location.

### **Costs at appeal**

- 3.5 Government Advice Circular 03/2009 states:

*'Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.'*

## **4.0 CONCLUSION**

- 4.1 Planning permission should be APPROVED for the reasons set out in the RECOMMENDATION at the beginning of the report to committee dated 2<sup>nd</sup> February 2010 which is appended to this report, subject to the addition of the new clauses in the proposed S106 agreement, outlined in paragraph 3.3 of this report.

## **5.0 APPENDICIES**

- 5.1 Appendix One - Committee Report to Members on 2<sup>nd</sup> February 2010  
5.2 Appendix Two – Addendum Report to Members on 2<sup>nd</sup> February 2010

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

## 1. APPLICATION DETAILS

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<b>Drawing Nos:</b>	<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"> <li>- Design and Access Statement dated October 2009</li> <li>- Planning Impact Statement dated October 2009</li> <li>- Construction Methodology Report 15 September 2009</li> <li>- Construction Environmental Management Plan August 2009</li> <li>- Daylight and Sunlight Report, GL Hearn 6<sup>th</sup> October 2009</li> <li>- Transport Assessment September 2009</li> <li>- Radio and Television Reception Impact Assessment 8<sup>th</sup> September 2009</li> <li>- Flood Risk Assessment October 2009</li> <li>- Noise and Vibration Assessment 6 October 2009</li> <li>- Wind Microclimate Study 16<sup>th</sup> September 2009</li> <li>- Air Quality Assessment October 2009</li> <li>- Lighting Technical Report September 2009</li> <li>- London City Airport Aviation Assessment</li> <li>- Utility Services Requirements October 2009</li> <li>- Code of Construction Practice August 2009</li> <li>- Phase I Geotechnical Assessment September 2009</li> <li>- Sustainable Energy Strategy December 2009</li> <li>- Sustainability Report 19 December 2009 Rev B</li> </ul>
<b>Applicant:</b>	Aitch Group
<b>Owners:</b>	West India Dock Road Ltd
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, 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 3<sup>rd</sup> 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 (2<sup>nd</sup> October 2009)' and 'Sustainability Energy Strategy (19<sup>th</sup> December 2009)'
- 12) The renewable energy technologies shall be implemented in accordance with the proposals made in the 'Sustainability Energy Strategy (2<sup>nd</sup> October 2009)' and 'Sustainability Energy Strategy (19<sup>th</sup> 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 9<sup>th</sup> 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 chauffer 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 6<sup>th</sup> 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 6<sup>th</sup> 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.

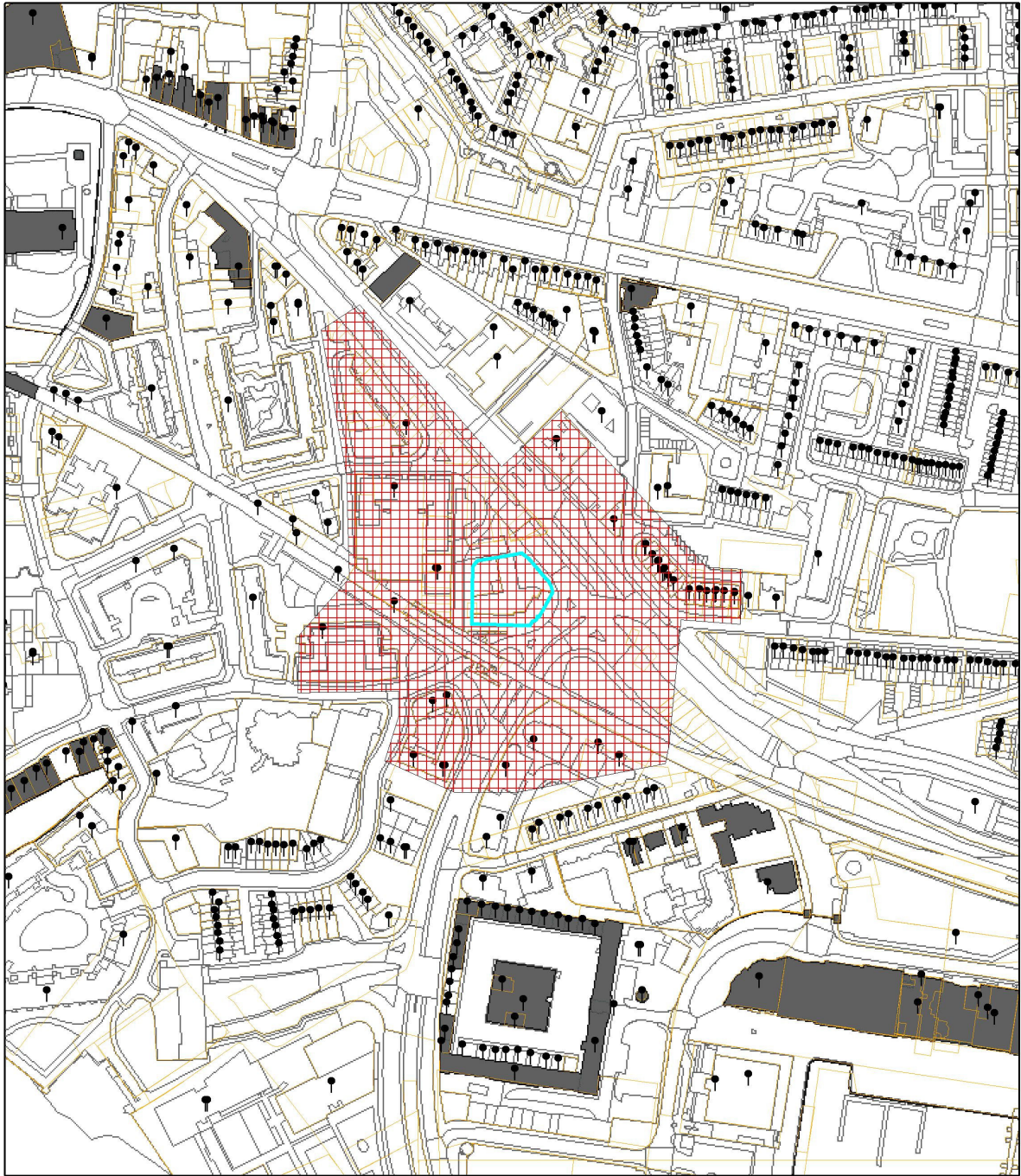
### **Other**

- 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.

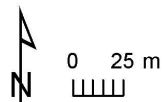
## **9.0 CONCLUSIONS**

- 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





**STRATEGIC DEVELOPMENT COMMITTEE**Tuesday 2<sup>nd</sup> February 2010 at 7.00 pm**UPDATE REPORT OF HEAD OF DEVELOPMENT DECISIONS**

<u>Index</u>			
<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal</b>
6.1	PA/09/1961	438-480 Mile End Road, E1.	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.
7.2	PA/09/2100	Brownfield Estate, London, E14	<p>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) &amp; I (2)).</p> <p>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 &amp; 19 x 3 bed) and 150 sq.m community facility (Class D1) - Site E</p> <p>Erection of a part 4 &amp; part 5 storey building and its use as 23 residential units (8 x 2 bed, 4 x 3 bed, 10 x 4 bed &amp; 1 x 5 bed) - Site G</p> <p>Erection of a two storey building and its use as 4 four bedroom houses. - Site I (1)</p> <p>Erection of a three storey building and its use as 2 four bedroom and 3 five bedroom houses - Site I (2).</p>
7.3	PA/09/02421	Sainsbury's Foodstore, 1 Cambridge Heath Road, London, E1 5SD	Installation of temporary car park to maintain existing customer car parking levels (258) during Crossrail works on adjacent site.

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7.4	PA/09/2099	Site at 82 West India Dock Road and 15 Salter Street, London	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
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<b>Agenda Item number:</b>	7.4
<b>Reference number:</b>	PA/09/2099
<b>Location:</b>	Site at 82 West India Dock Road and 15 Salter Street, London
<b>Proposal:</b>	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

## 1. ADDITIONAL COMMENTS

- 1.1. Two additional representations have been received following publication of the report.
- 1.2. One representation from Tower Hamlets College in support of the application. An agreement in principle has been made between the college and the applicant whereby the college would provide a bespoke training package to the hotel operator, ensuring local employment opportunities are offered to local people. There is a pressing demand for such schemes and the proposal could support a regular training and employment scheme for up to 40 young people within the borough. As such Tower Hamlets College, support the application.
- 1.3. One representation from LBTH Inward Investment and Business Tourism has been received. This states that hotels offer a range of jobs, many at entry level. With the expansion of Canary Wharf and developments such as Wood Wharf, the demand for hotel rooms in the area will become even more acute. In addition with ExCel London expanding and the continued success of the O2, this creates demand at the weekend for hotel accommodation in the Canary Wharf area. Conference and meeting room facilities are often used by the large number of local businesses in Tower Hamlets as they do not have the facility to entertain or present in their offices.

## 2. PUBLIC REALM WORKS

- 2.1 To clarify, the estimated costs for the applicant to carry out the public realm improvements as secured by the section 106 are as follows:
  - **£200,000** for highway improvements
  - **£230,000** for public realm works within the site boundary
  - **£15,000** contribution to DLR to carry out improvements works to the DLR entrance steps
  - **£50,000** for improvements to the area to the north of the site
- 2.2 As such, the total contribution from the applicant towards public realm improvements will be in the region of **£480,000 + £15,000** (DLR contribution).

## 3. RECOMMENDATION

- 3.1 The officer recommendation remains unchanged and planning permission should be GRANTED for the reasons outlined in Section 2 of the main report.

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# Agenda Item 7

<b>Committee:</b> Development	<b>Date:</b> 16 <sup>th</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> See reports attached for each item	

## 1. INTRODUCTION

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

## 2. FURTHER INFORMATION

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

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

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the development plan and other material policy documents. The development plan is:
  - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
  - the 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.

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

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

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

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

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

#### **5. RECOMMENDATION**

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

# Agenda Item 7.1

<b>Committee:</b> Strategic	<b>Date:</b> 16 <sup>th</sup> March 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application and Listed Building Consent
<b>Case Officer:</b> Mary O'Shaughnessy	<b>Ref No:</b> PA/08/01034 and PA/08/01035
	<b>Ward:</b> Whitechapel

## 1. APPLICATION DETAILS

**Location:** 33-35 Commercial Road, London, E1 1LD

**Existing Use:**

**Proposal:** Demolition of all buildings on site (except the former St Georges Brewery and associated building on Assam Street Warehouse).  
Erection of a building comprising one basement, ground plus 17 storeys (maximum) to be used as student accommodation (Sui Generis) and associated uses.  
Erection of ground floor plus two and six storey buildings along Commercial Road for retail (Use Class A1) and/or offices (Use Class B1) and non residential institutions (Use Class D1).  
Refurbishment of and alterations to the former St Georges Brewery for use as offices (Use Class B1) and/or non residential institutions (Use Class D1).  
Refurbishment of and alterations to the Assam Street warehouse for use as student accommodation.  
Provision of a total of 406 cycle parking spaces for student and commercial use.  
Alterations to pedestrian accesses into the site and provision of a vehicular servicing access off Assam Street.  
Works of hard and soft landscaping and other associated works.

**Drawing Nos/Documents:** Drawings:  
30-000 REV3, 30-001 REV3, 30-010 REV4, 30-020 REV3, 30-030 REV3, 30-040 REV3, 30-050 REV3, 30-060 REV3, 30-070 REV3, 30-080 REV3, 30-090 REV3, 30-160 REV3, 30-170 REV3, 30-180 REV3, 30-190 REV3, 30-200 REV3, 30-300 REV3, 30-400 Rev1, 30-401 REV2, 30-402 REV2, 30-403 REV 2, 30-404 REV2, 30-405 REV2, 30-406 REV2, 30-410 REV2, 30-411 REV1, 30-412 REV1, 30-500 REV3, 30-501 REV3, 30-502 REV3, 30-503 REV3, 30-504 REV2, 30-600 REV3, 30-601 REV 2, 30-602 REV 3, 30-603 REV 2, 30-604 REV3, 30-605 REV3, 30-700 REV2, 30-701 REV2, 30-702 REV2, 30-703 REV1, 30-704, 30-705, 30-710 REV1, 30-711 REV1,

EIA Documents:

Environmental Statement Volume I June 2008  
prepared by URS Corporation Limited,  
Environmental Statement Volume II, Townscape &  
Visual Assessment prepared by Broadstone Limited,  
Environmental Statement Volume III Technical  
Appendices June 2008, prepared by Broadstone  
Limited

Non-Technical Summary, June 2008, prepared by  
URS,

Addendum EIA Reports:

Additional Views received dated 25<sup>th</sup> November 2008  
Memorandum Bats and Breeding Birds, dated 3<sup>rd</sup>

March 2009 prepared by URS

Updated ES Chapter 14 Noise and Vibration following  
REG19 request dated 16<sup>th</sup> December 2008, prepared  
by URS,

Letter dated 13<sup>th</sup> October 2008 with attached table  
addressing REG19 request,

Addendum Daylight & Sunlight Information received via  
letters dated 3<sup>rd</sup> December 2008, 11<sup>th</sup> May 2009, 26<sup>th</sup>  
March 2009, April 2009, 5<sup>th</sup> August 2009 with  
attachments and 29<sup>th</sup> October 2009 with attachments.

Other Documents:

Design and Access Statement dated May 2008

prepared by Burland,

Design and Access Addendum dated November 2008,  
prepared by Burland,

Design and Access Addendum dated November 2009,  
prepared by Burland,

Planning Statement, June 2008, prepared by DP9,

Energy Strategy Report dated 3<sup>rd</sup> November 2008

prepared by HOARE LEA and update received dated  
14<sup>th</sup> November 2008,

Statement of Community Involvement, prepared by  
Indigo Public Affairs,

Broadstone Ltd.

**Applicant:**

**Ownership:**

**Historic Building:**

**Conservation Area:**

Various

Grade II

N/A

**2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FULL PLANNING PERMISSION**

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

2.2 The mixed use student housing led scheme is considered acceptable at this location, given the re-provision of higher quality office floors space, the benefits or providing student accommodation to support London Metropolitan University, and the improvements to the



built environment from the development as a whole. The development is therefore considered to accord with the aims of London Plan policies 5G.3 and 3B.2, Unitary Development Plan 1998 policies ST17, CAZ1, EMP1 and EMP3, Interim Planning Guidance (2007) policies CP7, CP8, CP11 and EE2, and Core Strategy (2009) policies SP06, which seek to retain viable employment sites.

- 2.3 The provision of student accommodation, and ancillary facilities, in this location is acceptable given the proximity to the London Metropolitan University campus and the excellent public transport links. The development will support the improvement and expansion of higher educational facilities and is acceptable in terms of London Plan (2008) policies 3A.1 and 3A.25; Unitary Development Plan (1998) policies ST25, ST45, ST46 and HSG14; Interim Planning Guidance (2007) policy CP24, and Core Strategy (2009) policies SP17, SO18 and SP07, which encourage the provision of education facilities and special needs housing at accessible locations.
- 2.4 The new building in terms of height, scale, design and appearance is acceptable in line with policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12, 4B.14 and 4B.16 of The London Plan 2008, policies DEV1, DEV2 and DEV3 of the Unitary Development Plan 1998, policies C48, DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance 2007 and Core Strategy (2009) policies SP10, which seek to ensure development is of a high quality design.
- 2.5 The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy, increased sense of enclosure or increased disturbance is acceptable given the urban context of the site and as such accords with policies DEV1 and DEV2 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.6 Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and accord with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- 2.7 Renewable energy matters are appropriately addressed and accord with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the Interim Planning Guidance 2007, which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation and sustainable construction materials.
- 2.8 Contributions have been secured towards projects in the Aldgate Masterplan area, pen space improvements, public realm improvements, and transport and highway improvements. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

#### **SUMMARY OF MATERIAL PLANNING CONSIDERATIONS LISTED BUILDING CONSENT**

- 2.9 The proposed alterations to the former St. George's Brewery are considered appropriate in respect of alterations to a Listed Building. The proposed alterations would preserve the special architectural and historic interest of the building and bring it back into use. Furthermore, the proposed development of the site would not have an adverse impact on the setting of the Grade II listed building. This is in line with PPG15: Planning and the Historic Environment, London Plan, policies 4B.11 and 4B.12, saved Unitary Development Plan

Policies 1998, DEV37, Interim Planning Guidance 2007, policies CP49 and CON1 and Core Strategy 2009, policy SP10. These policies seek to ensure that alterations respect the special architectural and historic interest of Listed Buildings and that development would not have an adverse impact on the setting of a listed building.

### 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:

- A financial contribution of **£300,000** towards parks and open space within the vicinity of the site
- A financial contribution of **£100,000** towards public realm improvements within the vicinity of the site
- A financial contribution of **£165,000** towards cultural/community/education projects in the Aldgate Masterplan Area
- A financial contribution of **£250,000** towards a pedestrian crossing outside the East London Mosque
- A financial contribution of **£50,000** towards transport improvements
- A financial contribution of **£21,500** towards a cycle routes
- Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- Commitment to implement a Green Travel Plan
- Commitment to use local labour in construction
- Commitment to implement Student Management Plan
- TV/Radio Reception Monitoring
- any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

#### 3.6 Full Planning Permission Conditions

- 1) Time Limit
- 2) Building constructed in accordance with approved plans

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

- 3) Bat Survey prior to the commencement of any works on site.
- 4) Programme of archaeological investigation
- 5) Programme of archaeological recording
- 6) Contaminated Land Survey
- 7) Construction Management Plan
- 8) Code of Construction Practice
- 9) Sample of all external facing materials / sample board / Mock up typical bay
- 10) Detail of landscaping scheme to include hard and soft finishes, planting, external lighting, CCTV and future management arrangements
- 11) Enter into S278 Agreement
- 12) Piling details

Prior to occupation:-

- 13) Implementation and retention of measures in wind assessment
- 14) Implementation and retention of measures in air quality assessment
- 15) Post completion testing of proposed student accommodation
- 16) Acoustic report for proposed plant
- 17) Implementation and retention of measure in Delivery and Service Management Plan
- 18) BREAM assessment demonstrating that the development achieves a minimum 'Excellent' rating
- 19) Prior to occupation of commercial unit written approval from LPA for hours of operation. No deviation from approved hours unless otherwise agreed in writing.
- 20) No installation of extraction / air conditioning plant to ground floor student café without prior approval of LPA.
- 21) No installation of extraction / air conditioning plant to ground floor commercial unit without prior approval of LPA.
- 22) Energy Efficiency and Construction
- 23) Sustainable Design and Construction
- 24) Delivery and Servicing Plan

Compliance:-

- 25) No installation of roller shutters
- 26) No signage
- 27) Restriction on use of terraces to hours of 8.00am to 10.00pm on any-day.
- 28) Hours of operation of commercial use
- 29) Hours of servicing for commercial uses
- 30) Restriction of hours of construction.
- 31) Restriction of hours of piling
- 32) Retention of cycle parking
- 33) Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

### 3.7 Full Planning Permission Informatives

- 1) Thames Water
- 2) Contact LBTH Building Control
- 3) Contact LBTH Highways
- 4) Contact LBTH Environmental Health
- 5) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

### 3.8 Listed Building Conditions

- 1) Time Limit
- 2) Drawings
- 3) All new brick work to match existing
- 4) Treatment of floor, floor board and window, details to be submitted prior to commencement of works
- 5) Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.9 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 proposal is for the redevelopment of the site at 33-35 Commercial Road. The works will involve the demolition of all the buildings on site apart from the former St. Georges Brewery which is Grade II Listed and the associated Assam Street Warehouse.
- 4.2 The proposal is for the creation of a mixed used scheme involving the erection of a building rising to ground, basement, plus 17 storeys to the north of the site which would be used as student housing.
- 4.3 The Commercial Road frontage would be re-developed with the erection of buildings rising to between two and six storeys in height plus basement providing a mix of uses which would be retail (A1) and/or restaurant (A3) and/or offices (B1) and/or non-residential institutions (D1).
- 4.4 The proposed refurbishment of the former St. George's Brewery would be for the use as offices (B1) and the Assam Street Warehouse would be for the use as student accommodation.

### Office and Retail Floor Space

- 4.5 The proposal would result in the provision of 4213 square meters of commercial floor space of which 3142 square meters would be office floor space (B1) within the former St. Georges Brewery, 1071 square meters of commercial floor space (A1/B1/D1) fronting Commercial Road and a further 1811 square meters of floor space for storage and plant located through out the development.
- 4.6 The commercial floor space would have 20 cycle parking spaces located at the rear. The main entrance for the commercial uses would be from Commercial Road with servicing taking place from Assam Street.

### Student Housing

- 4.7 In total the proposal would result in the provision of 334 student bedrooms of which 24 would be studios and 310 bedrooms. Of these 17 (5%) would be wheelchair accessible. The main student housing entrance would be from Commercial Road.
- 4.8 The study units vary in size from approximately 17 square metres for a single bedroom and 32 square meters for a studio. The studios include a living/sleeping area, a workspace, a cooking area and a separate bathroom.
- 4.9 The bedroom units are arranged in groups of four or five. Each bedroom would have a living/sleeping area, a workspace and a separate bathroom. 294 of the bedrooms have their own cooking area within the bedroom. 16 of the rooms would share a cooking area located in a separate room adjacent. Each kitchen would be shared by a maximum of 4 rooms.
- 4.10 The ground floor of the main student accommodation would have a café with further communal space in the basement including a gym, courtyard and screen room. At the 15<sup>th</sup> floor there would be a lounge with a double height outdoor amenity space and at the 17<sup>th</sup> floor there would be a further communal space in the form of a lounge.
- 4.11 There would be plant located within the basement and at the 18<sup>th</sup> floor.

- 4.12 The proposal also includes the provision of 386 secure cycle spaces which are located at basement level which can be access via a ramp from ground floor level or from a lift.
- 4.13 The scheme provides one disabled parking space for the use of students accessed from Assam Street.
- 4.14 The scheme incorporates a Combined Heat and Power System, with photovoltaic's at roof level and the use of bio-diverse roofs.

#### Listed Building Alterations

- 4.15 The former St. Georges Brewery would be refurbished with the demolition of extensions post-1847. The works would involve the detailed refurbishment of original features such as the roof and the carrying out of necessary repair works to the building.

#### **Site and Surroundings**

- 4.16 The .367 hectare site is currently partially occupied by a surface car park on the northern part of the site providing approximately 70 parking spaces. The remainder of the site south of the car park is occupied by a range of retail and employment uses contained within the Grade II Listed former St. George's Brewery building and additions to the building fronting onto Commercial Road and Assam Street to the rear.
- 4.17 The former St. George's Brewery which is Grade II Listed was constructed by John Furze & Company's Brewery and was used as such until 1901 when it was converted into a bonded warehouse and whiskey bottling plant.
- 4.18 Post 1901 the brewery building underwent a number of alterations. The water tank and brewery equipment were removed and the roof was rebuilt. Substantial areas of additional warehousing and other equipment were added to the front and the rear of the building along Commercial Road and Assam Street.
- 4.19 Following the end of the warehouse use, the interior of the original building was subdivided and used for retail and employment uses. The building was listed in 1973 in a response to a threat of demolition.
- 4.20 The area surrounding the site comprises a variety of building heights and mix of uses. The site is bounded to the west by the rear of Naylor Building West at 16-40 White Church Lane (a 6/7 storey residential building) and to the north Naylor Building East at 15 Adler Street (a 6/7 storey residential building). The buildings to the west on the corner of Commercial Road and Whitechurch Lane are predominantly commercial 3 storeys high. To the east it is bounded by the rear of the properties at 1-13 Adler Street (5 Storey commercial building) and the Morrison Buildings (5 storey residential building) and to the south by Commercial Road.
- 4.21 Altab Ali Park (formerly St. Mary's Gardens), is located immediately to the north of Naylor Building East. The site is in close proximity to the London Metropolitan University (LMU) City Campus Aldgate.
- 4.22 The site is not located within a conservation area, the nearest being the Whitechapel High Street conservation area to the north. There are a number of buildings on the statutory list within the vicinity of the site including:
  - 4.23
    - 1) The Gunmaker's Company Building at 32 and 34 Commercial Road
    - 2) The Hall and Proof House at 46-50 Commercial Road (on the opposite side of Commercial Road to the south of the site)
    - 3) A K2 telephone kiosk outside 48 Commercial Road

- 4) The wall of the former St. Mary's Churchyard, Whitechapel Road
- 5) A tomb in the south east corner of the former St. Mary's Churchyard, Whitechapel Road
- 6) The Passmore Edwards Library, Whitechapel High Street, (which has been adapted to form part of the Whitechapel Arts Gallery)
- 7) St. George's German and English Schools at no's 55, 57 and 59 Allie Street
- 8) Whitechapel Bell Foundry at 32-43 Whitechapel Road
- 9) There is also a locally listed building at 17 Whitechurch Lane.

4.24 The site is located in an area with very good access to public transport. It has a Public Transport Accessibility Level (PTAL) of 6b. The site is approximately 335m from Aldgate East Underground Station. Frequent bus services pass along Commercial Road and Whitechapel Road.

4.25 Commercial Road forms part of Transport for London's Strategic Road Network.

4.26 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone and is within an Area of Archaeological Importance. In the Council's Interim Planning Guidance the site is located in the City Fringe Area Action Plan. The site also falls within the boundary of the Aldgate Masterplan, and in this plan the area to the South of the site is identified as open space. Within the emerging Core Strategy Submission Version December 2009 (CS) the site forms part of the Aldgate Area and is designated as a area where the aim is to rediscover its gateway role as a mixed use, high density area with a commercial centre.

4.20 In longer views the site forms part of the background to the Tower of London.

### **Relevant Planning History**

4.21 The following planning decisions are relevant to the application:

#### **The Site**

- |             |   |
|-------------|---|
| PA/83/00741 | The Local Planning Authority (LPA) granted planning permission dated 9 <sup>th</sup> February 1984 for the "Change of use from fashion showroom and warehouse to restaurant and take-away with storage area"  |
| PA/99/01429 | The LPA refused planning permission dated 8 <sup>th</sup> March 2000 for the "Change of use from warehouse to hostel for a temporary period of 5 years."  |
| PA/04/01395 | The LPA granted planning permission dated 15 <sup>th</sup> February 2002 for the "Alterations to shopfront to provide separate access to office space above."   |
| PA/04/01830 | The LPA granted listed building consent dated 15 <sup>th</sup> February 2004 for the "Alterations to shop front to provide new entrance to provide separate access to upper floor office space front side of the ground floor including alteration to the existing shopfront to create a new door." |
| PA/06/01050 | An application was withdrawn from an appeal for non-determination by the applicant dated 8 <sup>th</sup> May 2007 for the<br>"(1) Demolition of existing buildings other than listed building.  |

- (2) Mixed use redevelopment of site containing the following uses:
- (3) Erection of a 35 storey building to provide student accommodation and associated leisure facilities (Class D2), office (Class B1) and retail uses (Classes A1, A2, A3, A4 & A5).
- (4) Erection of a 10 storey building to provide student accommodation along with office and retail uses.
- (5) Use of existing Grade II listed building for commercial use (office and retail uses).
- (6) Provision of a total of 782 student rooms with ancillary kitchen / dining facilities and 670 cycle spaces."

PA/06/01051 An application for listed building consent was withdrawn from an appeal for non-determination by the applicant dated 8<sup>th</sup> May 2007 for the "Partial demolition and refurbishment of the existing Grade II Listed Building."

#### Surrounding Sites

52, 54 – 58 Commercial Road

PA/03/00766 The LPA granted planning permission dated 22<sup>nd</sup> December 2005 for the: "Demolition of existing buildings and redevelopment to provide a mixed-use complex of four buildings comprising a seventeen storey tower and a thirteen storey tower on the Commercial Road frontage, a six storey block and a five storey block either side of Gowers Walk, along with the provision of linear public open space.

Redevelopment of site to provide a total of 136 x 1, 2 and 3 bedroom flats including 38 affordable units and six live/work units, 25 parking spaces, storage and plant space in the basement, café (A3), retail (A1), health club (D2) and office space (B1) on the ground floor along with six reinstated car parking spaces from the social housing west of Gowers Walk, offices, flats and live / work units on the second and third floors, offices, flats, live/work units and a health club on the third floor and flats on all of the floors above.

The two blocks either side of Gowers Walk to provide 22 of the affordable housing units only. Proposal includes the redevelopment of the "triangle" site west of Gowers Walk and supersedes the previous application ref: PA/02/1111 received 29th July 2002. (Development affecting the setting of a Listed Building)."

#### Morrisons Buildings

PA/09/00205 The LPA granted planning permission dated 2<sup>nd</sup> April 2009 for the "Change of use to part of ground floor to class A1 use, creation of 2 additional floors & full height rear extension. Alterations to Commercial Road & Adler Street facades and alteration to internal arrangements whilst maintaining 36 self contained flats, provision of cycle parking, refuse storage and rear servicing."

#### Naylor Buildings West and East (referred to as North within the submission documents)

PA/00/00328 The LPA granted planning permission dated 28<sup>th</sup> September 2000 for the "Redevelopment of site to provide a mixed development comprising commercial space for Class A1 and/or A2 and/or A3 and/or B1 and B8 at ground floor level and 85 residential units on part ground to sixth floor levels, together with a landscaped garden, car parking provision at basement level and footpath and boundary treatment adjoining Altab Ali Park."

## 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 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPS22	Renewable Energy
PPG24	Planning and Noise

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

1.1	London in its global context
2A.1	Sustainability Criteria
2A.4	Central Activities Zone
3A.13	Special needs housing
3A.25	Higher education
3B.1	Developing London’s economy
3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.8	Realising value of open-space
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.11	Living Roofs
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety and Security
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s Built Heritage
4B.12	Heritage Conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.2	Priorities in Central Activities Zone



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

Proposals:		Central Activities Zone
		Area Archaeological Importance
Policies:	ST1	Addressing needs of all residents
	ST12	Encourage range of cultural activities
	ST15	Facilitate expansion of local economy
	ST17	To promote high quality work environments
	ST23	To ensure high standard of new housing
	ST25	To ensure new housing served by infrastructure
	ST28	Restrain unnecessary use of private cars
	ST30	To improve safety for all road users
	ST34	To support range of shopping
	ST35	To retain reasonable range local shops
	ST37	To improve physical appearance of parks and open-spaces
	ST41	To encourage new arts and entertainment facilities
	ST47	To support training initiatives
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological remains
	DEV50	Noise
	DEV51	Soil Tests
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Water Resources
	CAZ1	Location of Central London Core Activities
	EMP1	Encouraging Employment
	EMP3	Office floorspace
	HSG14	Special Needs Housing
	HSG16	Housing Amenity Space
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T19	Improve quality safety and convenience pedestrians
	T26	Promoting of Waterways for Freight
	S7	Special Uses
	S11	Roller Shutters

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

Proposals:		City Fringe Area Action Plan
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth

	CP8	Global Financial and Business Centre
	CP11	Sites in Employment Use
	CP16	Vitality of Town Centres
	CP24	Special Needs Housing
	CP25	Housing Amenity Space
	CP29	Improving Education and Skills
	CP30	Improving Open-spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible Environments
	CP48	Tall Buildings
	CP49	Historic Buildings
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution
	DEV12	Management of Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	RT4	Retail Development
	RT5	Evening and Night-time economy
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON3	Protection of World Heritage Sites
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	CFR1	City Fringe Spatial Strategy
	CFR4	Educational provision
	CFR6	Infrastructure and Services
	CFR9	Employment uses in Aldgate
	CFR12	Design and Built Form in Aldgate
	-	Aldgate Masterplan

## 5.6 Core Strategy Development Plan Document (Submission version December 2009)

SO4	Refocusing on our town centres
S05	

SO6	
SP01	
SO10	Creating health and liveable neighbourhoods
SO11	
SP03	
SO12	Creating a green and blue grid
SO13	
SP04	
SO14	Dealing with waste
SP05	
SO15	Delivering successful employment hubs
SO16	
SP06	
SO17	Improving education and skills
SO18	
SP07	
SO19	Making connected places
SP08	
SO20	Creating attractive and safe streets and places
SO21	
SP09	
SO22	Creating distinct and durable places
SO23	
SP10	
SO24	Working towards a zero-carbon borough
SP11	
SO25	Delivering placemaking
SP12	
Aldgate Vision: Priorities and Principles	
SP13	Planning Obligations

**5.7 Supplementary Planning Guidance/Documents**

SPG	Designing Out Crime
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**5.8 Community Plan** The following Community Plan objectives relate to the application:

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

**6. CONSULTATION RESPONSE**

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

6.1 The following were consulted regarding the application:

**LBTH Highways**

6.2 The subject site is in an area with a PTAL accessibility rating of 6b. The site is considered to have a good level of accessibility to public transport links.

6.3 Given the high PTAL rating of 6b a car free development secured via S106 in this location is acceptable.

- 6.4 The scheme should include the on-site provision of disabled parking and/or demonstrate the location of disabled parking within the vicinity of the site.
- 6.5 Discussions with LBTH Highways would be necessary in respect of the proposed drop-off at Assam Street.
- 6.6 The servicing arrangements from Assam Street are acceptable and would result in no obstruction of any public highway.
- 6.7 Cycle Parking provision is acceptable and in line with policy.
- 6.8 In terms of capacity of the existing bus and train services, it is considered that there would be enough available to accommodate the proposed increase in passenger trips during peak hours.
- 6.9 The proposed development would enhance the existing pedestrian environment adjacent to the site providing improved pedestrian conditions and improving safety and security of pedestrians within the development. Albeit there would be a significant increase given these improvements and the Council's aims of promoting and encouraging sustainable transport measures the increase would be acceptable.
- 6.10 The Draft Travel Plan Framework would be acceptable in principle.
- 6.11 In respect of S278 works, the site requires work to areas of public highway and this would include the removal of any existing crossovers and accesses into the site and their reinstatement to the existing kerb level. The site also requires areas of maintenance to the footway surrounding the site. A condition to secure this works would be required.
- 6.12 Following the amendment of the scheme additional comments were provided:
- 6.13 Questions in respect of disabled parking, servicing, etc were raised by the Highway Officer. These matters were clarified and no objection was raised to the scheme.
- 6.14 The amended scheme is providing 406 cycle parking spaces (386 associated with the student housing and 20 for commercial users) which is acceptable. Clarification in respect of access to the basement cycle parking was provided and is considered acceptable.
- 6.15 All cycle parking should comply with LBTH standards and the retention of spaces should be conditioned as part of any future planning permission.
- 6.16 They noted that no motorcycle/scooter spaces are provided. Although not subject to a standard, it is likely there will be a small demand, which the Applicant is encouraged to cater for on-site.
- 6.17 Drawing 30-010 revision 3 also shows external doors opening out over Commercial Road. Doors which open outwards onto the Public Highway are forbidden by Section 153 of the Highways Act, 1980, where possible they should either open inward or be embedded within the building profile.
- 6.18 Conditions/recommendations contained within previous comments are still relevant. Please also include the following:
1. Projection Licence
  2. S278 Agreement
  3. Highway not to be blocked during construction
  4. Compliance with existing on-street restrictions

6.19 Officer Comment:

*The Highways Department have raised no objections subject to recommended conditions and informatives. Where questions have been raised clarifications or amended drawings have been provided and all matters have been dealt with.*

**LBTH Environmental Health (Contaminated Land)**

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

6.21 Officer comment:

*A suitable condition would be imposed on any permission.*

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

6.22 The developer should confirm what mitigating measures will be utilised to meet the BS 8233 (Sound insulation and noise reduction for buildings) good design range for indoor noise levels, i.e. 30 dB,  $L_{Aeq,T}$  in living rooms and bedrooms. For a reasonable standard in bedrooms at night, *individual noise events* (measured with F time-weighting) should not normally exceed 45 dB  $L_{Amax}$ . A post completion testing should be applied as a planning condition

6.23 Noise assessment from plants, air conditioning or ventilation systems for the proposed development have not been undertaken. A noise survey and assessment in accordance with BS4142 together with proposed mitigation measures must be submitted for approval by Tower Hamlets Environmental Health Department before planning permission is granted.

6.24 Measures should be taken to prevent site deliveries and vehicular movements outside the specified working times. Vehicles waiting to enter or leave the must switch off their engines.

Working Hours and Noise and Vibration during construction

6.25 All construction work to be only carried out within the following hours:

0800 hrs to 1800 hrs Monday-Friday

0800 hrs to 1300 hrs Saturdays

No working on Sundays or Public Holidays

6.26 0800 hrs to 1800 hrs Monday - Friday Leq 75dB(A) Leq 10 hour at the nearest premises.

0800 hrs to 1300 hrs Saturday Leq 75dB(A) Leq 5 hour at the nearest premises.

6.27 These noise limits apply at 1 metre from the façade of any occupied building.

Post completion testing and conditions

- 6.28
- Post completion test to be carried out in order to prove that development achieve the BS 8233 good standard.
  - Hours of use for the A1 office be restricted
  - Conditions regarding the delivery of goods should be imposed for A1 commercial.
  - All conditions and post completion tests to be carried out and approved prior to the building becoming occupied.

Informative

6.29 They recommend that the applicant/developer applies for a Section 61 Agreement under the

Control of Pollution Act 1974. This will assist in the mitigation of noise during the construction phase.

Officer Comment:

- 6.30 *The Environmental Health Noise and Vibration Department have raised no objections subject to recommended conditions and informatives and these will be placed on the decision notice. The applicant would also be advised to contact the Environmental Health Department in order to ensure that they are in compliance with the relevant legislation such as construction hours.*

**LBTH Environmental Health (Daylight and Sunlight)**

- 6.31 The revised Daylight/Sunlight reports have been reviewed. The contents of the report which assess the revised scheme including setback from Naylor building North (East) has improved the situation significantly. The level of non compliance with BRE Guidance can now be considered acceptable in an urban setting. It is acceptable to consider planning permission.

Officer comment:

- 6.32 *This matter is discussed under the amenity section of the report.*

**LBTH Environmental Health - Commercial**

- 6.33 The LBTH Environmental Health Commercial Officer gave advice about the relevant legislation during construction and once built.

Officer comment:

- 6.34 *The applicant would be advised to contact the Environmental Health Department in order to ensure compliance with the relevant legislation.*

**LBTH Crime Prevention Officer**

- 6.35 The Crime Prevention Officer has raised concerns about the openness of what is going to be a student building. The lack of gated access to the Assam Street entrance, in an area that is neither easily accessed by the public, or has good public views, will likely leave the area vulnerable to crime, dumping of rubbish and a complete lack of security/safety, particularly when you also factor in the under-croft area resultant in the overhang design.
- 6.36 They appreciate the thoughts about gated communities, but consider that this is a student building, with no through routes for the public. The only persons present on this site should be the students, guests and staff, and no one else. I do not see the need for this to be open when it is not a permeable site. It is also noted that the Assam Street entrance to the scheme has almost no overlooking or active frontages.

Officer comment:

- 6.37 *It is considered that vis-à-vis a landscaping condition that full details of the means of securing the Assam Street entrance can be controlled. This would also include details of lighting. It is also noted that the Assam Street entrance is overlooked by ground floor studio units within the Assam Street warehouse.*

**LBTH Arts Sport and Leisure Services**

- 6.38 To date no comments have been received.

**Landscape Section**

- 6.39 They provided advice in respect of securing Section 106 monies for open space within the area.

### **LBTH Energy**

- 6.40 Following the submission of further information the LBTH Energy Officer is now satisfied with the submitted application and has provided the following comments:
- 6.41 The applicant has broadly followed the energy hierarchy set out in policy 4A.1 of the London Plan.
- 6.42 The energy strategies are generally in compliance with current energy policies and provide carbon emissions reductions of approximately 24% from the baseline and therefore recommend the energy strategy to be conditioned to provide the detailed information at the detailed design stage.
- 6.43 A sustainability statement has been provided which addresses most of the sustainability issues, which I found to be satisfactory, however a BREEAM assessment has not been provided and it is recommended that this is submitted via condition.

### Conditions

- 6.44
- Energy efficiency and renewable energy
  - Sustainable design and construction

### **LBTH Development Schemes**

- 6.45 They advised that the development is located in the core Aldgate Masterplan boundary. It is an objective in the Masterplan to decrease heights of developments away from the approved Aldgate Union 3 & 4 development. The Masterplan also depicts active frontages on Commercial Road as well as green links from Goodmans, up Adler St towards Altab Ali Park.

### **LBTH Waste Management**

- 6.46 To date no comments have been received.

### **LBTH Access to Employment**

- 6.47 To date no comments have been received.

### **LBTH Cultural Services**

- 6.48 Cultural Services have had input into the Aldgate Masterplan. As this development is located within the masterplan boundary, mitigating contributions should be sought in line with the masterplan social infrastructure requirements.

### **British Broadcasting Corporation – Reception Advice**

- 6.49 Given that the description of the reference aerial used was not provided they are unable to consider the levels in normal terms. Whilst, the analogue levels are acceptable the digital ones appear too low.
- 6.50 It is noted that the Ofcom 'self help transmitters' scheme no longer applies. However areas with problems due to analogue signals being blocked can often still be served by digital as this is a more robust means of transmission.

### Officer Comment:

- 6.51 *This matter can be controlled via Section 106.*

### **Commission for Architecture and the Built Environment**

- 6.52 They noted that the scheme is an interesting example of a tall building within a dense urban block and welcome the way in which the tower is embedded within the urban fabric. The Tower and buildings onto Commercial Road form an attractive ensemble which successfully incorporates the old brewery building. However, they're concerned about the quality of the outdoor spaces and the design of the tower has not reached the high standard necessary for

a tall building. In particular they feel that the rooms on the lower floors will be compromised by their close proximity to the adjacent building.

#### Tall Building

- 6.53 Generally, the proposal for a tall building in this location appears sound, CABE consider that it could be more elegant if it were taller.
- 6.54 Within a tight perimeter block, the relationship with the lower enclosing site boundaries is important. They acknowledge the changes to the design of the lower block but feel the response is inelegant.
- 6.55 Overshadowing and privacy may be issues.
- 6.56 Concern is expressed about the quality of the open space at the foot of the tower and Assam Street is likely to feel like a backyard rather than a meaningful open space.

#### Architecture

- 6.57 The design of the base of the tower, courtyard and circulation areas are considered unacceptable in its current form.
- 6.58 The inflexible geometry of the tower does not bring the building successfully to the ground in visual and organisational terms.
- 6.59 They note the changes to the design at the top of the building; however, they consider it still needs further refinement.

#### Access

- 6.60 The amended access routes are successful and address Commercial Road.
- 6.61 The importance of the Assam Street entrance as a pedestrian link is noted.

#### Officer Comment:

- 6.62 *Design is considered under main issues..*

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

- 6.63 Advice was provided in respect of the need to provide Bat surveys prior to the granting of planning permission.
- 6.64 Whilst, they are supportive of the quantum of green roofs it is noted that those made up entirely of sedum matting can represent a comparatively poor resource for biodiversity.

#### Officer Comment:

- 6.65 *The need for a bat survey is discussed at paragraph 8.127. Amended drawings were provided detailing provision of more varied bio-diverse roofs. This matter will also be controlled via a landscaping condition.*

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

- 6.66 Following the submission of additional information further to English Heritages initial comments they are now satisfied with the proposal.
- 6.67 We understand that following its substantial reduction in height, the tower does not impact on protected views of the Tower of London.
- 6.68 We are pleased with the various revisions regarding the listed building aspect of the proposal. We welcome, for example the retention of original windows. We understand that



the floor to be removed is a non original floor.

- 6.69 We note changes to the tower but again, reiterate the importance of architectural details. Adequate conditions should be attached to any permission with regard to materials and large scale details.

Officer Comment

- 6.70 *Design is discussed under main issues.*

**English Heritage- Archaeological Division (Statutory Consultee)**

- 6.71 Given that redevelopment of the site has the potential to damage or remove significant buried remains. Archaeological field evaluation is required and this should be controlled via condition. Once the archaeological impact of the proposal has been identified a decision can be made in respect of archaeological safeguards. A condition requiring a programme of recording and historic analysis would also be attached to the planning permission.

Officer Comment

- 6.72 *A suitable condition would be imposed on any permission.*

**Environment Agency (Statutory Consultee)**

- 6.73 They have no objection in principle provided the a condition in respect of piling is attached to the planning permission.

**Greater London Authority (Statutory Consultee)**

- 6.74 Stage One response received.
- 6.75 They support student housing in this location.
- 6.76 The commercial element of the scheme is in line with policy.
- 6.77 In principle a tall building is acceptable in this location, subject to detailed design and it not having a harmful impact on the backdrop of the Tower of London World Heritage Site.
- 6.78 More information is required on the quality of the materials and the detailing.
- 6.79 Subject to the resolution of the architectural design of the building the impact of its height, mass and bulk on the Whitechapel High Street Conservation Area is not considered to be adverse. The impact on the conservation area and listed buildings is also dependent on the detailing of the tower, which will be conditioned by the local planning authority.
- 6.80 The works to the listed building appear contemporary whilst preserving the historic character of the brewery.
- 6.81 The applicant is urged given the shortage of wheelchair accessible student accommodation in London to increase the proposed number of wheelchair accessible bedrooms to 10%. Illustrative layout plans of typical wheelchair accessible units should be provided.
- 6.82 The Access Statement otherwise demonstrates that the development would be fully accessible to all users.
- 6.83 The townscape assessment fails to demonstrate the impact of the proposed development on strategic views contained in the London View Management Framework (LVMF). As such it is wholly inadequate and not in keeping with policy 4B.18.
- 6.84 Potentially affected strategic views include the townscape view from City Hall to Tower of

London (view 25). The objective of maintaining the clear view of the sky in the backdrop of the White Tower.

- 6.85 Other potentially affected views include the river prospect from Westminster Bridge (View 18) and the linear view from King Henry VIII's Mounds, Richmond Park to St. Paul's Cathedral (view 9). The applicant needs to undertake a comprehensive assessment of the visual impact of the proposed development on these and other strategic views.
- 6.86 Revisions to the energy strategy are required before the scheme can be considered compliant with the London Plan energy hierarchy.
- 6.87 The proposed commercial uses comply with London Plan policy.
- 6.88 It is suggested to seek S106 contributions in respect of community needs as a means of reducing disparities in labour market outcomes between groups. Financial contributions required to meet the needs of the community should also be considered.
- 6.89 In respect of Transport the comments are in keeping with TfL comments which are discussed at paragraph 6.96 – 6.115.

#### Officer Comment

- 6.90 *Additional information was submitted following the stage one response in relation to the matters raised. LBTH Officer's are satisfied that the matters addressed in the GLA stage one report have been addressed, and that the scheme is now compliant with the London Plan.*

#### **Government Office for London**

- 6.91 To date no comments have been received.

#### **Historic Royal Palaces**

- 6.92 To date no comments have been received.

#### **Health and Safety Executive**

- 6.93 The explosives inspectorate, having considered carefully the type and location of the proposed development, has no objection to it proceeding.

#### **London City Airport**

- 6.94 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with the safeguarding criteria. Accordingly London City Airport has no safeguarding objection to the proposed development.

#### **London Fire and Civil Defence Authority (Statutory Consultee)**

- 6.95 They have advised following the receipt of additional information that the proposed development has been examined and they are satisfied with the proposals in relation to the fire precautionary arrangements.

#### **Transport for London (TfL)**

- 6.96 The proposed development is 'car free' and in view of the excellent PTAL, this is strongly supported by TfL.
- 6.97 Whilst the removal of the existing surface level car park at the northern end of the development site is welcomed, it is understood that from the 4 spaces provided for delivery, service and maintenance vehicles, only one will be designed to double up as a disabled parking bay. This is not acceptable.

- 6.98 It is understood that all vehicular access to the site will be via Assam Street. Being off the TLRN, this is supported, however it remains unclear from the report whether the existing two vehicular accesses on Commercial Road will be removed as part of the proposals. TfL requires the permanent closure of the two Commercial Road accesses due to the strategic nature of the highway. As such, TfL would recommend the developer enter into a Section 278 agreement for providing the necessary highway works including footway repaving, dropped kerbs and removal and footway reinstatement on occupation of the building.
- 6.99 Given the lack of parking provision on site, the development is expected to generate significant additional public transport trips and S106 monies would be required to mitigate this.
- 6.10 TfL support in principle the proposed construction arrangements provided that the existing vehicular accesses from Commercial Road are closed for construction traffic. Swept path analysis would still be required for the largest construction vehicle.
- 6.10 TfL will not accept the temporary closure of Commercial Road during the construction period. Justification of why other means of crane and plan access are not viable would be required.
- 6.11 TfL questions the reports conclusions that any pedestrian flows impact from the development would be negligible. A recent study within the area has identified a number of areas for improvement and the impact can be mitigated via S106 contributions.
- 6.11 Cycle parking is in line with policy although clarification is sought between the student provision and commercial provision.

#### S106 Contributions

- 6.11 • Highway improvements within the area  
3 • Public realm improvements  
• Transport improvements  
• Cycle routes improvements  
• Public open space  
• Travel Plan

#### Conditions

- 6.11 • Construction Management Plan  
4 • Delivery and Servicing Plan  
• Highway Improvements (S278)

#### Officer Comment:

- 6.11 *TfL have raised no objections subject to recommended conditions and S106 contributions to mitigate the impacts of the development. Where questions have been raised clarifications or amended drawings have been provided and all matters have been dealt with.*  
5

#### **Primary Care Trust (PCT)**

- 6.11 To date no comments have been received.  
6

#### **Thames Water**

- 6.11 No objection in terms of sewage / water infrastructure. Requested informative be attached to the planning permission.  
7

#### **Corporation of London**

- 6.11 To date no comments have been received.  
8

## **National Air Traffic Services (Statutory Consultee)**

6.11 No safeguarding objection

9

## **7. LOCAL REPRESENTATION**

7.1 A total of 634 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:

7.2 Following the submission of revised plans an additional round of neighbour consultation took place in November 2009.

7.3 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.4 No of individual responses: 55          Objecting:14          Supporting: 41

7.5 40 pro-forma letters of support were received from local business within the area given it will increase investment and jobs in the area.

7.6 One individual letter of support was received from a local resident welcoming the scheme to improve this run down and tatty area.

7.7 The following local groups/societies made representations:

- Aldgate Triangle Residents Association

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

### Student Housing

- 7.9
- An over concentration of student housing would damage the existing character of the area which is residential and commercial.
  - Given the other developments in the area which have received planning permission for student housing there is no need for additional student housing.
  - Student housing would result in an increase in anti-social behaviour. There is potential for the students to cause anti-social behaviour within Altab Ali Park where there is a no drinking zone.
  - There is no justification for the development to be solely for student housing within a residential area.
  - The development should be mainly for private and social housing.

7.10 *[Officer Comment: Please refer to the Land Use section of this report which discusses the mix of uses proposed. It is noted that the development as submitted has been assessed by the planning department and the land uses proposed are considered acceptable and in line with policy.]*

### Sunlight

- 7.11
- There would be an unacceptable reduction in light levels to Naylor East and Naylor West buildings.

- The main building needs to be reduced in size to a maximum of 10 floors given the 18 storey building will block light.
- Object to the fact that the submission documents not only admit that the proposed development will reduce the amount of sunlight to the Naylor Buildings, that many of the apartments already suffer from less sunlight than normal, the design of the Naylor Buildings are poor, they still suggest that the further loss of sunlight is acceptable.
- Impact on Altab Ali Park.

7.12 [**Officer Comment:** Please refer to the Amenity section of this report where daylight and sunlight is discussed.]

- 7.13 • The submitted reports are misleading and independent reports should be commissioned by the Council.

7.14 [**Officer Comment:** The Council's Environmental Health Officer reviewed the initial Daylight and Sunlight Reports submitted following which an independent review of the information was also sought. During the course of the application the bulk and scale of the proposal has been amended in order to reduce the impact on the surrounding residents in respect of Daylight and sunlight. For a full discussion please refer to the amenity section of this report.]

- 7.15 • Within Flat 6, the Dining Room has not been tested.

7.16 [**Officer Comment:** The kitchen area which in this case includes a dining area, were not tested because given the size of the room it is not classified as a habitable room in line with BRE Guidance.]

- 7.17 • The bedrooms at first floor level within the Naylor Building West (referred to as Naylor Building North within application documents) are often used as studies and have a greater requirement for light within these rooms.

7.18 [**Officer Comment:** In the assessment of these rooms Vertical Sky Component (VSC) and No Sky Line (NSL) data has been provided which compares the existing and proposed situation. In reference to BRE Guidance, a bedroom is classified as a habitable room whereas a study is not. As such, the assessment of the scheme has been carried out in line with BRE Guidance.]

#### Amenity

- 7.19 • Loss of privacy for occupiers of the Naylor Buildings.  
• Artificial light at night will affect resident's amenity.

7.20 [**Officer Comment:** Please refer to the Amenity section of this report where daylight and sunlight is discussed.]

#### Design, Bulk and Scale

- 7.21 • The height of the building is not in keeping with the local area and should be reduced.  
• The new buildings do not enhance the existing brewery and it would be dwarfed by the tower.  
• The proposed building would have an oppressive and overbearing effect on the immediate neighbours.

7.22 [**Officer Comment:** Please refer to the Design section of this report where these matters are discussed.]

### Fire Safety

- 7.23 • Concern has been raised about the safety of the building in respect of fire, given the limited number of fire exits, the only escape route is onto Assam Street and the emergency services would not be able to access the main building. This would be a danger to the occupants of the building and the surrounding residents.
- 7.24 [**Officer Comment:** Please refer to the paragraph 6.95 of this report where comments from London Fire and Emergency Planning are discussed.]

### Noise Pollution / Anti-social behaviour

- 7.25 • The existing drug dealing and anti-social behaviour problems within Altab Ali Park will worsen given the increase in the number of students associated with this development.
- Concern about students having late night parties and causing noise and disturbing existing residents.
  - Assam Street due to lack of CCTV and lighting is currently an area where drug dealing takes place and the application should address this problem.
  - The design of the tower is conducive to excessive anti-social behaviour.
  - Noise and anti-social behaviour from students returning from bars in the area.
- 7.26 [**Officer Comment:** Please refer to the Amenity section of this report where these matters are discussed. It is noted that the section 106 agreement will include compliance with the Student Management plan which seeks to overcome these issues.]

### Highways

- 7.27 • The local area does not have the infrastructure to handle such a large amount of people in such a small place. Altab Ali Park in particular will suffer.
- The road, tube and bus network would not be able to deal with the increased capacity.
  - During construction, the proposal would adversely affect people's ability to access their resident's car park.
  - The number of cycle parking spaces if there is an equivalent number of cyclists would cause chaos on the surrounding roads.
  - Assam Street will become a drop off point; will have an increase in litter and noise pollution from the large footfall of students using this route.
  - Unrealistic that student would not need cars.
  - Concern that a management company would not be able to enforce the closing of Assam Street at night.
- 7.28 [**Officer Comment:** Please refer to the Highway section of this report where these matters are discussed.]

### Other

- 7.29 • The artist's impression drawings are inaccurate.
- 7.30 [**Officer Comment:** The application was also accompanied by detailed drawings which offer an accurate representation of the proposed development.]
- 7.31 • The standard of living for students in the tower would not be acceptable.
- 7.32 [**Officer Comment:** Officers consider that the standard of student accommodation is acceptable.]
- 7.33 The following issues were also raised that are not planning matters.
- The very nature of students as tenants would not respect the locally community.

- There would be a loss of revenue for the area as students do not pay Council tax. Furthermore, students would take up part time jobs which would have a detrimental impact on the economy.
- Loss of view for the residents of the Dryden Building.
- Decrease in value of properties.
- Lack of supermarkets within the area and the post office is due for closure.

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

7.35 • The length of the consultation period was inadequate.

7.36 **[Officer Comment:** *The Council carried out two consultation periods allowing residents up to three weeks from receipt of notification to comment on applications. Any representations received following the close of the statutory consultation period have also been included in this report. It is considered that the timescales allowed were satisfactory.]*

7.37 • There was no meaningful engagement with local residents.

7.38 **[Officer Comment:** *There is no requirement for applicants to carry out consultation prior to the submission of a planning application. However, it is noted that in this instance the developer did carry out a public consultation exercise the details of which are discussed within the submitted Statement of Community Involvement.]*

## 8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Conservation and Design
3. Transport and Highways
4. Amenity
5. Other issues

### **Land Use**

8.2 The site is allocated on the Proposals Map of the adopted Unitary Development Plan, 1998 (UDP) partially for B1 (business), B8 (storage and distribution) and A1 (retail) purposes and partially as a Special Policy Area within a designated Central Area Zone where a diverse and balanced mix of use should be maintained.

8.3 On the proposals map of the Interim Planning Guidance, 2007, (IPG) the site is allocated (Site CF39) for employment; residential, retail and public open space. It also lies within a higher education cluster identified by the City Fringe Area Action Plan (AAP) that formed part of the IPG.

8.4 Within the emerging Core Strategy Submission Version December 2009 (CS) the site is discussed under Aldgate which is within Lap 3 and 4. The policy aims to consolidate and support the higher education function of the area, including student housing provision, to act as a driver of regeneration. Given the later, the proposed land uses would appear acceptable. An assessment of each use category is provided below:

### Principle of Student Accommodation

- 8.5 Policy CP24 of the IPG states that the Council will promote special needs and specialist housing by inter alia focusing purpose built student housing in close proximity to the London Metropolitan University at Aldgate. This is supported by the inclusion of the site within a higher education cluster identified by the City Fringe AAP.
- 8.5 Strategic London Plan policy 5G.3 recognises the Central Activities Zone as the country's most important strategic office location. London Plan policy 3B.2 seeks the renovation and renewal of existing office stock, and requires Borough's to promote the provision of additional space and the rejuvenation of existing office space in the Central Activity Zone.
- 8.6 Saved policy CAZ1 of the UDP specifies that within the Central Area Zone, a balance of central London core activities compatible with fostering London's role as a commercial, tourist and cultural centre, will normally be permitted. Central London core activities include educational establishments.
- 8.7 UDP policy HSG14 states that the Council will seek to encourage the provision of housing to meet the needs of residents with special housing needs. It goes on to state that "such housing should be appropriately designed and suitably located."
- 8.8 UDP paragraph 5.29 of HSG14 states that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects. It also notes that "additional provision could release dwellings elsewhere in the Borough in both the public and private rented sector."
- 8.9 In the AAP, policy CFR1 seeks to protect viable employment sites and policy CFR9 states that employment uses are supported as the dominant use. Policy CFR1 and CFR4 also promote the expansion of London Metropolitan University and support the consolidation of educational uses around Aldgate.
- 8.10 Saved UDP policy ST17 seeks to promote and maintain high quality work environments in order to attract investment. Saved Policy EMP1 seeks to encourage employment growth through the redevelopment and upgrading of sites already in employment uses. Saved policy EMP3 relates specifically to proposals for the change of office floorspace to non-B1 use classes.
- 8.11 Interim Planning Guidance policy CP7 seeks to retain and promote a wide range of spaces for different types of employment uses. It also notes that the Council will support the improvement and expansion of higher education facilities around London Metropolitan University in Aldgate. Policy CP8 states that new housing may be appropriate in the CAZ where it does not replace viable employment sites. CP11 and EE2 seek to protect viable employment uses and resist the loss of employment floorspace.
- 8.12 The thrust of these policies is to presume against i) the loss of office/employment floorspace *per se*, and ii) in particular the loss of office floorspace to other uses in the Central Activity Zone. However, weight must also be given to policy objectives to promote Aldgate as an area for educational uses.

#### Commercial Floor Space

- 8.13 The existing buildings on site provide 8100 GEA square metres of commercial floor space of which 3000 square meters is for office use (B1) and 5000 square meters is in retail use (A1). The proposed redevelopment of this building would create 4213 GEA square metres of floor space (B1 – 3142 and A1/B1/D1 – 1071) i.e. a net loss of 3887 GEA square metres.
- 8.14 The B1 floor space would be located within the former St. George's Brewery. The application also proposes commercial units fronting Commercial Road. The units would



receive a flexible permission for uses within Classes A1 (Retail Shops), B1 (Business) or D1 (Non-residential institutions).

- 8.15 In terms of floorspace the scheme will provide an increase in office floor space which is welcome and in line with policy. It is noted that the scheme would result in a net loss of retail floor space. The site currently employs approximately 30 people. It is estimated the proposed commercial floor space would employ between 234 and 251 employment jobs.
- 8.16 The scheme would provide a significant benefit in that the replacement office floorspace would be of high quality and fit for modern business use, which would contribute to the future success of the CAZ.
- 8.17 Furthermore, it is evident that several of the units are currently vacant and rundown and in need of refurbishment. Whilst, overall the scheme results in a net loss of commercial floor space, given the improvement in the quality of commercial floor space, the increase in the potential employment jobs and that there is no loss of office floor space, in this instance the loss of retail floor space is justified.
- 8.18 UDP policy ST34 seeks to support and encourage improved provision in the range and quality of shopping in the Borough. UDP policy S7 relates to the provision of 'Special' Uses including restaurants and pubs. Policy DEV3 seeks to encourage mixed-use developments.
- 8.19 The mixed use units would add activity to the Commercial Road frontage and would contribute to employment in the area. In principle there is no objection to the proposed uses given the location of the site on a main thoroughfare, and it accords with the objectives of policies DEV3 and S7. Conditions would limit hours of future operation and require the submission of detail of plant. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

#### Provision of student accommodation

- 8.20 The key issue in this case is whether this CAZ site is appropriate for student accommodation particularly in preference to a priority office use.
- 8.21 The proposal would meet some of the demand in a location with easy access to public transport and also to the main campus facilities of a number of central London educational Institutions, particularly London Metropolitan University. There is ample evidence that there is local demand for student housing and policies in the UDP, IPG, London Plan and CS provide strategic support for student housing in this location.
- 8.22 London Plan policy 3A.13 and saved UDP policy HSG14 recognise that student accommodation is a form of specialised housing. Saved UDP policy HSG14 states that the Council will seek to encourage the provision of new housing to meet the needs of students.
- 8.23 London Plan policy 3A.25 supports the provision of student housing to ensure that the needs of the education sector are addressed. London Plan Policy 3A.8 recognises that purpose built student housing adds to the overall supply of housing and may reduce pressure on the existing supply of market and affordable housing.
- 8.24 The Sub-Regional Development Framework for East London 2006, provides guidance to East London boroughs on the implementation of policies in the London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London's overall economic base. It notes that the East London sub-region accommodates five higher education institutions and over 44, 000 students (12% of the London total), and encourages the provision of academic facilities and student housing.

- 8.25 IPG policy CP24 seeks to promote specialist housing by focusing purpose built student housing within 5 minutes walking distance of the London Metropolitan University campus at Aldgate.
- 8.26 Policy CFR1 and CFR9 of the City Fringe AAP encourage the provision of educational facilities around Aldgate to support London Metropolitan University. Policy CFR1 specifically promotes the provision of a small quantity of student accommodation in close proximity to London Metropolitan University at Aldgate.
- 8.27 Within the Aldgate Masterplan, the site forms part of an area which is designated for an education focus. It states that “higher education uses associated with London Metropolitan University will be focused in a new campus area north of Commercial Road and south of Whitechapel Road.”
- 8.28 The site is very well located to provide student accommodation. It is located within a short walking distance of London Metropolitan Aldgate and City Campus, and has very good transport links for those studying at other institutions. The site is located on a busy thoroughfare, which would mean that late-night activity / increase in general activity can be accommodated without significant prejudice to residential amenity.
- 8.29 The provision of student accommodation would help to support London Metropolitan University and the educational role of Aldgate, which is recognised as a policy objective. Officers therefore consider that the provision of student accommodation will meet an identified need.

Conclusion:

- 8.30 Officer's are satisfied that the development will not result in the actual net loss of office floorspace. The office floorspace that is re-provided would be of high quality and would contribute to the attractiveness of the Central Activities Zone. It is considered that the loss of retail floor space given the high quality provision and increase in employment generation is acceptable in this instance.
- 8.31 There is an identified need for student accommodation to support the Borough's universities. The application site is a good location for student accommodation given the close proximity to London Metropolitan University and the very good public transport links in the area. It is also noted that Commercial Road is a busy thoroughfare where issues of late-night activity / disturbance of residents are less likely to be noticeable than in quieter locations.
- 8.32 Furthermore, consideration is also given to the design quality of the scheme, and the improvements that will be made to the public realm in the area, which accord with overarching policies that seek to improve the quality of the built environment in the Borough.
- 8.33 In overall land-use terms the scheme is therefore considered acceptable.

**Conservation and Design**

Height, Mass, Scale and Appearance

- 8.34 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at promoting the principles of high quality design. These principles are also reflected in saved polices policies DEV1 and DEV3 of the UDP.
- 8.35 Policy 4B.9 of the London Plan states that tall buildings will be promoted where they create

attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large-scale buildings, and requires that these be of the highest quality of design.

- 8.36 Policies CP1, CP48, DEV2 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a list of specified criteria. This includes considerations of design, siting, the character of the locality, views, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. The document 'Guidance on Tall Buildings' produced by English Heritage / CABE is also relevant.
- 8.37 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.38 Policy CFR12 states that high quality tall buildings will be focused around the existing Aldgate Union, and that building heights throughout the sub-area should respect and complement the central cluster. The Aldgate Masterplan states that tall buildings will also be appropriate in certain locations outside the gyratory area where they play a role in design terms to mark street junctions, arrival points or assist with legibility, but they must be subservient to the building heights within the gyratory. The tallest building at the Aldgate gyratory is consented at 102m high.
- 8.39 These policies are reinforced by the aims of policies SO22, SO23 and SP10 of the Core Strategy Submission Version 2009 (CS).

#### Heritage Issues

- 8.40 PPG15: Planning and the Historic Environment requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.
- 8.41 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.42 Policy CON1 of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.43 As detailed above, the application site is not located within a conservation area. The nearest Conservation Area is Whitechapel High Street Conservation Area to the north. It is not considered that the Conservation Area would be adversely affected by the proposal. There is a Grade II Listed building on site. The detailed refurbishment is discussed at paragraphs 8.52 – 8.61.
- 8.44 Following, detailed discussion at pre-application stage involving the Council's Conservation and Design Officer and English Heritage the current scheme has sought to address the issues raised by the previous refused scheme. English Heritage and the Council's Design & Conservation Department have raised no objections to the proposal. As such, the proposal is considered to be appropriate and in accordance with PPG15, the London Plan, the Council's Interim Planning Guidance (2007) and the Core Strategy Submission Version

December 2009.

#### Protected Views

- 8.45 London Plan policies 4B.16 and 4B.18 provide a policy framework for the management of strategically important views. IPG policies CON3 and CON5 also require development to protect important views, including those from World Heritage Sites. UDP policy DEV8 seeks the protection of view of local importance.
- 8.46 The proposed building could potentially affect strategic view LVMF view 25 and the GLA requested additional information in respect of the assessment of this view which was provided. As such, the proposed building is near the background assessment area for the Tower of London. Consideration therefore needs to be given to the impact on protected views from City Hall towards the Tower of London (LVMF views 25A.1 and 25A.2).
- 8.47 The applicant provided a Townscape & Visual Impact Assessment as part of the Environmental Impact Assessment, which assessed nine selected viewpoints including the above strategic view.
- 8.48 The site is within the background for a view from City Hall where the White Tower (Tower of London) can still be seen uncluttered from modern developments. The tower element of the development would not be visible from this view and this addresses concerns raised by the GLA and English Heritage during the course of the application.

#### Assessment

- 8.49 The application proposes the erection of 17 storey building plus basement on the northern portion of the site and the erection of a 7 storey building including double height spaces along the Commercial Road frontage. The design of the building and it's relation to the Grade II Listed building was discussed at pre-application stage. The applicants have responded to all of the Council's Conservation and Design Officer's comments and the result is high quality tall building which responds to the site constraints and contexts. The tall building element has been assessed against the tall building policies listed above and is found to be acceptable and in line with policy for the following reasons:
- 8.50
- The design of the building responds well to the context of the site and follows a similar podium and tower form as the adjoining development at 52 – 54 Commercial Road. The height and scale of the building is acceptable given the precedent set by the neighbouring development and the general mass of buildings along Commercial Road.
  - The building has a striking and attractive design that will add much needed architectural quality to this section of Commercial Road.
  - The building will animate and enliven the Commercial Road with the creation of an active frontage. This would contribute significantly to the future success of this link by increasing footfall and promoting natural surveillance.
  - The application has been accompanied by visual material which demonstrates that the the building will achieve the highest design standards. The verified views demonstrate that the development would not have an adverse impact on strategic or local views or on the setting of the Tower of London.
  - The proposed student rooms would offer a good standard of accommodation with well sized study rooms ranging from 16 to 32 squares. The building would make good provision of ancillary facilities including a communal area, laundry, café, amenity terraces and a gym.

- The building includes the provision of 17 (5%) wheelchair accessible study rooms in accordance policies promoting accessibility.
- The building would meet BREEAM 'Excellent' sustainability standards and would be designed to deliver a 24% carbon saving over baseline requirements.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of the report, and is acceptable. Conditions would secure adequate mitigation to ensure future occupants do not suffer from excessive noise or exposure to air pollution.
- The site is located in an area with excellent access to public transport and the scheme provides adequate mitigation for additional impacts on transport infrastructure. The scheme promotes permeability by improving the quality of the green-link running to the south of the development.
- The development would not cause unacceptable interference to telecommunication and radio transmission networks (subject to appropriate monitoring and mitigation as required under the S106 agreement). London City Airport have confirmed that there is no safeguarding objection to the proposal.

8.51 The building is considered to meet the requirements for a tall building and the proposal accords with relevant design policy. The detailed design of the scheme in respect of materials would be controlled via condition.

Listed Building

8.52 The proposal includes the refurbishment and alterations to the former St George's Brewery and Assam Street Warehouse for use as offices (Use Class B1) and student accommodation respectively, thereby restoring and re-using the majority of the listed building.

8.53 The listed building works have been the subject to detailed discussion between the LBTH Conservation and Design Officer and English Heritage who raise no objections to the proposal.

8.54 Section 66 of the Planning (listed building and Conservation Areas) Act 1990 states:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

8.55 Saved policy DEV37 of the UDP sets out alterations to a listed building will be expected to preserve the special architectural and historic interest of the building. Policy CP49 and CON1 of the Interim Planning Guidance set out that alterations should have an adverse impact on the character, fabric or identify of the building and be appropriate in terms of design, scale, detailing and materials. Policy 4B.11 and 4B.12 of the London Plan seek to maintain and increase the contribution of the London's built heritage and ensure the protection and enhancement of historic assets. Policy SP10 of the Core Strategy reiterates these aims.

- 8.56 Officers consider that the overall tall building would not have an adverse impact on the setting of the Grade II listed building, by merit of its height, bulk, scale and location.

#### External Works

- 8.57 In respect of internal works the post 1847 extensions and external steel escape staircases will be demolished and removed to expose the original building.

#### Roof Level

- 8.58 The existing pitched roof would be retained along with the internal structure. It would be refurbished with new slates and insulation. The existing dormer windows would be retained and the existing roof lights would be replaced. The parapet at the north elevation would be retained and repaired.

#### Internal

- 8.59 All non-original interior partitions would be stripped out to reveal the original cast iron structure and the tall open interior volumes.

#### Design Interventions

- 8.60 Overall, it is considered that the proposed works seek to retain the existing plan form and reinstate existing openings and design features. It is proposed to retain and repair the metal windows throughout. The works would include the additional of a steel escape stair to the north-west corner. The proposal also includes a new lift and stairs lobby to the eastern façade this would serve three commercial floors.

- 8.61 It is considered that the proposed listed building works are acceptable and would preserve the existing character and special interest of the building and bring it back into use.

### **Transport and Highways**

- 8.62 The site falls in an area with excellent access to public transport (PTAL 6b). It is within easy walking distance of Aldgate, Aldgate East and Whitechapel stations. There are also frequent bus routes operating on along Commercial Road and Whitechapel Road. Commercial Road is a TfL 'Red-Route'.

- 5.63 The site currently provides car parking for up to 70 cars accessed from Assam Street.

- 8.64 National guidance on transport provision is given in PPG13: Transport. London Plan polices 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians. Policy ST28 seeks to restrain the unnecessary use of private cars.

- 8.65 The Transportation and Access Chapter of the submitted EIA has included a full assessment of the impact of the development on the surrounding road network, public transport and local pedestrian areas. The chapter details the policy context and baseline conditions in respect of the local area's public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.

- 8.66 The proposed student accommodation and commercial units would be accessed by pedestrians from Commercial Road.

- 8.67 One disabled parking spaces would be provided for the student accommodation accessed from Assam Street. The developer would enter into a legal agreement to ensure that students are not eligible for on-street parking permits. This is acceptable in terms of policy.
- 8.68 A secure cycle parking store would be provided at the rear of the site for commercial use. Student cycle parking would be provided at basement level. This would be accessed from Assam Street. Policy requires the provision of 1 cycle space per two students. The provision of 386 cycle parking spaces is in line with policy. The provision of 20 spaces for the use of the commercial element of the scheme is also in line with policy. The commercial units include a changing facility at ground floor level. The development would therefore accord with the requirements of London Plan policy 3C.22 and IPG policy CP40.

#### Servicing

- 8.69 Servicing for the development would be from Assam Street with the introduction of four loading bays. It is estimated that the number of vehicles servicing the site will be in the range of 10 – 20 vehicles. When balanced against the existing servicing activity and the removal of the existing car park, this should result in a decrease in activity on Assam Street and White Church Lane.
- 8.70 The Draft Student Management Strategy which details the steps that would be undertaken to avoid congestion during the student moving-in process at the start and end of the academic year. This includes the allocation of a date and time for arrival, which would allow the distribution of vehicle movements over a period of time. Additional staff would be located to assist loading/unloading and to ensure vehicles do not block the highway.
- 8.71 The Council's Highway Section and Transport for London are satisfied that the proposed arrangements are satisfactory.

#### Mitigation for additional pressure on transport infrastructure

- 8.72 The site is located in a sustainable location and the development is likely to result in a significant increase in walking, cycling and bus trips in the area.
- 8.73 TfL have identified works that need to be carried out in the vicinity to improve the highway network to be able to safely accommodate these additional trips. The works include:
- Enhanced bus stop on the northern side of Commercial Road
  - Improvements for pedestrians and cyclists along Commercial road (potential works include crossings, footway width and condition)
  - Implementation of proposed removal and re-introduction of a 2-way working system along Whitechapel High Street
  - Improvements to cycle routes
- 8.74 The Developer has agreed to a financial contribution of £715,000 to pay for the costs of these improvement works.

#### **Amenity**

##### Sunlight, Daylight and Overshadowing

- 8.76 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

- 8.77 The main issue is the impact of the development on nearby residential properties in respect of daylight and sunlight.
- 8.78 The application has been accompanied by a Daylight/Sunlight/Overshadowing Assessment contained within the submitted EIA that considers of the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The assessment considers the impact of the proposal in respect of 'worst case scenario' on the properties closest to the application site. This includes the following residential properties: -
- Naylor Building North (the building is referred to as Naylor Building North within all the Daylight and Sunlight documents however residents refer to it as Naylor Building East)
  - Naylor Building West
  - 38-40 White Church Lane
  - Dryden Building
  - 35a Morrison Buildings
  - 47 Alder Street – Presby House

Impact on residential properties

Sunlight

- 8.79 BRE guidance states that a window facing within 90 degrees of due south should receive adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.80 The submitted assessment concludes that in respect of sunlight three properties are affected.
- 8.81 In respect of the Cornell Building, 1 Coke Street of the 36 windows assessed there is only one window which fails. The summer levels are acceptable it is the winter level which is below BRE Guidance. Given, the window in questions is already below the existing winter sunlight levels, the reduction is 1 % and all other windows are in compliance this is considered acceptable in this instance.
- 8.82 In respect of the Dryden Building, 37 Commercial Road of the 74 windows assessed, 7 would witness alterations of sunlight. All of these windows would notice a reduction of less than 2% which is unlikely to be perceptible to the human eye.
- 8.83 In respect of Presby House, 47 Adler Street nine of the 12 would notice an alteration of sunlight amenity. It is noted that five of these windows are not impacted in respect of winter sunlight. Furthermore, two of the remaining windows are only 2% below the 25% level required by BRE.
- 8.84 On balance, it is considered that in respect of Sunlight the proposed scheme would have a limited impact on the surrounding residential properties and a reason for refusal in this respect would not be justified.

Daylight

- 8.85 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests.
- 8.86 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the



face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of room surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

- 8.87 Following an assessment of the initial daylight and sunlight report it was evident that the proximity of the proposed development to Naylor Building North and East was resulting in substantial failures which were not in compliance with BRE Guidance. Following meetings between Officers and the Applicant amended drawings were submitted reducing the bulk and scale of the proposed building at the rear in order to reduce the impact of the proposal on the amenity of the surrounding residents.

#### Naylor Building North

- 8.88 The assessment considers the impact of the amended scheme on the ground and first floor habitable rooms within the Naylor Building North. It is noted that these are dual aspect maisonettes over two floors with views onto Altab Ali Park to the north.
- 8.89 The initial proposal in respect of VSC results indicated that at first floor level the bedrooms would experience losses of between 29.58% and 80.42%. Following amendments to the scheme this has now been reduced to failures between 26.66% and 42.53%. Consideration is also given to NSL and of 25 rooms 22 are in compliance with BRE Guidance. Finally, the ADF assessment demonstrates that 20 of 25 rooms will retain 1% which is in compliance with BRE Guidance and this is a marked improvement from the submitted scheme where only 10 of the rooms achieved 1% ADF.
- 8.90 On balance having reviewed both VSC and NSL results, taking into account the urban context of the site and that the units in question are dual aspect over two floors it is considered that the level of failures would be acceptable.

#### Naylor Building West

- 8.91 The assessment has carried out two assessments of the building including the effective removal of the balconies in order to determine the resultant daylight results. It is accepted that balconies cause obstruction and that windows obstructed by balconies have a restricted view of the sky. This is helpful to act as a comparison.
- 8.92 In respect of VSC 11 of 63 are in compliance. The failures from the initial scheme ranged from 21.19% - 79.29%. This has been reduced to a maximum failure of 66.17% in respect of VSC for the amended scheme. This figure is reduced to a maximum failure of 41% in respect of VSC when consideration is given an assessment without balconies.
- 8.93 When consideration is given to NSL 59 of the 63 rooms are in compliance. On balance having reviewed both VSC and NSL results, taking into account the urban context of the site and the design constraints of the building it is considered that the level of failures would be acceptable in this instance.

#### 38-40 White Church Lane

- 8.94 This building is located to the west of the site. VSC results show that 3 of 17 windows fail. The ADF results demonstrate that only 1 of these three windows would fail. However, in respect to NSL all of the windows pass.

#### Dryden Building

- 8.95 This building is located to the east of the site and has a number of windows on the western

elevations facing the proposed site. 71 of 74 windows tested pass in respect of VSC. The report outlines that the windows affected would in fact be as a result of the Morrison Building (35a Commercial Road).

35a Commercial Road Morrison Building

- 8.96 The building is located to the east of the site and to the south east of the proposed tower element. The building has recently received planning permission for a rearward extension with larger internal spaces which puts a further burden on the development site as deep layouts require unreasonable levels of light to remain compliant.
- 8.97 In respect of VSC 92 of 97 windows comply whilst in respect of NSL 58 of 83 windows tested comply. The report outlines that the baseline information it is evident that most of the proposed rooms in the approved scheme do not comply with BRE Guidance given the lack of glazing and obscure shape. This explains why the level of compliance in respect of NSL is lower in this instance.

47 Alder Street – Presby Building

- 8.98 In respect of VSC and NSL all of the windows fail. However, in respect of ADF all of the windows pass. It is also noted that the Presby Building provides accommodation for St. Boniface’s Church. The design of the accommodation includes small windows which are in keeping with clerical accommodation.
- 8.99 The following properties table summaries the remaining properties tested which comply with BRE Guidance.

**Table 1.**

<b>Address</b>	<b>VSC</b>	<b>NSL</b>	<b>ADF</b>
Cornell Building – 1 Coke Street	25/36 pass	33/36 pass	36/36 pass
52-58 Commercial Road	112/112 pass	58/58 pass	58/58 pass
50 Commercial Road	5/5 pass	5/5 pass	5/5 pass
46 Commercial Road	5/5 pass	3/3 pass	3/3 pass
44 Commercial Road	14/14 pass	7/7 pass	7/7 pass
42 Commercial Road	7/7 pass	6/6 pass	6/6 pass
31 Commercial Road	0/1 pass	1/1 pass	1/1 pass
27 Commercial Road	3/3 pass	3/3 pass	3/3 pass
17 White Church Lane	5/5 pass	5/5 pass	5/5 pass
19 White Church Lane	6/6 pass	6/6 pass	6/6 pass
21 White Church Lane	19/19 pass	9/9 pass	9/9 pass
27-33 White Church Lane	14/14 pass	5/6 pass	6/6 pass
34 White Church Lane	13/13 pass	8/8 pass	8/8 pass

35 White Church Lane	3 / 4 pass	1 / 4 pass	3/3 pass
36 White Church Lane	0/3 pass	1 / 3 pass	3/3 pass

### Conclusion

- 8.100 The submitted assessment has considered the impact of the development on the 'worst-case' windows i.e. those closest to the development. Windows further away would receive a lesser impact. In overall terms the results shown that in terms of day lighting there will be failures against BRE standards. In some cases the impact would affect a large proportion of the windows assessed and the effect of this is likely to be noticeable to the occupiers of these properties. However, the Councils specialised Environmental Health Officer has reviewed the study and does not recommend that the scheme should be refused.
- 8.101 It is well recognised that BRE standards must be applied flexibly, as the legitimate expectation of light-levels in a low rise suburban town would have to differ from those in a densely built-up area. The site is located in an area where large-scale development is expected. The resulting light-levels to the properties affected are not untypical in an urban environment and the impact is considered acceptable.

### Overshadowing of amenity spaces

- 8.102 The development would not have any significant overshadowing effect on amenity open-space located to the north – Altab Ali Park.

### Privacy and Overlooking

- 8.103 Along the northern elevation facing Naylor Building North there are no windows at ground, first and second floor level which would result in a loss of privacy for the habitable rooms at ground and first floor level. The upper levels of Naylor Building North have a corridor to the south facing the development site. Furthermore, from third floor level the separation distance would be approximately 12.9 which would not result in an adverse loss of privacy or overlooking.
- 8.104 To the east is a commercial building and there would be no conflict in respect of privacy and overlooking.
- 8.105 To the west, is Naylor Building West. There are windows along the western elevation. However, taking account of the urban location and the separation distance (approximately 21 metres) it is not considered that the proposed development would result in an adverse loss of privacy or increase in overlooking.

### Sense of enclosure

- 8.106 The bulk and massing of the development adjacent to Naylor Building North has been reduced and consequently has reduced the impact of the scheme when assessed in respect of sense of enclosure. Furthermore, it is noted that the design of Naylor Building North is orientated towards Altab Ali Park to the North and the ground floor kitchens currently look onto a boundary wall and have limited outlook. At ground and first floor level the separation distance would be approximately 6.9 meters. At second floor level the massing of the building is reduced further and the separation distance would be approximately 12.9 meters. Given, the reduction in bulk and mass and the separation distance within an urban environment it is not considered that the proposed development would have a considerable impact in terms of sense of enclosure. .

### Noise and Vibration

- 8.107 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It

advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.

- 8.108 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments. Policy DEV2 seeks to preserve the amenity of neighbouring occupiers.
- 8.109 The Noise and Vibration Chapter of the submitted EIA assesses noise during construction and noise impacts for the proposed development. It is considered that glazing specifications along with mechanical ventilation will be adequate to produce good internal resting and sleeping which accords with policy. Further to LBTH Environmental Health comments, an informative advising of the need to comply with BS regulation will be placed on the decision notice if planning permission is granted.
- 8.110 The study also notes that unscreened plant will achieve a noise level 5 dBA below prevailing background noise levels. LBTH requires that noise levels should be 10 dBA below prevailing background noise levels and a condition requiring the submission of a noise and vibration report for any proposed plant prior to installation of any equipment will ensure compliance with policy.
- 8.111 With the imposition of suitable conditions the development would accord with relevant policy in relation to these issues.

#### Microclimate

- 8.112 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment within the submitted EIA. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building and has concluded that it is not likely to have an adverse impact.
- 8.113 The Environmental Health Officer has noted that there would be negligible impacts and with adequate mitigation such as perimeter screening and landscape planting would be acceptable. This would need to be demonstrated using Lawson criteria.

#### **Other Planning Issues**

##### Planning Obligations

- 8.114 Saved Policy DEV4 of the UDP and policy IMP1 of the Interim Planning Guidance state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.
- 8.115 To mitigate for the impact of this development, on local infrastructure and community facilities the following contributions have been agreed.
- a. A financial contribution of **£300,000** towards parks and open space within the vicinity of the site
  - b. A financial contribution of **£100,000** towards public realm improvements within the vicinity of the site
  - c. A financial contribution of **£165,000** towards cultural/community/education projects in the Aldgate Masterplan Area
  - d. A financial contribution of **£250,000** towards a pedestrian crossing outside the East London Mosque

- e. A financial contribution of **£50,000** towards transport improvements
- f. A financial contribution of **£21,500** towards a cycle routes
- g. Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- h. Commitment to implement a Green Travel Plan
- i. Commitment to use local labour in construction
- j. Commitment to implement Student Management Plan
- k. TV/Radio Reception Monitoring
- l. any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

8.116 In overall terms Officer's consider that the level of agreed financial contributions is appropriate and that they adequately mitigate for the impacts of the development.

Air Quality

8.117 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The application includes an air quality assessment. This notes that the site is located in an Air Quality Management Area and that Nitrogen Dioxide levels on the Commercial Road frontage exceed objective values.

8.118 Firstly, it is not anticipated that the developments construction traffic would have a significant impact on the existing levels. Secondly, given, it is not anticipated that the development would be operational until a year after it is expected that this area would be compliant no mitigation is proposed.

Renewable Energy and Energy Efficiency

8.119 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.3 seeks to ensure developments meet the highest standards of design and construction. Policy 4A.6 seeks to ensure that where a CHP system is proposed consideration is given to extend the scheme beyond the site boundaries. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 have similar aims to London Plan policy.

8.120 The application has been accompanied by an Energy Strategy Report.

8.121 The statement notes that in order to reduce the baseline scheme carbon dioxide emissions, the following energy efficiency measures would be used:

- Combined Heat and Power (CHP)
- Solar water heating panels
- Ground source heat pumps
- Biomass boilers
- Wind Turbines
- Photovoltaic PV modules for electricity generation

8.122 The scheme would result in a 24% reduction in CO2 emissions from the baseline scheme and this is achieved through the use of passive design, energy efficient measures and low or zero carbon technologies. This is in compliance with policy.

8.123 A condition requiring the development to achieve a BREEAM 'Excellent' standard will be attached to the planning permission.

- 8.124 The implementation of the measures outlined in the submitted study would be required by condition to ensure full compliance with relevant policy.

#### Biodiversity

- 8.125 Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. Policy DEV12 seeks the provision of landscaping in new development; London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.
- 8.126 The existing site provides no significant wildlife habitat. The proposal would incorporate a range of bio-diverse roofs. Landscaping would also be introduced on the amenity terraces, and more importantly to the rear of the site. The proposal will increase the amount of available wildlife habitat on the site and is acceptable.

#### Bats

- 8.127 The submitted EIA under the ecology chapter discusses the likelihood of bats been present on the site. A bat survey was requested. However, this was not possible as access to the Grade II listed building to carry out a full survey would not be possible at this stage. Following a discussion with Natural England and a review of the relevant legislation in respect of Bats which are a protected species it was evident that in exceptional circumstances this matter can be controlled via condition.

#### Archaeology

- 8.128 The application was accompanied by an EIA which included a chapter on Archaeology and Built Heritage and has considered the potential of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested as well as a programme of recording, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

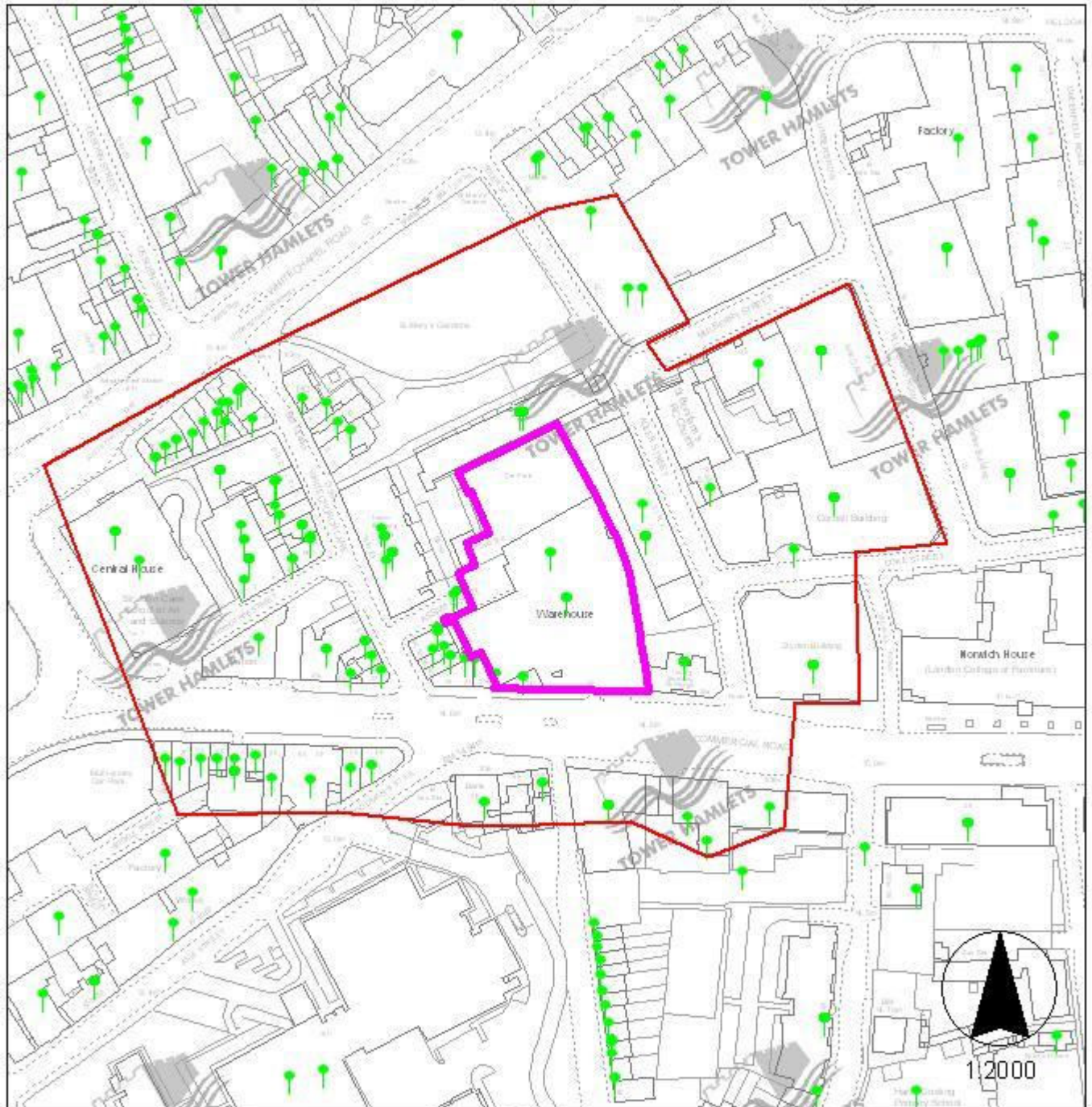
#### Site Contamination

- 8.129 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officers who have concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and the mitigation. This would be secured by condition.

#### **Conclusions**

- 8.100 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 Map



**Legend**

-  Planning Application Site Boundary
-  Consultation Area
-  Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright, London Borough of Tower Hamlets LA086988

