

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 16 September 2010 at 7.00 p.m.

A G E N D A

VENUE

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

Members:

Chair: Councillor Carli Harper-Penman
Vice-Chair: Councillor Bill Turner

Councillor Kabir Ahmed
Councillor Shahed Ali
Councillor David Edgar
Councillor Dr. Emma Jones
Councillor Anwar Khan

Deputies (if any):

Councillor Khales Uddin Ahmed,
(Designated Deputy representing
Councillors Carli Harper-Penman, Bill
Turner, Kabir Ahmed, Shahed Ali, David
Edgar and Anwar Khan)
Councillor Tim Archer, (Designated
Deputy representing Councillor Dr. Emma
Jones)
Councillor Judith Gardiner, (Designated
Deputy representing Councillors Carli
Harper-Penman, Bill Turner, Kabir Ahmed,
Shahed Ali, David Edgar and Anwar Khan)
Councillor Peter Golds, (Designated
Deputy representing Councillor Dr. Emma
Jones)
Councillor Denise Jones, (Designated
Deputy representing Councillors Carli
Harper-Penman, Bill Turner, Kabir Ahmed,
Shahed Ali, David Edgar and Anwar

Khan)
Councillor Rachael Saunders, (Designated
Deputy representing Councillors Carli
Harper-Penman, Bill Turner, Kabir Ahmed,
Shahed Ali, David Edgar and Anwar Khan)
Councillor Amy Whitelock, (Designated
Deputy representing Councillors Carli
Harper-Penman, Bill Turner, Kabir Ahmed,
Shahed Ali, David Edgar and Anwar Khan)

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

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

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 16 September 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 August 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 10	
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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. **11 - 12**

6. DEFERRED ITEMS

There are no items for consideration **13 - 14**

7. PLANNING APPLICATIONS FOR DECISION

- 7 .1 375 Cable Street, London, E1 (PA/07/03290) 15 - 32 Shadwell;**
- 7 .2 40 Marsh Wall (PA/10/1049) 33 - 64 Millwall;**
- 7 .3 60 Commercial Road, London E1 1LP (PA/10/1481) 65 - 98 Whitechapel**
;

8. OTHER PLANNING MATTERS

There are no items for consideration

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 7.05 P.M. ON MONDAY, 2 AUGUST 2010

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor Bill Turner (Vice-Chair)

Councillor Kabir Ahmed

Councillor Shahed Ali

Councillor David Edgar

Councillor Dr. Emma Jones

Councillor Anwar Khan

Other Councillors Present:

Councillor Marc Francis

Councillor Stephanie Eaton

Officers Present:

Stephen Halsey	– (Corporate Director, Communities, Localities & Culture)
Owen Whalley	– (Service Head Major Projects, Development & Renewal)
Robin Beattie	– (Acting Head, Strategy & Resources, Communities Localities & Culture)
Oscar Ford	– (Acting Strategy & Business Development Manager, Communities Localities and Culture)
Isabella Freeman	– (Assistant Chief Executive [Legal Services])
Megan Crowe	– (Legal Services Team Leader, Planning)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

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
Carli Harper-Penman	8.1	Personal	Correspondence received from concerned parties. Had been lobbied by interested parties. Nominated by the Council to the premises Management Board in 2006, however unable to take up position.
Bill Turner	8.1	Personal	Correspondence received from concerned parties. Customer of the facility. Had met with the Chief Executive of the facility in connection with an unrelated matter. Had known previous members of Management Board.
Kabir Ahmed	8.1	Personal	Held ward surgeries at the facility. Had met with the Chief Executive of the facility. Correspondence received from concerned parties
Shahed Ali	8.1	Personal	Customer of the facility. Correspondence received from concerned parties

David Edgar	8.1	Personal	Correspondence received from concerned parties. Knew members of Management Board
Dr Emma Jones	8.1	Personal	Correspondence received from concerned parties
Anwar Khan	8.1	Personal	Correspondence received from concerned parties. Customer of the premises in question. Knew members of Management Board.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That subject to the following amendment the unrestricted minutes of the meeting of the Committee held on 17th June 2010 be agreed as a correct record and signed by the Chair.

Page 4, Item 3, Declarations of Interest - be amended to state that Councillor Edgar worked for an organisation that had a **short term** lease with the Canary Wharf Estate.

4. DEFERRED ITEMS

There were no deferred items for consideration.

5. PLANNING APPLICATIONS FOR DECISION

There were no planning applications for consideration.

6. OTHER PLANNING MATTERS

6.1 Consideration of S.106 Support for Rich Mix Cultural Centre (SDC003/011)

Mr Owen Whalley, (Service Head, Major Projects and Development, Development and Renewal), introduced the report regarding the allocation of S. 106 support to the Rich Mix Cultural Centre.

Mr Whalley reported that the Corporate Director for Development and Renewal had determined that this report should be referred to the Committee rather than dealt with under delegated authority given the nature of the proposals.

He reminded Members that it was matter for the Corporate Director to determine whether reports satisfied the criteria for referrals to Committee. If a matter was particularly sensitive or of strategic importance, the Corporate Director may refer it to the Committee for consideration. In this case it was considered that the report meet this criteria, therefore it should be referred to the Committee.

Mr Stephen Halsey, Corporate Director, Communities Localities and Culture presented the detailed report. He explained the context of the proposals and considered it imperative that the robust performance framework and SLA attached at Appendix 2 was implemented and that the funding be payable depending on achievement of the performance targets.

Mr Halsey reported on the reasons why consideration of the recommendations was now appropriate. The S106 funding available to support Rich Mix had reached its first 'trigger point' and was now readily available. This was also timely due to the current financial position of the Rich Mix Centre.

Mr Halsey drew attention to the planned project capital costs, funding secured and the negotiations around the S106 loan. Officers were actively pursuing the matter of the loan.

The project had taken action to improve its budgetary position which was clearly having an impact on performance. As a result it was now well placed to achieve the objectives and balance its budget for the year.

Accordingly, it was recommended that Option 3 of the report be adopted in view the scope of the improvements and the benefits the project brought to the community.

If agreeable to this, it was also requested that further funding be allocated to Rich Mix as per Option 4 of the report.

Robin Beattie (Acting Head Strategy and Resources Communities, Localities and Culture) gave a detailed presentation on the outline Performance Framework for S106 Assistance (Appendix 2) alongside Appendices 3-5 of the report.

In response to the report, Members raised queries regarding the projects current financial position given the scope of past support from the Council, the need to encourage local participation and usage of the facility, the lack of equality data showing the facility was used by BME groups from Tower Hamlets, the need to ensure the Performance Management Framework was

developed in accordance with the Appendixes and promoted inclusive services.

Members also discussed:

- the rationale for proposing Option 4 be dealt with under delegated powers, the scope of the loan agreement totalling £850,000, the aim of/ progress with the negotiations regarding the loan. Expressed disappointment about the pace of these negotiations
- whether the table on Page 43 of the agenda included the costs of employing the 4 weekly paid staff and the security staff often seen at the premises. Mr Robin Beattie **Agreed** to clarify the number of jobs included in this table and to report back to Councillor Shahid Ali accordingly.
- The implications of providing no funding.
- The key differences between current and past management.
- The action being taken to strengthen governance.
- scope of local projects.
- Diversity issues including age, gender, disability and ethnic background. How would Rich Mix cater for such needs?
- Details of current/planned programmes.
- The overdraft facility, timescale for finalising the accounts.
- Whether the targets were realistic given the current climate, had they been met?
- The monitoring arrangements.
- Members also expressed concern at scenario 3 (Page Appendix 5) regarding contracting out certain functions.

In reply to the questions, Officers reported the following points.

Rich Mix were aware of the need to review elements of its work with a view to making it much more community focused. The new performance framework would help them to deliver this. They were also developing a system for capturing performance data to clarify the precise make up of their customer base.

In relation to accessibility, the centre was developing a youth programme and were aware of the need to be a facility for all. A considerable amount of effort had gone into making their services as accessible as possible for all groups.

With the permission of the Chair, the Interim Chief Executive of the Rich Mix Centre responded to further requests for clarification from the Committee. She reported the following points:

Rich Mix had implemented an extensive youth programme including many of the local schools in the Borough. They also worked extensively with a diverse range of BME groups and were developing audience data. This showed that a high number of the centre's customers lived in the immediate area (E1& E2 postcode area), and that it performed very well in attracting people from local income areas. The project was also considering ways of better meeting the

needs of local people and would be meeting with community leaders this month to progress this. In relation to accessibility, the centre worked closely with disability related organisations, and groups such as 'Ethnic Deaf' to improve accessibility.

In reply to the Members questions, it was reported that the projects Chief Finance Officer, who had been off work since June 2010, was expected to return shortly. The interim Chief Executive expressed confidence in the new Management Board who had been very supportive of the changes and had taken steps to ensure there was absolute transparency in the decision making process. The Final Accounts for 2009/10 would be submitted to the Management Board in August 2010 for approval. It was considered that the targets were achievable and the centre had already achieved a great deal by reducing costs and reviewing service delivery.

In addition, Officers of the Council also reported:

The issue of the S.106 loan was last considered by the Cabinet in June 2006. However the negotiations arising from that were still ongoing. Officers were actively pursuing this matter.

In relation to option 1 of the report, this would have serious consequences for Rich Mix as it was doubtful whether they could survive without the funding.

In relation to past performance, it was considered that some of the mechanisms historically were not that robust, but now were due to the positive work carried out by the project. The monitoring process comprised site visits and regular meetings with the project to discuss performance. It was necessary to ensure a partnership approach was developed to secure this and that Rich Mix have access to the most appropriate support.

The Section 106 agreement relating to Telford Homes provided funding for cultural social and community projects therefore it was entirely appropriate to allocate this to Rich Mix as proposed.

It was also noted that Members now received quarterly progress reports on S 106 agreements showing spend and achievements.

In view of the concerns around Rich Mix's financial position and the operational issues, Councillor Shahid Ali moved an amendment to the recommendations proposing revisions to the terms of the funding. On being put to the vote, this amendment fell.

Consequently, on a vote of 6 for 1 against and no abstentions, the Committee **RESOLVED**

1. That option 3 as detailed in paragraphs 8.7-8.10 of the report (SDC003/011) be adopted;

2. That the Corporate Director of Development and Renewal be authorised to progress option 4 and to negotiate with the Rich Mix based on the performance areas specified in Section 2 of Appendix 2 of the report (SDC003/011) for inclusion in a SLA; and
3. That the Corporate Director of Development and Renewal be authorised to administer the draw down of S.106 monies by Rich Mix against the negotiated performance framework set out in the SLA referred to above.

Note from the Clerk: Cllr Shahed Ali has requested that it be recorded that he voted against the recommendations.

The meeting ended at 8.30 p.m.

Chair, Councillor Carli Harper-Penman
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.

- For each planning application where one or more Members have registered to speak in objection to the application, the applicant or his/her supporter can address the Committee for an additional three minutes.

Agenda Item 6

Committee: Strategic Development	Date: 16 September 2010	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred.
- 1.2 There are currently no items that have been deferred.

2. RECOMMENDATION

- 2.1 That the Committee note the position relating to deferred items.

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

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

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Agenda Item 7.1

Committee: Strategic Development Committee	Date: 16 th September 2010	Classification: Unrestricted	Agenda Item Number: 7.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Mary O'Shaughnessy / Stephen Irvine / Ila Robertson	Ref No: PA/07/03290
	Ward: Shadwell

1. APPLICATION DETAILS

Location:	375, Cable Street, London, E1
Existing Use:	Retail Shop (Class A1)
Proposal:	Change of use of the ground floor from retail (Class A1) to hot food take-away use (Class A5). Erection of an extract duct on the side elevation.
Drawing Nos/Documents:	Location Plan, DP/1068/RG/03A, DP/1068/RG/04A, Ventilation Ducting Specifications, Brick Samples
Applicant:	Mr T Miah
Ownership:	
Historic Building:	N/A
Conservation Area:	N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The proposed change of use would not result in an unacceptable loss of retail accommodation as there is still adequate retail provision in the area. As such, the proposal is in line with saved policy S5 of the adopted UDP (1998) which seeks to ensure that adequate provision of general convenience stores outside of district centres and designated shopping parades.
- 2.2 The proposed change of use is considered acceptable in amenity terms. Firstly, the proposed hours of operation ensure that the potential for adverse amenity impacts would not occur late at night. Secondly, it is not considered that the proposed A5 use would be likely to result in an increase in anti-social behaviour in the area. Thirdly, the proposed duct would not have a detrimental noise and smells impact on adjacent local residents because of its siting, subject to conditions. As such, the proposal is in line with saved policy DEV2, HSG15, S7 of the adopted UDP (1998), PPG24: Planning and Noise and DEV1 of the Interim Planning Guidance (2007). These policies seek to protect the amenity of Borough residents.
- 2.3 The proposed flue is considered acceptable in terms of design, bulk and scale. It would not have a detrimental impact on Fisher House in terms of design. This is in line with saved policy DEV1 of the adopted UDP (1998) and DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure appropriate design within the Borough.
- 2.4 Suitable arrangements for the collection and storage of refuse have been secured by condition. The proposal would be in line with saved policy DEV55 of the adopted UDP (1998) and DEV15 of the Interim Planning Guidance (2007). These policies seek to ensure adequate facilities for the storage and collection of waste.

- 2.5 The proposal is acceptable in highways terms. The proposed change of use will not have an adverse impact on the surrounding highway network in terms of servicing as this will remain the same as the existing situation and the proposed development will not significantly intensify the servicing of the site. Furthermore, it is not considered that an A5 use in this location would have a detrimental impact on the safety of pedestrians, other road users or affect the free flow of traffic. As such, the proposal is in line with saved policies S7, T16 and T18 of the adopted UDP (1998) and CP40, CP42 and DEV16 of the Interim Planning Guidance (2007). These policies seek to ensure that development will not have an adverse impact on the surrounding highway network and promote sustainable modes of transport.
- 2.6 Tower Hamlets Core Strategy Policy SP03 (1d) seeks to reduce the over concentration of certain uses where it detracts from the ability to adopt healthy lifestyles. However, this location is not affected by an over concentration of 'unhealthy uses' and specifically hot food takeaways. Therefore, this policy does not apply to this application and is not relevant to the determination of this application.

Additionally:

- It is not possible to argue that a hot food takeaway, by definition, serves unhealthy food since not all 'hot food' is unhealthy and not all 'takeaways' are unhealthy and planning legislation does not allow such a distinction.
- Other uses may also sell 'unhealthy food'.
- Solely to blame hot food establishments for health problems would ignore the fact that other issues (e.g. poverty, lack of health education, lack of exercise, poor environment etc) are significant contributory factors in creating unhealthy lifestyles.
- A recent planning appeal decision in Waltham Forest has supported that the view that a direct link between food brought in a hot food takeaway and unhealthy diets in individuals is difficult to sustain and can be given little weight in the determination of applications.

Whilst the recent judicial review decision found that healthy eating was capable of being a material consideration in the determination of this application and the proximity of schools has been taken into account by Officers in assessing this application, it is considered that:

- the lack of specific planning policy guidance relevant to this application,
- the limited weight other guidance can be given in assessing this application,
- the lack of a direct link to food brought in a takeaway and unhealthy diets,

means that limited weight can be given to healthy eating considerations in the assessment of this application. As such, it is considered that a reason for refusal on healthy eating grounds is not likely to be successful on appeal (as evidenced in the Waltham Forest appeal) and an unsustainable argument when the facts of the matter are considered.

3. RECOMMENDATION

3.1 That the Committee resolve to Grant planning permission subject to:

- Time limit – the development allowed by the permission must begin with three years from the date of the decision
- Hours of operation – the permitted hours of development will be restricted from 9am –

- 9pm Sunday to Thursday and 9am – 10pm Fridays and Saturdays.
- Hours of Servicing (9am-6pm, Monday-Friday).
- Flue hours of operation - 9am – 9pm Sunday to Thursday and 9am – 10pm Fridays and Saturdays.
- Compliance with the noise and vibration report ensuring that the duct operates at less than 10 dBA below the minimum background noise levels.
- Refuse storage to be implemented as per plan.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 This application involves the change of use from a grocery shop (Use Class A1) to a hot food takeaway (Use Class A5). The applicant is proposing the use between the hours of 9am-9pm Sunday – Thursday and between the hours of 9am – 10pm on Fridays and Saturdays.

Site and Surroundings

- 4.2 The application site is an existing (A1) retail shop on the ground floor at Fisher House, 375 Cable Street, with 3 storeys of residential use on the upper levels. The existing A1 unit is vacant, and is adjacent to one other A1 retail unit. The surrounding Shadwell area is predominantly residential in use. The application site is not a listed building nor located within a Conservation Area.
- 4.3 Bishop Challenor Secondary School is approximately 115m away to the north of this site. Blue Gate Fields Infant and Junior School is approximately 170m away to the south-west of the site.

Background

- 4.4 This application was previously heard at the Development Planning Committee on March 12th 2008. Officers originally recommended the application for refusal. However, the Committee overturned this decision and resolved that the Head of Development Decisions be delegated authority to grant planning permission subject to:
- The opening hours of the premises being restricted to close no later than 9pm (Sunday to Thursday) and 10pm (Friday and Saturday);
 - Negotiation with the applicant to secure an appropriate and sympathetic design for the proposed ventilation duct.
- 4.5 Amended drawings relocating the proposed ducting from the rear elevation of the property to the eastern (side) elevation of the property were received by the Planning Department. The revised duct was considered acceptable by Officers. Subsequently, a decision was issued dated 30th May 2008, granting planning permission.
- 4.6 A claim for judicial review was lodged on 3rd July 2008. The Administrative Court, by consent, ordered that the decision of the Council was quashed because the reasons given for the grant of planning permission were inconsistent with the reasons given by the Committee at their meeting. The matter was put back before the Development Committee with revised reasons for approval to address this error. This time the proposal went forward with a recommendation for approval. It was approved on the by Members on 1st April 2009.
- 4.7 Following the above decision, a further claim for judicial review was lodged on 6th July 2009.

The Court ruled on 22nd June 2010 that the planning permission should be quashed because the Council should not have said in its planning report to the Committee that a school's healthy eating policy was not capable of being a material consideration in the determination of this application.

- 4.8 The Court found that healthy eating and proximity was capable of being a material but did not express a view as to whether it was a material consideration in the present case or on the merits of this application.

Planning History

- 4.9 The following planning decision is relevant to the application:

- 4.10 **PA/07/01104** - *Change of use of ground floor unit from retail (Use Class A1) to hot food takeaway (Use Class A5).*

3rd September 2007

The application was refused because it was considered that:

1. The proposed A5 use would have a detrimental impact on resident's amenity because of the noise and increased activity created by the proposal and noise and fumes from the proposed duct.
2. The design, location and appearance of the proposed full height extract duct at the rear of the property would have been detrimental to the appearance of the existing building.
3. The submitted information was insufficiently detailed with respect to the proposed means of storage and collection of refuse generated from the proposed A5 use. In the absence of such information, its full impact upon resident's amenity could not be fully assessed and it was considered that the proposed refuse store could result in a loss of residential amenity.

- 4.11 Appeal

11th April 2008

The applicant appealed the above decision to the Planning Inspectorate. They dismissed the appeal (thereby supporting Officers views) and advised that the proposal was unacceptable in terms of:

- Late night noise that would be detrimental to adjacent resident's amenity.
- The proposed duct would have an adverse impact on the appearance of Fisher House.

(PA/07/1104 differs from the current application in that the hours of operation have been reduced and the location of the duct has been altered).

- 4.12 **PA/09/0967** - *Approval of details pursuant to Condition 6 (Bicycle Parking Provision), Condition 7 (Refuse), Condition 8a (Detailed Drawings of Extract Flue), Condition 8b (sample of proposed brick) and Condition 9 (Noise and Vibration Report) of Planning Permission ref. PA/07/3290 dated 9th April 2009.*

This application was approved by the Development Committee on 6th January 2010. The reasons for grant stated:

- In respect of condition 6, the removal of cycle parking is considered acceptable in this

instance. On balance it is considered that in this constrained urban environment the need for the provision of adequate refuse storage carries more importance than the need for the provision of for cycle parking.

- In respect of Condition 7, the details of the proposed refuse store are acceptable. It is considered that adequate provision of refuse storage has been provided in an appropriate location. This is in keeping with saved policy DEV55 of the adopted Unitary Development Plan, 1998 and policy DEV15 of the Interim Planning Guidance, 2007. These policies seek to ensure appropriate level of refuse provision.
- In respect of Condition 8a and 8b, the details of the proposed extract flue and the proposed brick cladding are acceptable. It is considered that the design of the proposed casing for the extract flue and the proposed materials are acceptable and in keeping with the appearance of Fisher House. This is in line with saved policy DEV1 of the adopted Unitary Development Plan, 1998 and policy DEV2 of the Interim Planning Guidance, 2007. These policies seek to ensure appropriate design within the Borough.
- In respect of Condition 9, the submitted noise and vibration report is acceptable. It is considered that the proposed plant will not have an adverse impact on the amenity of the surrounding residential properties. This is in line with saved policy DEV2, DEV50 and HSG15 of the adopted Unitary Development Plan, 1998 and DEV1 and DEV10 of the Interim Planning Guidance, 2007. These policies seek to protect the residential amenity of the residents of the Borough.

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 Guidance

Planning Policy Statement 1 – Delivering Sustainable Development.

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Amenity
	HSG15	Development Affecting Residential Amenity
	DEV50	Noise
	DEV55	Development and Waste Disposal
	S5	Loss of Retail Uses
	S7	Special Uses
	T16	Transport and Development
	T18	Pedestrians

Interim Planning Guidance for the purposes of Development Control

Policies:	CP40	Sustainable transport Network
	CP42	Streets for People
	DEV1	Amenity
	DEV2	Design Requirements
	DEV4	Safety and Security
	DEV10	Disturbance from Noise Pollution
	DEV15	Waste Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV19	Parking for Motor Vehicles

RT2 Secondary Shopping Frontages
RT5 Evening and Night-Time Economy

Core Strategy Submission Version December 2009

SP03 Creating Healthy and Liveable Neighbourhoods
SO10 Promoting healthy lifestyles and enhancing peoples wider health and well-being

Spatial Development Strategy for Greater London (London Plan) (2008)

4A.20 Reducing noise and enhancing soundscapes

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

Health Guidance

- Healthy Weight, Healthy Lives: A Cross-government Strategy for England: January 2008
- Healthy Weight, Healthy Lives in Tower Hamlets, a multi-agency strategy to tackle the continuing rise in overweight and obesity 2008-2012.
- Tower Hamlets Joint Strategic Needs Assessment 2008/2009
- GLA BPG Health Issues in Planning 2007.
- NHS Healthy Urban Development Unit: Watch Out for Health 2009.
- RTPI Good Practice Note 5 - Delivering Healthy Communities 2009.
- Saving Lives Our Healthier Nation White Paper 1999.
- Securing our Future Health: taking a long-term view HM Treasury, D Wanless 2002.

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

Metropolitan Police (Shadwell Area)

6.3 Original Application

The Metropolitan Police advised in a letter dated 18th February 2008 that the area of Shadwell adjacent to the Martineau Estate has been subject to a history of youth disorder and gang issues. The surrounding residents are made up of mainly elderly and vulnerable people who have lived in fear of local youths for a long time.

The type of takeaway use that is proposed with this application regularly attracts gatherings of young people who engage in rowdy behaviour leaving litter on the streets. On occasions Police intervention has been necessary.

The existing local shop is on a busy one-way street and there is little or no available parking nearby. It is felt that customers may use their cars to visit the shop and in turn cause disruption and an obstruction to traffic as this road is also a bus route.

This application should be carefully examined, as the local residents would genuinely fear for their safety and quality of life if this change goes ahead.

Re-Consultation

Following re-consultation on the amended scheme, their concerns remained. They outline:

- Fears of increased anti-social behaviour created by the existence of the takeaway.
- The likelihood of parking / highways issues created by illegal parking around the premises.
- They believe there are numerous fast food outlets nearby.
- The takeaways proximity to local schools.
- The need to restrict the takeaways hours of operation.
- The government's obesity strategy that seeks to locate takeaways away from schools, parks and nurseries.
- Concerns regarding waste disposal and the level of noise the proposed plant would generate.

These views were reiterated by PC Mark Jones, the Council's Crime Prevention Officer in the July 2010 re-consultation.

Officer Comment

There is much concern surrounding the association between A5 uses and anti-social behaviour. However, there is no statistical evidence or evidence within the Councils planning policy evidence base which demonstrates that this assumption is fact.

The Councils Crime Prevention Officer noted that the takeaway premises would encourage more users at later times. In turn, this could cause more litter and anti-social behaviour. Officers consider, because the hours of operation have been restricted to 9pm during the week and 10pm at the weekend, that this will mitigate against any potential amenity impacts. Furthermore, the reduced operation hours would mean there would be no activity late at night and also would mean that any impacts from perceived anti social behaviour associated with A5 uses would be less likely. This view has previously been supported by Members at previous Committee meetings.

LBTH Environmental Health Department

6.4 Original Application

Environmental Health provided comments in January 2008 regarding the need to comply with the relevant legislation associated with food business.

They also advised that the kitchen extract system, as per the specification included in document number DP/1068/RG/02, should be 10 dBA or less below background noise levels as measured at the nearest residential façade. Additionally they felt that all noisy activities should cease by 11pm, in order to prevent noise disturbance to local residents.

Re-Consultation

Following re-consultation, they advised that the applicant should undertake a BS 4142 assessment, '*Method for rating industrial noise affecting mixed residential and industrial areas*'. They also reiterated that all plant and equipment should operate at 10dBA below the lowest measured background noise level measured at the nearest noise sensitive facade to prevent nuisance from noise or vibration.

In reference to odour, they noted that the design of ducting should discharge at least 1m above the eaves to ensure adequate dilution and dispersal of expelled air to prevent odour nuisance. A report should be provided to Environmental Health for approval, prior to the installation of plant, on how the above will be achieved.

As part of the approval of details application under PA/09/00967, Environmental Health confirmed that, following amendments to the proposed extract system by the addition of an additional silencer and the submission of a revised Noise Report, the submitted details are acceptable with regards to noise conditions. It is recommended that these details are conditioned to ensure that the assessment and measures are secured in perpetuity.

LBTH Highways Department

6.5 Original Application

Highways noted in February 2008 that, whilst the change of use from retail (Class A1) to hot food take-away use (Class A5) was likely to cause an increase in customer trip rates to and from the property, the site has a Public Transport Accessibility Level (PTAL) score of between 3 and 4, which implies a moderate to good level of access to public transport.

According to Planning Standard 3 Parking, no parking space is required for an A5 use. However, with reference to cycle parking, an A5 use should provide 1 Cycle Parking space per 50 sqm. It is calculated that the ground floor of this development is approximately 55.8 sq m. Consequently, a minimum of 2 secure bicycle parking spaces should be provided. Nevertheless, Highways originally recommended that the developer include 4 secure bicycle parking spaces in order to encourage the use of bicycles and walking rather than cars for customers of the takeaway in reference to policy DEV16 of the IPG. It should be noted that, according to the Council's Parking Space Standards, Cycle Parking Stands should be 1.2 x 0.7 metres. A Sheffield surface fixing or ground embedding model stand (shown on Figure PS1 of the IPG) was strongly advised.

Although the use of the property as a hot food take-away could generate the same or a slightly higher amount of servicing trips for deliveries, it was not anticipated that this small sized development will have a significant impact on the street network surrounding the site.

Re-consultation

Subsequent to the above, it became apparent that the location of the refuse store at the rear of the site was not appropriate and that the cycle parking needed to be lost. The LBTH Highways Officer advised in December 2009 that they were satisfied with the non provision of cycle parking in this instance, given the need for an appropriate location for the refuse store.

Further consultation in July 2010, raised no new issues but they reiterated their view that no servicing should take place from Cable Street and the potential for the increase in vehicle movements created by the new use.

Officer Comment

Please refer to the Highways section of this report for a discussion of these comments.

Jim Fitzpatrick MP

6.6 In response to the July 2010 consultation, he raised concerns that:

- There were too many fast food establishments in Tower Hamlets.
- This takeaway should not be located near schools.
- The use would create noise and disturbance to residents.
- The use would create traffic problems.

Councillor Peter Golds

In an e-mail response to the July 2010 consultation, he raised the concerns that:

- Homes in Fisher House “will be blighted”
- The use is too close to 4 local schools.
- The use would create traffic problems.
- The use would create ASB problems.
- The applicant was being allowed to get away with illegal building work and parking.

7. LOCAL REPRESENTATION

7.1 Original Consultation

On 25th January 2008, a total of 153 neighbouring properties were notified about the application and invited to comment. The application was also publicised 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: 196 Objecting: 70 Supporting: 123
 No of petitions received: 3 against containing 134 signatories

7.2 The following local groups/societies made representations:

- Glamis Tenants and Residents Association

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

- The proposed takeaway shop would lead to increased noise nuisance.
- The area is predominantly residential. Adequate takeaway facilities are provided close by in Watney Street. As such, there is no need for this facility here.
- The takeaway shop would enhance the existing issue of anti-social behaviour in the area.
- There is inadequate parking along Cable Street to support the proposed takeaway.
- The adjacent Bishop Challoner Catholic Collegiate School is trying to promote healthy eating to its pupils, and the introduction of a takeaway establishment would encourage poor eating habits.
- A number of pro-forma letters of support were received, principally highlighting that the proposed use would be convenient for residents in the area.

7.5 Re-Consultation

On February 12th 2009, a total of 153 neighbouring properties were notified that the previous decision had been quashed and that, if they had any views on the application, they were invited to comment by February 26th 2009. Following this a second letter was sent dated February 19th 2009 advising applicants that they had until March 11th 2009 to submit comments. They were also advised that the matter would be put before the next available planning committee.

No of individual responses: Objecting: 50 Supporting: 222
 No of petitions received: 2

1 petition was received which did not state clearly if it was in support or in objection to the proposal. The second petition received was in objection to the proposal. Neither of the petitions had covering letters outlining the reasons for submitting the petition.

7.6 No further representations were received from local groups/societies.

7.7 The following additional issues were raised in representations during the second consultation

period that are material to the determination of the application, and they are addressed in the next section of this report:

- Traffic problems - Cable Street is a one way street with a dual cycle lane
- Litter
- Odour problems

A number of pro forma letters in support of the application were also received during the most recent consultation period; no additional reasons for support were raised.

7.8 Consultation after the JR

On July 27th 2010, a total of 1072 letters were sent to neighbouring properties within the area shown on the map appended to this report and interested parties. They were notified that the previous decision had been quashed and that if they had any views on the application they were invited to comment by August 17th 2010. They were also advised that the matter would be put before the next available planning committee.

No of individual responses: Objecting: 323 Supporting: 402

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

Objectors to the proposal

In summary, they raised the following issues:

Use

- There are already enough takeaways in the area.
- The use is out of character with the surrounding residential area.

Amenity

- Concern about unacceptable smells from takeaway.
- Unacceptable noise and vibration from the duct and use of the premises
- Concern about litter from the premises.
- Concern about waste arrangements.

Design

- Unacceptable location of duct.

Highways

- Believe it will create parking problems and obstruct the free flow of traffic along the highway and the cycle route in front of the site.

Other

- Concern about the impact of the use on the health of children.
- Concern about the takeaway's proximity to schools.
- The use would be a magnet for anti-social behaviour.
- Against Governments, Tower Hamlets Council's and Schools 'Healthy Eating' Policies.
- Could create vermin problems.

Supporters of the proposal

In summary, they felt the application was of benefit to the community because:

- A takeaway would be significantly closer to them and mean they would not have to travel such a distance for takeaway food.
- The use would be convenient and enhance the area as there were no takeaways in the immediate area currently.
- There were already too many grocers / newsagents in the area already. As such, the loss of retail accommodation was not a problem.
- Children can buy chicken and chips on their way from school.
- It will enable families to eat out close to their homes.

8. MATERIAL PLANNING CONSIDERATIONS

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

- Amenity
- Design of extraction ducting / flue
- Loss of existing retail accommodation
- Refuse
- Highways
- Proximity to schools / health considerations

Amenity

8.2 Policies HSG15 and S7 of the adopted UDP (1998) seek to ensure that non-residential activities do not reduce the amenity of adjoining residential occupiers. Given the residential nature of this part of Cable Street and the location of residential dwellings adjoining the site, it is considered that care needs to be taken in assessing the compatibility between a Class A5 use (a hot food takeaway shop in this instance) and the residential nature of the locality.

8.3 Additionally, saved policy DEV2 of the adopted UDP (1998) states that all developments should seek to protect the amenity of residential occupiers. Paragraph 4.8, which follows Policy DEV2 in the UDP (1998), states that the impact of development on the amenity of residents and the environment generally needs to have been fully considered and taken into account at all stages of the development process, and is not 'tacked on' after the proposal has been worked up.

8.4 PPG24: Noise and Planning outlines that the impact of noise can be a material planning consideration in the determination of applications. It outlines that much of the development which is necessary for job creation will generate noise. Local Planning Authorities (LPAs) should not place unjustifiable obstacles in the way of such development. Nevertheless, they should also ensure that development does not cause an unacceptable degree of disturbance. In relation to a change of use, it should be noted that this may result in the intensification of the use which may result in a greater intrusion and LPAs should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through the use of conditions.

8.5 Annex 3 of PPG24 outlines that, in reference to fast food restaurants; they pose particular difficulties, as the associated activities are often at their peak in the evening and late at night. LPAs should bear in mind not only the noise generated within the premises, but also the attendant problems of noise that may be made by customers in the vicinity. Consideration should also be given to the disturbance that can be caused by traffic and associated car parking.

- 8.6 This proposal is for the change of use from A1 retail to A5 hot food takeaway use. In reference to the plant associated with the use, the applicant has submitted manufacturer's specifications of the ventilation ducting. These have been reviewed by Environmental Health who have advised that the noise reports are satisfactory and confirmed that the proposed plant would operate at 10dBA or less below background noise levels. A condition will be placed on the planning permission to ensure that the plant is always operated in accordance with these approved assessments.
- 8.7 Consideration has also been given to the associated noise that will be generated as a result of the change of use to a hot food takeaway. Noise would be generated by customers using the premises. There may also be extra noise generated in the vicinity of the site by customers. Consideration also has to be given to customers arriving by car and the noise and disturbance this would contribute.
- 8.8 It is considered that, as no car parking will be provided and because of the limited nature of car parking along Cable Street, the majority of customers would travel on foot or via public transport. There would be an increase in noise from customers at the premises and within the vicinity of the site. However, it is felt that, by restricting the hours of operation of the A5 use, the impact on the amenity of the surrounding residents would be minimal.
- 8.9 A number of objections were received from surrounding residents and separately from the local police with concerns relating to the current anti-social behaviour issues in the area and the potential increase in loitering and trouble should a takeaway facility be approved.
- 8.10 It is recognised that there could be an increase in activity in the area due to people using the takeaway facility, which could result in an increase in noise. However, the link between A5 uses and anti social behaviour is a perceived link. There is no statistical evidence to support such a contention, nor is there any evidence in planning policy, to suggest that there is a direct link between A5 uses and anti-social behaviour.
- 8.11 The first time this application was presented to the Development Planning Committee on 12th July 2008, the proposed opening hours were between 9am and 11pm daily. It was considered that these hours would not be acceptable as there would have been a detrimental impact on the surrounding residents, in terms of noise generated as a result of the use late into the evening. This matter was discussed at the Development Committee. It resolved that a condition limiting the hours of operation should be placed on the planning permission to deal with this issue. The applicant has confirmed in writing that the requested hours of opening for the proposed hot food takeaway are between 9am and 9pm Sundays to Thursdays and 9am to 10 pm on Fridays and Saturdays: the same as the hours as recommended by the Development Committee on 12th July 2008 and 1st April 2009.
- 8.12 In light of the reduction in hours from 11pm to 9pm on weeknights and 10pm on the weekend, it is considered that this would result in a lesser impact on the amenity of the surrounding residents. Up until 9pm on weeknights and 10pm on weekends, a certain level of noise and disturbance is to be expected in this urban location. It should also be noted that this site is located adjacent to a busy road: Cable Street. On balance, it is considered that by controlling the hours of use, the impact on the amenity of the surrounding residents in terms of noise would not be harmful. This would be in line with saved policy DEV2, HSG15, S7 of the adopted UDP (1998) and PPG24 Planning and Noise.

Design of the Extraction Ducting / Flue

- 8.13 This application proposes the installation of an extraction system to support the cooking of hot food at the premises. The previous drawings presented to the Development Committee showed the location of the proposed duct at the rear elevation of the property. It was

proposed to fix an external duct to the rear that would have expelled fumes and odour above the eaves of the fourth floor of the building.

- 8.14 The subject building has a double frontage, with a Class A1 retail use at ground floor level on the south elevation. It has residential character, including the main entrance to the flats on the upper floors of Fisher House, on the north elevation of the building. This elevation also includes balconies and windows to habitable rooms.
- 8.15 The originally proposed ducting would have been clad in a brick material to match the existing building, fixed up the middle of the rear elevation, adversely affecting the appearance of the building and the outlook for those using their balconies at third floor level.
- 8.16 Amended drawings (DP/1068/RG/04B and DP/1068/RG03A) were submitted to the planning department for consideration, following the Committee decision to relocate the duct and approve the application. The new location of the duct is now on the side, eastern elevation of the property. The vertical ducting is to be enclosed in brickwork to be built up from ground floor level to roof level to match the main building and the remainder of the extract duct is to be painted black.
- 8.18 It is considered that the amended location of the duct would not have a detrimental impact on the character and appearance of this mainly residential building. This is in line with saved policy DEV1 of the adopted UDP (1998) and DEV2 of the Interim Planning Guidance (2007). These policies seek to ensure appropriate design within the Borough.

Loss of Existing Retail Accommodation

- 8.19 The existing site was a general convenience store that provided goods for surrounding residents, including general groceries items. The site is currently vacant. Directly adjacent to the retail unit is 377 Cable Street, which currently operates as a general convenience store (Class A1 retail use).
- 8.20 In the determination of change of use applications involving the loss of Class A1 retail uses, consideration is given to saved policy S5 of the adopted UDP (1998). This policy outlines that applications for changes of use from retail uses outside of district centres and local parades may be favourably considered where there is an adequate provision in the locality for essential shops to meet local needs. In this location, it is considered that there are similar types of shop in the immediate area. As such, it is considered that the introduction of a Class A5 use (takeaway) in this location would be acceptable against this Council Policy.

Refuse

- 8.21 The Council's Unitary Development Plan (1998) requires developments which are likely to produce significant quantities of waste, to include adequate arrangements for its collection and storage. A condition has been included on the planning permission requiring a bin, as per plan, and that it should be installed before the use commences. This is considered adequate to address refuse concerns.

Highways

- 8.22 The site is located on a one-way street where parking is very limited. Cable Street is also a well used local bus route. Whilst it is recognised that there are restrictions on parking in the area, it is not considered that a takeaway (Class A5) use in this location would have a detrimental impact on the safety of pedestrians or other road users or affect the free flow of traffic in this area. With regard to trip rates, it is anticipated that the majority of users will be from the local area and will arrive to the site by foot. Given the reduced opening hours, any

noise generated from patrons will be limited to the early parts of the evening.

- 8.23 In relation to servicing such as deliveries, Highways have advised that, although the use of the property as a hot food take away would be likely to generate the same or slightly higher amount of servicing trips, it is not anticipated that this small sized development will have a significant impact.
- 8.24 It should also be noted that no loading or unloading is allowed in front of the property. There is a raised cycle route along the north side of Cable Street and the Council's Parking Development Officer has advised that no kerbside loading or unloading would be allowed at the front of the property. The applicant has advised that servicing would continue as existing. Servicing currently occurs at the side and rear of the property. An informative will be placed on the planning permission advising the applicant that no deliveries are allowed along Cable Street at any time.
- 8.25 Policy DEV16 of the IPG seeks the provision of secure cycle parking, with a minimum of 4 secure cycle parking spaces required. However, in this dense urban environment, it was considered that the need for a suitable location for the refuse bin took precedent in this instance to the need for the provision of cycle parking. The Council's Highway Department and Cleansing Department were consulted and are in agreement.

Proximity to Schools / Healthy Eating

- 8.26 Concerns were raised that the adjacent Bishop Challoner Catholic Collegiate School is trying to promote healthy eating to its pupils, and the introduction of a takeaway establishment at 375 Cable Street would encourage poor eating habits, have bad health consequences and consequently be contrary to aims of the School's healthy eating programme, as well as Government guidance and Tower Hamlets own policies.
- 8.27 In Tower Hamlets, the Council's current planning policy (contained within the Core Strategy (Submission version December 2009) Policy SP03 (1d)) seeks to reduce the over concentration of certain uses where they detracts from the ability to adopt healthy lifestyles. Such uses can include takeaways amongst others.
- 8.28 The supporting text to this policy (paragraph 4.9), seeks to put into practice this policy where an over concentration of 'unhealthy' uses is identified. However, this area is not identified in the plan as being affected by an over concentration of 'unhealthy uses' and the Council's land use survey of the area has revealed that there is not an over concentration of takeaway uses adjacent to this site. Therefore, this policy does not apply to this application.
- 8.29 As a consequence of the above, the Council has no current specific planning policy to restrict takeaway uses on healthy eating grounds in this area. However, it should be noted policy objective SO10 does indicate that the Council seeks to:

"... deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and enhance people's wider health and well-being".

- 8.30 Objectors to the scheme have held that the central government document entitled "*Healthy Weight, Healthy Lives: A Cross Government Strategy for England*", published in January 2008 should be given some weight in the consideration of this application. This document highlights the need for local authorities to manage the proliferation of fast food outlets as a means of combating their known adverse impact on community health. In particular, it suggests that such management should be scaled up around schools and parks.
- 8.31 It's not disputed that two schools are within 200m of the site. Nevertheless, it has to be

recognised that this central government document is guidance, not planning policy. Furthermore, Officers have considered as part of the assessment of this application other guidance that seeks to promote healthy eating and lifestyles. None of these documents are enshrined in specific government planning policy advice as yet. As such, Officers do not believe that this guidance can be given significant weight in the consideration of this planning application, particularly in comparison with specific planning policies that have been publicly tested and found 'sound'.

8.32 Moreover, in addition to the lack of healthy eating planning policy guidance, it should be additionally noted that there are other fundamental flaws in potentially using healthy eating as a reason for refusal for this application. Specifically:

- It is not possible to argue that a hot food takeaway, by definition, serves unhealthy food since not all 'hot food' is unhealthy and not all 'takeaways' are unhealthy. Furthermore, planning legislation does not seek to make any such distinction.
- Other uses also may also sell 'unhealthy food'. For example, a newsagent (Class A1 retail use) might sell crisps, fizzy drinks and chocolate and a bakery might sell cakes etc. Practically, nobody would seek to restrict retail shops on such a basis. Therefore, it is difficult to argue that Class A5 takeaways alone should be refused on unhealthy eating grounds, particularly since the planning system does not seek to control whether the produce sold in such an establishment is 'healthy' or 'unhealthy', only its use.
- Solely to blame hot food establishments for health problems would ignore the fact that other issues (e.g. poverty, lack of health education, lack of exercise, poor environment etc) are significant contributory factors in creating unhealthy lifestyles. Such an approach would therefore be unsafe.
- A recent planning appeal decision in Waltham Forest has supported that the view that a direct link between food brought in a hot food takeaway and unhealthy diets in individuals is impossible to sustain.(262-268 High Road, Leytonstone E11 3HS: Appeal references: APP/U5930/C/09/2105005+2105431 & A/09/2112069).

In summary, the Governments Planning Inspector in this case made it clear that a direct link between food bought in hot food takeaways and unhealthy / imbalanced diets in individuals is difficult to sustain because it is difficult to argue that all hot food takeaways are unhealthy ("*a direct association between food bought in hot food takeaways and unhealthy / imbalanced diets in individuals is difficult to sustain as an unvarying principle*"). He therefore stated that he gave little weight to this consideration as part of his judgement that a takeaway was acceptable here.

Given this ruling from the Inspectorate, it is considered that a reason refusal on this basis is unlikely to be substantiated in Tower Hamlets.

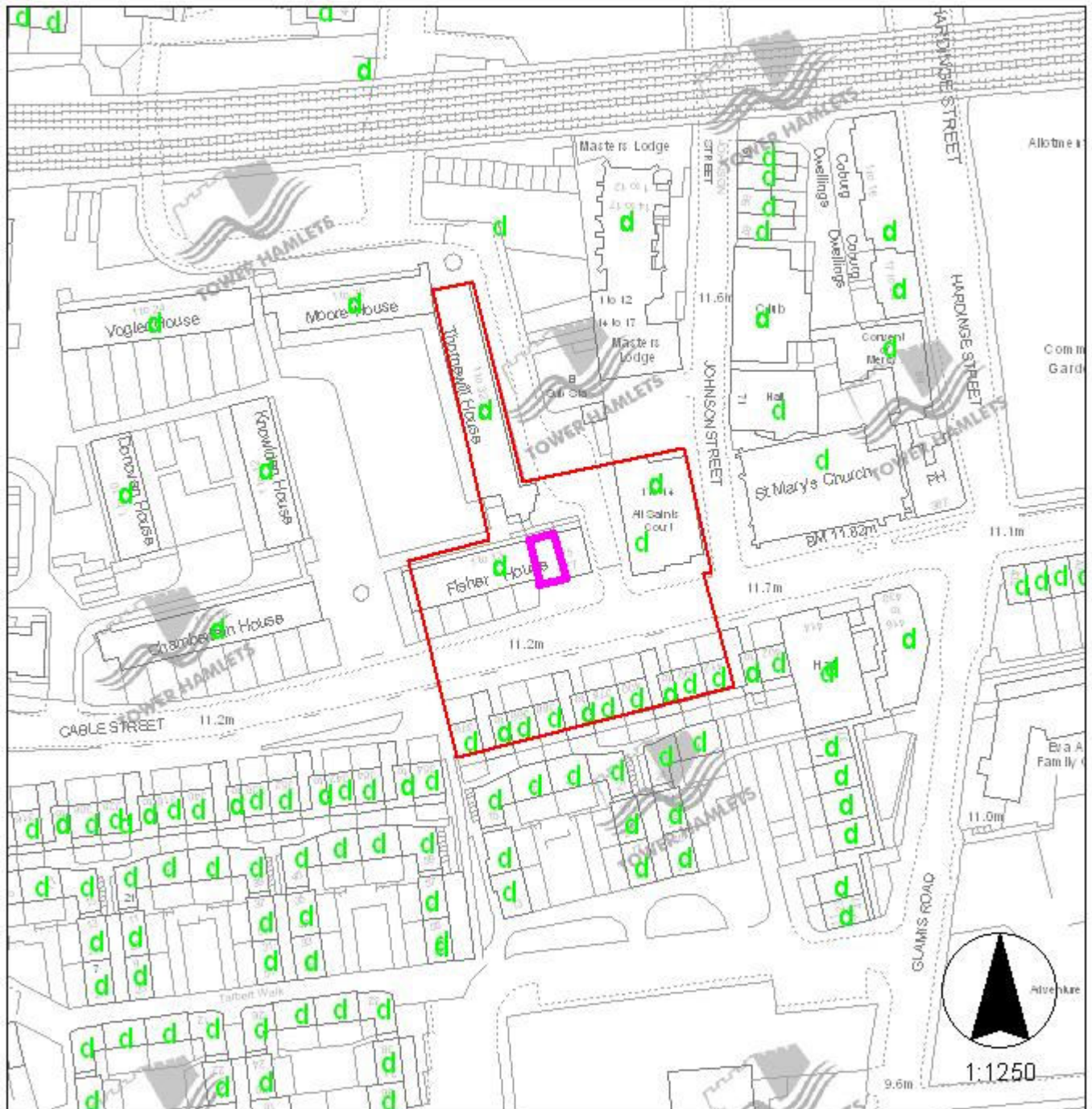
8.33 In conclusion, whilst the recent judicial review decision found that healthy eating was capable of being a material consideration in the determination of this application, it is considered that the lack of specific planning policy guidance, the limited weight that can be given to other guidance, and lack of a direct link to food brought in a takeaway and unhealthy diets, means that little weight can be given to such considerations. As such, a reason for refusal on healthy eating grounds is not sustainable when the facts of the matter are considered.

Conclusions

8.34 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 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
- d 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 LA095968

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Agenda Item 7.2

Committee: Strategic Development	Date: 16 th September 2010	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Amy Cooper		Ref No: PA/10/1049	
		Ward(s): Millwall	

1. APPLICATION DETAILS

- Location:** 40 Marsh Wall
- Existing Use:** Office building (Use Class B1)
- Proposal:** Demolition of existing office building and erection of a 38 storey building (equivalent of 39 storeys on Manilla Street) with a 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); public open space, together with the formation of a coach and taxi drop-off point on Marsh Wall.
- Drawing Nos:**
- Drawing nos. 1065A-PL-001; 1065A-PL-099A; 1065A-PL-100A; 1065A-PL-101; 1065A-PL-102; 1065A-PL-103; 1065A-PL-104; 1065A-PL-105; 1065A-PL-106; 1065A-PL-150; 1065A-PL-160; 1065A-PL-170; 1065A-PL-200B; 1065A-PL-201B; 1065A-PL-202B; 1065A-PL-203B; 1065A-PL-210A; 1065A-PL-211A; 1065A-PL-220A; 1065A-PL-221A; 1065A-PL-222A; 1065A-PL-223A; 1065A-PL-224A; 1065A-PL-225A; 1065A-PL-300; 1065A-PL-301; 1065A-PL-302; 1065A-PL-303A; 1065A-PL-304; 11065A-PL-305A; 065A-PL-310; 1065A-PL-700 and 1065A-PL-701.
 - Design and Access Statement dated May 2010, prepared by BUJ Architects and Glass Canvas image film creation;
 - Design and Access statement revised Appendix A dated July 2010, prepared by BUJ Architects and Glass Canvas image film creation;
 - Planning Statement dated May 2010;
 - Sustainable Energy Strategy Report dated May 2010 prepared by Mendick Waring Ltd;
 - Sustainability Statement dated May 2010, prepared by URS;
 - Transport Assessment DATED 24TH May 2010, prepared by JMP Consultants Ltd;
 - Employment Supply Study dated April 2009, prepared by Knight Frank ;
 - Hotel Demand Study prepared by Savills;
 - Aviation Report dated April 2009, prepared by Donald Butler Associates;
 - Statement of Community Involvement dated May 2010, prepared by Indigo Public Affairs;
 - Environmental Statement – Volume I dated May 2010, prepared by URS;
 - Environmental Statement – Volume II (Townscape & Visual Assessment) dated May 2010, prepared by URS;
 - Environmental Statement – Volume III (Technical Appendices) dated May 2010 prepared by URS;

- Environmental Statement – Volume III (Non-Technical Summary) dated May 2010 prepared by URS; and
 - Informal Cumulative Assessment (Townscape & Visual Assessment) dated May 2010, prepared by URS.
- Applicant:** Marsh Wall Chelsea LLP
- Owner:**
- Mr Kamruz, BAK Investments Ltd;
 - London Borough of Tower Hamlets (area of highway where taxi and coach drop-off is proposed is LBTH controlled); and
 - Smith & Williamson, Trust Corporation.
- Historic Building:** N/A
- Conservation Area:** N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity by serving business tourism, and in this respect will support London's world city status. The 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, policy SP06 of the Core Strategy Local Development Framework (submission version December 2009), policies CP13 and EE4 of the Council's Interim Planning Guidance (October 2007), 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), policy SP06 of the Core Strategy Local Development Framework (submission version December 2009), policies DEV1 and RT4 of the Council's Interim Planning Guidance (October 2007) 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 within the Central Sub-Area of the Isle of Dogs (IOD AAP), and the Canary Wharf Activity Area (CS).
 - 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), policy SP10 of the Core Strategy Local Development Framework (submission version December 2009) and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance and Isle of Dogs Area Action Plan (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 4B.1, 4B.8, 4B.9, 4B.10, 4B.16 and 4B.18 of the London Plan (2008), policy DEV1 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy Local Development Framework (submission version December 2009) and policies CP48 and CP50 of the Council's Interim Planning Guidance (October 2007), 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 Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (submission version December 2009) and policies DEV3 and DEV4 of the Council's Interim Planning Guidance (October 2007) 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 Council's Isle of Dogs Area Action Plan (October 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), policy SP10 of the Core Strategy Local Development Framework (submission version December 2009) and policy DEV1 of the Council's Interim Planning Guidance (October 2007), which seek to protect residential amenity.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (submission version December 2009) 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.1, 4A.4, 4A.6, 4A.7, 4A.9, 4A.10, 4A.14, 4A.16, 4B.2 AND 4B.10 of the London Plan, policy SP11 of the Core Strategy Local Development Framework (submission version December 2009) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable, low carbon development practices.
- Financial contributions have been secured towards the provision of transport infrastructure improvements; community facility/ies; employment & training initiatives; public art; leisure and marketing; tourism and Olympic signage in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan (1998), policy SP13 of the Core Strategy Local Development Framework (submission version December 2009), 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 **£597,608** towards improving access to employment and training for local residents including Skillsmatch, and toward the Enterprise Team including local business support and supply chains;
- b) Transport Infrastructure Improvements - **£722,627** comprising:
 - £424,627 towards Crossrail;
 - £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 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 Thames Path National Trail;
- e) Open Space Provision – **£40,260**;
- f) Community organisation contribution - **£100,000**;
- g) Olympic volunteering programme - **£30,000**;
- h) Tower Hamlets leisure marketing and promotion - **£108,000**; and
- i) Tower Hamlets business tourism marketing programme - **£30,250**.

Non-Financial Contributions:

- a) Car-free agreement;
- b) TV reception monitoring;
- c) Publicly accessible open space – To maintain access across the new public realm ;
- d) Code of Construction Practice - To mitigate against environmental impacts of construction;
- e) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
- f) 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;
- g) Servicing Management Plan – To ensure servicing is undertaken in an appropriate manner;
- h) Air quality monitoring during construction;
- i) Travel Plan;
- j) Relocation of bus stop; and
- k) Disabled bay, coach drop off and taxi parking to be provided/maintained.

Total financial contribution: **£1,665,145**.

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) Contamination;
- 3) Construction Management Plan;
- 4) Foul and surface water drainage;
- 5) Monitoring and protection of ground water;
- 6) Archaeology;
- 7) Air quality assessment;
- 8) Movement of freight by water;
- 9) Evacuation plan;

- 10) Scheme of necessary highways improvements to be agreed (s278 agreement);
- 11) Piling and foundations;
- 12) Landscape management;
- 13) Ventilation and extraction;
- 14) Refuse and recycling;
- 15) Service Management Plan;
- 16) Black Redstart habitat;
- 17) Brown roof details;
- 18) Accessible hotel rooms;
- 19) Access management plan;
- 20) Pedestrian audit;
- 21) Heat network;
- 22) Materials – samples and details;
- 23) BREEAM;
- 24) Relocation of bus stop;
- 25) Vehicular, cycle and service parking;
- 26) Timely provision of coach/taxi layby on Marsh Wall;
- 27) Means of access and egress for people with disabilities;
- 28) Hours of building works;
- 29) Hammer driven piling;
- 30) Noise levels;
- 31) Vibration;
- 32) Compliance with the submitted Energy Strategy;
- 33) Photovoltaic panels;
- 34) Wheel washing;
- 35) Servicing and delivery via Manilla Street;
- 36) Compliance with Flood Risk Assessment;
- 37) Hotel Use Only;
- 38) Period of hotel suite occupation no longer than 90 consecutive days;
- 39) Approved plans; and
- 40) 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; and
- 10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.3 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.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes the demolition of the existing office building and the erection of a replacement 38-storey hotel building on Marsh Wall. On the Manilla Street frontage the proposed building is 39 storeys due to a level change.
- 4.2 The proposed building is described as a 'boutique hotel' and contains:
- 305 hotel suites (Use Class C1) at second to tenth, and eleventh to thirty-fourth floors;
 - Restaurants/cafes/bars (Use Class A3/A4) at podium, first, thirty-sixth and thirty-seventh floor, totalling 1,088sq.m;
 - Eight serviced offices (Use Class B1) at 8th – 10th floors totalling 762sq.m (NIA);
 - Swimming pool, gym and spa (Use Class D2) at basement and 35th floor level totalling 379sq.m (NIA);
 - A total of 433sq.m (NIA) of conference facilities (Use Class D1) together with 30 staff bicycle parking spaces, plant and ancillary hotel functions across a total of three basement levels;
 - One on-site disabled parking space, one on-site servicing space accessed off Manilla Street, together with 8 visitor cycle stands at ground floor level;
 - Provision of 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 8th floor level to seemingly form a tower above a 9 storey podium building. The height of the proposed building is 124.15m 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 and coach drop off point on Marsh Wall, which involves the relocation of an existing bus stop outside the site.

Site and Surroundings

- 4.6 The site is located within the northern part of the Isle of Dogs, at 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 two sets of 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.
- 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 22nd 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 1st May 2007).
- 4.10 To the west of the site on Cuba Street is Block Wharf, 7-storey residential building with commercial use at ground floor. Beyond Block Wharf lies a vacant site at 1-18 Cuba Street, on land bounded by Cuba Street, Tobago Street and Manilla Street. This site is also directly to the south of the 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.
- 4.11 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 proposed building falls within the panoramic view from Greenwich Park towards St Paul's Cathedral as protected within view 5A.1 and 5A.2 of the London View Management Framework and the consultation draft. The proposed building would sit within the Canary Wharf cluster, which is central within the view 5A.1. The proposal is not specifically within the Protected Vista 5A.2, but forms part of the wider panorama.
- 4.12 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

- 4.13 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 3rd November 1994.
- PA/03/00547 Planning permission was granted on 10th June 2003 for the change of use of ground floor unit from use Class B1 (office) to use Class A2 (financial and professional services)
- PA/09/1220 Planning permission was refused on 7th May 2010 for the 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. Permission was refused 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, 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.*

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.*

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) [UDP]

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

Core Strategy Local Development Framework (Submission version December 2009) [CSLDF]

SO1	Delivering our regional role
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SO3	Achieving wider sustainability
SO4, SO4, SO6 and SP01	Refocusing on our town centres
SO7, SO8, SO9 and SP02	Urban living for everyone
SO10, SO11 and SP03	Creating healthy and liveable neighbourhoods
SO12, SO13 and SP04	Creating a green and blue grid
SO15, SO16 and SP06	Delivering successful employment hubs
SO19 and SP08	Making connected places
SO20, SO21 and SP09	Creating attractive and safe streets
SO22, SO23 and SP10	Creating distinct and durable places
SO24 and SP11	Working towards a zero-carbon borough
SO25 and SP12 and Millwall vision Statement LAP 7 & 8 SP13	Delivering placemaking Planning obligations

**Interim Planning Guidance for the purposes of Development Control (October 2007)
[IPG]**

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

Policies:	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV27	Tall Buildings
	SCF1	Social and Community Facilities
	OSN3	Blue Ribbon Network
	CON1	Listed Buildings
	CON5	Protection and Management of Important Views
	IOD2	Transport and movement
	IOD4	Education Provision
	IOD6	Water Space
IOD7	Flooding	
IOD10	Infrastructure and services	
IOD18	Employment Uses in the Central sub-area	
IOD20	Retail and Leisure Uses in the Central sub-area	
IOD21	Design and Built Form in the Central sub-area	

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

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
PPS5	Planning for the Historic Environment
PPS9	Biodiversity & Conservation
PPG13	Transport
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 of **£597,608** from the developer is sought towards improving access to employment and training for local residents including Skillsmatch, and toward the Enterprise Team including local business support and supply chains. (OFFICER COMMENT: The requested sum has been secured within the associated s106 agreement. Additionally, a Social Compact 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.)

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: With regard to open space provision, the requested figure is to be discounted by the amount of open space proposed on site which is 589m². Based on laying out costs for open space this equates to a discount of approximately £153,140 (£260/m² * 589m²) (as set in News International and Wood Wharf approvals). Accordingly, a financial contribution of **£40,260** has been agreed with the developer.

LBTH Energy Efficiency

- 6.4 Consider that the proposed sustainable energy strategy is acceptable in principle, subject to the submission of further information regarding 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 response received, however to the previous application there was no objection subject to the attachment of appropriate conditions. (OFFICER COMMENT: Conditions have been attached to this effect).

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 response received, however to the previous application there was no objection subject to the attachment of appropriate conditions. (OFFICER COMMENT: Conditions have been attached to this effect).

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: Concern is raised regarding the TRAVL database comparison sites used for the trip generation of the proposed development. However, as part of the consideration of the 2009 application, the Highways section found the comparative site was satisfactory. Case officer considers that comparative site of an apart/hotel based in Holborn is acceptable. 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 Coach Parking/ Taxi Drop off & Pick up: The LBTH Interim Planning Guidance requires 1

coach parking space per 100 hotel bedrooms. A lay-by is proposed on the southern side of Marsh Wall, positioned directly in front of the site, and secured by way of section 278 & 72 Highways Agreements, which would also ensure that a public footpath with a minimum width of 2 metres is maintained. The lay-by would not be for the sole use of 40 Marsh Wall since it would be constructed on the public highway.

- 6.13 It is also proposed that the lay-by would be used for taxi drop-off and pick up. However, the Highways section do not consider that the arrangement acceptable as the proposals would require a coach to reverse within the lay-by if a taxi was also parked within the space, and there are also concerns regarding visibility for taxi's egressing the lay-by when a coach is parked in the space. (OFFICER NOTE: This aspect of the scheme is further discussed in the Highways Section of this report. It is also recommended that a condition is attached to require the prior agreement of the necessary highways works. These are separate to the s106 contribution works, as detailed above)
- 6.14 Servicing: Proposed to take place off the highway via a servicing bay on Manilla Street. Whilst the Highways section previously supported this arrangement, their latest comments raise concerns regarding serving vehicles reversing onto the highway, and the width of the crossover. If planning permission is granted, the Highways Section has requested a Service Management Plan, and 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. Further discussion regarding the servicing entrance is provided within the Highways section of this report)

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. There are currently no emerging plans for a Masterplan in this area, and the present Development Plan is considered satisfactory. 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 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 is generally acceptable in strategic planning terms and many of the elements of the proposal respond well to London Plan policies. The proposed land uses are supported by the London Plan and the overall design and scale of the building, together with 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 requested a contribution toward Crossrail, which has been agreed at £424,627; and
 - 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 to address the GLA's 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 No objection raised.

London City Airport (statutory consultee)

- 6.27 No response received, however a standard informative regarding the requirement for consultation upon the use of cranes and scaffolding during construction has been attached.

London Fire and Emergency Planning Authority (statutory consultee)

- 6.28 No response received, however a standard informative regarding the necessity to contact the LFEPA has been attached.

London Wildlife Trust

6.29 No comment.

London Underground (statutory consultee)

6.30 No objections.

National Air Traffic Services (NATS – statutory consultee)

6.31 No objections.

Natural England (statutory consultee)

6.32 No comments received.

Thames Water (statutory consultee)

6.33 Concern raised with relation to the ability of the existing waste water infrastructure to accommodate the needs of the proposal. Condition requested securing details of drainage strategy prior to the commencement of any works on site, together with an informative. These has been attached to the draft decision notice.

Transport for London (statutory consultee)

6.34 TFL comments are addressed within the body of the GLA's Stage 1 response as raised in paragraph 6.24. 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:	2	Objecting:	2	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 proposed building is too high; and
- Marsh Wall is often partially blocked by coaches serving the International Hotel and this proposal will exacerbate existing traffic and pedestrian safety 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 Council is money wasting.

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 305 suites.
- 8.3 When the application was previously presented to Members the principle of the hotel use was supported by officers, a view which Members previously accepted.
- 8.4 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-region's contribution to London's world city role, especially in relation to the Isle of Dogs.
- 8.5 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.
- 8.6 Within the CSLDF (2009) the site sits within LAP 7&8, on the boundary between the Canary Wharf and Millwall Strategic Vision Areas, which encourage mixed use developments. Policy SP06 supports the concentration of hotels, serviced apartments and conference centres, to attract visitors and promote tourism in the borough, within the Central Activities Zone, City Fringe Activity Area, Canary Wharf Activity Area and Major and District Centres.
- 8.7 According to policy ART7 and CAZ1 of the UDP (1998) 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 IPG (2007) 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.
- 8.8 Policy IOD18 of the Isle of Dogs Area Action Plan (IODAAP) 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.
- 8.9 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. This proposal will enhance facilities for visitors to London and supports 3D.7'Visitor Accommodation and Facilities', which seeks to

achieve a target of 40,000 net additional hotel rooms by 2026'

- 8.10 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%.
- 8.11 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.
- 8.12 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.
- 8.13 In conclusion, whilst the application proposal results in the loss of approximately 2,600 sq.m of office floorspace (discussed further within the employment section of this report, below), the provision of hotel accommodation with associated ancillary commercial facilities in this location is supported by the relevant local and regional planning policy.

Employment

- 8.14 The application proposal would result in the loss of 2,636 sq.m of office (B1) floorspace. The existing number of employees within 40 Marsh Wall is detailed as 145 on the application form, with an expected 249 equivalent full time jobs associated with the proposed development.
- 8.15 UDP (1998) 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; and
 - 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.
- 8.16 Policy SP06 of the CSLDF (2009) designates the site as lying within the Canary Wharf Preferred Office Location, supporting larger floor-plate offices and intensification of floorspace.
- 8.17 Policy EE2 of IPG (2007) 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; and
 - There is evidence that the possibility to reuse or redevelop the site for a similar or alternative business use, through active marketing, has been fully explored over a period of time or there is recent evidence that the site is suitable for ongoing employment use.
- 8.18 The applicant has 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 at 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 3804sq.m of B1 office floorspace, which presently accounts for 0.2% of total Docklands office stock, which itself is ever-increasing.

- 8.19 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 that at 40 Marsh Wall. Furthermore, given the increase in employment numbers 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 that 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, SP06 of the CSLDF (2009) and EE2 of IPG (2007).

Design

- 8.20 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 (2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality design.
- 8.21 When the application was previously presented to Members the principle of the scale, bulk and detailed design of the building was supported by officers. However, Members did not agree with this view, and subsequently the application was refused on the grounds of height and bulk as detailed in paragraph 4.13.
- 8.22 Whilst the GLA has consistently supported the height of the building, the applicants have responded to Members concerns by making several alterations to the proposal. These are:
- Height of the building reduced by one storey; and
 - Detailed design alterations undertaken in response to amendments to internal arrangements.
- 8.23 Policy DEV6 of the UDP (1998) 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.
- 8.24 Policy SP10 of the CSLDF (2009) seeks to ensure that developments promote good design to create high quality, attractive, durable buildings that are well-integrated with their surroundings.
- 8.25 Policies CP1, CP48 and DEV27 of the IPG (2007) state that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.26 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 DEV2 of the UDP (1998) and the IPG (2007).

- 8.27 Policies DEV1 and DEV2 of the UDP (1998) and policy CP4 of the IPG (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.
- 8.28 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

- 8.29 The application proposes the erection of a 38 storey building (39 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 124.15m AOD, 3 metres lower than the previously considered application.
- 8.30 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.
- 8.31 The building is considered by Council's design officers to be 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.
- 8.32 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 38/39 storey tower. The plinth is orientated to the east/west in order to 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.
- 8.33 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.



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

8.35 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 the taller 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 7 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, and the London Borough of Greenwich have not raised objection to the proposal.

8.36 The GLA's Stage I report states:

"As stated for the previous scheme, the proposed building will appear amongst a skyline of other tall buildings and, given its relatively slender built form, will not have a negative impact on views of the Canary Wharf of the wider Isle of Dogs"

"This building arrangement is logical and should sit comfortably on the site"

8.37 Policy DEV27 of the IPG (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 proposal is acceptable within a strategic view corridor;
- The proposal is acceptable within a local view corridor and would not impact adversely

- on local landmarks;
- The scheme frees up approximately 60% of the site to provides high quality, usable amenity space;
- The scheme enhances the movement of people, including disabled users, through the public realm area whilst securing a high standard of safety and security for future users of the development;
- The scheme meets the Council's requirements in terms of micro-climate;
- The proposal 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;
- The proposal 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;
- The proposal conforms with Civil Aviation requirements; and
- Subject to requirements in the s106 agreement, the proposal will not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.38 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 Streets at floor level.

8.39 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 (2008), UDP (1998), CSLDF (2009), IPG (2007) and IODAAP (2007), 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 with the Council under the formal pre-application advice process. Accordingly, officers are seeking to ensure a coherent, sustainable approach to the redevelopment of the area is achieved.

8.40 In light of supporting comments received from the GLA and the Council's Design Department regarding the form, height, bulk, massing and design of the development, and subject to conditions to ensure a 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.

Heritage Issues

8.41 PPS5 (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.

8.42 Policy 4B.11 of the London Plan (2008) 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.

- 8.43 Policy SP10 of the CSLDF (2009) seeks to ensure that new development preserves or enhances the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods.
- 8.44 Policy CON1 of the IPG (2007) states that planning permission will not be granted for development which would have an adverse impact upon the setting of a listed building.
- 8.45 As detailed above, the application site is not located within a conservation area, with the nearest 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.
- 8.46 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 (2008), and the Council's CSLDF (2009) and IPG (2007).

Accessibility and Inclusive Design

- 8.47 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.
- 8.48 Policy 4.5 of the draft replacement London Plan relates to the provision of visitor accommodation and facilities, and supports an increase in the quality and quantity of fully wheelchair accessible accommodation. The draft policy seeks at least 10% of new hotel bedrooms to be wheelchair accessible, and for applicants to submit an accessibility management plan which sets out how the continuing management of the hotel will ensure the accessible rooms are maintained and managed, helping inclusive access become part of the overall operation of the hotel. The applicants have confirmed that the proposal will deliver 10% wheelchair accessible rooms, and a condition to secure an accessibility management plan has been attached to the draft decision notice.
- 8.49 The GLA have queried a number of minor issues relating to access. 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, together with the inclusion of revolving doors and the fact a second accessible lift to the eastern side of the site is not feasible. A condition has been attached in order to ensure the access is as inclusive as possible.

Safety and Security

- 8.50 In accordance with DEV1 of the UDP (1998) and DEV4 of the IPG (2007), 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, however it is recommended a condition to secure a CCTV and lighting scheme is submitted for approval.

Amenity

- 8.51 According to paragraph 4.37 of policy CP13 of the IPG (2007), hotels 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.

- 8.52 Policy DEV2 of the UDP (1998), SP10 of the CSLDF (2009) and policy DEV1 of the IPG (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.
- 8.53 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

- 8.54 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.
- 8.55 DEV2 of the UDP (1998) seeks to ensure that 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.
- 8.56 Policy SP10 of the CSLDF (2009) notes that new buildings should protect amenity and promote well-being, including access to daylight and sunlight.
- 8.57 Policy DEV1 of the IPG (2007) states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.58 It is noted that when the previous scheme was presented to Members, officers considered the daylight and sunlight implications of the proposal acceptable. Since the previous application, the proposal has reduced in height by 3 metres, however the footprint of the building has remained the same.
- 8.59 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.
- 8.60 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

- 8.61 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-residential and therefore detailed assessments are not considered necessary. The Council's Environmental Health Officer has agreed this approach.

- 8.62 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%.
- 8.63 On balance, it is considered that the results of the daylight assessment are acceptable, considering the dense, mixed use location of the subject site.
- 8.64 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.
- 8.65 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, and thus on balance the proposal is considered acceptable in this respect.
- 8.66 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 in this respect.

b. Internal Daylight Assessment

- 8.67 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. Overshadowing

- 8.68 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 21st of March.
- 8.69 The results of the submitted permanent overshadowing assessment indicates that 4.4% of the proposed amenity space will be in permanent shadow on March 21st.
- 8.70 The level of amenity area within permanent overshadowing is well within the BRE guideline criteria and the impact of the proposal is considered to be minimal in this respect.

Air Quality

- 8.71 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.
- 8.72 During the operational phase, the scheme is car free. Nonetheless, the s106 legal agreement has been drafted to require 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

- 8.73 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-climate in terms of wind.
- 8.74 Similarly, there is no specific UDP (1998) policy relating to wind, but this is addressed in respect of micro-climate in the IPG (2007) policies DEV1, DEV5 and DEV27.
- 8.75 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 the intended use.

Noise and Vibration

- 8.76 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.
- 8.77 The London Plan (2008) 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 (1998) states that the Council will consider the level of noise generated from developments.
- 8.78 Within the submitted Environmental Statement, the applicant undertook a noise assessment. The Council's Environmental Health officer made no comments on the scheme, and it is recommended appropriate conditions are attached to ensure appropriate consideration of these details.

Privacy/ Overlooking

- 8.79 Issues of privacy/overlooking are to be considered in line with Policy DEV2 of the UDP, SP10 of the CSLDF (2009) and DEV1 of the IPG (2007) where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between directly facing habitable room windows 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.
- 8.80 The proposed Hotel rooms 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, it is not considered the proposal would result in an unduly detrimental loss of privacy for surrounding residential occupants.

Highways & Transportation

Access

- 8.81 Policy T16 of the UDP (1998) and policies DEV17, DEV18 and DEV19 of the IPG (2007) require new development to take into account the operational requirements of the proposed use and the impact 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.
- 8.82 The application site takes advantage of being in a highly accessible location well served by public transport. Canary Wharf Underground station is located approximately 375m to the north east, 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 (although the proposal will require the re-location of this bus stop). 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.
- 8.83 The proposal would bring forward significant improvements to the pedestrian environment around the site, in accordance with the London Plan and Council policy to improve pedestrian access.
- 8.84 The proposal includes the provision of a taxi and coach 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, and both TfL and JC Decaux (who would submit the planning application for the relocation of the bus stop) have agreed the approach suggested by the applicants.
- 8.85 The previous application did not include a specific coach parking space, but rather proposed a drop-off point via Manilla Street. Whilst officers supported this approach, Members had concerns regarding the compact nature of the street-network, and the limited ability of coaches to negotiate the proposed route. The scheme was subsequently refused on parking and traffic impacts as detailed in paragraph 4.13 of this report.
- 8.86 In response to Member's concerns, the applicant has revised the arrangement to provide a dedicated taxi and coach drop-off lay-by directly outside the site, on Marsh Wall. Separate traffic orders would be required, designating a specific taxi space, and specific coach space. Whilst the Council's Highways section have concern over this arrangement as detailed in section 6 of this report, it is considered by officers to be the most pragmatic and logical place for the coach parking. This section of Marsh Wall is currently used as a bus stop, which demonstrates that large vehicles have been stopping and pulling into traffic on Marsh Wall for some time. Additionally, the size of the lay-by has been increased in width from the previous application, to ensure that coaches will not obstruct the free-flow of traffic

when they are parked.

- 8.87 Further to this, it is noted that the applicant does not anticipate coaches visiting the site on a regular basis, given the high-end clientele associated with the proposed 5 star hotel.
- 8.88 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 vicinity of the development.
- 8.89 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 Olympic signage and the provision of three new gates on the nearby Thames Pathway National Trail, together with a signage audit to be carried out within the area to improve way-finding in the area.

Car and Cycle Parking

- 8.90 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.
- 8.91 In view of the site's high public transport accessibility level, TfL welcomes the car free nature of the scheme, and the cycle parking has been provided in accordance with TfL standards.

Servicing and Refuse Provision

- 8.92 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.
- 8.93 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. This arrangement has not changed from that previously supported by the Highways Section. However, the Council's Highways Department has now raised concern regarding the width of the crossover, and requirement for vehicles to reverse onto the Manilla Street. Given the previous position formally taken by the Council, and the fact that vehicles negotiating the 90 degree turn on Manilla Street need to travel at modest speed, on balance officers consider the approach previously agreed is acceptable.
- 8.94 The Highways section have requested that a condition be attached requiring the submission of a service management plan, in order for the service bay to be effective. This has been included on the draft decision notice.

Energy Efficiency & Sustainability

- 8.95 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. UDP (1998), CSLDF (2009) and IPG (2007) policies also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

8.96 Policy 4A.1 of the London Plan (2008) sets out the energy hierarchy for tackling climate change.

8.97 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, among other matters will:

- Reduce the carbon dioxide and other emissions that contribute to climate change;
- Minimise energy use by including passive solar design, natural ventilation and vegetation on buildings;
- Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
- Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.

8.98 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 emission reduction as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.

8.99 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.

8.100 The table below shows an overall reduction of 32.1% carbon emissions from the baseline after all the various energy strategies have been implemented.

Assessment	Energy Demand % reduction	CO2 Emission % reduction
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

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Table 1: Proposed carbon emission reductions

- 8.101 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.
- 8.102 The information submitted has been assessed 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.
- 8.103 The GLA did not raise objection 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. It is therefore considered that the proposed carbon emission reductions are in accordance with the abovementioned policies.

Other Planning Issues

Biodiversity

- 8.104 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor British Waterways raised any objections to the proposal on such grounds. The applicant has provided an element of brown roofing at roof level to respond to comments previously made by Natural England with relation to the inclusion Black Redstart habitat. A condition has been attached requiring the submission of details of ecological enhancements.

Flooding

- 8.105 Policy U3 of the UDP (1998) and policy DEV21 of the IPG (2007) state 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.
- 8.106 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 in this respect.

Environmental Statement

- 8.107 The Environmental Statement (ES) and further information/clarification points 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.

Financial Contributions

- 8.108 As discussed in section 4 of this report, the third reason for refusal associated with the previous application related to the inadequacy of the planning obligations to mitigate against the impacts of the proposed development.

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.

8.109 As iterated in section 3 of this report, the agreed Heads of Terms are as follows:

Financial Contributions:

- a) Employment & Training – Provide **£597,608** towards improving access to employment and training for local residents including Skillsmatch, and toward the Enterprise Team including local business support and supply chains;
- b) Transport Infrastructure Improvements - **£722,627** comprising:
 - £424,627 towards Crossrail;
 - £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 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 Thames Path National Trail;
- e) Open Space Provision – **£40,260**;
- f) Community organisation contribution - **£100,000**;
- g) Olympic volunteering programme - **£30,000**;
- h) Tower Hamlets leisure marketing and promotion - **£108,000**; and
- i) Tower Hamlets business tourism marketing programme - **£30,250**.

Non-Financial Contributions:

- l) Car-free agreement;
- m) TV reception monitoring;
- n) Publicly accessible open space – To maintain access across the new public realm ;
- o) Code of Construction Practice - To mitigate against environmental impacts of construction;
- p) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy;
- q) 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;
- r) Servicing Management Plan – To ensure servicing is undertaken in an appropriate manner;
- s) Air quality monitoring during construction;
- t) Travel Plan;
- u) Relocation of bus stop; and
- v) Disabled bay, coach drop off and taxi parking to be provided/maintained.

Total financial contribution: **£1,665,145**.

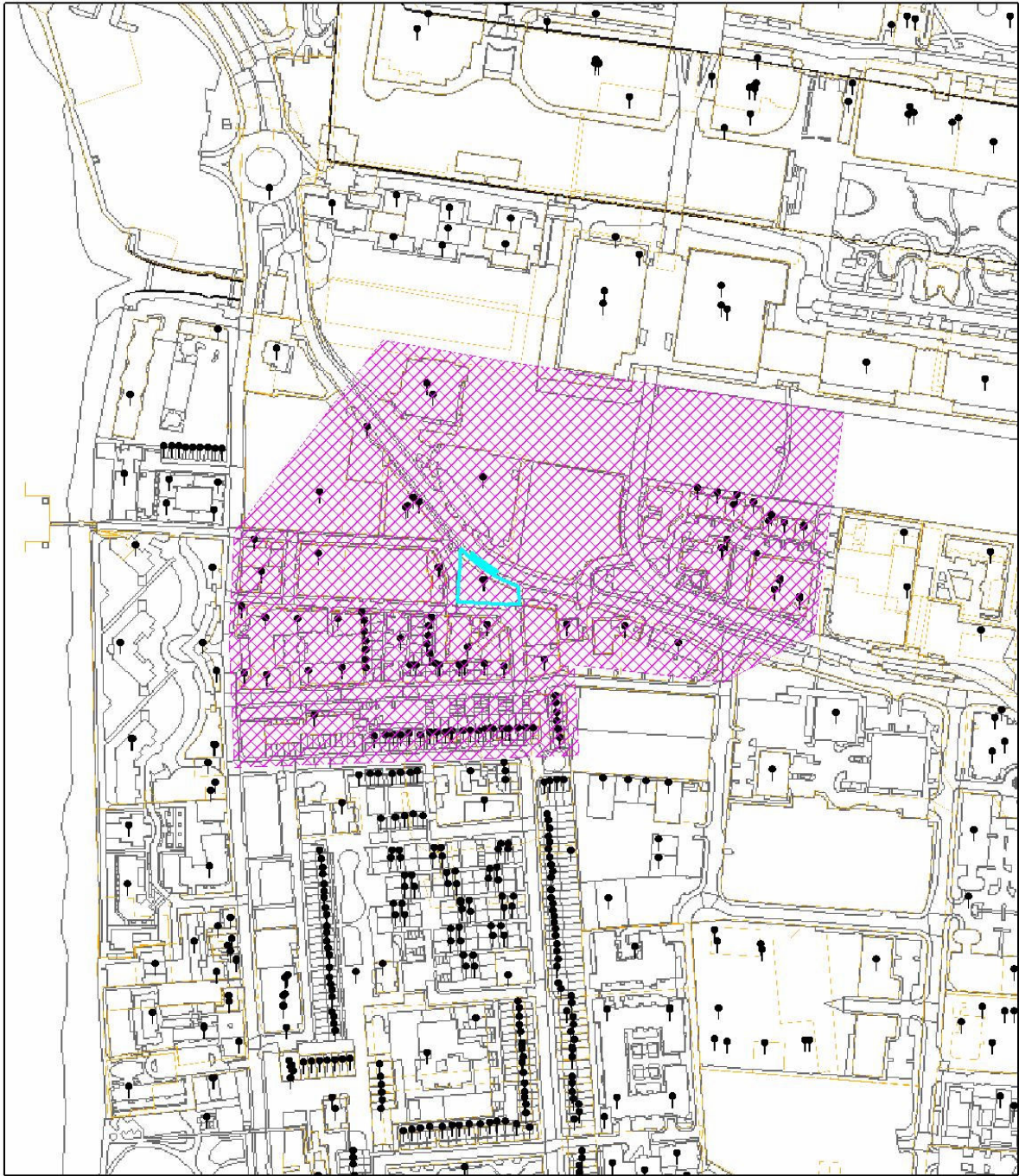
8.110 In financial terms, this equates to a contribution of £5459 per hotel unit, where the previous scheme secured £4067.22 per hotel unit.

8.111 Accordingly, officers consider that the level of financial and non-financial contributions associated with the proposal are wholly appropriate, and adequately and appropriately mitigate against any impacts associated with the proposed development.

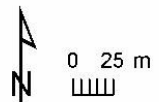
Conclusions

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

Planning Application Site Map



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



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

Agenda Item 7.3

Committee: Strategic Development	Date: 16 th September 2010	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Shay Bugler	Ref No: PA/10/1481 Ward: Whitechapel

1. APPLICATION DETAILS

Location: Jobcentre Plus, 60 Commercial Road, London E1 1LP

Existing Use: Job Centre Plus (Use Class A2/B1)

Proposal: Demolition of existing building and erection of a 19 storey building plus basement to provide plant room; 200 sqm retail/commercial /community unit (class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation on upper floors (comprising 383 units) and ancillary uses; associated servicing and landscaping.

Drawing Nos/Documents:

- Impact Statement by Derwent London dated July 2010
- Design & Access statement by Buckley Gray Yeoman dated July 2010
- Drawing numbers: 596_PL_CR_000 Rev A; 596_PL_CR_001 Rev B; 596_PL_CR_099 Rev B; 596_PL_CR_100 Rev B; 596_PL_CR_101 Rev B; 596_PL_CR_102 Rev B; 596_PL_CR_103 Rev A; 596_PL_CR_104 Rev A; 596_PL_CR_106 Rev A; 596_PL_CR_110 Rev B; 596_PL_CR_111 Rev B; 596_PL_CR_120 Rev B; 596_PL_CR_121 Rev B; 596_PL_CR_125; 596_PL_CR_131 Rev B; 596_PL_CR_132 Rev A; 596_PL_CR_133 Rev B; 596_PL_CR_134 Rev B; 596_PL_CR_135 Rev B; 596_PL_CR_136 Rev A; 596_PL_CR_150; 596_PL_CR_151

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

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, Core Strategy Development Plan Document (submission version 2009); the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The loss of office floorspace is considered acceptable given the re-provision of higher quality office floorspace at a nearby site and the educational benefits or providing student accommodation to support London Metropolitan University. 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, & Core Strategy DPD policy 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; and Interim Planning Guidance (2007) & policy SP02 of the Core Strategy DPD (submission version) which encourage the provision of education facilities and special needs housing at accessible locations.
- 2.4 Subject to conditions requiring the submission of full details and samples materials and elevational treatments, the design of the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on character and appearance of the area, in accordance with 4B.1, 4B.2, 4B.8 of the London Plan 2008, saved policies DEV1, DEV2 and DEV3 of the Unitary Development Plan (1998); policies SP02 & SP10 of the Core Strategy Development Plan Document (2009); and policies DEV1 & DEV2 of the Council's Interim Planning Guidance (2007) which seek to ensure development is of a high quality of design.
- 2.5 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), policy SP10 of the Core Strategy Development Plan Document (2009) and policies CP48, DEV1, DEV2, DEV3 and DEV27 of the Council's Interim Planning Guidance (October 2007), which seek to ensure tall buildings are of a high quality design and suitably located.
- 2.5 It is not considered that the proposal would not give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998); policy SP03 of the Core Strategy Development Plan Document (2009); policy DEV1 of the Interim Planning Guidance (2007) which seek to protect residential 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 & policy SP09

of the Core Strategy Development Plan Document (submission document 2009) and national advice PPS13 which seek to ensure there are no detrimental highways impacts created by the development.

- 2.7 Sustainability matters, including energy, are acceptable and in line with policies 4A.1 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5, DEV 6 & DEV9 of the Council's Interim Planning Guidance (2007) & SP11 of the Core Strategy Development Plan Document (submission version 2009) which seek to promote sustainable development practices.
- 2.8 Contributions have been secured towards cultural, recreational and community projects in the Aldgate Masterplan area and surrounding area; highway improvement works and bus capacity enhancements. This is in line with Regulation 122 of the Community Infrastructure Levy Regulations 2010, policies 6A.4 & 6A.5 of the London Plan (Consolidated with Alterations since 2004); policy DEV4 of the Tower Hamlets Unitary Development Plan (1998) and policy IMP1 of the Council's Interim Planning Guidance (2007), which seek to secure planning obligations that are necessary to make development acceptable in planning terms.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 A. Any **direction** by **The Mayor**
- 3.3 B. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial

- a) A contribution of £462,130 towards cultural, creational and community projects in the Aldgate Masterplan Area and surrounding area
- b) A contribution of £60,000 to LBTH Highways for highway improvement works
- c) A contribution of £100,000 to TfL for pedestrian improvement works
- d) A contribution of £109,000 towards Bus Capacity enhancements
- e) Completion of linked development at 122 Back Church Lane prior to occupation of 60 Commercial Road

The total financial contribution would be £731, 130.

Non financial

- f) Commitment to use local labour in construction
- g) Commitment to implement Student Management Plan
- h) Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- i) TV/Radio Reception Monitoring
- j) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 3.4 That the Corporate Director Development & Renewal is delegated authority to

negotiate the legal agreement indicated above.

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

3.6 **Conditions**

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

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

- 3) Programme of archaeological investigation
- 4) Contaminated Land Survey
- 5) Construction Management Plan
- 6) Delivery and service management plan
- 7) Code of Construction Practice
- 8) Sample of all external facing materials / sample board / Mock up typical bay
- 9) Piling or other foundation designs
- 10) Detail of landscaping scheme to include hard and soft finishes, planting, external lighting, CCTV and future management arrangements
- 11) Further Energy Study to include feasibility of linking to 122 Back Church Lane. Implementation and retention of approved study if relevant
- 12) Amending Travel Plan including details for monitoring uptake of cycle stands. Provision of all approved measures including cycle parking prior to occupation
- 13) A heat network supplying all spaces within the development at 60 Commercial Road shall be installed and sized to the electrical , space heating and domestic hot water requirement of the development)
- 14) A minimum of 168m² of photovoltaic panels to be installed

Prior to occupation:-

- 15) Implementation and retention of measures in wind assessment
- 16) Implementation and retention of measures in air quality assessment
- 17) Implementation and retention of measures in noise assessment
- 18) Implementation and retention of measure in Service Management Plan
- 19) BREAM assessment demonstrating that the development achieves a minimum 'Excellent' rating
- 20) Prior to occupation of commercial unit written approval from LPA for hours of operation. No deviation from approved hours unless otherwise agreed in writing.
- 21) No installation of extraction / air conditioning plant to ground floor student café without prior approval of LPA.
- 22) No installation of extraction / air conditioning plant to ground floor commercial unit without prior approval of LPA.

Compliance:-

- 23) Removal of PD rights to erect fencing along South boundary
- 24) Retention of shop-front display in commercial unit. No installation roller shutters
- 25) Retention of privacy screening around high-level terraces. Restriction on use of terraces to hours of 8.00am to 10.00pm on any-day.
- 26) Restriction of the use of the student accommodation to full time higher

- education students and staff during term time
- 27) Restriction of hours of construction.
 - 28) Restriction of hours of piling
 - 29) Height not to exceed that shown on plans (including cranes for construction) unless further consultation with London City Airport.
 - 30) The Energy efficiency and decentralised energy technologies shall be implemented in accordance with the proposals made in the Energy Statement dated July 2010
 - 31) Enter into S278 Agreement
 - 32) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 Informatives

- 1) Thames Water Comments
 - 2) Contact LBTH Building Control
 - 3) Contact LBTH Highways
 - 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.8 That, if by 11th October 2010 the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 Planning permission was refused on 22/02/2010 for the demolition of the existing building and erection of a 21 storey building plus basement to provide retail/commercial /community unit at ground floor and student accommodation and ancillary uses (ref no: PA/09/1198). The application was reported to the Strategic Development Committee Meeting of November and December 2010, where members agreed to refuse on the following grounds:
- The design was inappropriate & excessive in terms of its height and bulk
 - Unacceptable loss of daylight and sunlight to surrounding properties
 - Insufficient section 106 contributions

The above matters will be discussed in section 8 of the report.

- 4.2 This subject planning application is linked to an associated planning application at 122 Back Church Lane (reference PA/09/1199). The approved development at 122 Back Church Lane is located opposite the site, directly to the east.
- 4.3 The applications are linked because this application proposes the demolition of the existing building at 60 Commercial Road, which currently provides 1,987 square metres of B1 office floorspace. The application proposal constitutes 383 student accommodation units with 200 sqm of commercial floorspace. The resulting office building at Back Church Lane would re-provide sufficient floorspace to replace that lost at 60 Commercial Road and at 122 Back Church Lane – ensuring that overall there is no loss of employment floorspace. This is discussed further in section 8 of the report.

- 4.4 In order to ensure the reprovision of the lost office floorspace, the associated S106 agreement will require the redevelopment of 122 Back Church Lane to be completed prior to the occupation of 60 Commercial Road.

Proposal

- 4.5 The application proposes the demolition of the existing building on-site and the erection of a replacement part 6, part 10, part 19 storey building. The proposed development would accommodate 383 units with 417 bed spaces.
- 4.6 The basement would provide additional plant room. At ground floor level is a flexible unit of 200 sqm which is proposed to be used for class A1 (retail), A2 (Financial and professional services), A3 (Café and restaurant), A4 (drinking establishments; B1 (office) and D1 (non residential institutions such as medical services, crèche, day nursery, museum, library).
- 4.7 Entrance to the student building and flexible commercial space will be along Commercial Road. The entrance to the student building wraps around Back Church Lane. To the rear of the site is the communal area which faces onto the proposed open space as well as Back Church Lane.
- 4.8 The upper floors of the building would provide student accommodation. In total 383 units or 417 bed spaces are proposed. It is proposed that 5% of the units would be provided as wheelchair accessible. A further 5% are capable of being fitted out for wheelchair use. The study units vary in size from approximately 16.2 sqm for a single studio to approximately 31.5 sqm for a twin studio. The units include a living/sleeping area, a workspace, a cooking area and a separate bathroom.
- 4.9 A gym, laundry and communal study area would be provided on the first floor. An outdoor terrace would be provided at the 10th floor. The 19th floor would provide a lounge area, external terrace and plant room.
- 4.10 To the south (rear) of the site the scheme would include an area of open-space and a secure cycle parking area. The external area to the south of the building, including the cycle store and the landscaped undercroft area is approximately 360sqm.
- 4.11 The scheme provides two disabled parking spaces accessed from Back Church Lane. The cycle parking area is sufficient in size to accommodate 111 bicycles, with the space to increase this to 222 if demand requires.
- 4.12 The scheme incorporates a Combined Heat and Power System, a green roof, a brown roof and photovoltaic panels.

Site and Surroundings

- 4.13 The application site measures 0.12 hectares in area. It is located on the southern side of Commercial Road at the junction with Back Church Lane. The site is currently occupied by the 6 storey Job Centre Plus. The building is of late 20 century construction and has no particular architectural merit. The ground and first floor of the building are accessible to visiting members of the public (Use Class A2). The upper floors are used to provide back office support for the centre's operations (Use Class B1). The building fronts Commercial Road and has a return frontage along Back Church Lane to the east.

- 4.14 To the rear (south) of the site there is a green-link running from Gower's Walk to Back Church Lane. Further to the south on the west side of Back Church Lane there is a 4 storey block of residential properties. On the East side of Back Church Lane there is the 6 storey Gem House, and further to the South, a school.
- 4.14 To the East of the site is the 12 storey (39.73m high) residential block of 80 Commercial Road. To the West of the site is a development at site known as 52-58 Commercial Road and land rear of 48 to 60 Commercial Road. The development ranges in height with two tower elements rising to 13 and 17 storeys.
- 4.16 The site is located opposite the London Metropolitan University (Art, Media and Design) building.
- 4.17 The site is located in an area with very good access to public transport. It has a Public Transport Accessibility Level (PTAL) of 6a. The site is approximately 470m from Aldgate East Underground Station and numerous bus services pass along Commercial Road. A Bus stop is located directly opposite the site (in front of Dryden building) and further bus stop is located to east outside 92 Commercial Road. The stops serve bus numbers 115, 15 & N50.
- 4.18 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 within which the site is unallocated, however the area to the south of the site is identified as open space.
- 4.19 Commercial Road forms part of Transport for London's Strategic Road Network.
- 4.20 The site is not located within a Conservation Area, nor is it immediately adjacent to any Listed Buildings. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II). The site is located approximately 60 metres from 50 Commercial Road; 66 metres from 48 Commercial Road and 77 metres from 46 Commercial Road. The site is located approximately 150 meters from 40 Cower's Walk (Grade II).
- 4.21 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:

60 Commercial Road

- 4.22 PA/09/1198 Planning permission was refused on 22/02/2010 for the demolition of existing building and erection of a 21 storey building plus basement to provide retail/commercial/commercial/community unit (use class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works. The application was refused for the following reasons:
- The design was inappropriate & excessive in terms of its height and bulk
 - Unacceptable loss of daylight and sunlight to surrounding

- properties
- Insufficient section 106 contributions

The applicant lodged an appeal in August 2010 to challenge the Councils decision on the application.

Gem House, 122-126 Back Church Lane, E1

- 4.23 PA/09/1199 Planning permission was approved on 07/01/2010 for the demolition of existing building and erection of a six storey building for business use (Use Class B1) and ancillary floorspace together with associated servicing, landscaping and other incidental works.

52 To 58 Commercial Road and land rear of 48 to 60 Commercial Road, Commercial Road, London (located immediately to the west of the site)

- 4.24 PA/08/2692 Planning permission was approved on 22/04/2009 for the change of use of floors 4-10 (3224 square metres) within tower 17 from private residential (Use Class C3) to short term let serviced apartments accommodation (Use Class: *sui generis*) at 52-58 Commercial Road.

5. POLICY FRAMEWORK

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

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Central Activities Zone
		Area of Archaeological Importance
Policies:	ST1	Addressing needs of all residents
	ST12	Encourage range of cultural activities
	ST15	Facilitate expansion of local economy
	ST17	To promote high quality work environments
	ST23	To ensure high standard of new housing
	ST25	To ensure new housing served by infrastructure
	ST28	Restrain unnecessary use of private cars
	ST30	To improve safety for all road users
	ST34	To support range of shopping
	ST35	To retain reasonable range local shops
	ST37	To improve physical appearance of parks and open-spaces
	ST41	To encourage new arts and entertainment facilities
	ST47	To support training initiatives
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological remains
	DEV50	Noise

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

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:		City Fringe Area Action Plan
Core	IMP1	Planning Obligations
Strategies:		
	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

5.4 **Core Strategy Development Plan Document 2025 (submission version December 2009)**

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP05	Dealing with waste
SP09	Making connected places
SP10	Creating distinct and durable places
SP11	Working towards a zero carbon borough
SP12	Delivering place making

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

1.1	London in its global context
2A.1	Sustainability Criteria
2A.4	Central Activities Zone
3A.13	Special needs housing
3A.25	Higher education
3B.1	Developing London's economy
3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.8	Realising value of open-space
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks

4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.11	Living Roofs
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety and Security
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s Built Heritage
4B.12	Heritage Conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.2	Priorities in Central Activities Zone
5G.3	Central Activities: Offices

5.6 Core Strategy Development Plan Document 2025 (submission version December 2009)

SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP05	Dealing with waste
SP09	Making connected places
SP10	Creating distinct and durable places
SP11	Working towards a zero carbon borough
SP12	Delivering place making

5.7 Government Planning Policy Guidance/Statements

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

5.8 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 This application is acceptable in transport terms subject to:

- a planning condition requiring detailed plans showing the cycle parking design
- details of cycle parking should be submitted for approval
- Service Management Plan required
- Construction Management Plan required
- A Grampian condition requiring the developer to implement necessary highway works
- A financial contribution of £60,000 towards mitigating the impacts of the increase in trips generated by these developments on the highway and the local transport network.

6.3 *(Officer comment: The above conditions will be secured in the decision notice. The Developer has agreed to the requested financial contribution. These matters are considered in more detail under the Transport section of this report).*

LBTH Environmental Health (Contaminated Land)

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

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

LBTH Environmental Health (Noise and Vibration)

6.6 No comments received

LBTH Environmental Health (Daylight and Sunlight)

6.7 The submitted daylight and sunlight report has been reviewed.

- The following surrounding properties were of main concern to the EH officer:
 - i) Morrison Building (1- 34) Commercial Road. The Morrison building experience daylight levels below the BRE recommendations
 - ii) Dryden Building (37) Commercial Road. The Dryden building experiences daylight levels below BRE guidelines.
 - iii) 52 - 58 Commercial Road. The 52-58 Commercial Road building experiences VSC, DDC, APSH values below the BRE guidelines but acknowledge that much of the units affected are service apartments and not residential units.
 - iv) 80 Commercial Road. The 80 Commercial Road building experiences VSC losses above 20%
- Environmental Health acknowledge that there are significant windows that do not meet BRE criteria however the resultant daylight/sunlight -levels to the

surrounding properties, especially following the reduction in height from the previous application (PA/09/1198) which offers an improvement.

- Environmental Health has not recommended a refusal and considers that the urban nature of the scheme needs to be taking into consideration when determining whether the impacts are acceptable.

6.8 (Officer comment: *Daylight and sunlight matters are discussed under the amenity section of this report*).

LBTH Energy & Sustainability

6.9 The proposal is acceptable subject to the following conditions:

- Integration of energy efficiency measures i.e. built as designed;
- Integration of CHP, PV array and to achieve total site CO2 emission reduction of 24%;
- Targeted BREEAM Excellent Rating and provision of certificates to the Local Authority.

(Officers comment: The above will conditions would be secured in the decision notice).

LBTH department of Communities, Localities and Culture

6.10 The increased population generated by the development will increase demand on community, cultural and leisure facilities. The following contributions are sought to mitigate against the development:

- £334,607 towards open space
- £43,368 towards library /idea store facilities
- £168,533 towards leisure facilities

6.11 (Officers comment: *These figures are based on formulas outlined in the Councils Infrastructure Development Plan (IDP) which forms the evidence base for the Councils Core Strategy. The Core Strategy submission version document identifies the need for the provision of open space improvements, library facility improvements & leisure facility improvements. CLC have provided a suitable justification for the financial contributions they seek to secure. However, it is considered that the overall total of £462,130 towards cultural, recreational and community projects in the Aldgate Masterplan Area and surrounding area will sufficiently mitigate against the development. It is considered that the viability of the scheme could be compromised by securing the full financial contributions which were sought to be secured. In balancing up the financial contributions for the S106, it is considered that securing contributions for various highway works were of higher priority*).

Transport for London (Statutory Consultee)

6.12 Transport for London note the following:

- The level of cycle parking should be increased over time. The travel plan should be updated to reflect this.
- A restriction should be applied to occupants of the development in applying for on

street parking permits.

-Conditions are required to secure a Delivery and Servicing Plan and a Construction Management Plan

-An improved travel plan should be submitted as the current iteration of the plan is not considered robust enough.

-Financial contributions to Transport for London are required towards bus capacity enhancements and improving footways and pedestrian crossings in the area.

- 6.13 (Officer Comment: *The Developer has agreed to the financial contributions. Conditions would require the provision of cycle parking, travel plans and service delivery plans*).

Greater London Authority (GLA) (Statutory consultee)

- 6.14 The GLA have examined the proposal and do not raise any strategic planning issues subject to including suitable to the inclusion of suitable conditions, including the restriction of the use of the student accommodation to full time higher education students and staff during term time.

- 6.15 (Officers comment: *The condition required by the GLA will be secured in the decision notice*).

London Fire and Emergency Planning Authority (Statutory Consultee)

- 6.16 No comments received

National Air Traffic Services (NATS) (Statutory consultee)

- 6.17 NATS confirm that the proposal does not conflict with their safeguarding criteria and have
" no safeguarding objections to this proposal".

Environmental Agency (Statutory consultee)

- 6.18 The Environmental Agency has no objection to the proposed development subject to submission of piling or any other foundation works.

- 6.19 (Officers comment: *The applicant will be required to submit details of piling works prior to the commencement of works on site. This will be secured by way of condition*).

Thames Water (Statutory Consultee)

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

National Air Traffic Services (Statutory Consultee)

- 6.21 - No safeguarding objection

English Heritage (statutory consultee)

- 6.22 English Heritage do not wish to formally comment or object to the application and note that

" *this application should be determined in accordance with national and local policy*

guidance, and on the basis of your (London Borough of Tower Hamlets) specialist advice”.

English Heritage- Archaeological Division (Statutory Consultee)

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

6.24 (Officer Comment: *A suitable condition would be imposed on any permission*).

Commission for Architecture and the Built Environment

6.25 CABE have responded positively as follows:

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

6.26 (Officer Comment: *Design is considered under main issues*).

Health and Safety Executive

6.27 No comments received. The HSE noted in the previous application (PA/09/1199) that the site falls outside the revised safeguarding zone.

6.28 (Officer comment: *No further consideration of the proximity of the site to sites for the storage of explosives is required*).

London City Airport

6.29 No comments received

British Broadcasting Company (BBC)

6.30 To prevent new developments causing reception problems, local authorities can require a legally binding commitment under Section 106 of the Town and Country Planning Act 1997, in order to enforce this at the outset.

6.31 (Officers comment): *TV/Radio Reception Monitoring will be required in the Section 106 Agreement. The applicant will also be required to mitigate against any substantial loss of TV reception*).

7. LOCAL REPRESENTATION

7.1 A total of 341 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life. Site notices were also posted.

7.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.3 No of individual responses: 0 Objecting: 6 Supporting: 0

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

- London Metropolitan University: No comments received.

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

- No demand for student accommodation
- High density of student accommodation in area/coming on stream including units recently constructed
- Loss of daylight, sunlight and overshadowing
- No certainty that the job centre will be provided offsite at 122 Back Church Lane
- Increase in traffic pollution /vehicles on Back Church Lane
- Increase in anti social behaviour
- No demand for street level units
- Improvements should be made at street level along back Church Lane
- Building too high, should not be taller than neighbours

7.6 *(Officers comment: The issues raised are discussed under the main issues section of the report).*

- Loss of jobs and valuable community facility to residents particularly the disadvantaged, homeless and many ethnic groups in the area

(Officers comment: Relocating the job centre does not form part of this application. Notwithstanding, officers have been advised that the applicant has had a number of meetings with Telereal Trillium, who act on behalf of the job centre, since before the submission of the first application in July 2009. The applicant has advised Telereal Trillium that they would work with them to assist in the relocation of the job centre within the local area. It is officers understanding that Telereal Trillium has had three years notice of the applicant's intention to seek planning permission to redevelop this site. The re-provision of office floorspace in the link scheme at 122 Back Church Lane will result in an overall increase of 238 sqm of employment floorspace across both sites. Overall, it is considered that the regeneration benefits outweigh the loss of the job centre on site).

- Increase in anti social behaviour

(Officers comment: There is no evidence to suggest that this proposal would result in anti social behaviour)

7.7 The following procedural issues were raised:

- Harry Gosling school note they were not formally consulted on the proposal and request the determination of the application be postponed so that the school governors can discuss the proposal.

(Officers comment: A consultation letter was sent to Harry Gosling school on

28/07/2010. School term has reconvened around the time this report was published. Should Harry Gosling school make representation to the Council prior to the committee date, their comments will be provided in an addendum report).

7.8 The following issues have been raised in the individual responses that are not material to the determination of the application

- financial arrangements of developer
- Covenants on land
- Impact of job centre moving to 122 Back Church Lane

7.9 All objection letters are available for members to view at the committee meeting.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design
3. Transport and Highways
4. Amenity
5. Energy & Sustainability
6. Other Environmental matters
7. Section 106 contributions

8.2 Land Use

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

8.4 The proposed uses include 8, 205 NIA square metres (417 bed spaces or 383 units) of student accommodation and a 200 square metre flexible use commercial unit.

8.5 The application site is located in the designated Central Activities Zone. The site also falls within the City Fringe Area Action Plan and the Aldgate Masterplan.

8.6 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.

8.7 Saved UDP policy CAZ1 states that a balance of uses of a scale and type compatible with fostering London's role as a financial, commercial, tourist and cultural centre will normally be permitted in the Central Activities Zone.

8.8 In the City Fringe Area Action Plan, policy CFR1 seeks to protect viable employment sites and policy CFR9 states that employment uses are supported as the dominant use. Policy CFR1 and CFR4 also promote the expansion of London

Metropolitan University and support the consolidation of educational uses around Aldgate.

- 8.9 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.
- 8.10 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.
- 8.11 The thrust of these policies is to presume against i) the loss of office/employment floorspace *per se*, and ii) in particular the loss of office floorspace to other uses in the Central Activity Zone. However, weight must also be given to policy objectives to promote Aldgate as an area for educational uses.
- 8.12 The proposal site and the linked site of 122 Back Church Lane both suitable for office use. The application would lead to the loss of one site from office use, and the more efficient use of the other.
- 8.13 Officers consider that the acceptability of the principle of the scheme is dependent on two factors. Firstly, whether the proposed re-provision of office floorspace at Back Church Lane provides appropriate mitigation for the loss of 60 Commercial Road; and secondly whether the benefits of allowing the scheme at 60 Commercial Road outweigh the loss of this site for office use. The assessment of the second issue therefore needs to consider the need to provide student accommodation at this location.

Re-provision of office floorspace at 122 Back Church Lane

- 8.14 The existing building at 122 Back Church Lane 'Gem House' provides 952 GEA square metres of B1 floorspace. The proposed redevelopment of this building would create 3, 177 GEA square metres of office floorspace i.e. a net gain of 2,225 GEA square metres
- 8.15 As existing 60 Commercial Road provides 1987 GEA square metres of B1 floorspace. The redevelopment of the Back Church Lane site will therefore re-provide 238 squares more B1 floorspace than is lost over both sites.
- 8.16 In terms of floorspace the scheme does not re-provide the existing A2 floorspace at 60 Commercial Road. However, it is recognised that the new B1 floorspace is likely to have a higher employment density than the floorspace lost, which results in acceptable mitigation for the loss of employment floorspace.
- 8.17 The scheme would provide a significant benefit in that the replacement office floorspace would be of high quality and fit for modern business use, which would contribute to the future success of the CAZ.

Provision of student accommodation

- 8.18 London Plan policy 3A.13 and saved UDP policy HSG14 recognise that student accommodation is a form of specialised housing. Saved UDP policy HSG14 & SP02 of the Core Strategy DPD (submission version) stipulate that the Council will seek to encourage the provision of new housing to meet the needs of students.
- 8.19 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.
- 8.20 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.
- 8.21 Interim Planning Guidance policy CP24 seeks to promote specialist housing by focusing purpose built student housing within 5 minutes walking distance of the London Metropolitan University campus at Aldgate.
- 8.22 Policy CFR1 and CFR9 of the City Fringe Area Action Plan encourage the provision of educational facilities around Aldgate to support London Metropolitan University. Policy CFR1 specifically promotes the provision of a small quantity of student accommodation in close proximity to London Metropolitan University at Aldgate.
- 8.23 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.
- 8.24 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, which in turn helps to provide a justification for the loss of the office site.

Provision of commercial unit

- 8.25 The application also proposes a small (200 square metre) commercial unit on the ground floor. The unit would front Commercial Road. The unit would receive a flexible permission for use within Classes A1 (Retail Shops), A2 (Financial/Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments), B1 (Business) or D1 (Non-residential institutions).
- 8.26 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.

- 8.27 The unit would add activity to the Commercial Road frontage and would contribute to employment in the area. In principle there is no objection to the proposed uses given the location of the site on a main thoroughfare, and it accords with the objectives of policies DEV3 and S7. Conditions would limit hours of future operation and require the submission of detail of extract flues and ventilation equipment. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

Conclusion:

- 8.28 Officers are satisfied that the approach taken by the linked applications achieves a good overall planning outcome. The developments would not result in the actual net loss of any office floorspace. The office floorspace that is to be re-provided at the Back Church Lane site would be of high quality and would contribute to the attractiveness of the Central Activities Zone. As noted in section 4.2 of the report, the redevelopment of 122 Back Church Lane must be completed prior to the occupation of 60 Commercial Road. This would be secured in the s106 Agreement.
- 8.29 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.
- 8.30 In overall land-use terms the scheme is therefore considered acceptable and in accordance with the abovementioned policies.

Design

Height, Mass, Scale and Appearance

- 8.31 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at promoting the principles of high quality design. These principles are also reflected in saved policies DEV1 and DEV3 of the UDP; DEV1 & DEV2 of the Council's Interim Planning Guidance 2007; SP02 & SP10 of the Core Strategy DPD (2009) which seek to ensure development is of a high quality design.
- 8.32 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.
- 8.33 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.

- 8.34 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.
- 8.35 Policy CFR12 states that high quality tall buildings will be focused around the existing Aldgate Union, and that building heights throughout the sub-area should respect and complement the central cluster. The Aldgate Masterplan states that tall buildings will also be appropriate in certain locations outside the gyratory area where they play a role in design terms to mark street junctions, arrival points or assist with legibility, but they must be subservient to the building heights within the gyratory. The tallest building at the Aldgate gyratory is consented at 102m high.

Impact on Listed Buildings

- 8.36 Interim Planning Policy CON1 states that development will not be permitted where it adversely affects the setting of a Listed Building. When assessing a proposal that affects the setting of a Listed Building the Council must have 'special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II) and 40 Gower's Walk (Grade II) which are located 60 metres to the west and 150 metres to the south respectively.

Protected Views

- 8.37 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.
- 8.38 The proposed building does not sit in any protected vistas. However, it is near the background assessment area for the Tower of London. Consideration therefore needs to be given to the impact on protected views from City Hall towards the Tower of London (LVMF views 25A.1 and 25A.2).

Assessment

- 8.39 The previous application (PA/09/1199) was refused, in part, by virtue of its excessive height and bulk which appeared to be out of character with the surrounding area.
- 8.40 The applicant has addressed this reason for refusal by reducing the height of the building from 21 to 19 storeys. When assessed against relevant tall building and design policy it is considered that:-
- The design of the proposed 19 storey 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 development at 52-54

Commercial Road ranges from 13 to 17 storeys. 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 is 1.88m taller than the adjacent building at 52-54 Commercial Road.

- The design of the proposed building has a striking and attractive design that would add much needed architectural quality to this section of Commercial Road. The proposed façade system and choice of materials reflects the residential character of the building.
- The design of the proposed building would animate and enliven the green-link running along the south boundary of the site by incorporating active uses and a colonnade at ground floor level. This would contribute significantly to the future success of this link by increasing footfall and promoting natural surveillance.
- The application has been accompanied by visual material which demonstrates that the building would achieve the highest design standards. The verified views demonstrate that the development would not have an adverse impact on strategic or local views or on the setting of the Tower of London.
- The proposed student rooms would offer a good standard of accommodation with well sized study rooms ranging from 16 to 31.5 squares. The building would make good provision of ancillary facilities including a study area, laundry, café, amenity terraces and a gym.
- The building includes the provision of 5% wheelchair accessible study rooms in accordance with policies promoting accessibility. A further 5% are capable of being fitted out for wheelchair use.
- The building would meet BREEAM 'Excellent' sustainability standards and would be designed to deliver a 29% carbon saving over baseline requirements.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is therefore acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of this 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 by way of financial towards pedestrian improvement works; bus capacity works and other necessary highway works. 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).

- The site is not located within London View Management Framework (VMF) and has no impact on the setting of the Tower of London.
- 8.41 CABE are also fully supportive of the scheme and *‘‘applaud the design quality of this proposal student accommodation’’* and *‘‘commend the internal organisation at ground floor level including the active frontage provided along Commercial Road’’*. Furthermore, CABE note that *‘‘the massing is skilfully handled, as the vertical division of the façade has the potential to create an elegant building proportion. This strategy combined with a façade approach that emphasises the grid of the primary structure could also be successful in reducing the appearance of the building’s overall mass’’*.
- 8.42 It is considered that the reduction in height made from the previous scheme sufficiently addresses the reason for refusal on this ground. The proposed building is considered to meet the requirements for a tall building and the proposal accords with relevant design policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12, 4B.14 and 4B.16 of The London Plan 2008, policies DEV1, DEV2 and DEV3 of the Unitary Development Plan 1998 and policies C48, DEV1 & DEV2 of the Council’s Interim Planning Guidance 2007; SP02 & SP10 of the Core Strategy DPD (2009) which seek to ensure development is of a high quality design.

Transport and Highways

- 8.43 The site falls in an area with excellent access to public transport (PTAL 6a). It is within easy walking distance of Aldgate (9 minutes), Aldgate East (6 minutes) and Whitechapel (11 minutes) stations. There are also frequent bus routes operating on along Commercial Road and Whitechapel Road. Commercial Road is a TfL ‘Red-Route’ and Back Church Lane is identified as a ‘route on quieter roads’ for cyclists.
- 5.44 The existing building on-site has 8 off-street staff car-parking spaces accessed from Back Church Lane. There is also an existing servicing bay outside the building on Commercial Road.
- 8.45 National guidance on transport provision is given in PPS13: 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 & SP09 of the Core Strategy Development Plan Document (submission document 2009) 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.
- 8.46 The application has been accompanied by a detailed Transport Assessment and Travel Plan Framework. The report details the policy context and baseline conditions in respect of the local area’s public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.
- 8.47 The proposed student accommodation and commercial unit would be accessed by pedestrians from Commercial Road.

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

Servicing

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

Mitigation for additional pressure on transport infrastructure

- 8.53 The site is located in a sustainable location and the development (and the linked development at Back Church Lane) is likely to result in a significant increase in walking, cycling and bus trips in the area.
- 8.54 The Council's Highways Section has identified that a financial contribution should be secured to mitigate the impacts of the increase in trips generated by these developments on the highway and the local transport network. This contribution should be used for an investigation of the viability of on-street cycle parking in the vicinity of the site and installation where feasible; and for the implementation of public realm improvement works also within the vicinity of the site.
- 8.55 The Developer has agreed to a financial contribution of £60,000 to pay for the costs of these improvement works.
- 8.56 Transport for London has also identified deficiencies in their highway network in the vicinity of the site. This includes a requirement for the installation and improvements of dropped kerbs and tactile paving. TfL have also highlighted the

installation of pedestrian signals and streetscape improvements at the Commercial Road / Allie Street junction as a priority. In the longer term TfL are also considering the feasibility of introducing an additional crossing point on Commercial Road to the West of Back Church Lane.

- 8.57 The Developer has agreed to a financial contribution of £100,000 to fund improvements to the footways and pedestrian signals/crossings and streetscape improvements at Commercial road and Allie Street junction and the area in general.
- 8.58 The scheme is also likely to result in additional pressure on bus services in the area. To mitigate for this impact a contribution of £109,350 has been agreed with the Developer to fund bus capacity enhancements.
- 8.59 With the proposed mitigation, and the imposition of conditions requiring the submission and implementation of a travel plan, a construction logistics plan and a delivery and servicing plan, the development would be acceptable.

Amenity

Sunlight, Daylight and Overshadowing

- 8.60 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG October 2007 states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.61 The previous application was refused, in part, on the grounds that the development would result in an unacceptable loss of daylight and sunlight to nearby residential properties.
- 8.62 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.63 The application has been accompanied by a Daylight/Sunlight/Overshadowing Assessment that considers the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 1 – 34 Morrison Building,
 - 37 The Dryden Building,
 - 80 Commercial Road, and
 - 52 – 58 Commercial Road.

Impact on residential properties

Sunlight

- 8.64 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.

- 8.65 The submitted assessment concludes that there would be a reasonable level of compliance with BRE Sunlight criteria. Where windows technically exceed guidance, this is usually in relation to winter sunlight while annual sunlight remains acceptable for an urban location.

Daylight

- 8.66 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests.
- 8.67 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of room surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

1 – 34 Morrison Building

- 8.68 The assessment considers the impact on all of the windows within this building. The results show that in the existing situation, all of the windows have VSC levels below BRE Guidance. The proposal results in a further minor VSC reduction to these windows which are generally 3-4% below the BRE 20% loss criteria. Notwithstanding, all of the rooms with the exception of one would satisfy the NSL test in the proposed situation, with the one remaining room exceeding guidance.

Dryden Building

- 8.69 The assessment considers the impact to all of the windows and rooms in this building. The results show a low rate of compliance with the VSC criteria. However 41 out of the 47 rooms satisfy the NSL methodology and are BRE compliant in that way. The ADF results for the remaining six rooms shows that three would satisfy the ADF criteria with the remaining three falling below the recommended standard.

80 Commercial Road

- 8.70 The study assesses the impact of the scheme on the dual aspect living rooms located in the western end of the building. The windows which look perpendicularly at the proposal do not comply with the VSC test. However the dual aspect nature of the rooms means both the ADF and NSL tests are passed.

52 – 58 Commercial Road.

- 8.71 The study includes an assessment of the impact on the east block, known as Tower 17, of 52 – 58 Commercial Road. (This block has windows in the flank elevation facing the application site). The windows on floors 4-10 within Tower 17

are serviced apartments. There is no requirement under the BRE guidelines to carry out a review on serviced apartments. As such, an assessment was not carried out on these windows.

- 8.72 As previously noted in section 4.24 of the report, planning permission was approved on 22/04/2009 for the change of use of floors 4-10 (3,224 square metres) within tower 17 from private residential (Use Class C3) to short term let serviced apartments accommodation (Use Class: *sui generis*) at 52-58 Commercial Road (ref no: PA/08/2692).
- 8.73 When the previous application was considered by members at the Strategic Development Committee on 10 November 2009, the permission was not implemented.
As such, members considered the neighbouring development at 52-58 Commercial to be solely occupied for residential purposes.
- 8.74 A critical factor which must be considered is that a change of use has now taken place at 52-58 Commercial Road. Part of the tower element closest to 60 Commercial Road is now operating as service apartments. This is a material change in circumstances to scheme and a key consideration in terms of daylight and sunlight as a large part of the adjacent building is no longer in permanent residential use, and as a consequence considerably less sensitive to any reductions in daylight. The separation distance between this building and the development is 12.9 metres.
- 8.75 The results of the study show that of the 60 windows assessed within the residential floors of the building, 46 would meet the VSC criteria, with 14 falling below the VSC target. Where VSC failures do occur, the rooms behind the window satisfy either the NSL or ADF test.
- 8.76 The Councils Environmental Health officer acknowledges that there are some windows which do not meet the BRE guidance but on balance it is considered acceptable. It is well recognised that BRE Standards must be applied flexibly, as the legitimate expectation of light- levels in low-rise suburban situations 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 to be acceptable.

Objection received on the impact the proposed development has on 52-58 Commercial Rd

- 8.77 An objection received asserts that the proposed development would jeopardise the potential to secure planning permission for the change of use of serviced apartments back to residential use on 4th-10th floors at 52-58 Commercial Rd and notes that the impact on these single aspect units has not been assessed.
- 8.78 The separation distance between this building and the development is 12.9 metres which officers consider to be a generous separation distance given the urban context. Planning permission was approved to convert the 4-10th floors at 52-58 Commercial Rd from residential accommodation to short term let serviced apartments. There is no requirement under BRE guidelines to review serviced apartments. It is not appropriate to consider a hypothetical situation whereby the 4th-10th floors may at some point in the future, be considered for alternative use.

Furthermore, there has been no indication given to the Council to suggest this is the case.

- 8.79 The objector considers that the proposal will adversely impact on daylight levels to floor 11. Officers do not consider this to be the case. 5 out of the 6 rooms will satisfy ADF requirement. The proposal will reduce ADF by just 0.2% which demonstrates a very minor impact. The room will also satisfy NSL criteria.
- 8.80 The objector also believes that 42 out of the 50 windows located within 11th-16th floor would breach the VSC criteria. This is incorrect. On the contrary, 42 of the 50 windows do satisfy the BRE criteria.

Conclusion

- 8.81 The submitted assessment has considered the impact of the development on all of the residential windows surrounding 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. However, the Councils specialised Environmental Health Officer has reviewed the study and does not recommend that the scheme should be refused.
- 8.82 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 to be acceptable.
- 8.83 It is considered that the reduction in height of the proposal together with the partial change of use which has taken place at 52-58 Commercial Rd means that the impact of the development on residential development in the surrounding area is significantly less than that presented in the previous scheme. As such, the proposal is considered to be acceptable on daylight and sunlight grounds.

Overshadowing of amenity spaces

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

Privacy

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

Sense of enclosure

- 8.86 The scheme incorporates a generous separation distance of 12.9m from the adjoining development at 52 – 58 Commercial Road. Distances to other nearby

properties are also considered sufficient to prevent any unacceptable increase in sense of enclosure.

Energy and Sustainability

- 8.87 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 & Core Strategy DPD policy SP11 have similar aims to London Plan policy.
- 8.88 The application has been accompanied by an Energy Statement and a Sustainability Statement.
- 8.89 The development would make use of passive measures to reduce energy demand. The energy demand would be met using a gas fired Combined Heat and Power system. Photovoltaic cells are proposed to provide a source of on site renewable energy. The technologies employed would result in 29% carbon savings over the standard baseline.
- 8.90 The proposed total site 24% reduction in carbon emissions through a combined heat and power system and PV panels is considered acceptable. This would be secured by condition.
- 8.91 The sustainability study states that the building will be constructed to BREEAM 'Excellent' standard which is supported by officers.
- 8.92 Principally the Sustainable Energy Strategy is considered appropriate for the development subject to the following conditions:
- Integration of energy efficiency measures i.e. built as designed;
 - Integration of CHP, PV array and to achieve total site CO2 emission reduction of 24%;
 - Targeted BREEAM Excellent Rating and provision of certificates to the Local Authority.

The Council's Energy Efficiency officer and GLA consider the Strategy to be acceptable subject to the above conditions which would be secured within the decision notice.

Other environmental matters

Noise & vibration

- 8.93 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.

- 8.94 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.
- 8.95 The submitted noise study recommends the use of appropriately specified glazing and ventilation to ensure that noise levels in rooms do not exceed recommended levels. The study also notes that unscreened roof-top plant will achieve a noise level 10db below prevailing background noise levels, which accords with policy.
- 8.96 The study does not include an assessment of potential noise / vibration associated with any extraction equipment that might be required for the ground floor commercial unit or student café. This detail would be required by condition prior to the installation of any necessary equipment.
- 8.97 With the imposition of suitable conditions the development would accord with relevant policy in relation to these issues.

Microclimate

- 8.98 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building. The assessment notes in some locations likely wind-speeds exceed recommendations for target usage. This includes wind-speeds in the green walk to the rear of the development that are more appropriate in the summer for standing/walking rather than sitting. However, this can be mitigated for by suitable detailed design including planting / screening. This, and other required mitigation described in the report would be secured by condition, and with this safeguard the development is acceptable.

Air Quality

- 8.99 The submitted air quality study recommends mitigation measures including the use of positive venting with sealed front windows to prevent future occupants being exposed to high pollution levels. Mitigation would also be required to prevent adverse impacts on local air quality during the construction phase. Once completed the building would have no significant impacts on air quality.
- 8.100 Conditions would be imposed on any permission requiring the implementation of the mitigation measures outlined in the submitted air quality assessment, and with this safeguard the development would accord with relevant policy.

Biodiversity

- 8.101 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 the promotion of biodiversity.
- 8.102 The existing site provides no significant wildlife habitat. The proposal would incorporate a green roof at the 6th floor, and a brown roof on the 21st floor. Landscaping would also be introduced on the amenity terraces, and more

importantly to the rear of the site. The proposal would increase the amount of available wildlife habitat on the site and is acceptable.

Archaeology

- 8.103 The application was accompanied by a desk-top assessment that considered the potential of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

Site Contamination

- 8.104 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officers who have concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and the mitigation. This would be secured by condition.

Section 106 contributions

- 8.105 Planning obligations can be used in three ways: -
1. 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;
 2. To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
 3. To mitigate the impact of a development. For example, through increased public transport provision
- 8.106 In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, planning obligations can only constitute a reason for granting planning permission where they meet the following tests:
- i. The obligation is necessary to make the development acceptable in planning terms;
 - ii. The obligation is directly related to the development; and
 - iii. The obligation is fairly and reasonably related in scale and kind to the development.
- 8.107 All the recommended obligations meet the relevant tests and the applicants have agreed the following matters that have been requested:
- 8.108 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.
- 8.109 The previous application was, in part, refused because " *the planning obligations*

are considered inadequate to mitigate against the impact of the development on community infrastructure and transport". The previous proposal at 60 Commercial Road was linked to 122 Back Church Lane. The financial contributions set out in the committee report dated 10th November 2009 reflected the link between both schemes. The overall recommended financial contribution for both sites taken together was £562,230.

8.110 The application at 60 Commercial Road was refused (PA/09/1198). However, the proposal at 122-126 Back Church Lane was permitted on 01/07/2010. This approval secured a total contribution of £131,000 in the S106 agreement towards the following highways works:

- Provision of two (2) speed tables at (a) the junction of Back Church Lane and Commercial Road and (b) on Back Church Lane opposite the Harry Gosling Primary School;
- Widening of the footpath on the western side of Back Church Lane in the vicinity of the development from No. 129 Back Church Lane to Commercial Road;
- Provision of four (4) new road gullies adjacent to the new speed tables;
- Resurfacing of Back Church Lane carriageway on the approach to its junction with Commercial Road; and
- Reconstruction of footway outside Harry Gosling Primary School on Back Church Lane

8.111 The overall financial contribution proposed is £731, 130. The contribution is for the subject proposal only. It is clear there is a significant increase from the previous contributions sought on this site.

8.112 To mitigate for the impact of this development the following contributions have been agreed.

Cultural, recreational and community projects in the Aldgate Masterplan area and/or surrounding area

8.113 A contribution of £462,130 towards the following:

- open space and public realm improvements, to mitigate the impact of the additional population upon existing and proposed open space within the immediate vicinity. The Aldgate Masterplan identifies a new area of green space to the rear of the building at 52-58 Commercial Road. The open space will also provide a new pedestrian link from Gowers Walk to Back Church Lane
- library and idea store facilities to accommodate the additional demand upon library facilities created by additional population in the area. The need for the provision of an additional Idea Store is identified in the Core Strategy
- towards leisure and community facilities to accommodate the additional demand on leisure facilities. The Core Strategy identifies the need for additional leisure and community facilities in the borough.

8.114 The applicant has noted they have "no objection" to some of the proposed contribution being put towards the running of the Children Education Group, a local community group based within Whitechapel ward. Officers note this comment.

LBTH Highway works

- 8.115 A total sum of £60,000 towards mitigating the impacts of the increase in trips generated by these developments on the highway and the local transport network. This contribution will need to be used for an investigation of the viability of on-street cycle parking in the vicinity of the site and installation where feasible; and for the implementation of public realm improvement works also within the vicinity of the site.

Pedestrian works

- 8.116 TfL seek a contribution of £100,000 to improve footways and pedestrian signals/crossings and streetscape improvements at Commercial rd/Allie Street junction and the area in general. This is to seek to ensure that the development will provide a safe, convenient, accessible pedestrian access for the development to public transport nodes and key land uses within the surrounding area.

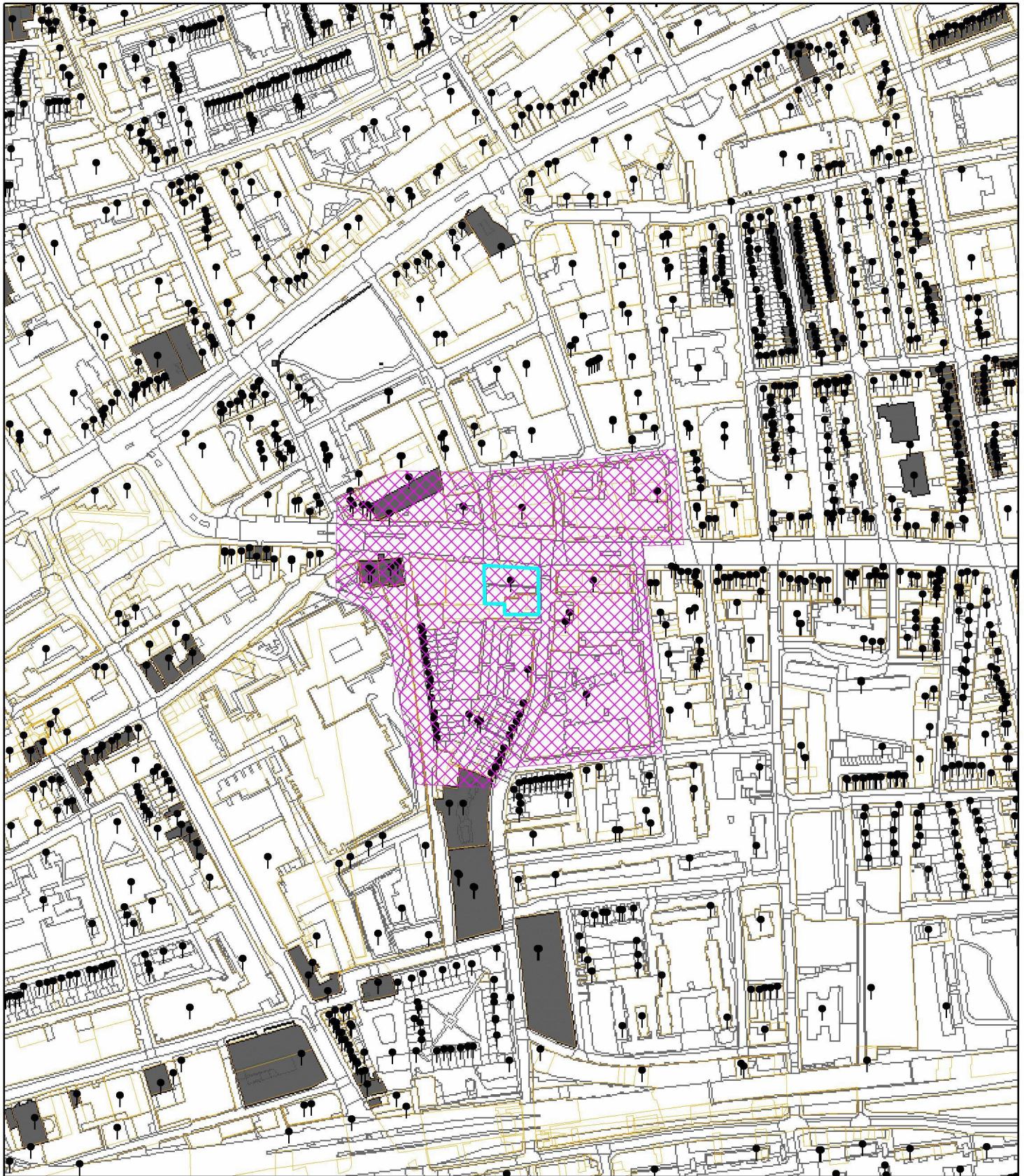
Bus capacity

- 8.117 TfL seek a contribution of £109,000 towards bus capacity improvement works on site. This money will assist in ensuring good bus access to and from the site; ensure that walking routes to bus stops from homes and workplaces are direct, secure , pleasant and safe.
- 8.118 The section 106 agreement has increased significantly from the previous proposal (PA/09/1198). It should also be noted that whilst the S106 package has increased, the scale of the building has reduced and the number of rooms decreased from 442 to 417 rooms. The proposed section 106 contributions will sufficiently mitigate against 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

