

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 28 October 2010 at 7.00 p.m.

AGENDA

VENUE

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

Members:	Deputies (if any):
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	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)
Councillor Gloria Thienel, (Designated
Deputy representing Councillor Dr. Emma
Jones)

[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: Amanda Thompson, Democratic Services, Tel: 020 7364 4651, E-mail: amanda.thompson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 28 October 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 16th September 2010.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 16	
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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. **17 - 18**

6. DEFERRED ITEMS **19 - 20**

6 .1 Jobcentre Plus, 60 Commercial Road, London E1 1LP (PA/10/1481) **21 - 68** **Whitechapel**
;

7. PLANNING APPLICATIONS FOR DECISION

There are no applications 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 7.00 P.M. ON THURSDAY, 16 SEPTEMBER 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 Gloria Thienel

Councillor David Edgar

Councillor Anwar Khan

Councillor Khales Uddin Ahmed

Other Councillors Present:

Councillor Tim Archer

Councillor Peter Golds

Officers Present:

Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Stephen Irvine	– (Development Control Manager, Development and Renewal)
Megan Crowe	– (Legal Services Team Leader, Planning)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Ila Robertson	– (Applications Manager Development and Renewal)
Simon Ryan	– (Team Leader, Development and Renewal)
Shay Bugler	– (Strategic Applications Planner, Development and Renewal)
Bridget Burt	– (Senior Planning Lawyer, Legal Services, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies were received on behalf of Councillor Emma Jones, for whom Councillor Gloria Thienel was deputising.

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	7.1	Personal	Had received representations from a number of residents, Members of the Shadwell Labour Party and two sitting Councillors. The Chair stated that was happy to make public her response to these issues. Pledge made in the Labour Group Election Manifesto on the matter in question.
	7.3	Personal	Former employer subcontracted to Job Centre Plus but not in this Borough. Had received correspondence from Indigo Planning Ltd.
Bill Turner	7.1	Personal	Had received representations from Members of Shadwell Labour Party including Baroness Uddin who had made a public representation in

			favour. Had received correspondence from Indigo Planning Ltd. Member of the Scrutiny Review Panel on Childhood Obesity.
Anwar Khan	7.1	Personal	Had received correspondence from interested parties.
	7.3	Personal	Had received correspondence from Indigo Planning Ltd.
David Edgar	7.1	Personal	Had received correspondence from interested parties.
	7.3	Personal	Had received correspondence from Indigo Planning Ltd.
Kabir Ahmed	7.1, 7.3	Personal	Had received correspondence from interested parties.
Shahed Ali	7.1	Personal	Had received correspondence from interested parties.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That subject to the following amendments, the unrestricted minutes of the meeting of the Committee held on 2 August 2010 be agreed as a correct record and signed by the Chair.

Item 2 – (Pg 4 of the minutes) - Councillor Bill Turner's Declaration of Interest being amended to clarify that he had visited the Rich Mix Centre on four occasions in a 5 year period.

Item 6 – (Pg 6) – being amended to state that Councillor Shahid Ali's proposal fell without being seconded.

Item 6 (Pg 6) – Voting on the resolution – being amended to state 'on a vote of 6 for and 1 against with **1 abstention**'

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections at meetings.

6. DEFERRED ITEMS

There were no deferred items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 375 Cable Street, London, E1 (PA/07/03290)

Update Report Tabled.

The Chair pointed out that Councillors Shahed Ali and Anwar Khan were ineligible to vote on this item as they had not been present at the start of the item.

Mr Owen Whalley (Service Head, Planning and Building Control, Development and Renewal) presented the report regarding 375 Cable Street

seeking permission for change of use from a grocery shop to a hot food takeaway use.

Mr Stephen Irvine (Development Control Manager) presented the detailed application. Mr Irvine explained the history of the application, the outcome of the appeal against refusal and the ruling of the Judicial Review (JR). At which, the court ruled that healthy eating and proximity was capable of being a material consideration and should therefore be taken into account. Overall it was considered that the proposed change of use was acceptable in amenity terms, highways terms, in keeping with policy, and the proposed flue was acceptable and complied with policy. Suitable waste storage/collection arrangements had been secured by condition. The Council's experts had considered the scheme and had determined that it was acceptable.

However the key issue centred around the healthy lifestyles issue. The Council's Core Strategy seeks to reduce usages that may detract from healthy lifestyles. Government guidance also stated that Local Authorities should strive to manage the proliferation of fast food outlets to encourage healthy eating. A key issue was therefore whether this proposal comprised this aim.

Members considered a map of the consultation area. (Pg 33 of the agenda) showing that there were no other takeaways within this area.

It was also reported that there were two schools near the site.

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

Ms Emma Davidson, local resident, stated the Development Committee had recently considered a similar catering application on 18th August 2010 and decided to refuse it due to overlooking, impact on the street scene and parking. This had set a precedence. Each of the reasons for refusal were relevant to this case. This was a credit to the Council. This decision could be made again here. Residents had submitted a Freedom of Information request as the costs to the taxpayer of this scheme were unknown to residents.

Ms Davidson voiced concerns over damage to the drainage system, which was being inspected by Tower Hamlets Homes. The proposals would make this worse. She expressed concern over the validity of the signatures on the petition in favour. The signatures were ominous and were still being collected after the closing date.

Mr Charles Copeland, speaking in objection, stressed the need for Members to take into account the many objections which provided good grounds for refusal. He expressed concern at the accuracy of the noise assessment. He considered that the design of the flue was unacceptable. The report says that it would be built on the wall but it would run without cover before meeting the wall. The brick cladding was out of keeping with the area and was incongruous.

He objected to the position of the waste storage system and that this had not been adequately addressed. When asked, it was just said that 'the bin had to go somewhere'.

Mr Copeland objected to the number of fast food outlets located within walking distance of Cable Street. There were many. The report stated that the takeaway would not sell takeaway food. This was inaccurate. He requested that the Council should give credence to the Inspectors decision in Walthamstow. Insufficient consideration had been given to the policy on healthy eating and the need for young people to have a healthy start to their lives and the amenity impact on residents.

Councillor Tim Archer spoke against the application. He advised that, in his capacity as Chair of Health Scrutiny Panel, he had carried out a review of healthy eating and lifestyles. The conclusions made clear that there was a strong link between the availability of fast food, the presence of takeaways and obesity. The existence of a takeaway in Cable street would have a detrimental impact on the health of our young people. The Borough had the second highest rates of obesity, heart disease and diabetes. Life expectancy was 10 years lower in Shadwell than in Millwall.

Councillor Archer expressed concern at the close proximity of six schools to Cable Street. There were already a number of fast food outlets in the area. The Judicial Review made it quite clear that policy on healthy eating was a material planning consideration. He urged the Committee to bear these concerns in mind and to reject this application.

Councillor Peter Golds spoke in objection to the application. He drew attention to the history of the application, the Inspectors judgement, this was the fifth time it had been before a Planning Committee for consideration. He drew attention to the strength of the opposition against the application. Every time it had previously been reported to the Committee, the Police and the Local MP have rejected it. The local Greater London Assembly Member had objected to it too. Last night at Full Council, a Member had sought assurances on what the Council was doing about fast food outlets.

He claimed that a nearby residents had received a letter from the Planning Department addressed to a person who did not live there. Councillor Golds claimed that the persons address was being fraudulently used to generate support.

He felt that the takeaway would provide cheap deep fried unhealthy food.

Mr Almin Ahmed, spoke on behalf of the Applicant. He stated that the Applicant had been pursuing this application for three years. He expressed concern at financial implications for his family. The Application would meet the needs of everyone. The Applicant had spent a lot of time addressing the objections and had carried out a lot of work to address them, which had now all been completed. It would not be a typical takeaway. It would also sell

healthy food as well such as salads and sandwiches The neighbours were notified and invited to comment. He urged the Committee to support the application.

Mr Paplu Ali also spoke in favour of the application. He stated that the Applicant was a long standing business, and his last business was very valuable to the community. He had to overcome a lot of obstacles along the way. The conditions had been met. It appeared that a minority of the community were unnecessarily wasting time over issues that could easily be resolved. The fact of the matter was many people supported the proposals. The majority of the community were in favour of it. The court battle was lengthy and unfair. The Guidance on healthy eating was not planning law it was just guidance.

In reply to the presentation, Members raised the following points:

- Queried the significance of fast food outlets in contributing to health issues compared to other factors,
- what the takeaway would be selling,
- Anti Social Behaviour issues given the concerns expressed by the Police. The need to pay attention to their comments.
- Asked officers to clarify the significance of the 200 metre walking distance measurement from the premises
- Queried the number of fast food outlets in the wider area outside the consultation map area.
- The proximity of the proposed takeaway to the nearest schools, the number of school journeys that passed through Cable Street
- Expressed concern about impact on the Cycle Superhighway arising from traffic from use of a takeaway. It was already well used and needed to be kept free from traffic. Cable Street was not a wide street. Any increase in traffic would have a detrimental affect on it.

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

- Referred to the difficulties in establishing a link between hot food takeaways and unhealthy lifestyles as highlighted by the Waltham Forest decision.
- It was difficult to argue that all hot food, by definition, was unhealthy and that takeaways were solely to blame for unhealthy lifestyles. It was a matter for the Committee to determine how much weight they put on the healthy eating issue given the premises proximity to schools.
- Noted the letter of support welcoming the sale of chicken and chips at the premises. It was acknowledged that, whilst they may sell this, they may also provide a range of healthier options.
- Planning Officers had met with the Police, who worked closely with the team, to discuss the application. The main issues for the Police were the reports of low level crime in the area. However there was no evidence linking anti social behaviour with the existence of a hot food takeaway.

- The nearest takeaway was located to the North East of the site and was over 300 metres away.
- As indicated in the report the nearest schools were the Bishop Challoner School and the Bluegate Field School.
- Issue around costs were not a material consideration.

In summary, Members considered that the issues around healthy eating and proximity to schools were material.

Consequently, in view of the healthy eating policy, the proximity of the premises to schools, and the concerns around impact on the Cycle Superhighway, the Committee were minded to refuse the application.

On a vote of 1 for and 4 against, the Committee **RESOLVED**:

That the planning permission at 375 Cable Street, London for change of use of the ground floor from retail (Class A1) to hot food take-away use (Class A5) and the erection of an extract duct on the side elevation be **REFUSED** for the following reasons:

- impact on the Cycle Superhighway– due to parking and traffic arising from use of the takeaway.
- proximity to schools/health consideration - The scheme, by virtue of its close proximity to schools, contradicts the government's obesity strategy seeking to locate takeaways away from schools.

7.2 40 Marsh Wall (PA/10/1049)

Update Report Tabled.

Mr Owen Whalley (Service Head, Planning and Building Control, Development and Renewal) presented the report regarding 40 Marsh Wall seeking the demolition of the existing building and the erection of a 38 storey hotel with a three level basement, including public open space and a coach and taxi drop of point on Marsh Wall.

Mr Simon Ryan (Deputy Team Leader, Development and Renewal) presented the detailed report. Planning permission was refused on 7th May 2010 by this Committee for a similar application (PA/09/1220). Since that time the Applicant had worked to amend the scheme to address the reasons for refusal. Mr Ryan comprehensively addressed the main matters for consideration concerning highways issues, noise impacts, height and scale of the building, the scope of the Section 106 Agreement and the coach and taxi drop arrangements. The Applicant had submitted a satisfactory travel plan designed to mitigate any highway and amenity impacts. Overall it was considered that that the scheme accorded with planning policy.

Officers also presented slides showing the design of the scheme in relation to the area.

In response to the report, members asked questions which were answered by officers regarding the scope of the Section 106 contribution, the adequacy of the off street coach parking and taxi drop off arrangements given the volume of taxis that frequented the area, and its proximity to another large hotel, the impact on nearby residential properties and the height bulk and design of the building.

Councillor Shahid Ali **MOVED** an amendment to the Section 106 agreement (requesting that funding be moved from (a) the Employment and Training Budget to (f) Community organisation contribution budget) which was seconded by Councillor Anwar Khan. On a vote of 3 for and 4 against the amendment fell.

Councillor Shahid Ali also proposed changes to the servicing proposals, requesting that they use an alternative point. Officers reported that, in finalising the travel plan, they would take into account this request.

Councillor Shahid Ali also **MOVED** that the Community organisation contribution budget (f) be changed to 'Youth Community and Arts'. This amendment was carried.

Subject to this amendment

On a vote of 5 for and 1 against with 1 abstention the Committee **RESOLVED**

1. That planning permission at 40 Marsh Wall for 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 for be **GRANTED** 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) Youth Community and Arts. - **£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**.

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

Conditions

- 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. 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.

7.3 60 Commercial Road, London E1 1LP (PA/10/1481)

Update Report Tabled.

Mr Owen Whalley (Service Head, Planning and Building Control, Development and Renewal) presented the report regarding 60 Commercial Road, London.

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

Mr Jeff Field spoke in objection to the application regarding the impact on 52 – 58 Commercial Road. He considered that the application would adversely affect daylight levels to this property. He considered that the BRE assessment was wrong and that their building should have been classified as residential property. It fell within the residential dwelling category. The scheme consisting of 19 floors, was a lot higher than theirs and would have an overbearing impact on their property. Daylight and sunlight was very important to his clients amenity who expected high standards from their accommodation. The density of the scheme was three times in excess of what was required in London Plan Matrix. He urged the Committee to refuse this application.

Mr Jim Poole (Applicant's Agent) spoke in favour of the application. He reported that the previous application which was refused was subject to appeal but this would be withdrawn if this application was granted. He considered that all of the previous concerns had now been addressed and that the issues raised in objection were speculative and unsubstantiated. The Applicant had increased the Section 106 contribution in accordance with the increase in floor space which the Council considered acceptable. The Applicant had received many letter of support. He considered that the Section 106 agreement would benefit the whole community. He also referred to the plans to relocate the Job Centre to mitigate the issues around that, ensuring there was no loss of employment floor space which was welcomed.

Mr Simon Ryan, (Deputy Team Leader, Development and Renewal) introduced the report to Members, drawing attention to the further update report tabled at the meeting. A similar application had been considered previously at the Strategic Development Committee meetings in November

and December 2009, where Members were minded to refuse the application due to concerns around the design, excessive height and bulk, unacceptable loss of daylight and sunlight and insufficient Section 106 contributions. He reported that, since that time, the Applicant had made a number of changes to the scheme including increasing the Section 106 agreement and public realm benefits to mitigate the development.

Mr Ryan also drew attention to the letters of representations received that were material to the application addressing each concern. The main issues for consideration were land use, design, transport and highways issues, environmental issues, amenity and the impact on neighbouring properties. In summary it was considered that the proposed usage was in line with policy therefore the Officer recommendation was to grant.

In response to the report, Members queried the Section 106 Agreement. Specifically the community contributions. They requested that a breakdown of these plans be provided including -

- the remit of the Aldgate Master Plan area and surrounding area,
- clarification of the term open space in this context.

Concern was also expressed at the plans to provide an A4 drinking establishment given the issues with binge drinking and anti social behaviour in the area and the premises close proximity to residential properties

As a result, Councillor Shahid Ali **MOVED** a motion to remove the A4 use from the proposal which was seconded by Councillor Anwar Khan. This was unanimously **AGREED**.

Concern was also expressed at the adequacy of the health care contributions given the expected increased in demand on such services arising from the proposal.

Members also requested that the Applicant's commitment to providing in house health services be confirmed.

Officers reported that, as part of the application, a student management plan had been secured and would need to be agreed with the Council prior to occupation.

Concern was also expressed at daylight and sunlight impacts upon surrounding properties.

In view of these concerns, on a vote of 2 for and 4 against, the Committee:

RESOLVED

That the planning permission at 60 Commercial Road, London E1 1LP for 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 be **NOT ACCEPTED**.

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

- Inadequate s106 contributions, particularly with regard to healthcare and community projects
- Daylight and sunlight impacts upon surrounding properties
- Noise disturbance

The committee also resolved that the A4 use should be removed from the scheme.

In accordance with Development Procedural Rules, the application was DEFERRED to enable Officers to prepare a supplementary report to a future meeting of the Committee setting out proposed detailed reasons for refusal and the implications of the decision.

8. OTHER PLANNING MATTERS

Nil items.

The meeting ended at 10.05 p.m.

Chair, Councillor Carli Harper-Penman
Strategic Development Committee

DEVELOPMENT COMMITTEE **Agenda Item 5** 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 sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post on Wednesday in the week prior to the meeting.
- 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.
- 6.3** All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4.00pm on Friday prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. 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** Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall give notice of their intention to do so to the Committee Clerk by no later than 4:00pm on the Monday prior to the day of the meeting.
- 6.5** 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.
- 6.6** The order of public speaking shall be as stated in Rule 5.3.
- 6.7** Public speaking shall comprise verbal presentation only. The distribution of additional material or information to members of the Committee is not permitted.
- 6.8** 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.
- 6.9** 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.
- 6.10** 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.
- 6.11** Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Public speaking procedure adopted by this Committee:

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

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Agenda Item 6

Committee: Strategic Development	Date: 28 th October 2010	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
16 th September	PA/10/1481	Job Centre Plus (Use Class A2/B1)	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.	The Committee indicated that they were minded to refuse the planning application because of serious concerns over: Inadequate s106 contributions, particularly with regard to healthcare and community projects Daylight and sunlight impacts upon surrounding properties Noise disturbance

3. CONSIDERATION OF DEFERRED ITEMS

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

6.1 Job Centre Plus (Use Class A2/B1)

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

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 6.1

Decision Level: Strategic Development Committee	Date: 28 th October 2010	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/10/1481	
		Ward(s): 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//B1/D1) at ground floor and student accommodation on upper floors (comprising 383 units) and ancillary uses; associated servicing and landscaping.

Drawing Nos:

- 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 C; 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

Owner: Palaville Ltd

Historic Building: No

Conservation Area: No

2. RECOMMENDATION

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

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

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

Financial contributions

- £545,508 towards cultural, recreational and community projects in the Whitechapel ward area to be allocated as follows:
 - £168,533 towards leisure and community facilities in the Whitechapel ward area

- £333,607 towards open space in Whitechapel ward area
- £43,368 towards library/idea store facilities in the Whitechapel ward area.
- £166,622 towards health care facilities in the Whitechapel ward area
- £60,000 towards highway improvement works
- £100,000 towards pedestrian improvement works
- £109,000 towards bus capacity improvements
- Completion of linked development at 122 Back Church Lane prior to occupation of 60 Commercial Road

Total= **£981,130**

(A copy of the Whitechapel ward area map is attached as appendix three).

Non financial contribution

- Commitment to use local labour in construction
- Commitment to implement Building Management Statement (Student Management Plan)
- Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- TV/Radio Reception Monitoring

any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal

(For avoidance of doubt, s278 agreement pursuant to the Highway Act 1980, is a matter with financial obligations which is completely separate and in addition to the s106 planning agreement)

2.2 That the Corporate Director of Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the 28th January 2011 the legal agreement has not been completed, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

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

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

Compliance:-

- 24) Removal of Permitted Development rights to erect fencing along south boundary
- 25) Retention of shop-front display in commercial unit. No installation of roller shutters
- 26) Retention of privacy screening around high-level terraces.
- 27) Restriction on use of terraces to hours of 8.00am to 10.00pm on any-day
- 28) Restriction of the use of the student accommodation to full time higher education students and staff during term time
- 29) Restriction of hours of construction
- 30) Restriction of hours of opening of commercial uses on ground floor to 8am-11pm on any day
- 31) Restriction of hours of piling
- 32) Height not to exceed that shown on plans (including cranes for construction) unless further consultation with London City Airport.
- 33) The Energy efficiency and decentralised energy technologies shall be implemented in accordance with the proposals made in the Energy Statement dated July 2010
- 34) Highway improvement works

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

2.5 Informatives

- 1) Section 106 is required
- 2) Section 278 Highways agreement required
- 3) Contact LNTH Environmental Health
- 4) Contact Environmental Agency
- 5) Contact Building Control
- 6) Contact London City Airport regarding Cranes & scaffolding
- 7) Contact Strategy- Innovation and Sustainability
- 8) Contact London Fire & Emergency Planning Authority
- 9) Section 61 Agreement (control of Pollution Act 1974)
- 10) Contact LBTH Building Control
- 11) Contact LBTH Highways

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

Renewal

3. BACKGROUND

- 3.1 This application for planning permission was reported by Strategic Development Committee on 16th September 2010 with an officer recommendation for approval. A copy of the case officers' report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at appendix 1 and appendix 2 to this item.
- 3.2 After consideration of the report and the update report, the committee resolved that it was minded to refuse planning permission on the following grounds:
- The proposal would provide inadequate s106 contributions to mitigate against the development.
 - The development would result in unacceptable loss of daylight and sunlight to surrounding properties.
 - The proposed student accommodation use would result in an unacceptable level of noise disturbance to surrounding properties.
- 3.3 In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Section 5.2- 5.5 of this report.

Changes to the proposed scheme

- 3.3 Since the deferral of the decision, the applicant has sought to address members concerns by introducing the following changes to the scheme:
- Increase the overall section 106 contribution by **£250,000** to mitigate against the development.
 - Remove the originally proposed class A4 use (drinking establishment) from the proposed development and retain class A1 (retail); A2 (financial professional services); A3 (café and restaurant); B1 (Office) & D1 (non residential institutions) at ground floor level.

In addition, officers wish to further clarify the following:

- The proposed management of the student accommodation use.
- Officers' advice on the impact that the proposal has on daylight and sunlight levels to neighbouring properties.

4 CONSIDERATION OF PROPOSED CHANGES AND POINTS OF CLARIFICATION

Inadequate Section 106 contributions to mitigate against the development.

- 4.1 Members resolved that the overall financial contribution of £731,130, presented at the previous Strategic Development Committee did not sufficiently mitigate against the development. The applicant has subsequently increased the section 106 financial contribution by £250,000 resulting in a revised overall section 106 contribution of £981,130. The breakdown of the financial contributions is set out in section 3.1 of the report.
- 4.2 Members were also concerned that the proposed development would increase the pressure on health care facilities and as such, a financial contribution should be sought to mitigate against this impact. Whilst the Council does not have specific policies on health care

provision for students, a summary of how student healthcare actually operates is offered below.

- 4.3 Queen Mary University offers an on-site health service for students on their campus so long as those residents live in a Tower Hamlets post codes. However, other universities, such as the London Metropolitan University offer no on sites healthcare facilities and students are expected to register with a General Practitioner that is located within a 3 mile radius of their temporary address, however a 3 year time lag for new developments to be recognised by the Government means that there is a funding gap. Given that there appears to be no standardised mechanism for dealing with student healthcare, it is recommended that £166,622 be allocated towards health care facilities in the Whitechapel ward area to mitigate against the demand on existing facilities during this funding gap.

Clarification of contribution towards cultural, recreational and community projects

- 4.4 At the previous committee meeting, some Members sought clarification on the proposed contribution sought towards cultural, recreational and community projects. In the first instance, this contribution has increased by £83, 378 (from £462,130 to £545,508) following the previous committee. The breakdown and allocation of this contribution is as follows:
- £333,607 towards open space improvement works in the Whitechapel ward area
 - £168,533 towards leisure and community facilities in the Whitechapel ward area.
 - £43,368 towards library/idea store facilities in the Whitechapel ward area
- 4.5 The previous contributions have been sufficiently justified by the Councils Directorate of Communities, Localities & Culture. Whilst the increased offer seeks to deal with members concerns, officers are satisfied that the nature of the requirement meets with the CIL regulations.
- 4.6 It is considered that the overall contribution of £981,130 is sufficient to mitigate against the impacts of the proposed development. As such, officers' are of the opinion that a reason for refusal based on insufficient Section 106 contributions would be difficult to defend at appeal.

Inappropriate loss of daylight and sunlight to surrounding properties

- 4.7 The submitted daylight and sunlight assessment considered the impact the development has on nearby properties which would be most affected by the development. The assessment shows there would be instances of non compliance with the BRE guidelines, however a majority of these failures centre around the Vertical Sky Component and a more in-depth analysis in the form of Daylight Distribution Factor shows a far less impact.
- 4.8 The site is located in the Aldgate area where a number of large scale developments have already been approved. These include a 17 storeys building at 33-35 Commercial Road; an 18 storey at former Beagle House on Braham Street and a 21 storey building at site bound by Lemon Street, Whitechapel High Street, Commercial Road and Buckle Street. The resulting light levels to the properties affected are not untypical in an urban environment and the impact is considered to be acceptable. Daylight & sunlight matters are discussed in detail in sections 8.66-8.80 of the committee report (attached)
- 4.9 Members are reminded that there is no Council planning policy that seeks to protect daylight and sunlight to non residential uses including serviced apartments at 52 -58 Commercial Road where concern has been raised by an objector. By its very nature, serviced apartments do not offer a permanent form of accommodation but rather offers a temporary accommodation to a transient population such as business and leisure travellers. Therefore, the weight normally afforded by BRE guidance to residential accommodation cannot be applied to serviced apartments.

- 4.10 The daylight position has been subject to detailed technical analysis by the Councils daylight and sunlight officer in the Environmental Health department who considers the scheme to be acceptable.
- 4.11 Given the advice above, officers remain of the opinion that the daylight and sunlight levels to surrounding properties would be acceptable and that a reason for refusal on this ground would be difficult to defend at appeal.

Noise disturbance associated with the proposed student accommodation use.

- 4.12 Members concerns have been broken down into three main issues.
1. The assessment of noise associated with a student accommodation use.
 2. The control and management of the proposed student accommodation on site.
 3. The proposed removal of the A4 (drinking establishment) use.
- 4.13 Each of these are considered in turn.
- 1. The assessment of noise associated with a student accommodation use.*
- 4.14 The assessment of noise from activities attributed to the movement of students to and from the student accommodation building is not specifically dealt with by a single planning standard or guideline. Where statutory nuisance are deemed to occur, the Local Authority has powers under the Noise Act 1996 (as amended) and Environmental Protection Act 1990 to deal with such matters.
- 4.15 The applicant has however submitted an assessment of the potential noise impact associated with student accommodation use. The assessment concludes that the proposal would not have a significant impact on neighbouring properties. The Councils Environmental Health team do not object to the findings in the assessment.
- 2. The Control and management of the proposed student accommodation on site.*
- 4.16 The control of potential noise including anti social behaviour of students is documented in the applicant's 'Building Management Statement' which was submitted as part of the formal submission. The Building Management Statement notes the following:
- The building would have a full time management team and 24 hour security;
 - Each student residing in the building would have to sign a tenancy agreement to abide by the Management Code of Conduct.
 - Anti social behaviour such as excessive noise would be actively managed by an onsite security team and student wardens in the following manner:
 - At night the duty wardens and security team would be on hand to enforce noise control within the property and control of anti social behaviour.
 - All students would be made familiar with a comprehensive statement on the duties and responsibilities of residents to create a living environment where all can co-exist with the aim of enjoying their University living experience whilst being considerate and respectful of others.
 - In extreme circumstances or for regular repeat noise offenders, steps would be taken to terminate the tenancy.
 - CCTV system would be in place to deter anti-social behaviour. The applicant would be required to submit details of the CCTV system for the development and this would be secured by way of condition.
- 4.17 It is officers' opinion that a high proportion of students (given their need for quiet study) are sensitive and adverse to noise disturbance and anti social behaviour. Such students would choose to stay in this accommodation because it would be a secure and managed facility.

- 4.18 So that the impact on neighbouring [premises can be controlled, the applicant would be required by condition to implement in perpetuity, the details in the submitted Building Management Statement.
- 4.19 Members should be aware that there are several examples of successfully managed student accommodation buildings in the Borough which have not presented any concerns relating to noise disturbance to neighbouring properties. For example, the Councils Environmental Health teams have confirmed that over the past 2 years, there has been no complaints received from nearby properties to the following student accommodation developments:
- Westfield Student Village; Queen Mary University of London; Westfield Way; Mile End; London E1 (accommodates 1176 students)
 - Albert Stern House, 253 Mile End Road, E1 4BJ (accommodates 45 students)
 - Ifor Evans Place, Mile End Road, E21 4BL (accommodates 36 students)
 - 50 Crispin Street, E1 6HQ (accommodates 365 students)

3. The proposed removal of the A4 (drinking establishment) use

- 4.20 Members requested that the originally proposed A4 (drinking establishment) use on the ground floor be excluded from the description of the development. As a response to this, the A4 use has been omitted from the proposed description of development. This would also ensure that the proposal does not present any concerns relating to noise disturbance potentially associated with an A4 use. The proposed flexible use of A1, A2, A3, B1 & D1 on the ground floor would not result in unacceptable noise disturbance to surrounding properties as the hours of operation would be restricted to 8am-11pm on any day.
- 4.21 Given the advice above, officers consider that proposal would not result in an unacceptable increase in noise levels to nearby properties and that a reason for refusal on this ground would be difficult to defend at appeal.

5. Conclusions

- 5.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS appended to this report and the details of the decision are set out in the RECOMMENDATION at the beginning of this report (appendix one)
- 5.2 However, if Members are minded to refuse the application, subject to any direction by the Mayor of London the following suggested reasons for refusal are as follows:
1. The proposed Section 106 contributions are considered unacceptable to mitigate against the impacts of the development on local social and physical infrastructure. The proposal is therefore contrary to the aims of policy 6A.5 in the London Plan (Consolidated with alterations since 2004) 2008; policy SP13 of the adopted Core Strategy (2010); policy DEV4 of the Unitary Development Plan (1998); policy IMP1 of the Interim Planning Guidance (October 2007) which seek to ensure planning obligations are used to mitigate against the impact of development.
 2. The proposed development would result in unacceptable loss of daylight and sunlight to nearby residential properties and as such is contrary to saved policies SP03 of the adopted Core Strategy (2010); policy DEV2 of the adopted Tower Hamlets Unitary Development Plan 1998 and policy DEV1 of Council's Interim Planning Guidance which seek to ensure that development does not have an adverse impact upon daylight and sunlight conditions to neighbouring properties.
 3. The proposed student accommodation use would result in an unacceptable level of noise

disturbance to nearby properties and as such is contrary to policy SP03 of the adopted Core Strategy Development Plan Document (2010); saved policies DEV2 & DEV 50 of the Unitary Development Plan (1998); and policies DEV 1 & DEV 10 of the Interim Planning Guidance (Oct 2007) which seeks to protect neighbouring amenity from unacceptable noise disturbance.

5.3 **Implications of the decision**

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

1. Resubmission of an amended scheme to overcome reasons for refusal;
2. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

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

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

The implication of this decision on the current appeal lodged on the previously refused scheme.

- 5.4 Members are reminded that an appeal was lodged in August 2010 to challenge the Councils decision on the application refused on 22/02/2010. This application was for the following development:

“demolition of the existing building plus basement to provide retail/commercial /community unit (use class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation and ancillary uses together with associated servicing & landscaping” (Reference no: PA/09/1198)

- 5.5 The appeal is scheduled for hearing in January 2011. The applicant has strongly indicated that the appeal would be withdrawn should planning permission be granted for this subject application.

6.0 **APPENDICES**

Appendix One - Committee Report to Members on 16^h September 2010
Appendix Two – Addendum Report to Members on 16th September 2010
Appendix three- Whitechapel ward area map

Committee: Strategic Development	Date: 16 th September 2010	Classification: Unrestricted	Agenda Item Number: 6.1 <u>APPENDIX 1</u>
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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 highway 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, recreational 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 re-provision 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 Council's 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 turns 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

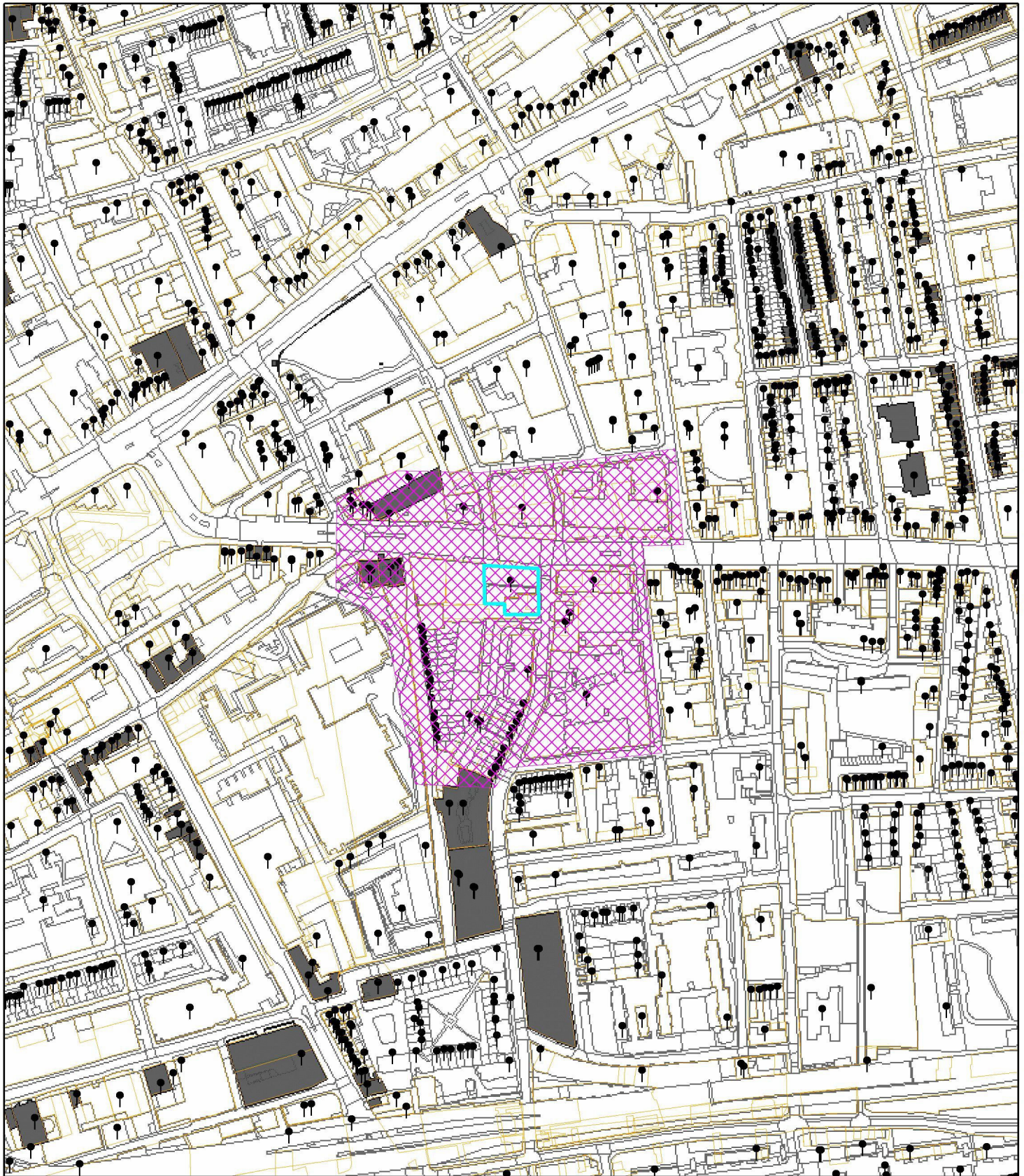
8.117 TfL seek a contribution of £109,000 towards bus capacity improvement works on site. This money will assist in ensuring good bus access to and from the site; ensure that walking routes to bus stops from homes and workplaces are direct, secure , pleasant and safe.

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.

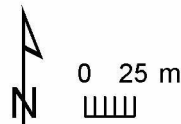
9.0 Conclusions

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



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Agenda Item number:	7.3
Reference number:	PA/10/1481
Location:	Jobcentre Plus, 60 Commercial Road, London E1 1LP
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.

1.0 ADDITIONAL REPRESENTATIONS RECEIVED

1.1 Since the publication of the committee report, 15 letters of support were received. The following comments were made in the representations received:

- The current building is unattractive, of poor design quality and not in keeping with the surrounding area
- The proposed development is well designed and will contribute positively to the area.
- The height of the building is in keeping with the prevailing character of the immediate area.
- The proposal will provide suitable regeneration of the site which would benefit of the community
- The site is suitable located for student accommodation and would address the under supply of student accommodation in London Borough of Tower Hamlets
- The proposed commercial floorspace on the ground floor is a positive enhancement to the site.
- The proposal makes provision for commercial facilities on the ground floor which be of benefit to the local community.

2.0 RE PROVISION OF JOB CENTRE

2.1 Following the publication of the committee report, the applicant has written to the Council stating that they have offered the new floorspace at 122 Back Church Road (PA/09/1199) as relocation for the job centre to the agent acting on behalf of the Job Centre.

3.0 HARRY GOSLING PRIMARY SCHOOL

3.1 Since the publication of the committee report, Harry Gosling Primary School has not provided comments to the Council regarding the application. However, the applicant has recently met with the Headteacher of Harry Gosling Primary School to present the application proposals and discuss ways in which the pupils at the school could be involved with the application proposals. The applicant has suggested the potential to silkscreen children's paintings onto the hoardings around the site once redevelopment commences, should members consider this to be appropriate.

4.0 RECOMMENDATION

4.1 The recommendation remains unchanged.



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