

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 12 April 2012 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas Vice-Chair: Councillor Bill Turner	
Councillor Khales Uddin Ahmed Councillor Dr. Emma Jones Councillor Carlo Gibbs Councillor Judith Gardiner 1 Vacancy	Councillor Tim Archer, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Peter Golds, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Gloria Thienel, (Designated Deputy representing Councillor Dr. Emma Jones) Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Khales Uddin Ahmed, Bill Turner, Carlo Gibbs and Councillor Judith Gardiner) Councillor Motin Uz-Zaman, (Designated Deputy representing Councillors Helal Abbas, Khales Uddin Ahmed, Bill Turner, Carlo Gibbs and Judith Gardiner) Councillor Amy Whitelock, (Designated

Deputy representing Councillors Helal Abbas, Khaled Uddin Ahmed, Bill Turner, Carlo Gibbs and Judith Gardiner)

[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: Alan Ingram, Democratic Services, Tel: 020 7364 0842, E-mail: alan.ingram@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 12 April 2012

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 meetings of the Strategic Development Committee held on 16th February 2012, 1st March 2012 and 6th March 2012.

PAGE NUMBER	WARD(S) AFFECTED
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3 - 30	
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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. **31 - 32**

The deadline for registering to speak at this meeting is 4pm Tuesday 10th April 2012.

6. DEFERRED ITEMS

Nil Items. **33 - 34**

7. PLANNING APPLICATIONS FOR DECISION 35 - 38

7 .1 15-17 Leman Street and 1A Buckle Street, London (PA/11/03693) 39 - 70 Whitechapel

8. OTHER PLANNING MATTERS 71 - 72

8 .1 Poplar Business Park, 10 Prestons Road, London E14 9RL (PA/11/3375) 73 - 128 Blackwall & Cubitt Town

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 7.30 P.M. ON THURSDAY, 16 FEBRUARY 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Bill Turner (Vice-Chair)

Councillor Khaled Uddin Ahmed

Councillor Carlo Gibbs

Councillor Dr. Emma Jones

Councillor Judith Gardiner

Other Councillors Present:

Councillor Peter Golds

Councillor Gloria Thienel

Officers Present:

Pete Smith	– (Development Control Manager, Development & Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

There were no apologies for absence

2. DECLARATIONS OF INTEREST

Councillor Bill Turner declared an interest in item 6.1 of the agenda on the grounds that he was aware and had been involved in the Canary Wharf Group in his capacity as a Councillor.

3. 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

4. PROCEDURE FOR HEARING OBJECTIONS

There were no speakers registered.

5. DEFERRED ITEMS

Nil items.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Wood Wharf, Preston's Road, London (PA/11/02174, PA/11/03468 and PA/11/03469)

Update report tabled.

At the request of the Chair, Mr Pete Smith, Development Control Manager, introduced the applications (PA/11/02174, PA/11/03468 and PA/11/03469) regarding redevelopment of Wood Wharf, Preston's Road, London.

Mr Smith gave a detailed presentation of the application

He explained the details of the scheme with views from the surrounding area. He highlighted the key issues for consideration when considering applications for renewal (as detailed in the report) including the key policy changes since the previous grant. He drew attention to the update report including minor changes to the phasing strategy and list of reserved matters. The affordable housing element remained the same as the previous grant. There was also mechanisms to seek further housing grant should the economy permits this, to maximize the affordable housing element.

Mr Smith explained the outcome of the public consultation and the issues raised. In summary, it was considered that the overall benefits of the scheme outweighed the issues.

Overall, the scheme continued to comply with policy and therefore should be granted.

In response to the Committee, Officers explained the merits of the scheme. The scheme sought to delivery high quality housing and complementary uses that would benefit both the occupants and the wider community. The S. 106 Agreement from the previous grant would be transferred to the new scheme and would be index linked forward in line with inflation. Contribution had been secured for a range of projects and services. They included contributions towards employment and training with a view to maximising local opportunities. The phasing plan remained unchanged as per the previous grant and there had been no major policy changes since then. Any changes could impact on viability. It was planned to deliver the affordable housing as part of phase 3 of the scheme.

Attention was also drawn to the transport contributions and the benefits for the local area. This included contributions to Crossrail that would reduce the impact on local transport. Overall, Officers were satisfied with the agreement and considered that it met the requirements considering viability. Transport for London were also satisfied with the package.

Steps would be taken with Skills Match and a range of other agencies to maximize local employment and training opportunities from the scheme.

In response, a brief debate ensued about the adequacy of the transport contributions to mitigate local impact. Accordingly, Councillor Bill Turner moved an amendment to this element of the contributions, seconded by Councillor Khaled Uddin Ahmed, which fell.

Overall Members were supportive of the scheme. However, they stressed the need to maximise the employment and training opportunities for Borough residents both at the pre and post construction stage.

On a vote of 4 in favour 0 against and 2 abstentions it was **RESOLVED** –

1. That planning permission PA/11/02174 be **GRANTED** at Wood Wharf, Preston's Road, London to replace extant planning permission PA/08/01215 dated 18th of May 2009 involving the following development:

Hybrid application for comprehensive mixed-use redevelopment of Wood Wharf comprising:

i) Outline Application (all matters reserved, save for access & layout) involving demolition of dwellings at Lovegrove Walk and the provision of commercial floorspace (B1), up to 1668 residential units (C3), and hotel (C1) contained in fourteen buildings; Retail (A1), financial services (A2), restaurants & cafes

(A3), drinking establishments (A4) and takeaway establishments (A5); leisure & community uses (D1 & D2); associated infrastructure, including the creation of structures in Blackwall Basin and South Dock; principles of landscaping and public realm; means of access; bridge links; car, motorcycle and bicycle parking spaces, servicing; and electricity substation.

ii) Full Application

Creation of canal and other engineering infrastructure.

2. That such planning permission be subject to:

A. Any direction by The London Mayor (see details in the report and update)

B. Any direction by the Secretary of State pursuant to the Shopping Development Direction

C. The prior completion of a S.106 Deed of Variation to ensure that the planning obligations secured pursuant to the S.106 Agreement (attached to planning permission issued under PA/08/01215 and dated 18 May 2009) apply to planning permission (PA/11/02174)

3. That the Corporate Director Development & Renewal is delegated authority to negotiate the Deed of variation indicated above.

4. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the report and update.

5. That the Committee confirms that it has taken the environmental information into account as required by Regulation 3 of the Town and Country Planning (Environmental Impact) Regulations 2011.

6. That the Committee agrees that following issue of the decision the Corporate Director Development and Renewal should place a statement on the statutory register pursuant to Regulation 24 of the 2011 Regulations containing the information required by Regulation 24 and that for the purposes of Regulation 24 (1)(c) the main reasons and considerations on which the Committee's decision was based shall be as set out in the report in the summary of reasons for granting permission.

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

8. In view of the various changes to policy since the previous May 2009 grant of planning permission, the need to amend policy to reflect existing policy circumstances and the need to control aspects of the development now necessary as a consequence of amended policy, it is officers intention to produce a draft decision notice in time for the 16 February 2012 Committee as

part of the update report which will outline any substantive changes to planning conditions and/or new planning conditions to deal with matters arising out of this application to replace the extant planning permission.

9. That listed building consent **PA/11/03468** be **GRANTED** at Wood Wharf, Preston's Road to replace extant listed building consent dated 18th May 2009, reference PA/08/1218 involving the following works subject to the conditions set out in the report.

- Partial demolition of a small section of the southern dock wall to Blackwall Basin, for the creation of a new canal between South Dock and Blackwall Basin and the introduction of piled foundations to anchor structures within the Basin and other associated works as part of a comprehensive mixed use redevelopment of Wood Wharf

10. That conservation area consent **PA/11/03469** be **GRANTED** at Wood Wharf, Preston's Road, Application to replace extant conservation area consent dated 21st July 2009, reference PA/09/909 for the following subject to the conditions set out in the report.

- Demolition of building to the west of Preston's Road and east of Canary Wharf in connection with the redevelopment of Wood Wharf pursuant to Planning Permission ref. PA/08/1215 dated 18th May 2009

7. OTHER PLANNING MATTERS

7.1 Aberfeldy Estate, Abbott Road, London, E14 (11/02716)

Application withdrawn.

7.2 Aberfeldy Estate, Abbott Road, London, E14 (11/03548)

Application withdrawn.

The meeting ended at 8.45 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 1 MARCH 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Khaled Uddin Ahmed
Councillor Bill Turner (Vice-Chair)
Councillor Carlo Gibbs
Councillor Judith Gardiner

Councillor Peter Golds

Other Councillors Present:

None.

Officers Present:

Pete Smith	– (Development Control Manager, Development & Renewal)
Simon Ryan	– (Deputy Team Leader, Development and Renewal)
Jane Jin	– (Planning Officer, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
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1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of the Councillor Dr Emma Jones, for whom Councillor Peter Golds was deputising.

Apologies for lateness were received on behalf of Councillor Judith Gardiner.

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
Helal Abbas	7.2	Personal	Had received many correspondence from interested parties but had not read them.
Khales Uddin Ahmed	7.1 7.2	Personal	Had received many representations from interested parties both for and against the application.
Bill Turner	7.1	Personal	Had received many representations from interested parties regarding the application.
Peter Golds	7.1, 7.2	Personal	Had been approached by and had received representations from interested parties both for and against the application.
	7.2	Personal	Attended an exhibition on the application as an observer.
Carlo Gibbs	7.1	Personal	Had received many correspondence from interested parties.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 19th January 2012 were agreed and approved as a correct record.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes 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, together with details of persons who had registered for speaking rights at the meeting.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 Tower House, 38-40 Trinity Square, London EC3N 4DJ (PA/11/00163)

Update Report Tabled.

Pete Smith (Development Control Manager) introduced the item regarding Tower House, 38-40 Trinity Square, London. He reported that since the Committee meeting on 28th November 2011, where the Committee resolved to refuse the application, further representations had been received. As a result it was necessary that the application be reconsidered to take into account these representations alongside policy developments since that decision.

Mr Smith drew attention to the report and update detailing the representations received. The update also referred to the Localism Act and the new requirement to treat financial consideration as a material planning consideration where necessary.

Mr Simon Ryan (Deputy Team Leader Planning) presented the detailed reported assisted by a power point presentation. He explained the site location, history and details of the application. He explained the outcome of the public consultation and the representations for and against. He explained

the Section 106 packages identified as A and B in the report and need for step free access at the Tower Hill underground station.

He explained the two representations received since the 28th November 2011 meeting. The first concerned the curvature of the platform at Tower Hill underground station. There were worries that this could leave a gap between the platform and trains affecting its accessibility. The second concerned the omission of the draft London Plan SPG 'London World Heritage Sites – Guidance on Settings' from previous reports to the Committee.

It was reported that London Underground Ltd (LUL) had investigated the concerns around the curvature of the platform as detailed in its letter in the Committee papers. It was their view that even with the new trains, manual wheel chair users would be able to manage the gap. Where not possible, staff would provide assistance or a boarding ramp.

Overall, LUL were of the view that the step free works would greatly improve accessibility as the steps were the most significant obstacle to access. The works would also enable a range of other customers to access the stations for example customers with luggage, push chairs and prams etc.

It was also considered that the proposal accorded with the London Plan SPG 'London World Heritage Sites – Guidance on Settings' and the Council's Management Development Framework document.

The scheme would create local employment, respect the area and provide valuable step free access at Tower Hill underground station without any major impacts. It continued to comply with policy. Taking into account all of the evidence and representations, the Officers recommendation remained unchanged that the scheme should be granted.

In response, Members raised a number of concerns and points regarding the following matters.

- Over dominance on the surrounding area, particular the adjacent Georgian buildings.
- Need for a dedicated servicing route.
- The work undertaken to test the platforms accessibility to wheelchair users.
- The size of the gap between the platform and trains especially with the new trains.
- Customer profile statistics for the station.

Overall, it was feared that the curved platform would make it very difficult for wheelchair users to board trains. Assurances were sought that this would not be the case.

Concern was also expressed at the S106. Particular the significant proportion devoted to the step free works given this could be compromised by the curved

platform. Members also questioned the adequacy of the remaining sums to mitigate impact given the size of the scheme.

Members also noted the lack of step free access on the surrounding tube network. It was queried whether such works were a responsibility of LUL to provide at Tower Hill Station as part of its improvement programme. Surprise was also expressed at the non attendance of LUL at the meeting.

In response to questions, Officers clarified the size of the gap between the platform and station both at present and with the new trains. Whilst some level of gap might remain, the significant reduction in steps works would make it possible for wheelchair users to board trains either independently or with assistance. The scheme had been subject to a detailed views and impact assessment. It was considered that the scheme would respect views and preserve the Tower of London World Heritage Site and nearby conservations areas. Historic Palaces were supportive of the scheme and English Heritage had no objections. The scheme complied with the conservation and heritage policy. Members were also reminded of the remit of the application for step free works as opposed to platform works at the station. Alongside improving access, the works should significantly improve the surrounding public realm enhancing the appearance of the area.

On a vote of 0 for and 4 against, with 1 abstention, the Committee resolved that the Officers recommendation to grant planning permission PA/11/00163 at Tower House, 38-40 Trinity Square, London not be accepted.

Accordingly Councillor Bill Turner moved a motion to refuse the application for the reasons set out below seconded by Councillor Khales Uddin Ahmed.

On a vote of 4 for and 0 against, with 1 abstention, the Committee **RESOLVED** –

That planning permission PA/11/00163 be **REFUSED** at Tower House, 38-40 Trinity Square, London EC3N 4DJ for the following reasons:

1. The proposal, in terms of its height, scale, bulk, design and elevational treatment represents an inappropriate form of development and fails to preserve or enhance the character, appearance and setting of the Tower of London World Heritage Site, the Tower Conservation Area and surrounding conservation areas, adjacent listed buildings and the adjacent Scheduled Ancient Monument. As such, the proposal fails to accord with Planning Policy Statement 5 (2010), policies 7.6, 7.7, 7.8, 7.9 and 7.10 of the London Plan (2011), policies SP10 and SP12 of the Core Strategy Development Plan Document (2010), saved policy DEV1 of the Unitary Development Plan (1998), policies DEV2, CON1, CON2 and CFR18 of the Interim Planning Guidance (2007), which seek to protect the character, appearance and setting of heritage assets. The proposal also fails to accord with the aims and objectives of

Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2007)

2. The proposal will have a detrimental impact upon protected views as detailed within the London Plan London Views Management Framework Revised Supplementary Planning Guidance (July 2010) and would fail to maintain local or long distance views in accordance policies 7.11 and 7.12 of the London Plan (2011) and policy SP10 of the Core Strategy Development Plan Document (2010) which seek to ensure large scale buildings are appropriately located and of a high design standard, whilst also seeking to protect and enhance regional and locally important views
3. The proposal will provide inadequate arrangements for site servicing and coach drop off which will result in unacceptable vehicular and pedestrian conflict within the immediate locality to the detriment of highway safety, contrary to policy 6.7 of the London Plan (2011), policy SP09 of the Core Strategy Local Development Framework (2010), saved policies T16 and T19 of the Council's Unitary Development Plan (1998) and policy DEV17 of the Council's Interim Planning Guidance (October 2007)

7.2 Poplar Business Park, 10 Prestons Road, London E14 9RL (PA/11/03375)

Update Report Tabled.

Councillor Judith Gardiner entered the meeting at 8:05 pm for the consideration of this item.

Pete Smith (Development Control Manager) introduced the item Poplar Business Park, 10 Prestons Road, London E14 9RL (PA/11/03375).

The Chair then invited registered speakers to speak.

Ms Terry O'Connor presented her concerns. She advised that she lived in Teviot Street. She was initially in objection but now considered that the scheme was a positive initiative. She ran a local asbestos business aimed at women and felt that the proposals could assist this. The scheme would benefit the local economy and would create jobs.

Mr Ian Dubber spoke in support of the application. He outlined the merits of the scheme including the affordable housing offer and the number of new jobs proposed. In response to Members, he estimated that the scheme would create more than 125 new jobs so between 400-410 in total. As part of the Section 106 Agreement there was a condition that 20% of the construction force be local. However, generally speaking around 70% of the overall workforce on site would be local people based on experience of managing similar sites.

Jane Jin (Planning Officer) presented the detailed application. She described the site location and the results of the public consultation. She also addressed in detail the key material issues. She explained the proposed layout and the workspaces. It was estimated that around 425 jobs on site would be created by the development. She also outlined the residential plans. The housing mix accorded with policy. The affordable housing was subject to a viability assessment. This showed that the scheme offered the maximum number that could be provided with an adequate S106 to mitigate impact. She also explained the child play and amenity spaces, the massing height and design, the day light assessment, the parking plans and the overall lack of major amenity impact. Overall the proposals were acceptable on the key material grounds and should be approved.

In response, the Committee raised a number of questions on the following issues:

- The methods used to test viability.
- Number of new jobs to be created by the scheme.
- The safety of the child play spaces and the roof top terraces given the closure of similar facilities elsewhere.
- Whether the child play spaces included areas for all age categories.
- The parking available to the affordable family sized units.
- The capacity of local services to accommodate the development. The impact on services elsewhere.
- The proximity of the scheme to London City Airport and the measures to detract large species of birds.
- The cumulative impact of the scheme given the number of new developments in the area.
- Adequacy of the affordable housing. Particularly the lack of social housing as set out in policy SP02 of the Councils Core Strategy.

In response, Officers addressed each point raised by Members.

Regarding the affordable housing, it was reported that the offer included the new Affordable Rent provision, issued after policy SP02. The offer was subject to robust viability testing that was independently reviewed. This showed that any figure higher than that proposed could place at risk viability and the provision of a satisfactory mitigation package.

Given this and the affordability of the rents (as shown by the research), it was considered that the offer was acceptable and complied with policy SP02. The plans would also be subject to review to explore the potential to increase the offer should the economy permit this.

It was anticipated that the proposal would create over 425 jobs directly based on density. Details of the child play spaces would be conditioned to amongst other things, ensure there were safe and accessible. The provision complied with policy. Education Services had considered the contributions and were of

the view they were suitable. Given this and the Council's school building plans, it was considered that there would be sufficient infrastructure to accommodate the development. The cumulative impact of the developments in the area had been carefully considered. Officers had looked in to the nearby new schemes in conjunction to ensure that the overall impact was acceptable and would be beneficial to the area. All units benefited from adequate private and communal space and access to the roof top terraces.

On a vote of 0 for and 4 against, with 2 abstentions, the Committee **RESOLVED** –

That the Officer recommendation to grant planning permission PA/11/03375 at Poplar Business Park, 10 Prestons Road, London E14 9RL be NOT ACCEPTED.

Councillor Bill Turner moved a motion to refuse the application seconded by Councillor Khaled Uddin Ahmed for the reasons set out below.

On a vote of 4 for and 0 against, with 2 abstentions, the Committee **RESOLVED** –

That planning permission (PA/11/03375) be **REFUSED** at Poplar Business Park, 10 Prestons Road, London E14 9R on the grounds of

- Lack of sufficient affordable housing
- Overdevelopment of the site.
- Impact on local services in terms of limited capacity to accommodate the development.

It was noted that Officers would bring a further report to the Committee setting out the detailed reasons for approval by the Committee.

The meeting ended at 9.40 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

LONDON BOROUGH OF TOWER HAMLETS

**MINUTES OF THE EXTRAORDINARY STRATEGIC DEVELOPMENT
COMMITTEE**

HELD AT 7.30 P.M. ON TUESDAY, 6 MARCH 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Carlo Gibbs
Councillor Khaled Uddin Ahmed
Councillor Bill Turner (Vice-Chair)
Councillor Dr. Emma Jones
Councillor Denise Jones

Other Councillors Present:

Councillor Kabir Ahmed

Officers Present:

Pete Smith	– (Development Control Manager, Development & Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Jerry Bell	– (Strategic Applications Manager Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Amy Thompson	– (Strategic Applications Planner)
Jo Dowle	– (Development Officer, Housing Strategy & Development)

COUNCILLOR HELAL ABBAS (CHAIR) – IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Judith Gardiner, for whom Councillor Denise Jones deputised, and from Councillor Khaled Uddin Ahmed for lateness.

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
Bill Turner	6.1, 6.2, 6.3	Personal	Had received emails in objection to the application. Had received a telephone call and email. Had looked at emails but had formed no opinion on these or the above.
	6.4	Personal	
	7.1, 7.2	Personal	
Carlo Gibbs	6.1, 6.2, 6.3	Personal	Had received emails in objection to the application. Had received a telephone call and email. Had looked at emails but had formed no opinion on these or the above.
	6.4	Personal	
	7.1, 7.2	Personal	
Dr Emma Jones	6.1, 6.2, 6.3	Personal	Had received emails in objection to the application. Had received a telephone call and email. Had looked at emails but had formed no opinion on these or the above.
	6.4	Personal	
	7.1, 7.2	Personal	
Denise Jones	6.1, 6.2, 6.3	Personal	Had received emails in objection to the application. Had received a telephone call and emails.
	6.4	Personal	
Helal Abbas	6.1	Personal	He was a Ward Member for this

	6.1, 6.2, 6.3, 6.4	Personal	application. Three people had referred to the application at his Ward surgery but he had not expressed any opinion. He had received emails in connection with the applications.
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3. 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

4. PROCEDURE FOR HEARING OBJECTIONS

The Committee noted the procedure for hearing objections, together with details of persons who had registered for speaking rights at the meeting.

The Chair referred to the large number of persons in the public gallery and commented that, while members of the public were always most welcome to attend meetings, he resented it when crowds were rented to attend. He also resented it when community organisations were effectively being bribed through S106 provisions. He indicated that an applicant had written to Councillors stating that, if an application were granted, a financial contribution would be made to a community association. The S106 procedure did not exist to buy or sell planning permission and he expected developers to abide by proper procedures in future.

5. DEFERRED ITEMS

Nil items.

6. PLANNING APPLICATIONS FOR DECISION

6.1 London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London (PA/11/02220) (PA/11/02221)

At the request of the Chair, Mr Owen Whalley, Head of Planning and Building Control, introduced the application for planning permission (PA/11/02220) and conservation area consent (PA/11/0221) regarding demolition and redevelopment works at the London Fruit & Wool Exchange (LFWE), Brushfield Street, 99-101 Commercial Street, 54 Brushfield Street and Whites Row Car Park, London.

The Chair then invited registered speakers to address the Committee.

Mr Dan Cruikshank, speaking in objection to the proposal, stated that he appeared on behalf of the Spitalfields Historic Buildings Trust, which had been in existence since 1975. Spitalfields had been greatly transformed over the last decade, generally for the better, and as a very vibrant quarter where diverse communities co-existed peacefully. Sensitive development of the site would reinforce what was considered a modern urban ideal, fed by notable local history. However, the opportunity to do so would be lost through the current development. Many offices and shops were proposed but there was no residential component. The Pinnacle development in Bishopsgate had not been able to pre-let office space and there was accordingly a question about whether LFWE would remain as a vacant site and dormant for years. Dorset Street would be obliterated but should be retained and the Trust was asking that the application be refused in its present form.

Mr Peter Boisseau, speaking in objection to the proposal, expressed the view that the development would harm this residential area and would mostly affect the south west corner. A supersized restaurant was proposed to be located opposite homes and residents would be disturbed by laughter, drunkenness, urination, taxi noise and loud chatter. Deliveries, etc. at 2.00 a.m. would also disturb residents. Developers would argue that these matters would be controlled by a management plan but this was likely to be ineffective. The proposed public open space would be overlooked by almost 1500 students who would wish to make use of it. There was also a shelter for the homeless in Old Providence Row. Accordingly, the park area should be gated at night to ensure the security, peace and wellbeing of local residents. The scheme could have been very good but was actually ill thought-through.

Mr John Nicholson, speaking in objection to the proposal, indicated that he was representing the Spitalfields Community Group. People knew when a development would be wrong for an area and residents did not want this scheme. The development was ugly, looked cheap and did not fit in with other local architecture. He felt that the proposal was contrary to the Council's conservation area guidelines. The historic Dorset Street would be wiped from the map. Spitalfields had been much improved but more shops

and homes were needed and the current proposal had resulted in 600/700 objections from residents. There had been lack of consultation and his Group had been refused a meeting by Planning Officers. He requested that the application be deferred so that developers and the Community Group could meet for further discussions

In response to queries from Members, Mr Nicholson indicated that meetings with the developer had not involved conversations and had been merely a presentation of proposals. Spitalfields Community Group was relatively new but wanted to be a proactive organisation to represent the views of its 160 members like a mini Spitalfields Parliament.

Mr Philip Vracas, speaking in support of the application, stated that he was Honorary Treasurer of the Spitalfields Society. The current proposal was the third variation of the proposal and the developer had carried out consultation that had resulted in the scheme being amended. The park space in the south west of the site should not have a pavilion building but the proposed cross-route was supported, although the restaurants should be moved towards Commercial Street. Not all residents approved of the proposal but it represented overall improvements, retained key views and would provide 2,000 jobs for the neighbourhood. The Society did not welcome the loss of the Gun public house and The Bank but could accept it. On balance, the scheme would preserve the conservation area, even if it represented pragmatism over idealism.

Mr Vracas responded to matters of clarification raised by Members relating to the need to secure the park area at night, employment provision and the proposed mix of use classes.

Ms Em Ekong, speaking in support of the application, stated that she worked with Urban Inclusion, an organisation based in Artillery Lane, which had worked with local communities for over 20 years. She felt that the proposal provided great opportunities for employment and enterprise in the Borough. The group had spoken with the developer and now it was proposed that at least 75 apprenticeships would be provided. Youth unemployment was a huge problem in the Borough and the developer was offering a minimum of 20% employment of local people during construction. Local businesses would also benefit. Retail space in the area was currently very expensive but the proposals would allow small to medium traders access to local premises.

In response to questions from Members, Ms Ekong stated that the proposal would provide more security for people in the Whites Row area at night; better rentals for local traders and showed the developer's commitment to working with local businesses.

Ms Rohema Miah, speaking in support of the application, indicated that she worked with community groups from offices in Osborn Street and felt that the proposal was in keeping with the local historic feel. The small retail premises would preserve opportunities for local enterprise and would increase local

jobs to 3,000. The proposal supported local businesses and would enhance security in the currently unsafe car park area.

Replying to queries from Members, Ms Miah stated that she was attending the meeting in a personal capacity. She worked with women's groups in the area and was reporting what local people thought of the development in retaining the character of the locality with better business usage.

At the request of the Chair, Mr Pete Smith, Development Control Manager, made a very detailed presentation of the application, as contained in the circulated report and tabled update, including plans and a slideshow. He commented particularly that:

- Through routes would ensure the permeability of the scheme
- The pavilion building would provide a busy activity centre, however, in view of some views expressing opposition, the developer was prepared to discuss this aspect further with residents and would prepare alternative design details for this part of the site.
- The GLA were generally supportive but had some concerns regarding the demolition of the Gun public house and The Bank. English Heritage were also concerned at the loss of the Gun. Although the scheme had been amended, the demolitions were still intended but this was accepted by Officers to achieve a balance of planning priorities.
- Proposals for employment and training opportunities would be provided to a level in excess of SPD requirements.

The Chair pointed out that Councillor Khales Uddin Ahmed, who had joined the meeting at 8.15 p.m., would not be able to vote on this application as he had entered after consideration of the business had commenced.

Members then put questions relating to:

- The lack of housing provision in the scheme.
- The position of the City of London in that they had not commented upon the scheme.
- Measures available to enforce the conditions relating to the employment of local people and the mix of employment types..
- The future of current entrepreneurs on the site.

Officers made responses including:

- The main current occupation of the site comprised offices and a car park. Off-site housing had been negotiated to mitigate the application.
- The City of London were building owners but were not the applicant. However, they had forwarded a letter commending efforts to assist existing business users.
- A minimum of 75 apprenticeships was significant and work would ensue with Skillsmatch and local businesses to help residents into jobs.
- Measures to enforce the social compact would be written into the S106 agreement.

Following further debate, on a vote of Nil for and 5 against, (Councillor Khales Uddin Ahmed not voting) the Committee **RESOLVED**

That the Officer recommendations to grant planning permission and conservation area consent for London Fruit & Wool Exchange, Brushfield Street, 99-101 Commercial Street, 54 Brushfield Street & Whites Row Car Park, London, (PA/11/02220) (PA/11/02221) be **NOT ACCEPTED**.

The Committee indicated that they were minded to refuse the planning application because of Members' concerns in connection with:

- The loss of employment uses
- The lack of any on-site social housing development in the proposed scheme.
- The loss to the local environment and heritage that would arise from the proposed demolition of the Gun public house historic building.

The Committee also expressed an expectation that the applicant should engage actively with the objectors to address the concerns expressed by them.

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.

At 9.10 p.m. the Chair indicated that the Committee would adjourn for a short period to allow members of the public to vacate the public gallery. The meeting reconvened at 9.15 p.m.

6.2 1 - 18 Dollar Bay Court, 4 Lawn House Close, London (PA/11/01945)

The Chair stated that, as agenda items 6.2 and 6.3 were linked, the Officers' presentations would be concurrent. Each application would be the subject of a separate vote, however, with a decision on item 6.3 being made first.

Following debate on both presentations, and on a unanimous vote, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at 1-18 Dollar Bay Court, 4 Lawn House Close, London, (PA/11/01945) for the redevelopment of the site for a residential led mixed use, comprising a 31 storey building to provide 121 residential units, 105 sqm A1/A3 at ground floor, 122 sqm ancillary gym at basement level, underground parking, plant and ancillary accommodation and hard and soft landscaping providing both public and private open space amenity, subject to any direction by the Mayor of London; the prior completion of a legal agreement to secure planning obligations and to the planning conditions and informatives

as set out in the circulated report and amended by the update report **Tabled** at the meeting.

- (2) That the Corporate Director Development & Renewal be delegated authority to recommend conditions and informatives to secure matters listed in the circulated report.

6.3 Site at 18 to 36 Thomas Road, London, E14 7BJ (PA/11/01944)

Following the Chair's comments as made in connection with the previous agenda item, Mr Owen Whalley, Head of Planning and Building Control, introduced the application (PA/11/1944) regarding the redevelopment of the site at 18-36 Thomas Road, London, E14 7BJ, for residential purposes, as contained in the circulated report, tabled update and slideshow.

The Chair then invited registered speakers to address the Committee.

Ms Ginette Casey, speaking in objection to the proposal, stated that she was a resident leaseholder speaking on behalf of 228 objectors who had signed a petition. She felt that the developers had been given exceptions and approvals regarding their requirements without considering the devastating effects on local employers and jobs. She felt that the 50% affordable housing to be delivered by the proposal did not allow for evicting current tenants and the site should be preserved for local prospective tenants. Proposals for the height of the flats were opposed and there was insufficient social housing. Transport problems would arise and people's human and civil rights were being tampered with. The results would be alienation and lack of opportunities. She expressed the view that the Committee should visit the site to see the matters raised by the objectors and decline the application.

Mr Anu Miah, a local resident in Thomas Road for 23 years, commented that the developers were taking advantage of young people. The present school premises could cater for only 300 from more than 800 properties. There were houses built over every corner of the estate and young people had to move away. There were insufficient local school facilities and account should be taken of all needs for education.

Mr David Barnet, of London Newcastle Agents for the developer, stated that development of the two sites was linked to ensure the Borough would receive more affordable housing and S106 contributions. The rented properties on Thomas Road would be provided with gardens, with local families in mind. All such properties would be allocated to local people on the housing waiting list. Employment opportunities would be made available and the Council would be able to decide how the appropriate monies would be allocated. All homes would meet current standards and sustainability provisions.

Mr Jim Pool, speaking in support of the proposal, commented that there would be no problem in finding alternative accommodation for existing tenants and

there were no problems with daylight/sunlight standards. The houses would fall to people on the waiting list, so their needs would be catered for.

Following questions from Members to the speakers, Mr Jerry Bell, Applications Manager, made a detailed presentation of the circulated report and tabled update, with a slideshow. He indicated that the provision of housing at Thomas Road depended upon the approval of the Dollar Bay scheme (agenda item 6.2). Scenarios of mixing social housing with other tenures had been examined but due to service charges and management problems experienced by RSL's, the current proposals offered the best solution for social housing.

Members then put questions relating to:

- Provision of private gardens or other open space.
- The size and scale of the proposal.
- The application of the car free policy.
- The low child yield envisaged at Dollar Bay.
- Contributions for public transport.

Officers responses included information that:

- All homes on Thomas Road would have private balconies and communal amenity space at ground level. At Dollar Bay, all units would have balconies with ground floor community space, including access-controlled child playspace.
- The previously proposed Dollar Bay tower had been considered too high at 42 storeys and had been significantly reduced to 31 storeys in size. However, it was now considered to work well on the dock and in the context of Canary Wharf. It was felt that the slender and sleek building would enhance the skyline.
- 10 car parking spaces would be made available at Thomas Road but anyone moving into the large family units would be able to take existing parking permits with them through the Councils Permit Transfer Scheme.
- Low child yields were expected to be generated from the private Dollar bay accommodation.
- Public transport contributions would be in the region of £544,000 total for both schemes.

On a unanimous vote, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at 18-36 Thomas Road (PA11/01944) for redevelopment of the site for residential development, comprising a 6 to 8 storey building (measuring 31m AOD), to provide 64 residential units (Class 3), and the provision of public and private open space, undercroft parking and public realm improvements, subject to any direction by the Mayor of London; the prior completion of a legal agreement to secure planning obligations and to the planning conditions and informatives as set out in the

circulated report and amended by the update report **Tabled** at the meeting.

- (2) That the Corporate Director Development & Renewal be delegated power to negotiate the legal agreement indicated above.
- (3) That the Corporate Director Development & Renewal be delegated power to impose planning conditions and informatives on the planning permission to secure the matters listed in the circulated report.
- (4) That, if within three months of the date of this Committee the legal agreement has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.

The Chair then indicated there would be a brief adjournment of the meeting at 10.10 p.m. The meeting reconvened at 10.15 p.m.

6.4 Former Goodmans Fields, 74 Alie Street and Land North of Hooper Street and East of 99 Leman Street, Hooper Street, London E1 (PA/11/03587)

At the request of the Chair, Mr Owen Whalley, Head of Planning and Building Control, introduced the application (PA/11/03587) regarding redevelopment of the site at Former Goodman's Fields, 74 Alie Street and land north of Hooper Street and east of 99 Leman Street, Hooper Street, London, E1.

The Chair then invited registered speakers to address the meeting.

Mr Helal Uddin, a local resident and Mitali Tenants' Association member, speaking in objection to the proposal, stated that he was speaking on behalf of many Backchurch Row residents and expressed the opinion that the proposal would result in more noise pollution and a loss of green space. Dust would make matters worse for asthma-sufferers and there would be no open ground for children. Tenants had made a request to the developer for the provision of a park but had received no reply.

Councillor Denise Jones then made a declaration of personal interest in that her position as a School Governor at Mulberry Girls' School had resulted in her being acquainted with the next speaker.

Ms Vanessa Ogden, Headteacher at Mulberry Girls' School, spoke in support of the proposal, indicating that the success of her school was due in part to Tower Hamlets community regeneration measures. The Mulberry Centre was being built to support the community beyond the school gates and classes would be provided for all sectors. In a time of a troubled economy, the developer had given them support and such a partnership could work well in

other models. The proposal would provide regeneration for the area and had the community interest at heart.

At 10.30 p.m. Councillor Bill Turner proposed, Councillor Khales Uddin Ahmed seconded and it was

RESOLVED that, in accordance with Procedural Rule 9.1, the meeting be extended for one hour to enable consideration of the remaining business on the agenda.

At the request of the Chair, Mr Pete Smith, Development Control Manager, made a detailed presentation of the application, as contained in the circulated report and update, including plans and a slideshow. He indicated that the planning permission for the site granted in February 2011 was now being built up. There had been wide consultation of the proposal, with views expressed both for and against.

Mr Smith referred to a letter sent direct to Members by the Bengali Youth Group. Although it was good for developers to engage with local groups, he did not especially agree with such an approach. The Chair made reference to his comments earlier in the meeting (see agenda item 4) and stated that Members should disregard the letter so that the S106 arrangements could be determined in the usual manner.

Members then put questions relating to:

- English Heritage comments with regard to the effects of the development on the Tower of London World Heritage site.
- The matter of other hotel provision in the area.
- The possible need to redesign the scheme to include playspace for local children.
- Why there was less social housing provision than achieved by a planning application earlier in the meeting.
- Terms for the provision of a local health amenity.
- Measures for sustainability and brown/green roofs.

Officers made responses including:

- An email had been received that day confirming that English Heritage were satisfied in terms of impact on the Tower of London.
- The area was considered suitable for hotel provision as it was within the City Fringe near tourist attractions.
- The Park Square proposals provided a great opportunity to engage with local people and to ensure needs for playspace were met.
- Social housing provision derived from land values, quality of development, etc., so each application had to be decided on its own merits. Officers relied on Valuation advice and in this case had worked with Berkeley Homes to ensure achieving as much affordable housing as possible.

- A sizeable health centre would be provided at a peppercorn rent for three years initially and the PCT were happy with the proposals.

Following further debate, on a vote of nil for and 5 against, the Committee **RESOLVED**

That the Officer recommendation to grant planning permission at Former Goodmans Fields, 74 Alie Street and land North of Hooper Street and East of 99 Lemman Street, Hooper Street, London, E1 (PA/11/03587) be **NOT ACCEPTED**.

The Committee indicated that they were minded to refuse the planning permission because of Members' concerns in connection with:

- Insufficient provision of on-site social housing.
- The lack of child play space and open space in the proposed development.
- The impact on sustainability and biodiversity due to lack of brown and green roofs.

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.

6.5 Former Blessed John Roche Secondary School, Upper North Street, London E14 6ER (PA/11/3765)

At 11.20 p.m. the Chair indicated that insufficient time remained to consider this item and, accordingly, it would stand adjourned to the extraordinary meeting of the Committee to be held on 15th March 2012.

7. OTHER PLANNING MATTERS

7.1 Aberfeldy Estate, Abbott Road, London, E14 (PA/11/02716)

Mr Owen Whalley, Head of Planning and Building Control, introduced the report (PA/11/02716) regarding redevelopment at Aberfeldy Estate, Abbott Road, London, E14, as contained in the circulated report and tabled update.

On a unanimous vote the Committee **RESOLVED**

- (1) That the application for planning permission at Aberfeldy Estate, Abbott Road, London, E14 (PA/11/02716) be **formally supported** for the reasons detailed in the circulated report, subject to any direction by the Mayor of London; the prior completion of a legal agreement to

secure the planning obligations as set out in the circulated report and to a 21-day consultation period with the Health and Safety Executive.

- (2) That the above formal support be subject further to the applicant being informed of the Committee's strong concerns over the low level of affordable housing provision in the proposed scheme.
- (3) That the Corporate Director Development & Renewal be delegated power to engage with the London Thames Gateway Development Corporation and the applicant to negotiate the legal agreement indicated in resolution (1) above.
- (4) That the Corporate Director Development & Renewal be delegated authority to recommend planning conditions and informatives to secure the matters listed in the circulated report.

7.2 **Aberfeldy Estate, Abbott Road, London, E14 (PA/11/03548)**

Mr Owen Whalley, Head of Planning and Building Control, introduced the report (PA/11/02716) regarding redevelopment at Aberfeldy Estate, Abbott Road, London, E14, as contained in the circulated report and tabled update.

On a unanimous vote the Committee **RESOLVED**

- (5) That the application for planning permission at Aberfeldy Estate, Abbott Road, London, E14 (PA/11/03548) be **formally supported** for the reasons detailed in the circulated report, subject to any direction by the Mayor of London; the prior completion of a legal agreement to secure the planning obligations as set out in the circulated report and to a 21-day consultation period with the Health and Safety Executive.
- (6) That the above formal support be subject further to the applicant being informed of the Committee's strong concerns over the low level of affordable housing provision in the proposed scheme.
- (7) That the Corporate Director Development & Renewal be delegated power to engage with the London Thames Gateway Development Corporation and the applicant to negotiate the legal agreement indicated in resolution (1) above.
- (8) That the Corporate Director Development & Renewal be delegated authority to recommend planning conditions and informatives to secure the matters listed in the circulated report.

The meeting ended at 11.25 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 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 at least five clear working days 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 one clear working day 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 and whether they wish to speak in support of or in objection to the application. 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 also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 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 Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 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.
- 6.13 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.
- 6.14 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.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

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

Agenda Item 6

Committee: Strategic Development	Date: 12 th April 2012	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director of Development and Renewal		Title: Deferred items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. RECOMMENDATION

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

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

Brief Description of background papers:
Application, plans, adopted UDP. draft
LDF and London Plan

Tick if copy supplied for register

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

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Agenda Item 7

Committee: Strategic Development	Date: 12 th April 2012	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the adopted Tower Hamlets Unitary Development Plan (UDP)1998 as saved September 2007
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
- 3.2 Other material policy documents include the Council's Community Plan, "Core Strategy LDF" (Submission Version) Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purposes), Managing Development DPD – Proposed Submission Version January 2012, Planning Guidance Notes and government planning policy set out in Planning Policy Guidance & Planning Policy Statements and the draft National Planning Policy Statement.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase

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

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 Whilst the adopted UDP 1998 (as saved) is the statutory Development Plan for the borough (along with the Core Strategy and London Plan), it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework. As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 3.7 The reports take account not only of the policies in the statutory UDP 1998 and Core Strategy but also the emerging Local Development Framework documents and their more up-to-date evidence base, which reflect more closely current Council and London-wide policy and guidance.
- 3.8 Members should note that the Managing Development DPD has reached the same stage in its development as the 2007 Interim Planning Guidance. With the Managing Development DPD being the more recent document and having regard to the London Plan 2011, it could be considered to be more relevant and to carry more weight than the 2007 Interim Planning Guidance documents.
- 3.9 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.10 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.11 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

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Agenda Item 7.1

Committee: Strategic Development	Date: 12 April 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/11/03693	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location: 15-17 Lemn Street and 1A Buckle Street, London

Existing Use: Vacant site

Proposal: Redevelopment of site comprising the construction of a 23 storey, 251 bedroom hotel (GEA 10,836sqm, Class C1) including ancillary cafe, bar and restaurant (Class A3/A4) with associated servicing and access.

Drawing Nos: 162/00-00-00 Revision A, 162/00-00-01 Revision A; 162/00-01-01 Revision C; 162/01-01-01 Revision B; 162/02-01-01 Revision C; 162/03-01-01 Revision C; 162/04-01-01 Revision C; 162/05-01-01 Revision B; 162/06-01-01 Revision B; 162/07-01-01 Revision B; 162/08-01-01 Revision B; 162/09-01-01 Revision B; 162/06-01-10 Revision B; 162/07-01-01 Revision B; 162/08-01-01 Revision B; 162/09-01-01 Revision B; 162/10-01-01 Revision B; 162/11-01-01 Revision B; 162/12-01-01 Revision B; 162/13-01-01 Revision B; 162/14-01-01 Revision B; 162/15-01-01 Revision B; 162/16-01-01 Revision B; 162/17-01-01 Revision B; 162/18-01-01 Revision B; 162/19-01-01 Revision B; 162/20-01-01 Revision B; 162/21-01-01 Revision B; 162/22-01-01 Revision B; 162/23-01-01 Revision B; 162/24-01-01 Revision B; 162/B1-01-01 Revision C; 162/00-00-02 Revision B; 162/00-00-03 Revision B; 162/00-00-04 Revision A; 162/SEC-SL-01 Revision B; 162/SEC-SL-02 Revision B; 162/ELV-SL-01 Revision B; 162/ELV-SL-02 Revision B; 162/ELV-SL-05 Revision B; 162/ELV-SL-06 Revision B; 162/ELV-SL-03 Revision B; 162/ELV-SL-04 Revision B; 162/SEC-SL-08 Revision B; 162/SEC-SL-09 Revision B.

Documents:

Design Statement dated December 2011

Addendum Design Statement dated March 2012

Impact Statement dated December 2011:

- § Planning Policy Compliance Statement;
- § Design Statement;
- § Transport and Access revised March 2012;
- § Impact on Amenity revised March 2012;
- § Daylight, Sunlight and Overshadowing;
- § Energy and Sustainability revised March 2012;
- § Site Waste Management and CoCP;
- § Archaeology;
- § Heritage;
- § Ground Contamination;
- § Phase 1 Habitat Survey;

§ Socio Economic Assessment;
§ Transport and Access Revised March 2012;
§ Wind;
§ Air Quality;
§ Noise revised March 2012;
Interim Travel Plan Draft February 2012;
Visual Impact Study dated December 2011;
BREEAM Assessment Report receive March 2012

Applicant: Pinehill Capital S.A
Owner: Pinehill Capital S.A
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 (1998), the Council's Interim Planning Guidance (2007), Core Strategy 2010, Managing Development DPD (proposed submission version 2012), associated supplementary planning guidance, the London Plan and National Planning Guidance and has found that:

1. A hotel scheme will contribute to the strategic target for new hotel accommodation. The scheme therefore accords with policy 4.5 of the London Plan (2011), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies CFR1, CFR9 and CFR14 of the City Fringe Area Action Plan (submission version) of the Interim Planning Guidance (2007) which seek to promote and concentrate tourism and hotel developments within the City Fringe Opportunity Area and Central Activity Zone.
2. The height, materials, scale, bulk and design of the building is acceptable and relates well within the emerging context of Aldgate. The proposal is not considered to impact upon the setting of any listed buildings nearby, nor impact upon the World Heritage Sites and strategic views. As such, the proposal is in accordance policies within Planning Policy Statement 5, policies: 7.4, 7.6, 7.8, 7.9, 7.10, and 7.11 of the London Plan (2011); saved policy DEV1 of the Unitary Development Plan (1998); DEV2, DEV27, CON1, CON2 and CON5 of the Interim Planning Guidance (2007); policies CFR1 and CFR12 of the City Fringe Area Action Plan submission version of the Interim Planning Guidance (2007); SP10 and SP12 of the Core Strategy Development Plan Document (2010); and DM23, DM24, DM26, DM27, and DM28 of Managing Development DPD (submission version 2012) and objectives as outlined within the Aldgate Masterplan, which seek to protect the character, appearance and setting of heritage assets.
3. The proposed hotel development is considered to be inclusive and also improves the permeability of the site and its immediate area. As such, it complies with policies: 7.2, 7.4 and 7.5 of the London Plan (2011), DEV1 of the Council's Unitary Development Plan (1998); SP09 of the Core Strategy (2010); DEV3 and DEV4 Interim Planning Guidance (2007); CFR2 of City Fringe Area Action Plan submission version of the Interim Planning Guidance (2007); and DM23 and DM24 of Managing Development DPD submission version 2012 which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles.
4. On balance, it is not considered that the proposal would give rise to any undue impacts in terms of loss of privacy, overlooking, sunlight and daylight, and noise upon

the surrounding residents or occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policies: DEV2 of the Council's Unitary Development Plan (1998); SP10 of the Core Strategy Local Development Framework (2010); DEV1 of the Council's Interim Planning Guidance (2007); and DM25 of Managing Development DPD submission version 2012, which seek to protect existing residential and future occupants' amenity.

5. Transport matters, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (2010); policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007); and DM20, DM21, and DM22 of the Managing Development DPD submission version 2012, which seek to ensure developments minimise parking, provide appropriate servicing and promote sustainable transport options.
6. Sustainability matters, including energy, are acceptable and in line with policies 5.1 – 5.3 of the London Plan (2011), policy SP11 of the Core Strategy Local Development Framework (2010); policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007); and DM29 of Managing Development DPD submission version 2012 which seek to promote sustainable and low carbon development practices.
7. Financial contributions have been secured towards the provision of training initiatives; community facilities including Libraries and Leisure; street scene and public realm improvements; open space; Legible London pedestrian wayfinding system; and Crossrail in line with Government Circular 05/05, the Community Infrastructure Levy Regulations 2010, policies 8.2 and 8.3 of the London Plan 2011; DEV4 of the Council's Unitary Development Plan (1998); SP13 of the Core Strategy (2010); and the Council's Planning Obligation SPD which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

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

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

Financial Contributions

- a) Employment & Enterprise: **£40,075** towards the training and development of unemployed residents in Tower Hamlets to access:
 - Jobs within the hotel developmental end-use phase (£19,822);
 - Jobs during the construction phase of the development (£20,253);
- b) Community Facilities:
 - Leisure: **£8,998**
 - Libraries: **£3,022**
- c) Street scene and Public Realm: **£12,676;**
- d) Open Space: **£422,070;**
- e) Legible London pedestrian wayfinding and signage system (TfL): **£15,000;**
- f) Crossrail (TfL): **£267,875**

- g) LBTH S106 monitoring fee (2% of the LBTH financial contribution): **£9,736**

Non-Financial Contributions

- h) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
- i) Reasonable endeavours for 20% of the construction phase workforce to be local residents of Tower Hamlets through Skills Match.
- j) Social Compact;
- k) Code of Construction Practice - To mitigate against environmental impacts of construction;
- l) Car-free agreement;
- m) Green Travel Plan;
- n) Public access through the site; and
- o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Financial contribution: £779,452

B. Any direction by The Mayor of London

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1) Permission valid for 3 years;
- 2) Submission of details and samples of all materials;
- 3) Submission of hard and (soft) landscaping;
- 4) Submission of sustainable drainage details;
- 5) Biodiversity/brown roofs;
- 6) Construction Management and Logistics Plan;
- 7) Cranage;
- 8) Maximum height 86.2AOD;
- 9) CCTV and lighting details;
- 10) Impact studies on the existing water supply;
- 11) Piling method statement;
- 12) Archaeology;
- 13) Contamination;
- 14) Scheme of necessary highways improvements to be agreed (s278 agreement);
- 15) Relocation of on-street parking bays prior to occupation.
- 16) Ventilation and extraction for A3;
- 17) Delivery and Service Management Plan;
- 18) Restricted servicing and delivery hours;
- 19) Site/Hotel Management Plan to include restricted use of entrances on Buckle Street after hours;
- 20) Recycling provision;
- 21) Compliance with Waste Management Plan;
- 22) 10% Accessible hotel rooms;
- 23) BREEAM 'excellent';
- 24) Hammer driven piling;
- 25) Compliance with the submitted Energy Strategy;
- 26) Hotel Use Only and Occupation no longer than 90 consecutive days;

- 27) Hours of construction;
- 28) Site survey for nesting birds prior to site vegetation clearance or vegetation clearance to only take place during September to February inclusive.
- 29) One disabled parking space;
- 30) 32 cycle parking spaces;
- 31) Approved plans; and
- 32) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives

- 1) Section 106 agreement required;
- 2) Section 278 & 72 Highways agreements required;
- 3) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.5 That, if after 6 weeks following GLA's Stage II response, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application proposes the erection of a 23storey building fronting Lemman Street and Buckle Street. It comprises a 251-room hotel with associated ancillary hotel facilities including restaurant and bar (A3/A4) located at ground and first floor levels.

Site and Surroundings

4.2 The application site is 0.05hectares in size and is a rectangular site located on the north east corner of the junction of Lemman and Buckle Street, in Aldgate. The site is bounded by Buckle Street to the south and Lemman Street to the east. To the north and east, a development known as Aldgate Union has been permitted and some surface works have commenced. The area is of a mixed-use character, however commercial offices are the dominant uses within the area.

4.3 The site is currently vacant and cleared following demolition of the previous three storey brick building which was last used as a café on the ground floor. The surrounding context consist of a 6/7 storey residential apartment block known as City Reach to the southern side of Buckle Street, a 10 storey office development to the west, known as Beagle House and a large redevelopment to the north of the site known as Aldgate Union for a commercial building with height ranging from 37.2m to 88.4m. To the east, a 4 storey car park currently stands and is in operation however this forms part of the Aldgate Union redevelopment.

4.4 The site has a Public Transport Access Level of 6b (Excellent) where 1 represents the lowest and 6b the highest. The site is within close proximity to Aldgate East and Aldgate Underground Stations and also has access to numerous bus services within the vicinity.

4.5 In terms of the Development Plan context, the site is located within the: City Fringe Opportunity Area and Central Activities Zone (London Plan 2011); and City Fringe Activity Area (Core Strategy 2010). The site is also designated as a development site (reference CF12c) within the Interim Planning Guidance City Fringe Area Action Plan (2007) which cites Employment (B1), Retail (A1,A2, A3, A4), Public Open space as the preferred use. The Council's Aldgate Masterplan also covers the application site and promotes leisure and tourism within its boundaries.

Relevant Planning History

4.6 The following planning decisions are relevant to the application:

PA/05/01666 Construction of a building comprising basement plus 17 storeys to provide either Class A1, A3, A4 uses (retail, restaurant, public house), Class B1 (business) use on the basement, ground, first and second floors with 75 flats above was withdrawn on 15/12/2006 .

PA/08/02720 Outline Planning Application for the redevelopment of the site comprising the construction of a part 18, part 26 storey hotel (GEA 12,696sq.m, Use Class C1) including ancillary coffee shop on the ground floor and ancillary restaurant / bar at mezzanine level and associated servicing and access.

This Outline Application seeks for the approval for the layout, access and scale of the proposed development. Matters of the final appearance of the proposed buildings and landscaping are to be approved by the London Borough of Tower Hamlets at a later stage under reserved matters.

PA/09/02430 Application was withdrawn on 12/09/2009
Redevelopment of site comprising the construction of a 23 storey hotel including ancillary café, bar and restaurant with associated servicing and access was refused on 11/02/10 and subsequent appeal dismissed. (This is discussed in paragraph 8 in more detail)

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: City Fringe Site
Area of Archaeological Importance or Potential

Policies: DEV1 Design Requirements
DEV2 Environmental Requirements
DEV3 Mixed Use development
DEV4 Planning Obligations
DEV12 Provision of Landscaping in Development
DEV50 Noise
DEV51 Contaminated Land
DEV55 Development and Waste Disposal
DEV69 Water Resources
EMP1 Encouraging New Employment Uses
EMP6 Employing Local People
T16 Impact of Traffic
T18 Pedestrian Safety and Convenience
T21 Existing Pedestrians Routes
S7 Restaurants

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals: CF12c Employment (B1); Retail (A1, A2, A3, A4); Public open space
City Fringe Activities Area
Archaeological Priority Area

Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	EE2	Redevelopment / Change of Use of Employment Sites
	RT5	Evening and Night-time Economy
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	CFR1	City Fringe spatial strategy
	CFR2	Transport and movement
	CFR6	Infrastructure and services
	CFR7	Infrastructure capacity
	CFR8	Waste
	CFR9	Employment uses in Aldgate and Spitalfields Market sub-area
	CFR11	Retail and leisure in Aldgate and Spitalfields Market sub-area
	CFR12	Design and built form in Aldgate and Spitalfields Market sub-area
	CFR13	Local connectivity and public realm in Aldgate and Spitalfields Market sub-area
	CFR14	Site allocations in Aldgate and Spitalfields Market sub-area

5.4 Managing Development DPD (proposed submission version 2012)

Proposals:		Central Activities Zone
		City Fringe Activities Area
		Archaeological Priority Area
Policies:	DM1	Development within the town centre hierarchy
	DM7	Short stay accommodation
	DM9	Improving air quality
	DM11	Living buildings & biodiversity
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Supporting a sustainable transport network
	DM21	Sustainable transportation of freight
	DM22	Parking
	DM23	Streets and the public realm
	DM24	Place-sensitive design

DM25	Amenity
DM26	Building heights
DM27	Heritage and the historic environment
DM28	World Heritage
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated land and development and storage of hazardous substances

5.5 Local Development Framework Core Strategy (2010)

Policies:

SP01	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP06	Delivering successful employment hubs
SP07	Improving education and skills
SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking – Priorities and Principles – Wapping
SP13	Planning Obligations

5.6 Spatial Development Strategy for Greater London (The London Plan 2011)

Policies

2.9	Inner London
2.13	Opportunity areas and intensification areas
4.1	Developing London's economy
4.3	Mixed use development and offices
4.5	London's visitor attraction
4.10	New and emerging economic sectors
4.11	Encouraging a connected economy
4.12	Improved opportunities for all
5.1	Climate Change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.8	Innovative energy technologies
5.13	Sustainable drainage
5.18	Water use and supplies
5.21	Contaminated land
6.4	Enhancing London's transport connectivity
6.7	Better streets and surface transport
6.8	Coaches
6.9	Cycling
6.10	Walking
6.11	Smoothing traffic flow and tackling congestion
6.12	Road network capacity
6.13	Parking
7.2	An inclusive environment
7.3	Designing out crime

- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 8.2 Planning Obligations

5.7 **London Plan – Relevant Supplementary Planning Guidance**

- Accessible London: Achieving an Inclusive Environment (April 2004)
- Mayor of London’s Accessible Hotels (March 2010)
- Sustainable Design and Construction (May 2006)
- The London World Heritage Site – Guidance of Settings SPG
- The London View Management Framework SPG

5.8 **National Planning Policy Framework**

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

- A better place for living safely
- A better place for creating and sharing prosperity
- A better place for excellent public services

6. **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

LBTH Accessibility Officer

6.3 No principle objection, subject to a condition requiring 10% of hotel rooms to be wheelchair accessible.

(OFFICER COMMENT: Conditions have been attached to this effect.)

LBTH Communities, Localities and Culture

6.4 No objections. In line with the Planning Obligations SPD, the occupants and employees of the hotel will increase the demand on the Borough’s Public Open Space and Leisure, library facilities. Accordingly, based on 138 employees and hotel guest density, the following contribution is sought: £422,070 towards public opens space; £3,022 towards Libraries, and £8,998 towards Leisure.

(OFFICER COMMENT: This contribution request has been agreed by the applicant, as detailed within the s106 Heads of Terms at paragraph 3.1)

LBTH Crime Prevention Officer

6.5 Management of the hotel and CCTV details are required.

(OFFICER COMMENT: Appropriately worded condition will be imposed)

LBTH Enterprise & Employment

6.6 To ensure that local businesses benefit from this development we expect that 20% of goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.

The Council seeks contribution towards training and development of unemployed residents in Tower Hamlets to access to jobs within construction and end-use phases.

Applying the formula within the Planning Obligation SPD the following financial contribution towards training and skills in:

- Jobs within the hotel developmental end-use phase (£19,822); and
- Jobs during the construction phase of the development (£20,253) is sought.

Non-financial contribution towards promoting 20% goods/services to be procured during the construction phase and 20% of the construction phase workforce to be local residents of Tower Hamlets through Skills Match should also be secured.

(OFFICER COMMENT: The applicant has agreed to the above contribution and obligations, as detailed within the s106 Heads of Terms in paragraph 3.1. The method of calculating the financial contribution is detailed within section 8 of this report)

LBTH Environmental Health

6.7 Environmental Health (Air Quality)

No comments received

Environmental Health (Contaminated Land)

No objections subject to the attachment of an appropriate condition requiring any contaminated land to be properly investigated, treated and made safe before development commences.

Environmental Health (Food Safety)

No objections subject to the attachment of an appropriate informative regarding food safety

Environmental Health (Noise & Vibration)

The activities associated with the proposed hotel use are likely to have impact on the existing residential occupiers. Noise impact may occur from commercial activities such as the bar, restaurant and other noise associated with air conditioning plant, mechanical and electrical plant, taxis, deliveries and waste disposal collection.

Environmental Health (Smell/Pollution)

Details of kitchen extract system is required to be inline with DEFRA guidelines so as to ensure that there is no likely odour nuisance that will impact on local residents. Details are required.

(OFFICER COMMENT: The requested conditions and informatives have been attached to the draft decision notice, as detailed above at paragraph 3.3 and further commentary on issues raised will be addressed under Amenity at paragraph 8.)

LBTH Highways

6.8 Parking

The development is proposed to be entirely car free and given the location this is considered to be acceptable.

The site has a PTAL rating of 6b which demonstrates that an excellent level of public transport service is available within the immediate vicinity of the site.

The proposal includes one disabled parking spaces on site in a convenient location to the main entrance to the hotel. This is considered to be acceptable.

Coach Parking:

The drop off/pick up activities will occur on site within the shared surface area where servicing will take place.

Cycle:

The Council's Parking Standards require a minimum of 1 space per 10 staff. The proposal includes a total of 32 cycle parking spaces in the basement. This is considered to be acceptable.

Servicing arrangements:

The proposal includes off-street arrangement within the shared surface area. A servicing management plan will be required to ensure that there is no conflict of use of this area.

The Delivery/Servicing and Coach Management Plan should be secured to ensure that servicing activities do not occur during peak hours.

Refuse:

Details of refuse collection activities shall also be managed as part of Delivery and Servicing Management Plan.

Conditions

Should planning permission be granted, conditions would be required to secure the following:

1. Submission of details of necessary highways works
2. Servicing and Coach Management Plan to be submitted and approved.
3. Construction Management and Logistics Plan to be submitted and approved
4. Travel Plan to be secured through s106.

(OFFICER COMMENT: The requested conditions are proposed to be secured, as detailed within section 3 of this report. Highways and transportation matters are discussed in greater detail within section 8 of this report)

LBTH Sustainable Development

6.9 Energy

No objections – The proposal will achieve 36.1% reduction in carbon emissions through energy efficiency measures, a CHP system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies.

Sustainability

No objections - the applicant has submitted a Sustainability Statement which commits the development to achieve a BREEAM (Building Research Establishment Environmental Assessment Method for buildings) rating of 'Excellent' as minimum. Conditions should be attached to secure this.

(OFFICER COMMENT: Conditions have been attached as requested. Energy and sustainability measures are discussed in further detail within section 8 of this report)

LBTH Waste Policy & Development

- 6.10 No objections to the proposed waste storage and collection. One third of the waste storage shall be made for recycling. A condition should be imposed to ensure that recycling provision is made available and compliance with the waste management plan during the construction phase.

(OFFICER COMMENT: Condition has been attached)

English Heritage (statutory consultee)

6.11 Archaeology

A condition is requested requiring the submission and implementation of a programme of archaeological mitigation.

(OFFICER COMMENT: A condition has been attached to this effect)

Historic Buildings and Areas

No comments had been received at the time of writing. Further update will be provided in an Update Report.

City of London Corporation

6.12 City of London Corporation did not make any observations in relation to the scheme.

London Underground Ltd

6.13 No objections to the planning application.

Natural England

6.14 The proposal does not significantly affect any priority interest area for Natural England; therefore no substantive comments are provided.

City Airport

6.15 The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, no safeguarding objection to the proposal is raised subject to a condition.

(OFFICER COMMENT: Condition has been attached)

NATS

6.16 No safeguarding objections to the proposal

Thames Water

6.17 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends conditions to ensure that the proposal does not have adverse affect on the water supply infrastructure. In addition, piling methods statement should be secured through a condition.

(OFFICER COMMENT: Conditions have been attached)

Environment Agency

6.18 Surface water flood risk is the only constraint on this site and therefore management of surface water should ensure that the development does not increase flood risk either on site or elsewhere.

Greater London Authority – Stage 1 response.

6.19 • The principle of a hotel development at the site within the boundary of the City Fringe

Opportunity Area and City Activities Zone is supported in line with London Plan Policy 4.5.

- The proposal is acceptable in terms of how it relates to surrounding buildings, and in terms of its impact upon strategic views, demonstrating a suitably high standard of architecture and quality of public realm. Subject to further information on details design aspects, the scheme is in accordance with London Plan heritage and design policies.

(Officer's Comment: Amendments have been made to the ground floor layout which now addresses the GLA's concern)

- The proposal involves a number of inclusive design measures to make the scheme is accessible, and an appropriate amount of accessible rooms in accordance with London Plan policies 4.5 and 7.2.
- The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. The proposals are broadly acceptable however, further technical information is required before the carbon savings can be verified. The commitments to sustainable design and construction measures are welcome, but further details are required to ensure full accordance with the London Plan.

(Officer's Comment: The required technical information has been submitted and the Council's Energy Officer is satisfied with the details submitted.

- The proposed development will have minimal impact on the capacity of the surrounding highway network however, further information and mitigation measures are required to ensure full accordance with the London Plan.

(Officer's Comment: The applicant has provided additional information and clarification on transport matters and TfL have confirmed that the information is sufficient).

(OFFICER COMMENT: Further details are discussed in section 8 of the report).

7. LOCAL REPRESENTATION

- 7.1 A total of 402 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 3 Objecting: 3 Supporting: 0 Neither: 0
No of petitions received: None received

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

Objection

- § Traffic congestion
- § Buckle Street to become servicing area
- § Noise nuisance from the hotel, bar and restaurant
- § Over concentration of hotels in the area
- § Lack of parking
- § Privacy
- § Impact to character of the area

(OFFICER COMMENT: These issues are discussed in detail in section 8 of the report).

8. MATERIAL PLANNING CONSIDERATIONS

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

1. The Planning Inspectorates Appeal Decision dated 17 December 2010.
2. Land Use
3. Design (including World heritage sites and strategic views)
4. Transportation and Highways
5. Amenity
6. Energy Efficiency and Sustainability
7. S106 Agreement

The Planning Inspectorate's Appeal Decision dated 17th December 2010

8.2 The application which was refused was subject to an appeal by a way of Public Inquiry. The main issues in this appeal were:

- § Whether the height, scale, massing and design would be harmful to the area's character;
- § Whether the development would cause harm to the residential amenities of occupiers of City Reach (privacy and outlook)
- § Whether the development would preserve the appropriate setting of neighbouring listed buildings and conservation areas; and

Whether vehicular access and servicing would interfere with the safe and free movement of traffic on adjacent highways.

8.3 The Inspector noted that the building subject of this appeal would be seen in close association with the development proposed on the vacant Aldgate Union site to the north, where planning permission had previously been granted for an office and retail development of between 4 and 21 storeys. In view of other planning permission granted nearby, the inspector concluded that the development, by reasons of its height would not appear out in keeping with the character of the area. However, the Inspector raised concerns to the architectural detailing of the lower levels of the building as it had failed to engage with the public realm and would dominate the site's immediate surroundings. Therefore, the Inspector concluded that the building would appear out of scale with its surroundings. With regards to massing the Inspector considered that the appeal building was capable of making an original and pleasing contribution to development in Aldgate area.

8.4 As regards to the residential amenity, the Inspector was satisfied that the views of north facing residential windows would not be reduced by any amount that would create oppressive conditions and that the residents would not have experienced a loss of privacy (subject to imposition of conditions).

8.5 The Inspector was satisfied that the development would not have harmed the setting of neighbouring listed buildings or the character and appearance of the Whitechapel High Street Conservation Area.

8.6 Finally, the Inspector found the proposal lacking in terms of the provision of adequate servicing and its failure to provide for safe use by pedestrians in Buckle Street. However, in view of the close proximity of the site to public transport, the Inspector found no need for specific provision to be made for guest arriving by coach or taxi.

8.7 Whilst the appeal was dismissed, it is important to note that the appeal was only dismissed on the following grounds:

- § Design and layout of the lower part of the building which failed to achieve a satisfactory relationship with the public realm.

Inadequate servicing arrangement to the detriment of free flow of traffic on Lemn Street and Buckle Street and pedestrian movement.

Land Use

8.8 The application proposes the erection of a 251 room hotel (Use Class C1) with associated

ancillary hotel facilities including restaurant and bar (Use Class A3 and A4, respectively) located on the ground and first floor of the 23 storey building.

- 8.9 The site is located within the City Fringe Activity Area, and Central Activities Zone where mixed use developments are encouraged to provide vitality and diversity in the City Fringe and support the functions of Central London.
- 8.10 The London Plan (2011) identifies tourism as an important part in the city's economy. To support London's visitor economy, policy 4.5 of the London Plan specifies a target of 40,000 net additional hotel bedrooms by 2031, of which at least 10 percent should be wheelchair accessible. The policy identifies the Central Activities Zone (CAZ) as a priority location for new hotel accommodations and it also recognises town centres, opportunity and intensification areas, and CAZ fringe locations where there is good public transport access to central London, to be suitable locations. Therefore it is considered that the application site is wholly appropriate location for hotel.
- 8.11 Policy SP06 of the Core Strategy (2010) states that hotel developments should be concentrated in the Central Activities Zone and City Fringe Activity Area. Given the site's location in the CAZ and CFAA, the proposed land use is therefore considered to be in accordance with the Core Strategy.
- 8.12 It is recognised that the IPG City Fringe Area Action Plan (2007) identifies the application site together with the Aldgate Union Site to the north for Employment, retail and public open space. The proposed use is considered to complement the consented employment, retail and public open space at Aldgate Union site. Furthermore, the proposal include a public walk link through the site to the open spaces consented on Aldgate Union site and therefore corresponds with overall vision of the area. The proposal also falls within the Aldgate Union Masterplan which also promotes leisure and tourism uses within its boundary.
- 8.13 In light of the above, it is considered that the proposed hotel and ancillary restaurant/bar land uses together with the proposed public walkway link through to Aldgate Union site are in accordance with the abovementioned development plan policies. In addition, The Planning Inspector found no objections to the use of the proposed building.

Design

- 8.14 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 8.15 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV27 of the IPG (2007) sets out the tall buildings assessment criteria which ensure that tall buildings do not have significant impacts on transport, visual, microclimate and amenity. Tall buildings are generally supported as part of a cluster of tall buildings.
- 8.16 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings. This policy also seeks to preserve or enhance the wider built heritage and historic environment of the borough. The policy also seeks to ensure that buildings and neighbourhoods promote good design

principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.

- 8.17 Policy DM24 of the Managing Development DPD (proposed submission version 2012) also seeks to ensure that development is designed to the highest quality standards incorporating principles of good design. Policy DM26 seeks to ensure that buildings heights are in accordance with the town centre hierarchy. The illustrated figure 9 within the Managing Development DPD identifies that the buildings within the CAZ and Activity Area to have a maximum height of 150m Above Ordnance Datum level.
- 8.18 Lastly, policy CFR12 of the IPG City Fringe Area Action Plan (2007) requires new development within Aldgate and Spitalfields Market sub-area to have high quality, tall buildings focused around existing Aldgate Union, manage strategic views, and respect the backdrop of the strategic views. The policy also seeks to create a network of urban and green public spaces in the City Fringe and also to create active and vibrant north-south and east-west pedestrian links through the area.

Analysis

- 8.19 As detailed earlier in this report, the proposed building constitutes a 23 storey building comprising a 251-room. Ancillary restaurant/bar on the ground and first floors are also proposed. The ground floor is designed appropriately to provide good relationship with the surrounding public realm and the proposed ground floor and first floor use will activate the street frontage along Leman and Buckle Streets. The proposal also provides a public walk link through the site through the undercroft of the building, although this would be via shared surface area with servicing and deliveries vehicles for the hotel. The proposed link will connect Buckle Street and the open space within Aldgate Union site providing better permeability and connectivity around the area (see Images 1 and 2). With the appropriate service and management plans ensuring pedestrian safety, this is considered to be an appropriate dual use of the area.
- 8.20 The current proposal activates the street frontages which addresses the concerns raised by the Planning Inspector on the previous appeal scheme. The Inspector's main concern to the appeal scheme was to the design and treatment of the lower floors of the building which failed to engage with the public realm and which would dominate the immediate surrounding. The applicant has successfully addressed this issue in the current scheme through design and treatment that interacts with the surrounding public realm and also through the selected uses on the ground and first floor of the hotel.
- 8.21 The proposal also includes the widening of the existing footway along Buckle Street by setting the building back on the ground floor level. This is considered to be a significant improvement to the pedestrian environment on Buckle Street and the public realm in general.

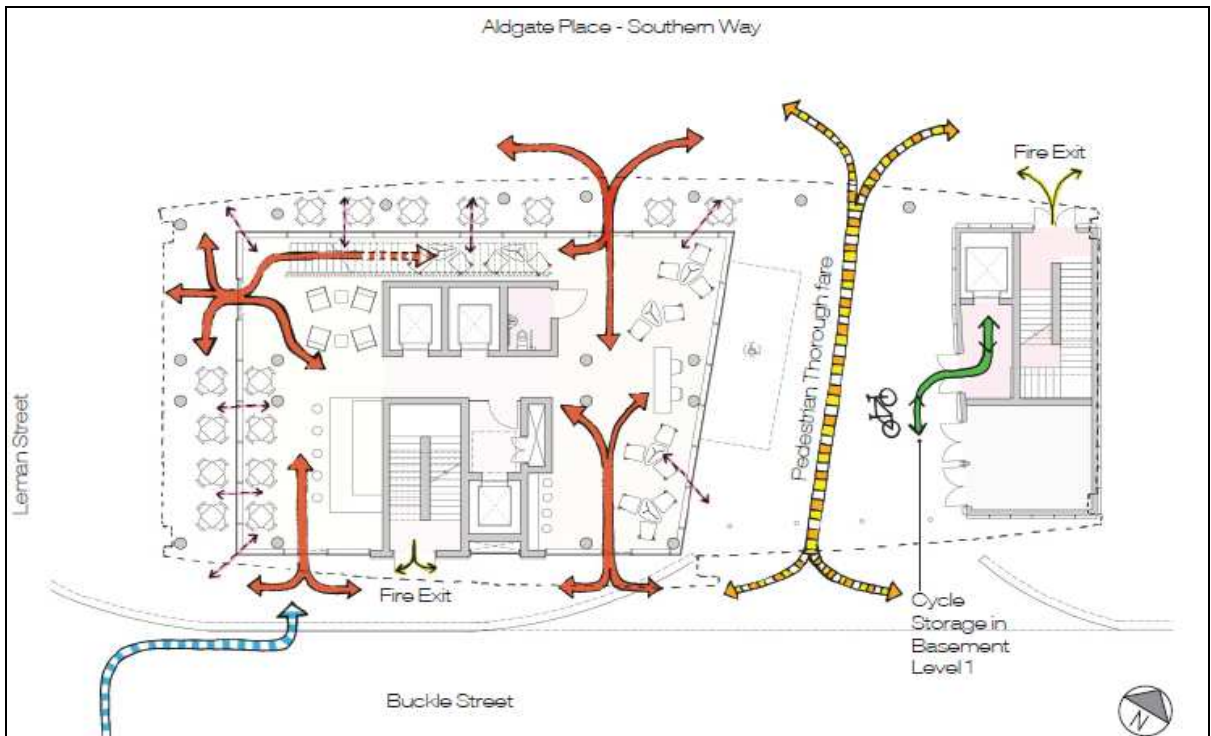


Image 1: Ground floor plan view of the pedestrian link through the building between Buckle Street and Aldgate Union



Image 2: Pedestrian link view from Aldgate Union Site through the building to Buckle Street

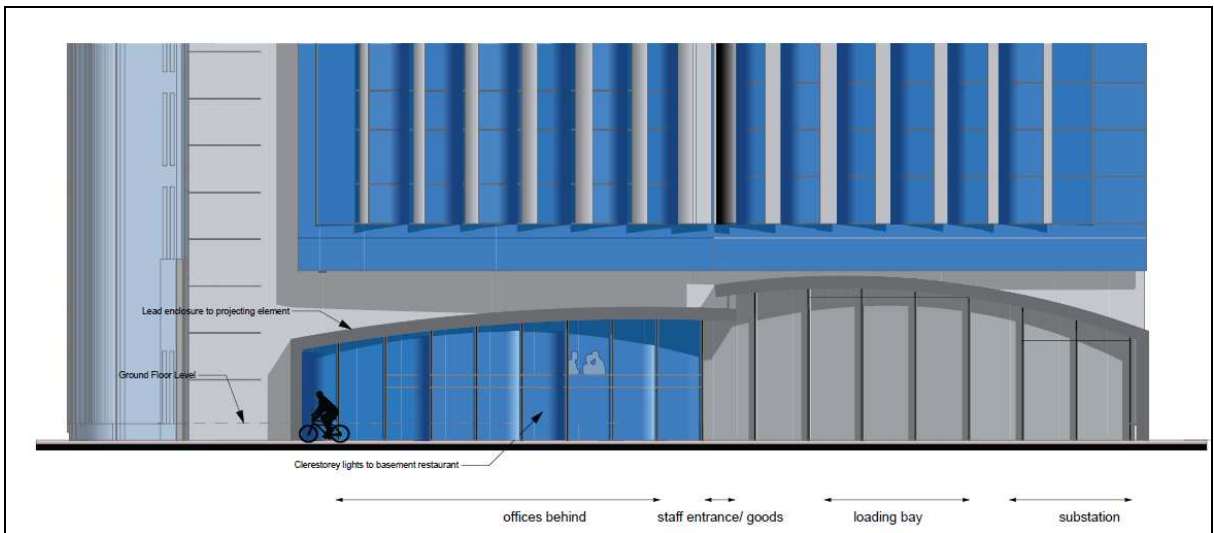


Image 3: Appeal Scheme lower level design and treatment (Buckle Street Elevation)

8.22 In relation to the height of the building and the tall building assessment criteria, it is worthwhile to note that the Planning Inspector, in his decision, outlined that the height of the appeal scheme which was at 71 metres in height to be acceptable. He considered that the visual impact would not be dissimilar from other tall buildings which would, in due course, form an identifiable cluster. Whilst the proposed scheme is only 70cm taller than the appeal scheme this will still be lower than the consented development at Aldgate Union site and is still considered to be acceptable. The proposed height complies with the maximum height within the CAZ as illustrated within the Managing Development DPD proposed submission version 2012 and therefore the principle of a tall building within this location is acceptable.

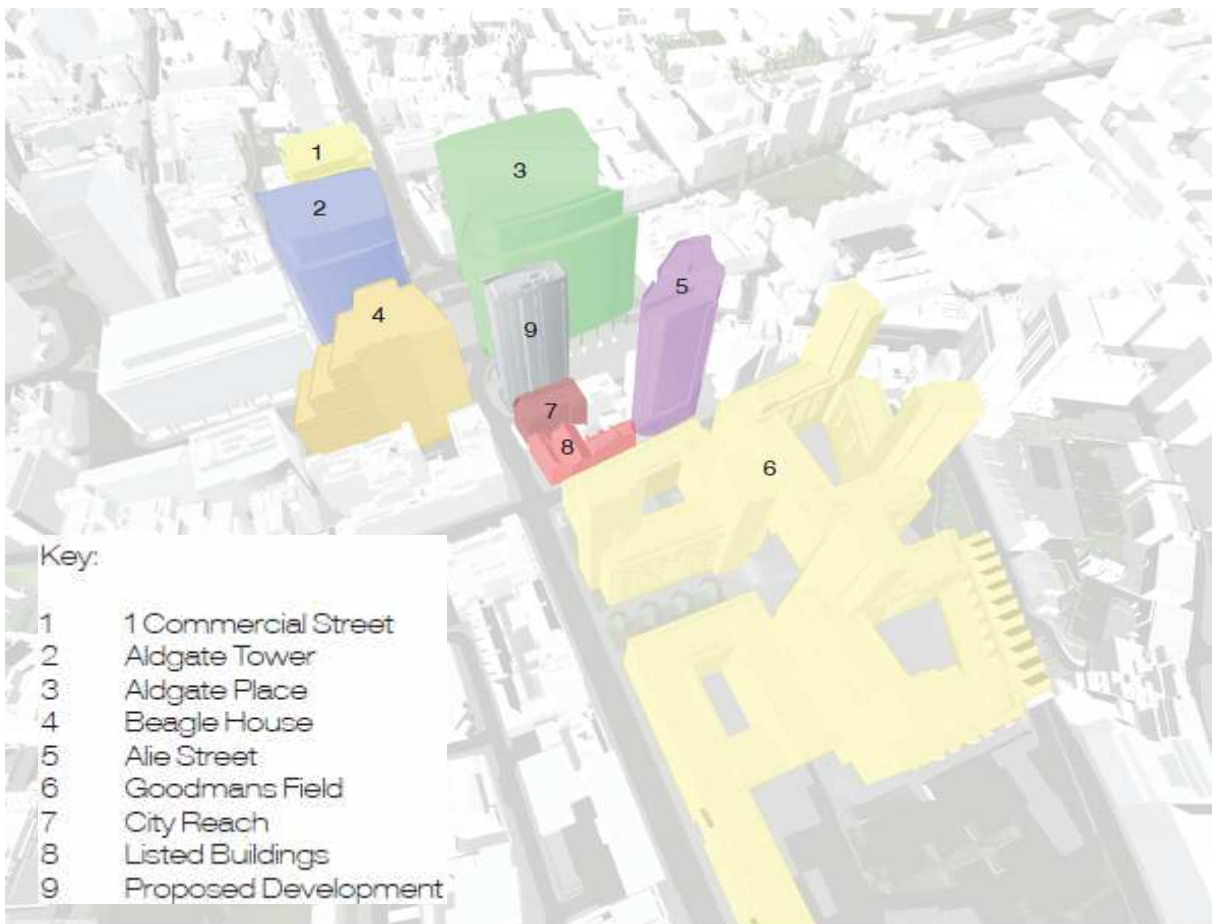


Image 4 Cluster of tall buildings.

- 8.23 The design of the hotel is in response to the context of the locality and emerging developments nearby. The development on this site has been subject to lengthy discussions following two previous applications and more recently the appeal decision. The current scheme is a significant improvement to the previously considered scheme and the proposed design will integrate well with the emerging surrounding built form.
- 8.24 The proposed massing, its relationship between shape and volume is considered to be elegantly proportioned that would contrast with the buildings of generally more bulky appearance of the earlier developments in the area. The massing and scale of the building remains same as the appeal scheme. The application site's narrow footprint creates a building mass that is slender and elegant which will add visual interest to the existing and emerging built environment in the area. This is the same conclusion the Planning Inspector reached with the appeal scheme in that the proposed bulk and scale of the building is capable of making an original and pleasing contribution to the development in the Aldgate area.
- 8.25 In light of the above, and having considered the planning appeal history for the site, the current proposal satisfactorily in terms of height, design, scale and massing. The proposal also satisfactorily addresses The Planning Inspector's concerns in relation to the treatment and design of the lower floors. The proposal is considered to comply with the above mentioned policies.

World Heritage Sites and Strategic views

- 8.26 The application site is located within the setting of the Tower of London World Heritage Site. In July 2009, the Government published a Circular on the Protection of World Heritage Site through conservation and preservation of its outstanding universal value.
- 8.27 The National Planning Policy Framework (NPPF) defines the World Heritage Sites (WHS) as a Designated Heritage Assets. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It further stresses that the more important the asset, the greater the weight should be.
- 8.28 Chapter 7 of the London Plan (2011) sets out policies relating to London's living places and spaces. Policies 7.10 states that 'Development should not cause adverse impacts on World Heritage Sites or their settings. In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. Policy 7.11 also stresses the need to identify and protect aspects of views that contribute to a viewer's ability to recognise and to appreciate a World Heritage Site's authenticity, integrity, significance and Outstanding Universal Value (OUV).
- 8.29 The Mayor's London World Heritage Site – Guidance of Settings SPG sets out a framework for undertaking the assessment in relation to Policy 7.11 and sets out guidance on a number of elements of setting which may contribute to the significance of the World Heritage Site. The London View Management Framework SPG is also applicable.
- 8.30 Policy SP10 of the Core Strategy (2010) seeks to ensure that new development preserves or enhances the wider built heritage and historic environment of the borough, including World Heritage Sites.
- 8.31 Policies CON3 and CON5 of the IPG (2007) seek to protect heritage assets and protect and manage important views.
- 8.32 Policy DM27 of the Managing Development DPD (proposed submission version 2012) seek to protect and enhance the borough's heritage assets.

Analysis

- 8.33 The Mayor of London has previously accepted the proposal in terms of its insignificant impact upon the setting of the Tower of London World Heritage Site. The Planning Inspector had also considered that given the changing development in the area and the increasing prevalence of tall buildings that the proposal would not be prominent and therefore not conflict with the aims and objectives of the policies relating to heritage assets.
- 8.34 The applicant has submitted a Townscape and Visual Impact Assessment to detail that there would be no harm or adverse impacts to the townscape or visual amenity.
- 8.35 Whilst the proposed building is 70cm taller than the appeal scheme, given the proposal is of same bulk and scale the visual impact is virtually the same and therefore it is not considered to adversely affect the Tower of London World Heritage site or its setting. The GLA, in their Stage I response, concluded the same.
- 8.36 In terms of heritage assets such as Conservation Areas, or Listed Buildings nearby, the nearest Listed Buildings are: 19a Lemn Street (Grade II), St George's Lutheran Church and Vestry House, Alie Street (Grade II*), St George's German and English Schools at 55-59 Alie Street (Grade II), and St George's Infant's School (Grade II); and Whitechapel Conservation Area is the nearest.
- 8.37 It is worthwhile to note that the proposed development will not physically affect the listed buildings listed above, nor is the site within a conservation area.
- 8.38 The affect to nearby listed buildings was considered by the Planning Inspector for the appeal scheme and he concluded he is satisfied that no harm would be caused to their setting. Additionally, the Inspector also concluded that setting of the nearest Whitechapel Conservation Area would be preserved by the development. This conclusion is still shared, as the proposed form and scale of the development has not changed.
- 8.39 In relation to the views, the site falls within a number of views designated in the London View Management Framework (LVMF), namely those associated with the View 25: City Hall to Tower of London (Views 25A.1, 25A.2, and 25A.3). It is considered that the proposal in relation to the setting of the WHS and strategic views are acceptable. The proposal would not be visible from the three view points due to either it being obscured by another building or sits below the existing established tree line. The proposal is considered to be acceptable due to the limited visibility from the view points.
- 8.40 In summary, it is not considered that the proposed building would harm the setting of the World Heritage Site, nearby listed buildings or the Whitechapel Conservation Area. The proposed building design and scale are considered to protect and enhance the setting of the aforementioned heritage assets; and the area as a whole. The proposal is therefore in accordance with NPPF and the abovementioned development plan policies.

Inclusive Design

- 8.41 Policies 4.5 and 7.2 of the London Plan (2011); Saved UDP Policy DEV1; policies DEV3 of the IPG; DM24 of the Managing Development DPD (proposed submission version 2012); and SP10 of the Core Strategy 2010 seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.42 The proposed 251 room hotel would provide 25 fully accessible bedrooms with at least one room on each floor. This would comply with requirements of the London Plan policy 4.5, with 10% of the bedrooms to be wheelchair accessible.

- 8.43 The proposal also provides a wheelchair parking space on site, within close proximity to the hotel main entrances. The main entrances to the hotel development are also levelled with the public highway and the adjacent Aldgate Union site and will be serviced by sliding doors which are satisfactory. The proposal encompasses full accessibility provision and therefore accords with the aims and objectives of the aforementioned development plan policies.

Transportation & Highways

- 8.44 The London Plan (2011) seeks to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 8.45 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network. Policies DM20, DM21 and DM22 of the Managing Development DPD (proposed submission version 2012) seek similar objections and aims as the Core Strategy.
- 8.46 As detailed within section 4 of this report, the site has an excellent level of accessibility to public transport, with a Public Transport Access Level of 6b where 1 represents the lowest and 6b the highest. The site is located approximately 80m to Aldgate Station to the north and there are numerous bus routes within the vicinity. The site's access is off Buckle Street which is a no through road and is not heavily accessed by vehicles.

Car Parking

- 8.47 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.48 The proposed development is a car-free development with on-site provision for a disabled parking space within the undercroft of the building which is within close proximity to the main entrances. The disabled parking space will be accessed off Buckle Street. Given the site's locality and with excellent level of public transport, the proposed car parking provision is satisfactory.

Coach Parking, Servicing, Deliveries and taxi drop off

- 8.49 Planning Standard 3 of the Interim Planning Guidance (2007) and Parking Standards in Appendix 2 of the Managing Development DPD (proposed submission version 2012) require a coach parking bay to be provided for every 100 hotel bedrooms. IPG policy DEV19 states that proposals which do not accord with the standard should demonstrate that the variation is necessary through a detailed transport assessment.
- 8.50 The application does not propose any provision for on-site coach parking. However, the proposal includes drop off area within the undercroft area of the building. This area will be accessed off Buckle Street. The proposal demonstrates that a 12m coach tracking access to Buckle Street and to the site can be accommodated subject to the removal of the existing two on-street business parking bays located on the southern side of Buckle Street. The Council's Parking have confirmed that subject to appropriate costs borne by the applicant to relocate the on-street business parking spaces the removal can be agreed in principle. The applicant has agreed to the payment of necessary costs and appropriately worded condition

will ensure that the occupation of the hotel cannot take place until the on-street parking spaces are successfully relocated.

8.51 In addition, The Planning Inspector concluded that the area is well serviced by public transport and therefore arrivals and departures by coach are unlikely to occur with any frequency. Were it to happen, there would be no reason why the transfer of passengers could not take place in a nearby loading bay in Leman Street.

8.52 In light of:

- § the site's location in the Central Activities Zone,
- § the City fringe location,
- § its excellent PTAL rating within close proximity of Underground stations, and
- § the provision of dedicated drop-off/pick-up area,

it is considered that the likelihood of coaches arriving at the hotel is minimised and therefore the proposal would not unduly detriment pedestrian movement nor the safe operation of the highway. The Council's Highway Officer and TfL are satisfied with the proposed arrangement. On balance, the proposal is considered to be acceptable and accord with the aforementioned policies.

8.53 With regards to the servicing and deliveries, the submitted Transport Assessment, (which includes a survey and a comparison with a comparable hotel within inner London) the proposed development could expect up to 5 transit sized goods vehicle over 12 hour period. Notwithstanding this, it would be possible to secure lesser vehicle trips by way of requiring the submission and agreement of a Delivery & Service Management Plan by condition. The Plan will also ensure that delivery times are managed so that only one delivery occurs at any one time. A separate condition is also proposed which prevents servicing from taking place between 2300-1000 hours; 1600-1900 hours inclusive to ensure that such activities occur during off-peak hours and to ensure protect the amenities of the residential occupiers nearby.

8.54 The Planning Inspector previously raised concerns to the servicing provision of the appeal scheme. The appeal scheme had proposed 8m long servicing area which restricted servicing vehicle size for the development and therefore the Inspector concluded that failure to provide adequate servicing provision would be harmful to the safe and free flow of traffic and pedestrian movement. The current proposal now includes 12m long servicing area which will be located on the shared surfaced area with the coach drop off/pick up area. As part of the Delivery & Servicing Management Plan, details will be secured to ensure that there will be no conflict in the use of the area. In any event, it is not likely that the area for servicing and coach drop off and pick up will occur at the same time with any frequency. The Council's highways officer and TfL are content with the proposed servicing and delivery arrangement.

8.55 The proposal does not include any dedicated taxi drop off area however the submitted Travel Plan has included instructions that any taxis or private hire vehicles for picking up guest would be arranged for it to take place on Buckle Street. TfL has considered that this arrangement is acceptable in this instance. The Planning Inspector, in reaching his decision concluded that the lack of provision for taxi drop off/pick up does not raise any issues of traffic or highway safety of any greater significance than might be found in other parts of London.

8.56 Given that taxis are legally permitted to drop off and pick up on red routes the proposed inclusion of pick up arrangements within the Travel Plan is welcomed.

Refuse

8.57 The application details that the proposal incorporates waste storage at the basement floor

level which would be collected on-site from the shared surface area within the undercroft accessed off Buckle Street. The application is also accompanied by the Waste Management Plan. The Council's Waste Officer is satisfied with the proposed details subject to a condition requiring a compliance with the Plan submitted. A servicing management plan for refuse is also required to suitably managed the shared surface.

- 8.58 It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP), as previously detailed.

Cycle Parking

- 8.59 The Interim Planning Guidance (2007) requires 1 cycle parking space per 10 staff. The Managing Development DPD (proposed submission version 2012) requires 1 space per 10 staff and 1 per 15 guests. The proposal anticipates 145 employees within the Hotel and bar/restaurant use and therefore the required provision would be 14 cycle parking spaces for employees and 33 spaces for guests.
- 8.60 A total of 32 cycle stands are proposed to be provided within the basement level of the building. This is in excess of the required cycle parking for employees, however, as a total provision it is short of 15 spaces for guests of the hotel. Given the location of the site being within close proximity to public transport and that the hotel guests are unlikely to arrive by a bicycle it is considered that the reduced provision in this instance is acceptable. In addition TfL has commented that the submitted Travel Plan is sufficient which includes promotion of the use of the TfL Cycle Hire Scheme for the guests and employees. The Council's Highways Officer supports the on-site cycle provision and therefore, on balance the proposed provision is acceptable.

Amenity

Daylight and Sunlight

- 8.61 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (second edition).
- 8.62 Policy 7.6 of the London Plan (2011) requires that all large-scale buildings to pay particular attention in residential environments to amenity and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight. Policy DM25 of the Managing Development DPD seeks to protect and where possible improve the amenity of surrounding existing and future residents and building occupants.
- 8.63 The application is accompanied by a Daylight and Sunlight Assessment and it analysed the effect of the proposed development on the daylight and sunlight amenity to the only residential building within the immediate vicinity, The City Reach which is located to the southern side of Buckle Street.
- 8.64 The assessment concludes that the existing windows do not fully comply with the Vertical Sky Component within the BRE Guidelines in daylight terms for the current situation. Therefore, inevitably the proposal will result in failures to the tested windows. BRE guideline recommends that the VSC should be considered into context with the No Sky line analysis for such situations. If, in the room, the area of the working plane which can see sky less than 0.8 times value before, than the proposal is likely to have a daylight impact. Only 4 rooms out

of 37 will comply where the working plane which can see the sky will not be less than 0.8 times of the former value.

- 8.65 It should be noted that when the proposed development for Aldgate Union site was considered, the City Reach Apartment had failures and therefore, even without the subject development the City Reach Apartment is likely to be affected by consented developments nearby. It is also worthwhile to note that the, given the existing situation the Council did not consider sunlight and daylight impacts as a reason for refusal nor was it defended at an appeal for the previous scheme.
- 8.66 In relation to the overshadowing assessment, the BRE guidance recommends that at least half of the amenity areas such as gardens, parks, playing fields etc should receive at least two hours of sunlight on 21st March. The submitted assessment concludes that the proposed development will not cast a shadow to the nearest open space on Braham Street.
- 8.67 Whilst the proposal is not fully complying with the BRE guidance in terms of daylight, on balance, in the context of its urban location and the existing situation, it is considered that this would not warrant refusal on its own. The proposal is therefore considered to be in line with Policy 7.6 of the London Plan (2011), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007), Policy SP10 of Core Strategy (2010) and policy DM25 of the Managing DPD with regards to sunlight and daylight.

Noise and Vibration

- 8.68 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise. Policy DM25 Managing Development DPD (proposed submission version 2012) seeks to ensure that existing and future residential amenity is protected.
- 8.69 The applicant will be required to incorporate appropriate noise insulation measures in accordance with Building Regulations for the occupiers of the hotel, albeit the occupiers are short-term visitors. It is also considered appropriate to condition the restriction of hours for the use of the entrances to the Buckle Street elevation in association with the restaurant/bar use of the hotel. The proposed plant and machinery are located on the roof level and therefore is unlikely to have direct impact to existing residential occupiers in terms of their noise. Finally, restricted hours of servicing and deliveries through a condition and Delivery Servicing and Management Plan will be secured.
- 8.70 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management and Logistic Plan which will further assist in ensuring noise reductions. The Construction Management and Logistic Plan will also be required to address construction traffic which should avoid residential streets. The arrangement will be carefully considered, in conjunction with TfL.
- 8.71 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), Policy DM25 of the Managing Development DPD (proposed submission version 2012) and policies SP03 and SP10 of the Core Strategy (2010).

Outlook and Privacy

- 8.72 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including

preventing loss of privacy. The habitable room to habitable room relationship between the proposed southern elevation of the hotel and the City Reach residential building on the opposite side of Buckle Street would be approximately 8m to 8.5m.

- 8.73 In terms of outlook, the Planning Inspector did not find that the same separation distance between 8 to 8.5 metres of the appeal scheme and the residential block at the City Reach to be oppressive for the existing residents. This conclusion takes into account of the urban character of the area and the extent to which outlook might be expected to be confined by other buildings.
- 8.74 In relation to privacy, the proposal includes fixed privacy louvers to the bedrooms located on 2nd to 10th floor, inclusive, on the southern elevation of the hotel. The windows to 11th floor and above will not provide direct overlooking into the 6/7 storey City Reach residential block. This is considered to provide sufficient mitigation to protect the privacy enjoyed by the existing residents of City Reach. In addition, the Planning Inspector considered that a suitably worded condition requiring design of the windows on the lower floors to the southern elevation to provide sufficient privacy screening would be acceptable and that the residents would therefore not suffer loss of privacy to an extent that might justify withholding planning permission.
- 8.75 Given that the proposed privacy screen at 2nd to 10th floors and previous conclusions by the Planning Inspector, the proposal is considered to be acceptable in terms of amenity to the existing residential occupiers and the future occupiers in accordance with the aforementioned Development Plan policies.

Micro climate

- 8.76 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan, requires that *“tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence..”* Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

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

- 8.77 The application is accompanied by a Wind Microclimate Desk Study and it assesses the likely impact of the proposed development on the wind climate, by analysis of meteorological conditions for the region, adjusted to Assessment Site, and a review of the scheme drawings in the context of the meteorological data. The assessment has focused on the suitability of the site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances, and sitting/standing conditions) and the impact relative to that use.
- 8.78 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria.
- 8.79 Overall, all condition within and around the site are suitable for the intended use and the ongoing development of the neighbouring sites, particularly those to the north of Braham Street is considered to have a favourable effect on the wind conditions around and the proposed development. Therefore, there are no recommendations for mitigation as the wind microclimate is considered to be suitable for the desired pedestrian use of the site.

Energy Efficiency and Sustainability

- 8.80 At a national level, NPPF state that the local planning authorities should adopt proactive strategies to mitigate and adapt to climate change. Paragraph 95 states that local authorities should set requirements for building's sustainability. At a strategic level, Policy 5.2 of the London Plan (2011) requires major developments to submit an energy assessment.
- 8.81 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.82 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). The Council's own policy DM29 of the Managing Development DPD (proposed submission version 2012) requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010.
- 8.83 Saved Policy DEV2 of the UDP (1998), DEV6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.84 The submitted energy strategy follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).
- 8.85 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). Approximately 34sq.m of photovoltaic panels will be installed on the roof top of the building. The technologies employed would add to the carbon savings over the baseline. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is not feasible. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the development is in compliance with the London Plan (Policy 5.2) through achieving a cumulative 36.1% reduction in carbon emissions above the Building Regulation requirements.
- 8.86 The anticipated 36.1% reduction in carbon emissions through energy efficiency measures, a CHP system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by Condition and delivered in accordance with the submitted details within Chapter 6d: Energy and Sustainability (revised) dated March 2012 of the Impact Statement.
- 8.87 In terms of sustainability, London Borough of Tower Hamlets requires all commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011, Policy DM29 of the Managing Development DPD (proposed submission version 2012) and Policy DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance.
- 8.88 The submitted Energy and Sustainability Chapter of the Impact Statement dated March 2012 sets out the commitment to achieving an Excellent rating under the BREEAM 2008 methodology. It is recommended that the achievement of these ratings is secured through an appropriately worded Condition.

Flood Risk Assessment

- 8.89 National Planning Policy Framework, and Policy 5.12 of the London Plan (2011), Policy SP04 of Tower Hamlets CS (2010) relate to the need to consider flood risk at all stages in the planning process.
- 8.90 The application site is within Flood Zone 1 and therefore the application site is only identified to have surface water flood risk as the only constraint at this site. Environment Agency have commented of the proposal and advised that a management of surface water run-off and ensuring that drainage from the development does not increase the flood risk. An appropriately worded planning condition will seek details of surface water drainage and sustainable urban drainage system is designed and implemented to reduce surface water flooding.

Ecology and Biodiversity

- 8.91 The London Biodiversity Action Plan (2008), Policy 7.19 of the London Plan (2011), Policy SP04 Core Strategy (2010) and Policy DM11 of the Managing Development DPD (proposed submission version 2012) seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the Managing Development DPD (proposed submission version 2012) also requires elements of living buildings.
- 8.92 The application site is of little value for biodiversity. The existing scrub is likely to support common breeding birds. A planning condition is necessary to ensure that vegetation clearance is only carried out when nesting birds are not present on the site. This is during September to February inclusive which falls outside of main bird nesting season or a site investigation by a suitably qualified ecologist shall be carried out for any nesting birds outside the season to avoid any potential offence relating to nesting birds.
- 8.93 The proposal also includes 120sq.m of brown/biodiversity roof which will be installed with PV Panels. The combination of the two provide ideal environment for the enhancement of biodiversity as the PV panels provide appropriate shade and shelter and brown roof provide appropriate habitat. The proposal is consider to enhance the biodiversity and ecology value of the site. Appropriate condition will be added to ensure that brown/biodiversity roof is implemented.

Contamination

- 8.94 From the Council's records, the site and surrounding area have been subject to former industrial uses, which have the potential to contaminate the area. Therefore the potential pathways for contaminants may exist and will need further characterisation to determine the associated risk from the proposed ground works. The applicant has submitted desk study report with site investigation however does not sufficiently detail the assessment of contamination risks. A planning condition is recommended by the Council's Environmental Health officer to ensure that the developer carried out a site investigation to investigate and identify potential contamination in accordance with the requirements of saved UDP policy DEV51, policy DM30 of the Managing Development DPD.

Air quality

- 8.95 Paragraph 123 of the NPPF and Policy 7.14 of the London Plan (2011) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 of the Core Strategy (2011) and Policy DM9 of the Managing Development DPD (2012) seek to protect the Borough from the

effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

- 8.96 The application is accompanied by an Air Quality assessment as part of the submitted Impact Statement. It is considered that as a result of the assessment a condition is necessary to require the submission and approval of a further Air Quality Management Plan as part of the Construction Management Plan, to detail measures to reduce dust escaping from the site. Such matters are also covered by separate Environmental Health legislation.

Section 106 Agreement

- 8.97 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:

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

- 8.98 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

- 8.99 Policies 8.1, 8.2, 8.3 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

- 8.100 The Council has recently adopted Supplementary Planning Document on Planning Obligations in January 2012. This document which is currently out to public consultation; provides guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. In light of this, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed.

- 8.101 As detailed above within section 3.1 of this report, LBTH Officers have identified the following contributions to mitigate against the impacts and it is recommended that a S106 legal agreement secure the following Heads of Terms and further detailed in Paragraphs 8.102 to 8.109.

Financial Contributions

1. Employment & Enterprise: **£20,253** towards the training and development of unemployed residents in Tower Hamlets to access Jobs within the construction phase; and **£19,822** towards jobs within the hotel developmental end-use phase
2. Highways, Street scene and Public Realm Improvement: **£12,676** towards improvements to public realm within the vicinity;
3. Public Open Space and Leisure: **£422,070** towards improving and increasing provision of Public Open Spaces.

4. Community facilities:
 - § **£3,022** towards libraries
 - § **£8,998** towards leisure facilities
5. Legible London (TfL): **£15,000** towards erection of a pair of Legible London signs, and general improvements wayfinding and walking routes within the vicinity of the site.
6. Crossrail: **£267,875** towards Crossrail infrastructure
7. Monitoring fee: 2% of the LBTH financial contribution

Non-Financial Contributions

8. Car-free Agreement;
9. Code of Construction Practice - To mitigate against environmental impacts of construction;
10. Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
11. best endeavours for 20% of construction work force to be local residents;
12. Social Compact;
13. Green Travel Plan; and
14. Public access through the walkway

Community Facilities

8.102 *Libraries*

The need for provision of additional Idea Stores is identified in the Core Strategy. Therefore the Council seeks a contribution of £3,022 towards a range of services the Libraries provide to the community. Given that the users access library facility that is most convenient to them, it is highly likely that the visitors and employees of the proposed hotel will add additional demand to the existing libraries. The contribution of £3,022 will be pooled together to fund required upgrade or replace libraries within the borough.

8.103 *Leisure facilities*

The provision of high quality and accessible Leisure Facilities in the borough is essential to improving health and wellbeing of residents. The contribution of £8,998 will mitigate against the additional pressure to the leisure facilities within the borough. The monies are pooled together to allow expenditure for a planned borough-wide leisure facility improvements.

Employment and Enterprise

8.104 *Proposed employment/enterprise contributions at construction phase:*

The Council seeks a contribution of £20,253 towards support and/or provide for trainings and skills needed for local residents in accessing new job opportunities in the construction phase of the development.

8.105 *Proposed employment/enterprise contributions at end-use phase:*

The council seeks a £19,822 contribution towards the training and development of unemployed residents in Tower Hamlets in accessing jobs within the commercial uses in the end-use phase.

In addition the council requests that, non-financial contribution towards promoting 20%

goods/services to be procured during the construction phase and 20% of the construction phase workforce to be local residents of Tower Hamlets through Skills Match should also be secured.

The applicant has also offered and agreed to a non-financial obligation to enter into a Social Compact between the Council and the Hotel Operator. The aim of the Social Compact would be to promote training and apprenticeships for young local residents during the construction and/or end phases of the development in order to maximise job opportunities. This includes:

- recruiting and training staff living within the locality of the application site with the focus being to offer apprenticeships places within the end-phase and during the construction phase to young unemployed people from all ethnic origins;
- mentoring staff with the aim of ensuring their retention and advancement within the total business;
- offering best spoke training opportunities to meet the specific requirements of staff which have been employed; and
- offering work placement initiatives to provide young people with an insight into a career in hotel hospitality.

The Employment and Enterprise Officer welcomes this obligation which supports getting young residents into employment.

Public Realm

8.106 *Streetscene*

The Council seeks £12,676 towards Streetscene and public realm improvements. The proposed development would represent an intensified the use of the site and a significant uplift in commercial floorspace. For these reasons upgrade to footpaths, public realm and highways is secured. £12,676 will go towards upgrading works footpath works within the vicinity, in particular on Buckle Street.

8.107 *Open space*

The Council seeks £422,070 towards provision of public open space. The proposed development would add additional population within the borough through visitors and employees generated from the hotel. It is expected that the additional population will add pressure to areas of existing open spaces within the borough and therefore contribution of £422,070 towards public open space will ensure that the impact on the existing open spaces are mitigated.

8.108 *Legible London Wayfinding Scheme*

Transport for London have requested a contribution of £15,000 for a pair of signs and wayfinding via the London wide 'Legible London' scheme as means of signposting for navigation on foot.

Transport Infrastructure

8.109 *Crossrail*

The application site falls within the Crossrail charging Zone and TfL have advised that using the formula within the London Mayor's Crossrail SPG the proposed development generates a total Crossrail contribution of **£642,900**. However, given that the proposal will be liable for CIL, TfL have advised the CIL liability of **£375,025** would be deducted from the total Crossrail Contribution and that only the difference of **£267,875** will be sought for Crossrail Infrastructure.

Other considerations

8.110 Localism Act (amendment to S70(2) of the TCPA 1990)

Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

Local Finance Considerations

London Mayor Community Infrastructure Levy

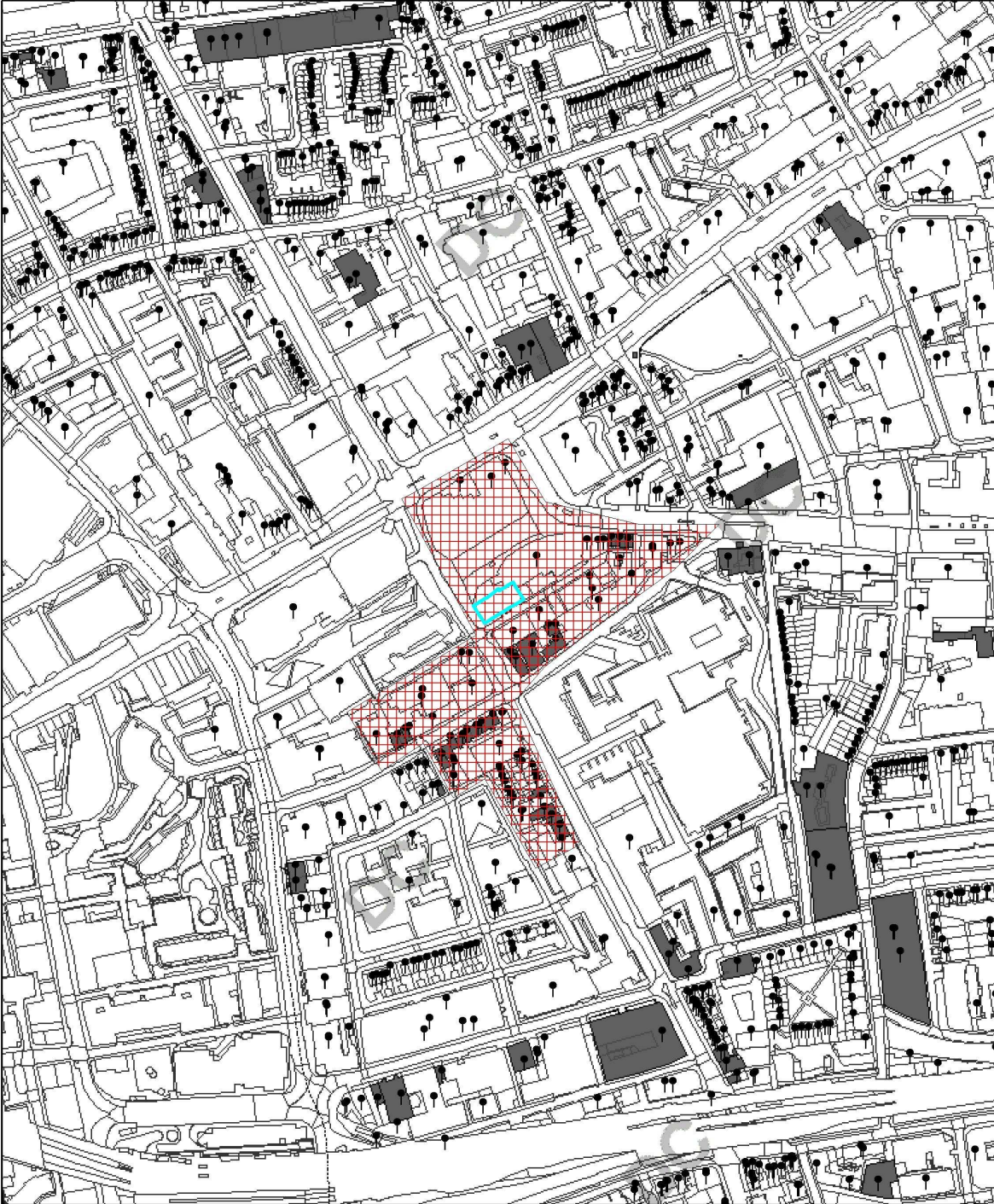
As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy. The Members are reminded that London mayoral CIL will become operational from 1 April 2012 and by the time this item is heard, CIL will be payable on this scheme. The anticipated calculation of the CIL payment associated with this development was provided by TfL which is in the region of **£375,025**. This is calculated on the base of the proposal creating 10,71sq.m (GIA) of floorspace multiplied by the London Borough of Tower Hamlets' charge of £35 per square meter.

Given that the full s106 package in accordance with the Council's Planning Obligation Supplementary Guidance has been secured there is no local financial consideration for this application.




9 Conclusions

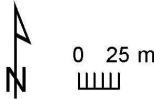
- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application
Site Map



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



Agenda Item 8

Committee: Development	Date: 12 April 2012	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:

Name and telephone no. of holder:
See individual reports

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Agenda Item 8.1

Committee: Strategic Development	Date: 12 th April 2012	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Director of Development and Renewal		Title: Application for Planning Permission	
Case Officer: Jane Jin		Ref No: PA/11/3375	
		Ward: Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Poplar Business Park, 10 Prestons Road, London E14 9RL

Existing Use: Three two storey warehouse style building comprising circa 7000sq.m of light industrial, offices and workspace.

Proposal: Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3), associated parking and landscaping.

This application is accompanied by an Environmental Impact Assessment under the provision of the Town and Country Planning (Environmental Impact Statement) Regulations 1999.

Drawing Nos: SCH-302 REV B, SCH-303 REV A, PL-001, PL-002, EL-001, EL-002, EL-003, EL-004, PL-003, PL-004, PL-005, PL-009A, PL-010A, PL-011A, PL-012A, PL-013A, PL-014A, PL-015A, PL-016A, PL-017A, PL-018A, PL-019A, PL-020A, PL-021A, PL-022A, PL-023A, PL-024, PL-025, PL-026, PL-027, PL-028, PL-029, PL-030, PL-031, PL-032, PL-100A, PL-101A, PL-102A, PL-103A, PL-104, PL-105, PL-200, PL-201A, PL-202A, PL-203A, PL-204A, PL-205A, PL-206, PL-300A, PL-301A, PL-302, PL-303, PL-304, PL-305, EL-141, EL-142, EL-143, EL-144, EL-145, EL-146, EL-147, EL-148, SC-151, SC-152, SC-153, SC-154, SC-155, SC-156, SC-157, LS-01, LS-04, LS-05, LS-06, LS-07

Documents: Design and Access Statement;
Planning Statement;
Environmental Statement;
Transport Assessment;
Sustainability Statement;
Energy Statement;
Statement of Community Involvement;
Economic and Employment Study;
Workspace Travel Plan;
Residential Travel Plan

Applicant: Workspace Group plc c/o GVA

Owner: Workspace Group plc.

Historic Building: None

Conservation Area: None

2. BACKGROUND

- 2.1 This application for planning permission was reported to Strategic Development Committee on 1st March 2012 with an Officer recommendation for approval. A copy of the report and update is attached at Appendix A for ease of reference.
- 2.2 After consideration of the report and the update report, the committee resolved to refuse the application for the following reasons:
1. Lack of sufficient affordable housing
 2. Overdevelopment
 3. Impact on services in terms of limited capacity to accommodate the development
- 2.3 It was noted that Officers will bring further report back to the Committee setting out the detailed reasons for refusal by the Committee.

3.0 REASONS FOR REFUSAL

- 3.1 The following detailed reasons for refusal are recommended.

1. The proposed affordable housing provision is considered to be inadequate and contrary to policies: 3.11, 3.12 and 3.13 of the London Plan 2011; SP02 of the Core Strategy 2010; and DM3 of the Managing Development DPD (proposed submission version 2012).

2. The proposed development, by virtue of its impact to local services and its failure to make adequate contribution towards education and health infrastructure, would result in an overdevelopment contrary to policies: 8.2 of the London Plan 2011; and SP03, SP07, SP13 of the Core Strategy 2010 and the Council's Planning Obligation Supplementary Planning Document 2012.

IMPLICATIONS OF THE DECISION

- 3.2 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):

1. 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".

2. 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.

3. The Council would defend any such appeal.

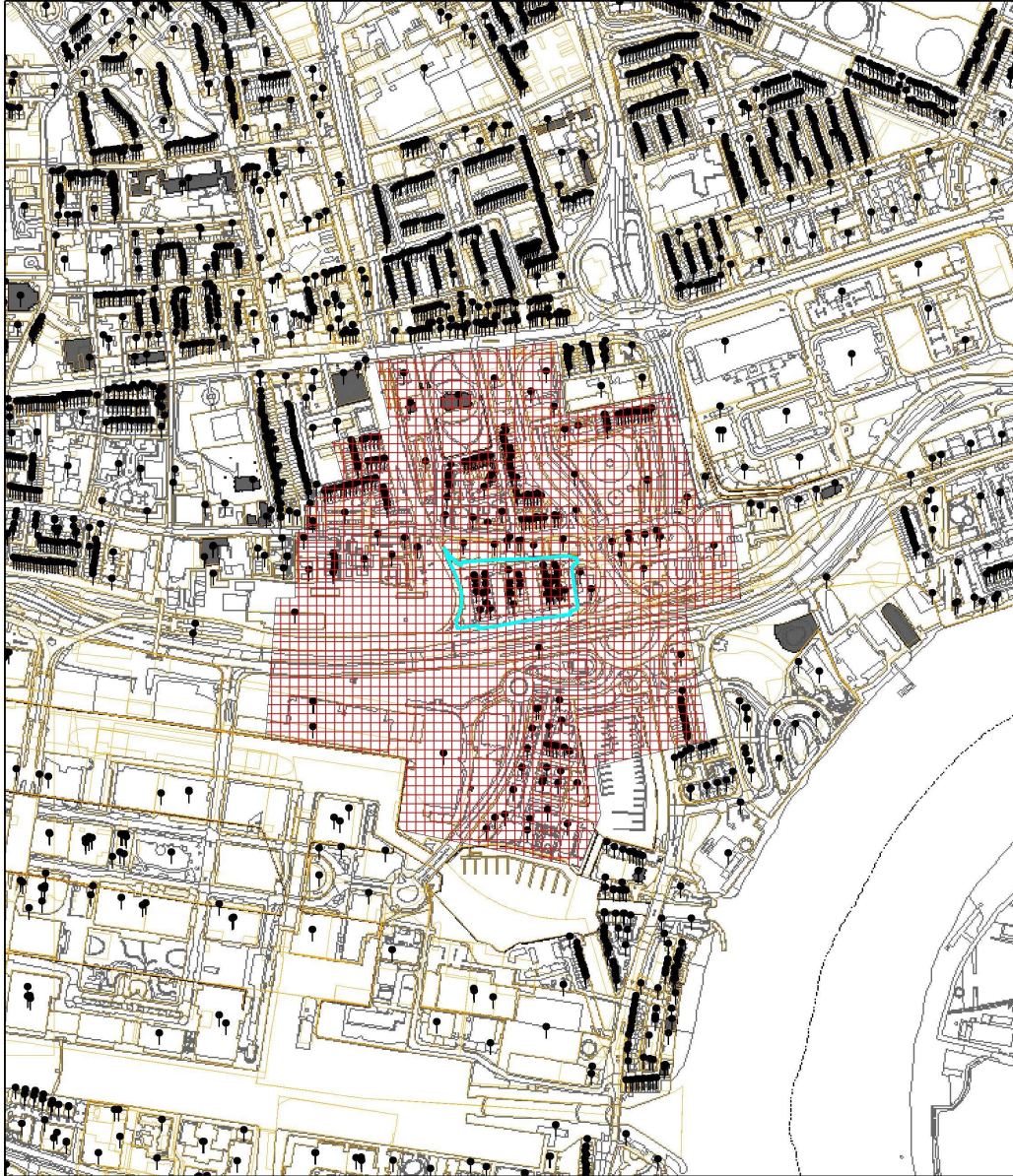
4. The applicant could resubmit the planning application with amendments to the scheme in an attempt to address the concerns raised by Members.

4.0 FURTHER INFORMATION

4.1 Members should be aware that as of 1st of April, the proposal is liable for a Community Infrastructure Levy (CIL) payment. It was previously reported that the CIL for the subject proposal would be in the region of £850,000. The CIL liability would further implicate the viability of the scheme, should it be resubmitted or appealed, however the applicant has confirmed that the proposed offer of affordable housing together with S106 contributions as initially reported is maintained in relation to the current undetermined application.

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Planning Application
Site Map



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



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Committee: Strategic Development Committee	Date: 1 March 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/11/03375	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

- Location:** Poplar Business Park, 10 Prestons Road, London E14 9RL
- Existing Use:** Three two storey warehouse style building comprising circa 7000sq.m of light industrial, offices and workspace.
- Proposal:** Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3), associated parking and landscaping.
- This application is accompanied by an Environmental Impact Assessment under the provision of the Town and Country Planning (Environmental Impact Statement) Regulations 1999.
- Drawing Nos:** SCH-302 REV B, SCH-303 REV A, PL-001, PL-002, EL-001, EL-002, EL-003, EL-004, PL-003, PL-004, PL-005, PL-009A, PL-010A, PL-011A, PL-012A, PL-013A, PL-014A, PL-015A, PL-016A, PL-017A, PL-018A, PL-019A, PL-020A, PL-021A, PL-022A, PL-023A, PL-024, PL-025, PL-026, PL-027, PL-028, PL-029, PL-030, PL-031, PL-032, PL-100A, PL-101A, PL-102A, PL-103A, PL-104, PL-105, PL-200, PL-201A, PL-202A, PL-203A, PL-204A, PL-205A, PL-206, PL-300A, PL-301A, PL-302, PL-303, PL-304, PL-305, EL-141, EL-142, EL-143, EL-144, EL-145, EL-146, EL-147, EL-148, SC-151, SC-152, SC-153, SC-154, SC-155, SC-156, SC-157, LS-01, LS-04, LS-05, LS-06, LS-07
- Approved Documents:** Design and Access Statement;
Planning Statement;
Environmental Statement;
Transport Assessment;
Sustainability Statement;
Energy Statement;
Statement of Community Involvement;
Economic and Employment Study;
Workspace Travel Plan;
Residential Travel Plan
- Applicant:** Workspace Group plc c/o GVA
- Owner:** Workspace Group plc.
- Historic Building:** None
- Conservation:** None

Area:

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), Managing Development DPD (proposed submission version 2012), the London Plan (2011) and Government Planning Policy Guidance and has found that:
- 2.2 The scheme will provide an employment-led mixed used residential scheme which safeguards the employment uses on-site and would also facilitate locally-based employment, training and local labour opportunities for the local community together with the identified public realm improvements. The scheme therefore accords with policies 4.3, 4.4 of the London Plan, saved policies DEV3 and EMP1 of the Council's Unitary Development Plan (1998); policies DM15 and DM17 of the Managing Development DPD (proposed submission version 2012) and policies SP01 and SP06 of the Core Strategy 2010, which seek to support the growth of existing and future businesses in accessible and appropriate locations.
- 2.3 The scheme will provide a residential led mixed-use redevelopment with appropriate replacement of employment uses. The scheme would therefore provide opportunities for growth and housing in accordance with the objectives as set out in policies: SP02 of Core Strategy 2010; DEV3 of the Unitary Development Plan 1998; and DM3 and DM17 of Managing Development DPD (proposed submission version 2012).
- 2.4 The building height, scale, bulk and detailed design are acceptable and enhance the character and appearance of the surrounding area, in accordance saved policies: DEV1, DEV2 and DEV37 of the adopted Unitary Development Plan (1998), policies DEV1, DEV2 and DEV3 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy (2010); and DM24 and DM26 of the Managing Development DPD (proposed submission version 2012); and policies 7.1, 7.4, 7.6 and 7.7 of the London Plan 2011, which seek to ensure buildings and places are of high quality design and suitably located.
- 2.5 The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies 7.7 of the London Plan (2011) and policies SP10 of the Core Strategy Development Plan Document 2010; DEV6 of Unitary Development Plan 1998; DEV27 of the Interim Planning Guidance 2007; and DM26 of Managing Development DPD (proposed submission version 2012) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 2.6 The proposal provides an acceptable amount of affordable housing and mix of units, as demonstrated through viability assessment. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Managing Development DPD (proposed submission version 2012) which seek to ensure that new developments offer a range of housing choices.
- 2.7 On balance the scheme provides acceptable space standards and layout. As such, the scheme is in line with saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM4 of the Managing Development DPD (proposed submission version 2012) which seek to provide an acceptable standard of

accommodation.

- 2.8 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy HSG7 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Managing Development DPD (proposed submission version 2012) which seek to improve amenity and liveability for residents.
- 2.9 On balance it is not considered that the proposal would give rise to undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007); policy SP10 of the of the Core Strategy Development Plan Document (2010) and DM25 of the Managing Development DPD (proposed submission version 2012), which seek to protect residential amenity.
- 2.10 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007); policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) and DM20 and DM22 of the Managing Development DPD (proposed submission version 2012), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.11 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; transportation; and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007), and policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

- 3.1 That the committee resolves to **GRANT** planning permission subject to:

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

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

Financial Contributions

- a) £652,520 towards Education;
- b) £108,799 towards Community Facilities (Leisure)
- c) £96,957 towards Employment and Enterprise;
- d) £136,000 towards Health;
- e) £300,000 towards the junction improvements to the Aspen Way;
- f) £150,000 towards public realm improvements along Poplar High Street;
- g) £270,000 towards public transport infrastructure provision (Buses) (TfL);
- h) £15,000 towards Legible London sign (TfL)
- i) £34,585 monitoring fee (2%)

Non-Financial Contributions

- j) 25% affordable housing by hab rooms – split 30% shared ownership and 70% affordable rent;
- k) 20% of the construction phase force to local residents

- l) 20% goods/services procured during construction phase
- m) Travel Plan (to include details of alternative real time public transport information display screens within the development)
- n) Code of construction practice
- o) Provision of a pedestrian access (public walkway) through the site and Aspen Way and future provision through to Poplar Business Park
- p) Car-free agreement
- q) Retain workspace as SMEs
- r) Review of viability prior to commencement to assess the delivery of affordable housing.

Total financial contribution: **£1,763,861**

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:
 - 1) 3 year time limit for Implementation;
 - 2) Submission of phasing plan to be approved;
 - 3) Submission of Material samples including details of obscure glazing (block C1) and detailed drawings;
 - 4) Surface water drainage;
 - 5) Contamination;
 - 6) Verification report;
 - 7) Piling and foundation design using penetrative methods;
 - 8) Piling method statement;
 - 9) Impact studies on existing water supply
 - 10) No infiltration;
 - 11) Scheme of Highways works;
 - 12) Delivery and Service Management Plan;
 - 13) Construction Management and Logistics Plan;
 - 14) Parking (vehicle, disabled, motorcycle, cycle, a car club space);
 - 15) 20% electric charging points on site and in the basement and further 20% passive provision.
 - 16) Details of hard and soft Landscaping scheme (in consultation with City Airport), including details of brown roof; child play space and green walls;
 - 17) Details of wayfinding signage within the site;
 - 18) Scheme of lighting;
 - 19) Details of swift boxes and bat roost;
 - 20) Detailed specification of minimum 10% wheelchair units in each phase in accordance with plans submitted;
 - 21) Lifetime Homes;
 - 22) Internal noise specification/insulation;
 - 23) Details of ventilation and extraction for A3 uses;
 - 24) Refuse and recycling;
 - 25) BREEAM Excellent, Code Level 4;
 - 26) Provision of Heat network and in compliance with the energy strategy;
 - 27) Provision of Renewable energy;
 - 28) Archaeology;
 - 29) Details of craneage;
 - 30) Completed structure at 76.64 AOD;
 - 31) Standard hours of construction;
 - 32) Power/hammer driven piling/breaking (10am - 4pm Monday to Friday);
 - 33) Approved plans; and

- 34) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.
- 35) Black redstart Survey
- 36) Waste Management Plan

Informatives

- 1) Section 106 agreement required;
 - 2) Definition of superstructure works
 - 3) Section 278 Highways agreements required;
 - 4) Contact Environment Agency;
 - 5) Contact Thames Water
 - 6) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 3.4 That if, the legal agreement has not been completed by the time agreed with the applicant in the Planning Performance Agreement, the Corporate Director of Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

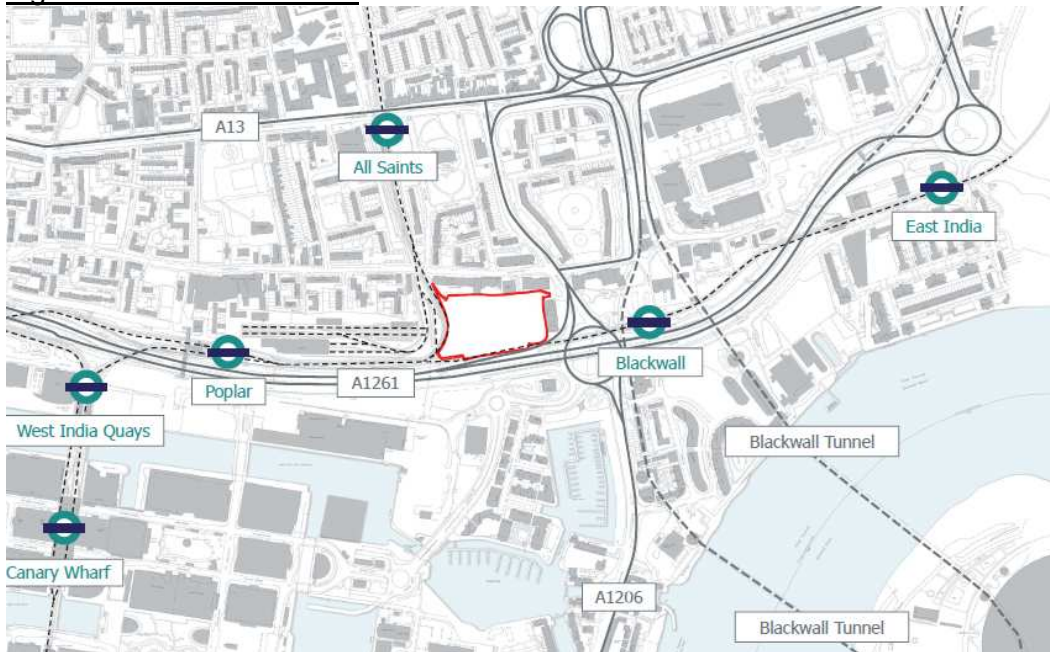
Proposal

- 4.1 The proposal is for the redevelopment of the site to provide mixed use development of buildings ranging from 3 to 22 storeys comprising 8,104sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3), associated parking and landscaping.

Site and Surroundings

- 4.2 The application site is 1.65ha in size and is located to the north of Isle of Dogs. The site is bounded by properties to the north fronting Poplar High Street, Dockland Light Railway tracks to the west and south, and Wharfside Point development to the east. The site is accessed off Prestons Road.
- 4.3 The site is occupied by three two storey buildings and is currently being used as a light industrial/office use (B1).
- 4.4 The site has a PTAL (Public Transport Accessibility Level) of 4, 6 being the highest and 1 being the lowest accessibility to public transport. The site is approximately 250m to Blackwall DLR station, and easy walking distance to Poplar, East India and All Saints Stations. The site is served by a several number of bus routes.
- 4.5 The prevailing heights of the buildings along Poplar High Street ranges from 2 to 13 storeys and Wharf Side Point South located east of the application reaches up to 25 storeys in height.

4.6 **Figure 1 Site Location Plan**



Relevant Planning History

4.7 The following planning decisions are relevant to the application:

LBTH ref.	Description
PA/10/01866	Redevelopment of the site to provide a mixed use scheme of between 3 & 30 storeys comprising 5,388 sq.m (GEA) of office (Class B1a) floor space; 1,270sq.m (GEA) of Light Industrial (Class B1c) floor space; 312 residential units (Class C3); a 91 bedroom hotel (Class C1); 3,329sq.m (GEA) of plant floor space; 202sq.m (GEA) of restaurant (Class A1/A3) floor space; and associated parking and landscaping. Application was withdrawn following discussions with officers.

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 this application:

Spatial Development Strategy for Greater London (London Plan)

- 1.1 Delivering the strategic vision and objectives of London
- 2.5 Sub regions
- 2.13 Opportunity areas and intensification areas
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and assessing health inequalities
- 3.3 Increasing housing supply
- 3.5 Quality and design for housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 4.1 Developing London’s economy
- 4.3 Mixed use developments and offices

4.12	Improving opportunities for all
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.6	Decentralised energy in new developments
5.7	Renewable energy
5.8	Innovative energy technologies
5.9	Overheating and cooling
5.11	Green roofs and development site environs
5.13	Sustainable drainage
5.14	Water quality and waste water infrastructure
5.15	Water use and supplies
5.21	Contaminated Land
6.3	Assessing effects of development on transport capacity
6.5	Funding Crossrail and other strategically important transport infrastructure
6.9	Cycling
6.10	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	Inclusive environment
7.3	Designing out crime
7.4	Local character
7.5	Public realm
7.6	Architecture
7.7	Location and design of large and tall buildings
7.11	London view management framework
7.12	Implementing the LVMF
7.13	Safety, security and resilience to emergency
7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
8.2	Planning obligations

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010
 Affordable Housing 2012 (DRAFT)
 Providing for Children and Young People's Play and Informal Recreation

Unitary Development Plan 1998 (as saved September 2007)

Proposals: Flood Protection Area

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV46	Protection of Waterway Corridors
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water

EMP1	Promoting economic growth and employment opportunities
EMP3	Change of use of office floorspace
EMP10	Development Elsewhere in the Borough
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding

Interim Planning Guidance for the purposes of Development Control

Proposals: Local Industrial Location

Policies:

DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON5	Protection and Management of Important Views

Interim Planning Guidance - Leaside Area Action Plan

Proposals: Local Industrial location

Policies:

L2	Transport
L3	Connectivity
L5	Open Space

L6	Flooding
L7	Education provision
L8	Health Provision
L9	Infrastructure and services
L10	Waste
L35	Residential, retail and leisure uses in East India North Sub-area
L36	Design and built form in East India North sub-area

Core Strategy Development Plan Document (Adopted September 2010)

Proposals: Local Employment Location
Flood Risk Area 2 and 3

Policies:

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

Managing Development - Development Plan Document (DPD) Proposed Submission Version

Proposals: Local Industrial Location
Flood Risk Area

Policies:

DM3	Delivering Homes
DM4	Housing Standards and amenity space
DM9	Improving air quality
DM10	Delivering Open space
DM11	Living Buildings and biodiversity
DM13	Sustainable drainage
DM14	Managing Waste
DM15	Local job creation and investment
DM16	Office Locations
DM17	Local Industrial Locations
DM20	Supporting a sustainable transport network
DM21	Sustainable transport of freight
DM22	Parking
DM23	Streets and public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM29	Achieving a Zero-carbon borough and addressing climate change
DM30	Contaminated Land and development and storage of hazardous substances

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

Draft National Planning Policy Framework

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

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

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Biodiversity

6.3 The application site is largely existing buildings and hard surfaces and therefore has little ecological value. Ecology was correctly scoped out of the Environmental Impact Assessment.

The only possible biodiversity impact would be if black redstarts are nesting on the site when the existing buildings are demolished. A condition should be imposed that, if demolition is undertaken during April to July inclusive, a survey for black redstarts should be undertaken immediately before demolition to ensure no black redstarts are nesting on the site. This will ensure no breach of the Wildlife & Countryside Act.

The proposals include extensive brownfield-style green roofs ("brown roofs"), which will be a significant biodiversity enhancement, including providing foraging habitat for black redstarts. Provision of brown roofs, with a minimum area matching that shown in the Illustrative Landscape Plan, should be secured by condition.

[Officer's Comment: Appropriately worded condition will be imposed]

LBTH Education

6.4 Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 44 additional primary places at £14,830 per place, and 16 additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution of £1,010,072 should be sought

[Officer's Comment: This is considered at paragraph 8.148 of this report.]

LBTH Design and Conservation

6.5 Design and conservation have no objections to the proposed scheme. Much of the detail design was discussed through a pre-application process. Details of materials should be secured as part of a condition.

[Officer's Comment: Appropriately worded condition will be imposed]

LBTH Energy Efficiency

- 6.6 The proposal aims to achieve a Code for Sustainable Homes Level 4 rating and have a total of 23% CO₂ reduction above the Building Regulation requirements. The proposal also includes PV installation on the rooftops which would result in a 3% carbon savings over the baseline. Suitably worded condition should be imposed to ensure that the energy strategy as submitted is implemented and Code for Sustainable Home Level 4 is achieved.

[Officer's Comment: Appropriately worded condition will be imposed]

LBTH Environmental Health

Air Quality

- 6.7 No response received.

Noise & Vibration

- 6.8 The proposed development will have several noise and vibration issues due to its proximity to DLR tracks, roads and business uses on the ground floor. Residential areas above and close to the noise and vibration sources will need to have appropriate sound insulation which comply with LAm_{ax} criteria of BS8233:1999 'Sound Insulation and Noise Reduction for Buildings – Code of Practice.

[Officer Comment: The applicant has confirmed that suitable mitigation measures have been employed to ensure that good standard of living environment meeting the required criteria is met. A suitably worded planning condition will ensure that the internal noise level and appropriate sound insulation in accordance with the British Standards is implemented and maintained]

Land Contamination

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

[Officer's Comment: Appropriately worded condition will be imposed]

LBTH Highways and Strategic Transport

- 6.10
- The site has a PTAL rating of 4 which demonstrates that a good level of public transport service is available within the immediate vicinity of the site;
 - The proposed level of parking provision of 88 spaces including 9 dedicated spaces for blue-badge holders, complies with the maximum standards and therefore no objection raised.
 - A Car-Free Agreement is recommended;
 - Servicing will take place on site and the internal roads will be appropriately laid out to accommodate servicing vehicles for the uses proposed.
 - Auto-track for refuse lorry using the internal road and servicing the refuse pick-up points have been provided and acceptable in highways terms.
 - Residential cycle parking provision of 554 cycle spaces (minimum 1:1) complies with policy and is therefore acceptable. Of these, 44 are for the commercial uses and generous amount has been allocated for visitors which is supported;

- A location of Cycle Hire Docking station is also proposed which is supported however further discussion with the TfL is required.
- The applicant should ensure that the cycle storage areas are secure;
- A Section 278 Highway Agreement is required;
- A full travel plan for both residential and commercial uses have been submitted with the application;
- The pedestrian movements and accessibility improvements through the site is welcomed;
- Financial contribution towards pedestrian safety (Crossing), highway surface works, and public realm improvements to Poplar High Street and Cotton Street should be secured.

[Officer Comment: These comments are discussed in section 8 of this report]

LBTH Housing

6.11 Support the proposal for the following reasons:

- This development has been designed to deliver 25% affordable housing measured by habitable rooms.
- Within the 25% affordable offer, the proposed tenure split between social rent and intermediate accommodation is 70: 30 (by habitable rooms) This is inline with policy SP02(4) set out in the Councils Core Strategy.
- The unit mix within the affordable rented proposes 17% one beds against a target of 30%, 26% two beds against a target of 25%, 41% three beds against a target of 30%, 12% four beds against a target of 15% and 3% five beds for which there is no specific target.
- There is an under provision of one beds for affordable rent and a slight under provision of 4 beds. However, on balance, with the provision of 5 bed units the total level of family sized affordable rented accommodation proposed equates to 57%, the exceeds the minimum requirement of 45% and is therefore welcomed.
- Within the intermediate the applicant proposes to deliver 38% one beds against a target of 25%, 31% two beds against a target of 50% and a 28% provision of three beds against a target of 25%.
- There is an under provision of intermediate two beds, however on balance, with the above target provision of family sized units in the intermediate tenure, this would be acceptable.
- The proposal includes 10% provision of wheelchair units within the scheme. The borough currently has a high demand for large family sized wheelchair units in the social rented tenure.
- All family sized units within the affordable rent units have incorporated separate kitchens.

LBTH Waste Policy and Development

6.12 Separate refuse storage is provided within the proposed development. This is acceptable. A condition requiring a waste management plan should be imposed.

[Officer's Comment: Appropriately worded condition will be imposed]

NHS (Health)

- 6.13 This development is within Blackwall and Cubitt Town Ward. The nearest current practice that has the development in its catchment area is All Saints practice. To accommodate the expected population growth from this and other developments in the locality, a new network service hub is being development at Newby Place. Therefore a contribution of £531,908 is sought to go towards the long lease or fit out costs for this development.

[Officer's Comment: This is discussed at paragraph 8.150 of this report]

Environment Agency (Statutory Consultee)

- 6.14 Initially the Environment Agency raised objection as the proposal did not consider flood emergency planning including flood warning evacuation of people for a range of flooding events up to and including the extreme events.

The applicant has submitted an Emergency Flood Plan in accordance with PPS25, and EA have withdrawn their objection subject to planning conditions.

Greater London Authority (GLA) (Statutory Consultee)

- 6.15 London Plan policies on mixed-use development, housing, tall buildings, views, conservation, urban design, children's play space, inclusive design, sustainable development, flooding, ambient noise, transport and Crossrail are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- The principle of a mixed-use redevelopment of the site is supported by London Plan polices 4.3 and 4.4
- The provision of housing on site is consistent with policy 3.3 of the London Plan. However, in the absence of an appraisal of the applicant's financial viability report, it is not possible to establish if the affordable housing is the 'maximum reasonable amount', in accordance with policy 3.12 of the London Plan. It also needs to be demonstrated that the housing mix meets local needs.

[Officer's comment: The applicant has submitted a viability toolkit which has been independently assessed and it demonstrates that the proposed amount of affordable housing of 25% is the maximum reasonable amount that the development can deliver]

- The proposed density of the site is appropriate for its context, in accordance with London Plan policy subject to confirmation about the quality of the residential accommodation in particular.

[Officer's Comment: Appropriately worded condition will be imposed to ensure that suitable living environment is achieved in terms of internal noise levels.]

- The principle of a tall building is acceptable in strategic planning terms, in accordance with policy 7.7 of the London Plan however further information is required in relation detailed design matters. Improvements or further information is required in terms of legibility of industrial uses, and provision of landscaping and green spaces and green walls.

[Officer's comment: The detailed design matters refer to details of wayfinding throughout the site and improving site's legibility. It is proposed that a suitable worded condition will be

imposed for details of wayfinding signage for the entire site to be submitted and approved. In addition, details of landscaping and green walls will be secured through a condition to ensure that this can be delivered.]

- A play strategy has been submitted confirming that sufficient on-site play provision for under 5 year olds would be provided, in accordance with the London Plan policy 3.6 and relevant planning guidance.
- The applicant has committed to meeting Lifetime Homes standards, together with the provision of 10% wheelchair accessible units. However, insufficient information has been provided in order to demonstrate that the scheme accords with the London Plan policies 3.8 and 7.2. Confirmation of how the residential units would comply with Lifetime Homes and Wheelchair accessibility standards is required before the application is referred back at Stage 2, together with a schedule of accommodation and an indicative layout plan of a typical wheelchair flat.

[Officer's Comment: Details of location of wheelchair units was subsequently submitted following Stage 1 comments from the GLA. The location of units are spread across the tenures and a total of 39 wheelchair units are provided, which is equivalent to 10% of the total provision. Further details of the wheelchair units are discussed in section 8 of this report.]

- The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole and the carbon dioxide savings exceed the targets set within policy 5.2 of the London Plan, subject to some further information being provided. Further information is required in relation to connection to the site heat network.

[Officer's Comment: The applicant has submitted further information to the site heat network. The Council's Energy Officer is content that the site wide heat network connects all uses to the single energy centre.]

- The applicant has provided sufficient information to demonstrate that the scheme would meet the requirements of the London Plan and Mayor's Sustainable Design and Construction SPG. The measures proposed would need to be secured by way of condition.

[Officer's Comment: Appropriately worded condition will be imposed]

- The scheme would be affected by high noise levels and suitable attenuation measures and/or redesign are required to ensure that a satisfactory standard of accommodation is achieved in accordance with policy 7.15 of the London Plan. Improvements or further information is required in terms of residential quality and orientation of single aspect units, legibility of industrial uses, and provision of landscaping and green spaces and green walls.

[Officer's Comment: Appropriately worded condition will be imposed for suitable attenuation measures to ensure satisfactory standard of accommodation is achieved.]

- The scheme would be acceptable in relation to air quality, in accordance with policy 7.14 of the London Plan.
- The scheme is broadly acceptable from a transport and parking perspective but there are several issues that are outstanding and further information and commitments from the applicant are required before the proposals can be

accepted as fully compliant with London Plan transport policies. Measures are required in order to mitigate the transport impacts of the development. These include contributions towards improving bus capacity, a dedicated car club space and the delivery of pedestrian, cycling and public realm improvements, including contributions to the Cycle Hire Scheme, and a construction logistics plan and delivery and servicing plan should be secured by way of condition.

[Officer's Comments: An appropriate worded condition will ensure that a car club space is provided on site and the applicant has agreed to an onsite provision. The applicant has committed to financial contributions towards public realm improvements (Aspen Way and Poplar High Street) which will improve public access nearby. In relation to public transport improvements, the applicant has committed to provide financial contribution towards buses and Legible London. In relation to contributions sought for cycle hire scheme, further discussions took place with TfL and the applicant has agreed to a dedicated space within the site to accommodate the requested 24 cycle spaces only and no further contribution for the docking station. An appropriately worded condition will secure construction logistics plan and delivery and servicing plan]

- The site falls within the Isle of Dogs Contribution Area, as set out in the Mayor's SPG 'Use of Planning Obligations in the funding of Crossrail', and the scheme generates the requirements for a contribution towards Crossrail. Further discussion is required in order to secure the required amount of Crossrail contribution.

[Officer's Comments: Following further discussions with TfL, it has been agreed that in this instance a Crossrail charge is not applicable. This is due to the existing lawful use on the site falling within B1 Use Class which also includes B1(a). Given the nature of the accommodation provided (SMEs) it is not possible to quantify existing B1a floor space and the proposed B1a. The proposal is to replace the existing like for like and based on the assumption that there is no overall uplift in dedicated B1(a). In addition, the existing B1 floorspace of 6,945sq.m (GEA) and the proposed B1 floorspace is 7,255.7sq.m. The proposal therefore would only have an uplift of 310.7sq.m which falls below the threshold for contributions towards Crossrail.]

- Consideration should be given to securing flexible and affordable workspace in perpetuity.

[Officer's Comments: The proposed layout and the location of the workspace dictate flexibility and affordability of the use which allows for smaller spaces to be expanded for growing businesses. A clause will be added to the s106 to ensure that the proposed workspaces are provided as SMEs.]

- Further information and discussion is required in relation to the housing mix, housing quality, together with verification of the applicant's financial appraisal to demonstrate that the affordable housing level is the maximum reasonable amount.

[Officer's Comments: The Council's Housing Officer is satisfied with the proposed dwelling mix and the quality of housing that is proposed. The larger units within the affordable rent provision are provided with separate kitchens/diners. The financial viability toolkit has been independently assessed and it demonstrates the proposed provision of affordable housing is the maximum reasonable amount.]

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

6.16 The proposed development has been examined from a technical safeguarding aspect and

does not conflict with our safeguarding criteria. Accordingly, NATS Limited has no safeguarding objections to this proposal.

London Fire and Emergency Planning Authority (Statutory Consultee)

- 6.17 Initially no comments were provided as detail of emergency access was required to assess the proposal. Further consultation was carried out with relevant information however no further comments have been received at the time of writing.

London City Airport (Statutory Consultee)

- 6.18 The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly no safeguarding objection to the proposal subject to conditions.
- Completed structure at 76.64 AOD
 - Construction methodology for the use of cranes
 - All landscaping plans and plantations to ensure that it is unattractive to birds and to discourage bird activity to ensure safe operations at the Airport.

[Officer's Comment: Appropriately worded conditions will be imposed]

Natural England (Statutory Consultee)

- 6.19 Natural England welcomes the ecological enhancement recommendations within the submitted ecological assessment, particularly the inclusion of a green or brown roof within the development. This would have multiple benefits for urban biodiversity and tie in with this area's Local Biodiversity Action Plan targets.

Thames Water

- 6.20 The surface water management plan as specified in the submitted Flood Risk Assessment document is acceptable to Thames Water and should be adhered to.

Following planning conditions should be imposed.

- No impact piling shall take place until a piling method statement is submitted and approved.
- Impact studies of the existing water supply to be submitted and approved

Following informative should be added.

- discharge of ground water into public sewers, contact Thames Water.

[Officer's Comment: Appropriately worded condition and informatives will be added]

Transport for London (TfL) (Statutory Consultee)

- 6.21
- TfL considers that the level of vehicular trips generated by the proposed development is unlikely to have a significant impact on the operation of the TLRN.
 - The proposed development is likely to generate additional demand on the local bus network, which is currently at capacity. TfL therefore request contribution towards buses for over three years to provide extra journey on one of the routes that serve the site in order to mitigate the impact on bus capacity.
 - Overall, the level of car parking proposed is in line with the standards set out in the London Plan policy 6.13.
 - Applicant proposes to fit 20% of all car parking spaces with active electric vehicle charging points and make passive provision for further 20%, in line with London Plan policy 6.13.

- To promote sustainable car use, TfL recommends that the applicant considers providing dedicated car club parking spaces and measures to promote car club use which should be contained in the site's travel plan.
- The proposed level of cycle parking and individual elements of the scheme complies with the minimum London Plan standards set out in Policy 6.13.
- TfL welcomes the applicant's commitment to provide a Cycle Hire Docking Station within the site. Although the applicant suggested 16 docking stations, TfL requests a contribution of £182,000 towards a minimum of 30 docking points, given the scale of the site.
- The quality of the pedestrian realm around the site is poor, as identified by the applicant's PERS audit. TfL considers that opportunities for improving pedestrian and cyclist movements to better integrate the site into its surroundings should be explored and that contributions are pooled from this surrounding developments in this respect, in line with London Plan Policy 6.9.
- In addition, financial contribution towards installation of DLR departures screen (DAISY boards) in the communal areas of the residential blocks should be secured. Wayfinding should also be improved and the applicant is requested to contribute towards TfL's Legible London scheme in this respect.

[Officer's Comment: Financial contribution is secured for Legible London and an alternative real time public transport information display screens which will be secured through a travel plan as agreed with TfL].

- The delivery and servicing plan is welcomed and should secure through condition, alongside a construction and logistics plan (CLP).
- A requirement for a Crossrail contribution from this development relate to the net additional impact from the new development by deducting the theoretical charge that would be paid by the existing uses within the site from that proposed. Currently, the proposal has an amalgamated B1(a), (b), (c) uses, so it is unclear how much of these are/will be used as offices. This should be clarified.
- Overall, TfL has no significant objections to the principle of the proposed development. However, TfL considers that further work is required by the applicant in order to comply with the London Plan.

[Officer's Comment: Issues raised above have been addressed under GLA's comments: see paragraph 6.15]

Design Council CABA

- 6.22 The design Council generally supports the proposal and commends the applicant's commitment to develop a high quality mixed-use scheme on this site. However further detail of the organisation of the open space, quality of north-south route and the relationship between the proposed new blocks and the backs of the properties on Poplar High Street is required.

[Officer's Comment: Appropriately worded condition will be imposed to ensure high quality landscaping for the open space and the north-south route is delivered]

English Heritage Archaeology

- 6.23 The site lies in an Archaeological Priority Area, as designated by the borough. The designation is primarily due to the presence of prehistoric material and land surfaces in the area. Remains from the Neolithic through to Iron Age can be expected, along with ecofacts and paleo-environmental evidence associated with the underlying peats and alluvial deposits. No further work need be undertaken prior to determination of the planning application but the archaeological position should be reserved by attaching a condition to any consent granted under this application.

[Officer's Comments: Appropriately worded condition as suggested by the English Heritage]

will be imposed.]

7. LOCAL REPRESENTATION

7.1 A total of 1427 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 16 Objecting: 16 Supporting: 35

No of petitions received: None

7.2 The following issues were raised in representations that objected to the proposal and are material to the determination of the application. These are addressed in the next section of this report:

- Loss of view and negative value on property

[Officer Comment: Loss of view and/or negative value on properties is not material consideration to planning.]

- Loss of daylight, overshadowing and visual amenity loss

[Officer comment: As discussed within paragraphs 8.78 to 8.106 of this report, on balance, it is considered that the benefits of the proposal would outweigh the impact on the neighbouring properties.]

- Increased congestion

[Officer's Comment: Whilst the proposal will result in an increase in car trips, the impact from the development will be mitigated through financial contribution sought will improve the pedestrian environment nearby and also the a car-free agreement will be secured to ensure that the future residents will not be able to apply for car parking space on street. This is discussed in detail within section 8 of this report.]

- Close proximity of the proposed building to Wharfside Point South resulting in overlooking and privacy

[Officer's Comment: The proposal has been designed with appropriate separation distances and therefore it is considered that the proposal will not significantly impact upon the amenity of the occupiers of the neighbouring properties. This is discussed in detail within Section 8 of this report.]

- Noise, disturbance, dust during construction

[Officer comment: This phase of the development would be closely monitored through an Environmental Management Plan and Construction Management Plan, thus this concern would be dealt with if planning permission were granted]

- Height and density

[Officer's Comment: The proposed heights and rationale in height distribution of the buildings across the site is considered acceptable. The proposed density is also considered acceptable for this site. Further detailed discussion on these matters can be found in Section 8 of the report]

- Decreased security

[Officer's Comment: There is no evidence to suggest that the development would result in

less security. The residential development together with pedestrian link through the site would provide more natural surveillance than the current situation on the application site.]

- Impact to the character of the area

[Officer's Comment: The proposal is considered to enhance the character and appearance of the area, though a carefully considered layout and design. There are no heritage assets within the immediate proximity. This is further detailed within Section 8 of this report.]

- No crossing provided for on Aspen Way

[Officer's Comment: The applicant has committed to provide financial contribution towards improvements to Aspen Way Junction. Contributions will be pooled from other developments nearby to provide improved pedestrian environment around the Preston Road Roundabout.]

- No provision for family sized units for existing residents

[Officer's Comment: The proposal includes appropriate amount of family sized dwellings (57% in the affordable provision and only a 4% shortfall overall) in accordance with Policy SP02 of the Core Strategy 2010. In addition, the Council's Housing officer is satisfied with the quantum and quality of family housing proposed.]

- Site is not suitable for a large redevelopment

[Officer's Comment: Whilst the site is physically constrained, the proposal follows the objectives of PPS 1 'Creating Sustainable Development', which promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.]

- Glares from Solar Panel installation

[Officer's Comment: This comment is from residents in Wharfside Point South which is located east of the development site. It should be noted that PV solar panels are designed to absorb sunlight in order to convert it into electricity, and not reflect sunlight. In addition, the panels are designed with anti-reflective layer which is designed to reduce the polarised reflections]

- Overcrowding

[Officer's Comment: The proposed density on the site is appropriate and the space standards for the proposed dwellings are in compliance with the London Plan 2011.]

- Inadequate parking/loading/turning areas

[Officer comment: The amount and location of parking, provision for loading and servicing and turning areas on site are considered acceptable, as discussed further in section 8 of this report]

The following points were raised in representations that supported the proposal:

- Improve local area by providing more open space/public square
- Improvement to the community
- Provision for small businesses and high quality business units
- More affordable homes
- New pedestrian routes
- Quality housing for many different groups
- Attractive design

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Housing
3. Design
4. Amenity
5. Transport
6. Sustainability
7. Section 106 Agreement

Land Use

- 8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.
- 8.4 In respect of regional policy, whilst the London Plan does not identify the site as being strategically important industrial land, the site is identified as a 'Local Industrial Centre' and as such, in accordance with policy 4.4 there is an assumption that the continuing use of the site for industrial and business areas should be the first priority. The site also lies to the north of Isle of Dogs Opportunity Area as identified in policy 4.3 of the London Plan (2011). The policy states that the increase in office floor space should provide for mix of uses, including housing.
- 8.5 Locally, the site is in light industrial and business use, and the site is identified as a Local Industrial Location (LIL) as identified in Policy SP06 of the Core Strategy. The policy states that intensification through mixed use development of LIL can be supported if:
- a) there is no overall net loss of employment floorspace;
 - b) there is no detrimental impact upon the quality and usability of that floorspace;
 - c) appropriate access arrangements; and
 - d) mitigation of environmental impacts have been considered from the outset.

Policy DM17 of the Managing Development DPD (proposed submission version 2012) also supports intensification of LIL subject to:

- i) provision of separate access and servicing for commercial uses and residential uses;
- ii) provision of residential uses do not jeopardise the function and viability of the Industrial B Use Class on the site and within the wider LIL;
- iii) provision of high quality flexible working space which is usable; and
- iv) a range of flexible units including units less than 250 square meters and less than 100sq.m to meet the needs of Small and Medium Enterprises (SMEs).

Employment Use

- 8.6 The scheme proposes an increase in employment use through intensification of the site with re-provision of the employment floor space at a higher level than the existing. The proposal includes 7,255sq.m (GEA) of B1 Use Class which replaces 6,945sq.m (GEA) of existing underutilised commercial floorspace (Use Class B1).
- 8.7 The application site is owned and operated by Workspace Group who is a provider of affordable and managed business accommodation for small and medium enterprises

(SMEs). The proposed commercial floorspace will replace the existing to provide workspace units to modern day standards and a range in unit sizes allowing for occupation by small and medium sized businesses and a space for artist studio. The proposed layout of the commercial floorspace is flexible which provides opportunity for smaller business to expand into larger units as the business grows. The workspaces are arranged from ground and up to second floors of majority of the cores within the development. The scheme has been designed to truly meet the needs of the small and medium sized enterprises (SMEs) which accords with policies SP06 of the Core Strategy and policies DM15 and DM17 of the Managing Development DPD (proposed submission version 2012). This provision is proposed to be secured through the s106 to ensure that the uses do not change to a pure large scale office (B1a).

- 8.8 The proposed workspaces benefit from its own separate access and servicing to the residential uses and it proposes to create an 'employment hub' which includes central workspace reception area and ancillary café. The hub is positioned around the central public open space/access area where pedestrian link is provided through the site to Aspen Way and future connection to Poplar High Street. The proposed site layout with employment hub centred on the public realm will provide truly vibrant employment site.
- 8.9 The scheme also includes workshops which are more suited to light industrial activities on the south and western side of the site, along the DLR railway line. These units will benefit from direct servicing activities. The applicant has also confirmed that the proposal can provide flexible space above the A3 café use within Block B3 for the use as a community facility. The space has been designed flexibly to allow the use of the space as meeting rooms for the employment use, or use by the community as the demand arises.
- 8.10 The application states that the proposal is expected to generate 425 jobs directly, which represents a significant uplift of approximately 325 jobs over what is currently on site. This is considered to be beneficial to the borough's local employment opportunities and is supported.
- 8.11 The proposed re-provision of intensified employment uses on the subject Local Industrial Location is considered to be beneficial to the area providing for variety and flexible approach to employment spaces and complies with the policies contained within the London Plan and the Core Strategy.

A3 Use

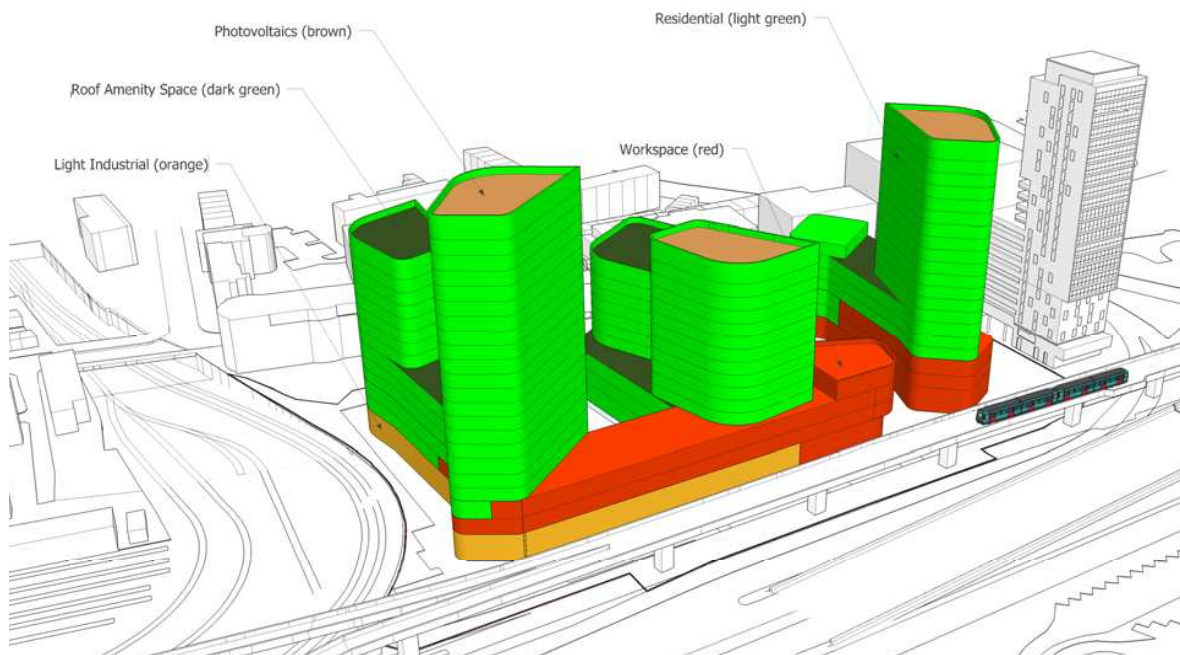
- 8.12 The application proposes commercial space on the ground floor, to include ancillary café A3 (restaurant/café), located within the employment hub. This is to support the activities of the employment spaces. The provision of the A3 use will assist in activating the ground floor of the central public realm area, and will also provide services for the future residents and pedestrians, and is therefore considered acceptable in the context of the overall development.

Residential Use

- 8.13 Additional homes are key priority of the London Plan, and its Policy 3.3 seeks provision of at least an annual average of 32,210 additional homes across London up to 2015/16. The Plan also sets an overall housing provision target between 2011 to 2021 of 28,850 new homes in the London Borough of Tower Hamlets, and an annual monitoring target of 2,885. The Council's Core Strategy seeks to deliver approximately 43,275 new homes from 2010 to 2025 which is in line with the target set out in the London Plan. The Core Strategy supports intensified mixed use scheme in Local Industrial Locations.
- 8.14 The key success in delivering residential use on the application site is to ensure that

satisfactory quality of residential accommodation is achieved and the functions of the commercial uses are not undermined by the residential uses. The scheme ensures that the proposed residential use complement the commercial uses by creating an inclusive environment for all the users on the site. The residential uses benefit from separate entrance cores, separate residential communal amenity space at semi podium level, above the semi basement car park. However, the residents can also utilise the central public space surrounded by workspaces, which creates a genuine inclusive environment. As discussed later, the proposal provides 392 residential units (which represents 13.5% of the borough's existing annual homes target) of which 25% is to be delivered as affordable housing. The proposed intensified mixed use development is considered to accord with the policies within the London Plan and the Core Strategy whilst helping to meet the borough's housing targets.

Figure 2. Proposed Uses



Density

- 8.15 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other Plan policies will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 8.16 London Plan (2011) policy 3.4 seeks to optimise housing potential, having regard to local context, design principles and public transport accessibility.
- 8.17 The site has a public transport accessibility level (PTAL) of 4, and its immediate setting is an urban location. For central sites with a PTAL range of 4, both the IPG and London Plan density matrix suggest a density of between 200-700 habitable rooms per hectare. Given the mixed use nature of the proposal, it is more appropriate to establish the net residential density. Therefore, based on a calculation of 1161 habitable rooms over the site area of 1.28ha (80% of 1.65ha. site), the proposed residential density would be 907 habitable rooms per hectare which is above the density guidance range of the London Plan and IPG.

It should be noted that the objective of London Plan and Council's IPG policies are to maximise the highest possible intensity of use compatible with the local context, good design principles and public transport capacity.

- 8.18 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
 - Lack of open space and amenity space;
 - Increased sense of enclosure;
 - Loss of outlook;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure.
- 8.19 As detailed within this report, officers consider that the subject site can accommodate the proposed density development in line with the suggested PTAL range, and the above symptoms of over-development are not prevalent in this case.

Housing

Affordable Housing

- 8.20 The Draft National Planning Policy Framework notes that "...where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities"
- 8.21 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.
- 8.22 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.
- 8.23 Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social rent to 30% intermediate housing provision.
- 8.24 Under the recent national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes social rented, a new product called affordable rented, and intermediate housing.
- 8.25 The Mayor of London has also published a draft supplementary planning guidance note on affordable housing, which is currently out for consultation. This deals with how the Government's new affordable rent housing product can be used to implement the policies in the Plan.
- 8.26 Target rented housing is defined as: Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed

with the local authority or with the Homes and Communities Agency as a condition of grant.

- 8.27 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.28 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.29 A total of 87 of the 392 residential units within the proposal would be affordable housing, which represents a total provision of 25% based on habitable rooms. 58 residential units would be Affordable Rent which represents 70% and 29 residential units would be Intermediate, representing 30%.
- 8.30 The Council has commissioned a housing consultancy called the Pod Partnership to research market rent levels in different areas of the borough and to carry out affordability analyses. The affordability analyses for all areas of the boroughs led to the conclusion that rents would only be affordable to local people if they were kept at or below 65% of market rent for one beds, 55% for two beds and 50% for three beds and larger properties. These percentages have been factored into the emerging policies within the Managing Development DPD (proposed submission version 2012). The proposed rent levels will be secured in accordance with the levels stated in the Managing Development DPD.
- 8.31 The application was accompanied by a viability toolkit to demonstrate that the 25% is the maximum amount of affordable housing the proposal can deliver. The viability assessment has been tested by an independent consultant, appointed by the Council, and it has been confirmed that 25% is the maximum reasonable amount that the proposal can deliver together with the secured s106 package. Various sensitivity testing were also carried out to assess different level of affordable housing provision and its resultant s106 package to ensure that the maximum reasonable amount of affordable housing is secured. The London Plan and the Core Strategy accepts that the level of affordable housing provision is subject to viability of the scheme. The applicant has also agreed to a review mechanism to be secured through s106 to test the viability of the scheme at different phases of the scheme to increase the affordable housing should the financial climate become more favourable in the future.
- 8.32 Whilst the proposed affordable housing includes Affordable Rent provision, the rent levels are proposed at Pod research levels, that is, 65% of market rents for one beds, 55% for two beds and 50% for three beds and larger properties. This is in line with the Council's policy and therefore is considered to be acceptable.
- 8.33 On balance, the affordable housing offer is considered acceptable and accords with policies 3.9, 3.11 and 3.12 of the London Plan, Policy HSG3 of the IPG, policy SP02 of the Core Strategy, and policy DM3 of Managing Development DPD (proposed submission version 2012) in that it delivers the maximum reasonable amount of affordable housing. The proposal will deliver a mix of housing tenures, and thus officers are satisfied that the proposal is delivering mixed and balanced communities.

Housing Mix

- 8.34 Planning Policy Statement 3 states that "key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people".

- 8.35 Pursuant to policy 3.8 of the London Plan, the development should “...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups’. Table 1 below shows the proposed unit mix on the Site.
- 8.36 Pursuant to saved policy HSG7 of the LBTH UDP (1998), new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of houses with private gardens.
- 8.37 Policy SP02 of the Core Strategy Development Plan Document (2010) seeks to create mixed communities. A mix of tenures and unit sizes assist in achieving these aims.
- 8.38 According to policy HSG2 of the IPG, and policy DM3 of the Managing Development DPD, the family housing provision in the rented, intermediate and private sale components should be 45%, 25% and 20% respectively. Table 1 below sets out the proposed mix on the Site.

Table 1: Unit Mix

Unit size	Total units in scheme	Social Rent (Affordable rent)			Intermediate			Private Sale		
		Units	%	Target %	Units	%	Target %	Units	%	Target %
1 bed	135	10	17	30	11	38	25	114	37	50
2 bed	154	15	26	25	9	31	50	130	43	30
3 bed	93	24	41	30	8	28	25	61	20	20
4 bed	7	7	12	15	0		0	0		
5 bed	3	2	4	0	1	3	0	0		0
TOTAL	392	58	100	100	29	100	100	305	100	100

- 8.39 As seen from the table above, the unit mix within the affordable rented proposes 17% one beds against a target of 30%, 26% two beds against a target of 25%, 41% three beds against a target of 30%, 12% four beds against a target of 15% and 3% five beds for which there is no specific target. There is an under provision of one beds for affordable rent and a slight under provision of 4 beds. However, on balance, with the provision of 5 bed units the total level of family sized affordable rented accommodation proposed equates to 57%, the exceeds the minimum requirement of 45% and is therefore welcomed.
- 8.40 Within the intermediate the proposal will deliver 38% one beds against a target of 25%, 31% two beds against a target of 50% and a 28% provision of three beds against a target of 25%. There is an under provision of intermediate two beds, however on balance, with the above target provision of family sized units in the intermediate tenure, this would be acceptable.
- 8.41 The proposed dwelling mix secures a mixture of small and large housing by providing an overall target of 26% of all new housing to be of a size suitable for families, and importantly exceeding the requirement of 45% of social rented (affordable rent) housing by provide overall 57% family sized housing. Whilst there is a shortfall of 4% of the overall family sized housing, the excess family housing within the affordable housing provision is most welcomed and is supported by the Council’s housing officer. On balance, the proposal is considered to meet policy SP02 of the Core Strategy.

Wheelchair Housing and Lifetime Homes

- 8.42 Policy HSG9 of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or “easily adaptable” standard. The application incorporates these principles. The proposal provides 39 wheelchair adaptable units across all tenures and all the units are to be designed to lifetime home standards. The applicant has submitted detailed layout of each wheelchair unit and the proposed layout and space standards meets the wheelchair housing requirement. Therefore, the provision of 10% wheelchair homes together with 100% lifetime homes is acceptable in these circumstances.
- 8.43 If planning permission is approved, appropriate conditions should be attached to secure the delivery of accessible residential units, and parking spaces.

Floorspace Standards

- 8.44 Saved policy HSG13 ‘Conversions and Internal Space Standards for Residential Space’ of the adopted UDP 1998, Supplementary Planning Guidance ‘Residential Space’ (adopted 1998) and policy DM4 of the Managing Development DPD (proposed submission version 2012) set the minimum space standards for residential developments.
- 8.45 Policy 3.5 of the London Plan seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. This includes new space standards from the London Housing Design Guide.
- 8.46 All of the units satisfy the minimum dwelling size standards as set out in table 3.3 in the London Plan 2011 and table 3 in the Managing Development DPD (proposed submission version 2012).

Amenity Space

- 8.47 Pursuant to PPS3, paragraph 16 states that the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development “*provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies*”. Further still, paragraph 17 of PPS3 states that “*where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space*”.
- 8.48 Saved policy HSG16 ‘Housing Amenity Space’ of the adopted UDP (1998) requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG (1998) sets the minimum space criteria. Similarly, Policy HSG7 ‘Housing Amenity Space’ of the IPG (2007) sets minimum criteria for private as well as communal and children’s playspace. More up to date amenity standards are set out in policy DM4 of the Managing Development DPD (proposed submission Version 2012). It should be noted that the policy states that variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards and Child play space standards of the UDP, IPG and MD DPD are summarised in tables 2 and 3 below.

Table 2: Amenity Space SPG 1998, IPG 2007 and MD DPD 2012 standards

Type	No.	Type	Proposed (sq.m.)	UDP (SPG) Minimum Standard (sq.m.)*	IPG Minimum Standard (sq.m.) [†]	MD DPD Minimum Standards (sq.m.) [†]
Communal Space	392 units	Roof top gardens	863	442	432	432
		Ground level	5484			
Total			6,347			

*Calculation based on 50sqm, plus an additional 5sqm per 5 units

[†]Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

Table 3: Child Play space Standards

Type	No.	Type	Proposed (sq.m)	UDP (SPG) Minimum Standard (sq.m.)*	MD DPD Minimum Standard (sq.m.) [†]	GLA's standard (sq.m.) [†]
Child Play space	119 Children	Roof top	1217	357	1,190	1,190
		Ground level	59			
Total			1276			

*Calculation based on 3sqm per child

[†]Calculation based on 10sq.m per child.

Private Amenity Space

- 8.49 The scheme proposes 31,441sq.m. of total combined private amenity space which is in excess of the minimum total requirement for 392 residential units. The Council's policy DM4 of Managing Development DPD (proposed submission version 2012) states that a minimum of 5sq.m. of private amenity shall be provided for 1-2 beds and extra 1sq.m. should be provided for each additional occupant. This would equate to a total combined requirement of 2,504sq.m for the proposed units. The policy further requires proposed balconies or other external private amenity spaces to have a minimum width of 1.5m to ensure a usable space is provided.
- 8.50 All of the units benefit from private space in the form of either a balcony or a private terrace with majority of the units with more than the minimum width standard as specified in the MD DPD policy. Additionally, as noted below the scheme provides a substantial amount of communal amenity space for the use of residents, which is considered an appropriate response given the urban nature of the site.

Communal Amenity Space

- 8.51 A total of 6,347sq.m. of communal amenity space is proposed on site. 863sq.m of the communal space is located on the roof tops of various blocks and would be accessible to the residents of that block. 5484sq.m is provided at ground level and is a combined space of two separate communal amenity space. The centrally located space is approximately 3,400sq.m. which is surrounded by the employment hub and also allows for public access. More distinct separated space for the use by the residents is also provided and is approximately 2,000sq.m and is surrounded by residential entrances and cores benefiting from natural surveillance from those units. The overall communal amenity space available on site in excess of the minimum standards and is supported.

Public Open Space

- 8.52 The ground level central landscaped amenity space is accessible to the public and the proposal also creates a publicly accessible pedestrian link to Aspen Way and future link to

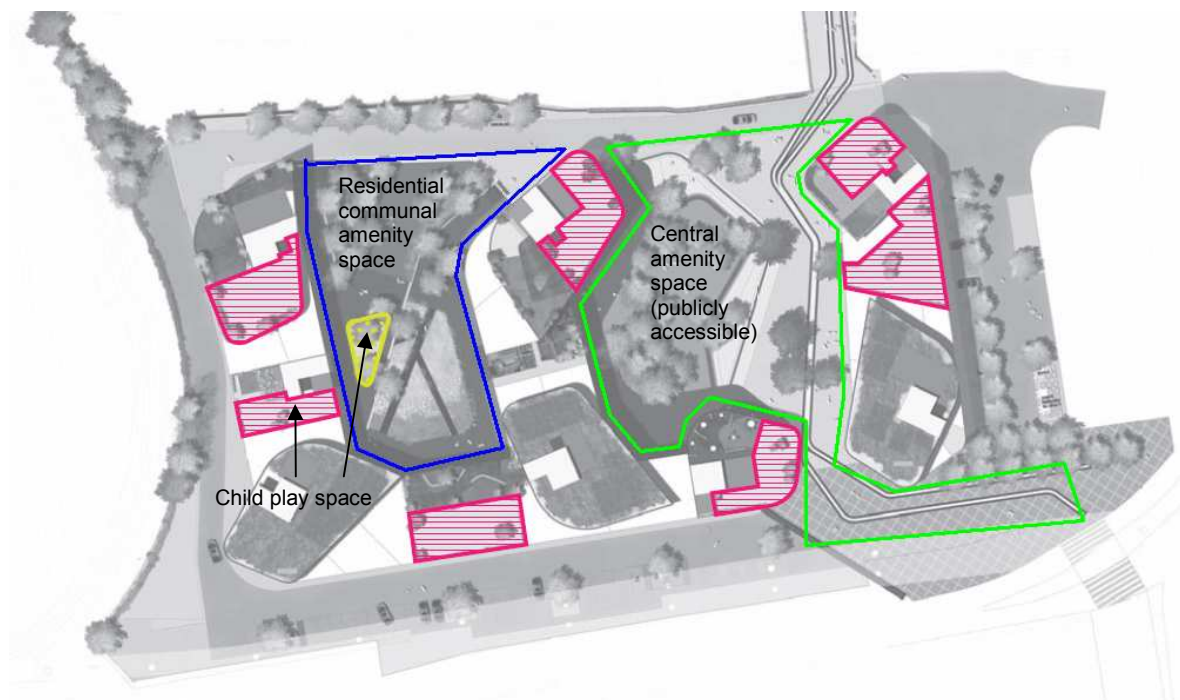
Poplar High Street. The public accessible route together with amenity space provision allows for active employment hub and is supported.

- 8.53 The provision of communal amenity space is substantially in excess of Council policy the proposal is considered to be an exemplar in integrating variety of usable spaces which is fully inclusive to all users.

Play Space

- 8.54 Based on the Tower Hamlets Planning for Population Change and Growth Capacity Assessment 2009 the proposed mix would result in a child yield of 119 children. This yield calculation is evidence based and Tower Hamlets specific, and is therefore considered a more accurate representation than the yield used by the GLA as outlined within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation'.
- 8.55 The Council's UDP (1998) seeks a minimum 3sqm play space per child, however the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' seeks 10sqm per child. The Council's more recent Managing Development DPD policy seeks 10sq.m per child, accordingly 10sqm threshold should be accommodated.
- 8.56 A total of 1,276sq.m of children's play provision is proposed both on the rooftop and on the ground level meets the minimum requirement of 1,190sq.m. of the Council's and GLA's standards. The details of children's play provision will need to be secured through a planning condition.
- 8.57 As detailed above, the application proposes a total combined space of 7,566sq.m communal and play space areas on site. On balance, it is considered that the proposal satisfies the requirements of the Interim Planning Guidance, UDP and the London Plan.

Figure 3. Location of amenity space and Child play space



Design

Introduction

- 8.58 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.
- 8.59 Policy 7.1 of the London Plan 'Building London's Neighbourhoods and Communities' sets out over-arching design principles for London. Policy 7.6 seeks to ensure that new buildings are of the highest architectural quality. These principles are also reflected in policies DEV1 and DEV2 of the UDP and the IPG.
- 8.60 Policy 7.7 of the London Plan (2011) sets out specific design issues associated with tall and large-scale buildings, which is particular relevance to the proposed scheme. The policy sets out specific additional design requirements for tall and large scale building, which are defined as buildings that are significantly taller than their surrounding and/or have a significant impact on the skyline and are larger than the threshold sizes set for referral of planning applications to the Mayor of London.
- 8.61 Policies 7.10 and 7.11 sets out the principles associated with the Mayor of London's View Management Framework.
- 8.62 Policy SP10 of the Core Strategy DPD (2010) seeks to promote and implement placemaking across the borough to ensure that the locally distinctive character and context of each place is acknowledged and enhanced. The policy also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.

Tall Buildings

- 8.63 Policy 7.7 of the London Plan (2011) states that tall buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings. Policy 7.7 of the London Plan provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.64 Council's own policy DM26 of the Managing Development DPD (proposed submission version) state that building heights will be considered in accordance with the town centre hierarchy and sets out a list of criteria. Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. Policy DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.

Analysis

- 8.65 The design development has been discussed extensively with the applicant through pre-application and during the previously withdrawn application. The application site is challenging and constraint with Aspen Way and DLR railway lines immediately to the south and west of the site, and buildings on Poplar High Street and Cotton Street to the east and

north of the site. The site does benefit from a shared vehicular access with the development known as Wharf Side South/North from Cotton Street which is the existing arrangement for the site.

- 8.66 The proposed height of the buildings range from 3 to 22 storeys. The taller elements are located along the Aspen Way and DLR railway lines and these elements are considered to be well thought out in the context of the overall site layout and massing distribution of the proposed development. The proposed tall buildings relate well to the currently stand-alone tall building of Wharfside Point South (25 storeys) located to the east of the development site. The proposal creates a sense of place and better townscape along Aspen Way. The proposed tall buildings will be seen in the context with the tall building cluster currently emerging to the north eastern end of Isle of Dogs Activity Area, including Trafalgar Square, and New Providence Wharf to name a couple from many emerging residential towers with the proximity. Also the proposal will be seen with the Canary Wharf tall building cluster from a distance.
- 8.67 The proposal is considered to provide appropriate transition between the Isle of Dogs Activity Area to the south, and Poplar High Street Town Centre. The proposal does not have any significant impacts to Strategic and local views as discussed later in the report, and achieves high architectural design, which does not adversely impact up on any Heritage Assets. The proposal include high quality and useable amenity space for all users of the development, and does not adversely impacting on the microclimate of the surrounding area, as discussed later in the report. On balance, it is considered that the proposal complies with the criteria as set out in the Council's policies, in particular policies DM26 of the Managing Development DPD (proposed submission version 2012) and SP10 of the Core Strategy.

Scale, massing and layout

- 8.68 The proposal demonstrates a considered response to layout and massing of buildings. The height and massing of buildings has been redistributed successfully across the site compared to the withdrawn application, taking into account constraints of the site and the heights of neighbouring buildings. The proposed buildings range from 3 to 22 storeys in height, and the one of the proposed taller building adjacent to 25 storey building 'Wharfside Point South' is 20 storeys. The tallest building is proposed at 22 storeys and is located at the south western corner of the site nearest to DLR railway lines. The two taller buildings are closest to Aspen Way and DLR railway line and the building heights are reduced as it get closer to the backs of the buildings along Poplar High Street. The design has sought to integrate the Wharfside Point scheme and the current proposal as part of the same development and integrates well into the existing townscape.
- 8.69 The submitted design and access statement detail the massing and height distribution variations tested on the site. The proposed massing and height distribution have been carefully considered to take into account of visual permeability through the development, to create a noise buffer from DLR and Aspen Way, to allow sunlight and daylight potential to all amenity spaces and to create a space with different shape, size and identity.
- 8.70 In terms of layout, the proposed buildings are arranged as three fingers in a perimeter block form with permeable pedestrian access through the site from Aspen Way. The uses surrounding the communal open spaces inform how the spaces would be used and creates truly integrated mixed use scheme.
- 8.71 The proposed massing, scale and layout is considered to be satisfactory and successful within the confines of the site.

Design and Appearance

- 8.72 The proposal is considered to be well designed and of a good quality. The proposed individual buildings are treated individually with façade variations to create visual interest. The uses on the ground, first and second floors have bigger openings to distinct its employment use from residential use above and each of the buildings is treated with different subtle colours not to create large homogenous development. The predominant material used on buildings is brick which is welcomed.
- 8.73 The proposed design is well articulated, visually interesting and creates sense of place. Securing high quality materials is imperative to the success of this proposal, hence if planning permission is approved, a condition securing the submission of full details including samples of conditions is necessary.

Strategic Views

- 8.74 The site falls within the wider setting of the General Wolfe viewpoint (view point 5A.1) within Greenwich Park, as identified within the London Mayor's London View Management Framework (July 2010). The view includes several points of interest. The open space of Greenwich Park in the foreground and Grade I listed Queens House and Grade I listed Naval College in the middle distance. The view also includes Greenwich Reach, the Isle of Dogs and the tall buildings at Docklands.
- 8.75 The application is accompanied by Townscape and Visual Assessment which also includes local view assessments. At strategic level, the GLA have commented that the assessment from View 5A.1 is satisfactory, that although the proposed buildings would be visible, the proposed tall buildings would have limited detrimental impacts on the panorama, given the emerging cluster of recently constructed and approved tall buildings within the vicinity. In addition, when viewed from the General Wolfe viewpoint, the development would appear in the upper right quadrant of the view. It would not fall behind the silhouette of the Old Royal Naval College or other important buildings within the Greenwich Maritime World Heritage Site.

Local Views and townscape

- 8.76 On the impact to local townscape, of the 14 views tested the most important views to consider are from nearby listed churches as these churches are surrounded by open ground from which clear views of the proposed development can be gained. It is considered that the churches will remain as a dominant foreground element in the views tested as the proposed buildings will merge with the cluster of tall buildings appearing from East India Dock Road. On balance, the scheme is acceptable in this respect.

Figure 4. Proposed massing and height



Design Conclusions

- 8.77 In terms of height and massing, the proposed development is considered acceptable. The proposal has been designed in a manner which ensures relationship with its surrounding buildings is acceptable and coherent within the existing townscape. The proposal is therefore supported by officers in design terms.

Amenity

Daylight and Sunlight

- 8.78 Policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.79 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This is supported by policy SP10 of the Core Strategy.
- 8.80 The submitted Sunlight and Daylight Assessment has identified that several residential developments are within range of the proposed development, so as to be considered 'sensitive receptors', which contain habitable rooms*.

The following neighbouring residential properties were tested:

- Wharfside Point North;
- Wharfside Point South;
- 246-254 Poplar High Street;
- 260-268 Poplar High Street; and
- Caraway Heights

* The UDP (1998) advises that habitable rooms include living rooms, bedrooms and

kitchens (only where the kitchen exceeds 13sq.m.).

- 8.81 Daylight is normally calculated by three methods - the vertical sky component (VSC), Daylight Distribution (NSL) and the average daylight factor (ADF). BRE guidance (second edition), requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to 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 rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). This is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.
- 8.82 British Standard 8206 recommends ADF values for residential accommodation as:
- 2% for kitchens;
 - 1.5% for living rooms; and
 - 1% for bedrooms.

Daylight Results: Impacts on Neighbouring Properties

- 8.83 Existing baseline conditions were tested to the windows and rooms of the properties mentioned above and the results are outlined in table 4 below.

Table 4. Existing daylight and sunlight to surrounding properties

Address	EXISTING VSC		% compliance
	Total windows assessed	No. of BRE compliant windows	
Wharfside Point South	233	138	59%
Wharfside Point North	146	105	72%
260-268 Poplar High Street	50	2	0.4%
246-254 Poplar High Street	29	24	82%
Caraway Heights	21	21	100%
Total	479	290	61%

- 8.84 Of the total 479 windows tested, 290 windows indicate compliance the BRE guidelines for VSC for the baseline situation. Majority of the properties along Poplar High Street are well lit with the exception of 260-268 Poplar High Street which has living accommodation under deep balconies which restrict availability of daylight.
- 8.85 In respect to the assessment as a result of the proposed development, of the 138 windows of the Wharfside Point South which are compliant with BRE, 126 windows will remain to comply with BRE guidelines in relation to VSC. It should be noted that the Wharfside Point South building is sited only 6 metres from the site boundary which means that any reasonable new development on site would have a significant effect on the available light.
- 8.86 Of the 105 windows on Wharfside Point North, 73 windows will remain to be compliance with BRE guidelines. The schemes improve the daylight and sunlight to 1 of the windows to 260-268 Poplar High Street such that it is BRE compliant. . In relation to 246-254 Poplar High Street none of the windows will comply with the BRE Guidelines as a result of the development, and similarly with Caraway Heights only 2 windows will remain to comply

with BRE guidelines.

- 8.87 When assessing No Sky Line Analysis (NSL), 109 of 172 rooms of Wharfside Point South comply with BRE, 109 of 125 rooms of Wharfside Point North comply with BRE, 7 out of 44 rooms of 260-268 Poplar High Street comply, 19 out of 26 of 246-254 Poplar High Street comply and 12 out of 21 of Caraway Heights comply with BRE guidelines.
- 8.88 In assessing Average Daylight Factors, majority of the rooms tested comply with the British Standards (BS). All the rooms tested for Wharfside Point South complied with BS standards; 117 rooms out of 125 for Wharfside Point North was satisfactory; 30 out of 39 rooms which complied with BS standards for 260-268 Poplar High Street was satisfactory; 16 out of 22 rooms which complied for 246-254 Poplar High Street was satisfactory; and all of 21 rooms of Caraway Heights was satisfactory.
- 8.89 In general, the worse affected properties are along Poplar High Street, and this is primarily due to 'borrowed light' scenario, in that the application site has low rise buildings and these properties have had virtually unobstructed views across the site for a very long period of time. Therefore any development over 3 stories on the site is likely to have a detrimental impact on the properties along Poplar High Street.
- 8.90 Whilst the results do show windows falling below the BRE standards for VSC and NSL and British Standards for ADF, it is considered that given the site location within an urban context and that the site has been occupied by low rise buildings, officers consider that on balance, the benefits of the scheme outweigh the loss of light suffered by these properties. In addition, in majority of cases, where the VSC and NSL falls below the BRE Guidelines, the ADF into the rooms still meet British Standards.

Sunlight Assessment

- 8.90 Sunlight is assessed through the calculation of the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for windows within 90 degrees of due south.

Sunlight Results: Impacts on Neighbouring Properties

- 8.91 A total of 379 windows which overlook the site were tested and 200 indicate compliance. There is no impact to windows of Caraway Heights.
- 8.92 Whilst there are failures, on balance, and in the context of the scheme benefits and the dense urban environment, the overall impact on sunlight is considered acceptable.

Internal Daylight and Sunlight Amenity within the proposed development

- 8.93 The lower levels of the rooms were tested, and all the rooms meet the ADF criteria. The proposal will provide satisfactory means of accommodation for future occupiers.

Sunlight in gardens and open spaces

- 8.94 The BRE report (second edition) advises that for new gardens and amenity areas to appear adequately sunlit throughout the year "*at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March.*"
- 8.95 Regrettably, the proposal can only provide 1 hour of sunlight (i.e. not cast by a shadow) to half of it proposed amenity space on the ground floor level. However, all the amenity spaces on the roof will have adequate sunlight throughout the year. It is also worth noting that a permanent shadow analysis has been carried out. The results on the residential

communal amenity space located between Blocks A and B of the development show that only 21.9% will be in permanent shadow, whilst 12.3% will be in permanent shadow in relation to the centrally located publicly accessible area (between Blocks B and C). In relation to the existing residential sites for Caraway Heights and 246-254 Poplar High Street, both areas are below 23% permanent shadow and majority of the permanent shadow are as a result of existing fences.

Air Quality

- 8.96 The application is accompanied by an Environment Impact Statement which includes Air Quality chapter, assessing likely air quality impacts as a result of the development. It is considered that as a result of the assessment a condition is necessary to require the submission and approval of a further Air Quality Management Plan as part of the Construction Management Plan, to detail measures to reduce dust escaping from the site. Such matters are also covered by separate Environmental Health legislation.

Noise and Vibration

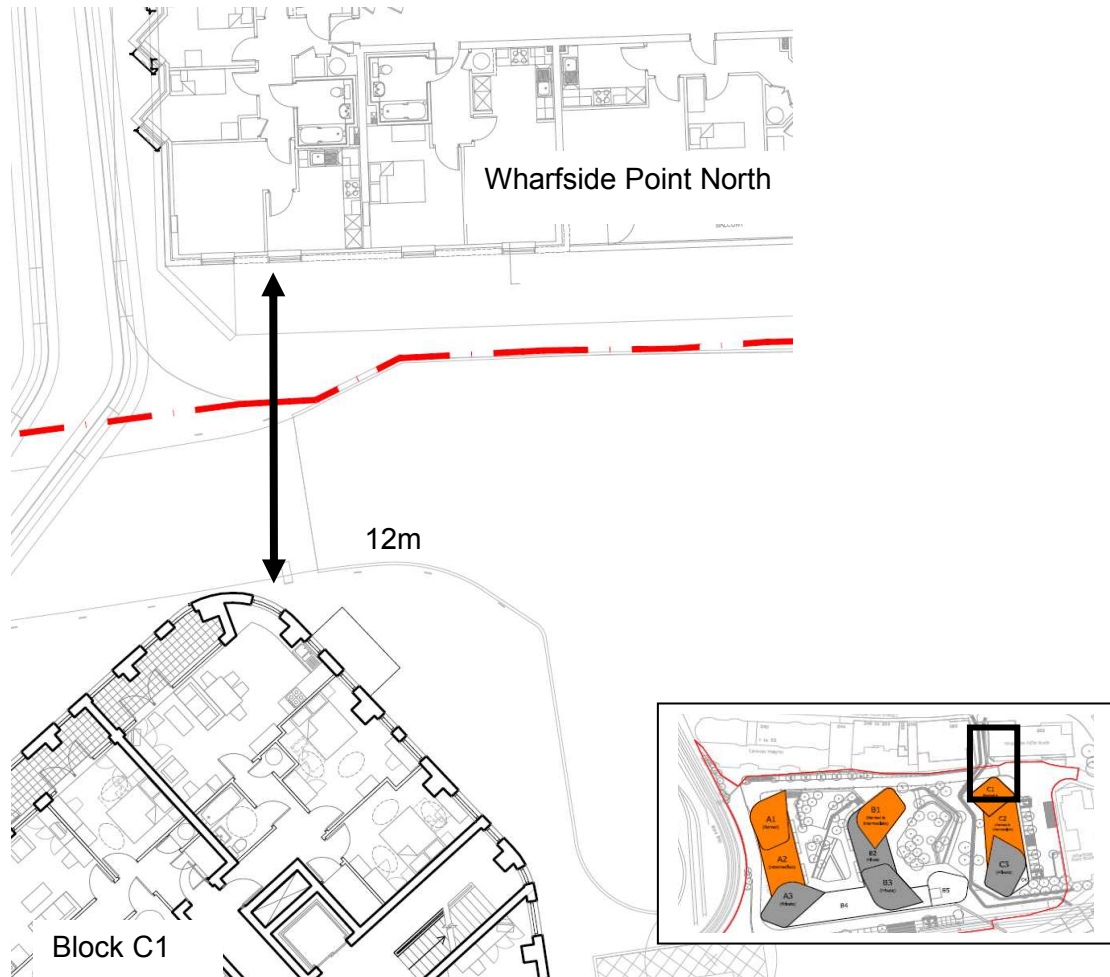
- 8.97 The Council's Environmental Health section reviewed the submitted information, and advised that the development will have several noise and vibration issues due to its proximity to DLR tracks, roads and business uses on the ground floor. Residential areas above and close to the noise and vibration sources will need to have appropriate sound insulation which comply with L_{Amax} criteria of BS8233:1999 'Sound Insulation and Noise Reduction for Buildings – Code of Practice. The applicant has confirmed that suitable mitigation measures have been employed to ensure that good standard of living environment. A suitably worded planning condition will ensure that the internal noise level and appropriate sound insulation in accordance with the British Standards is implemented and maintained.

Sense of Enclosure/Loss of Outlook and Privacy

- 8.98 Policies SP10 of the Core Strategy, DEV2 of the UDP; DEV1 of the IPG and policy DM25 of Managing Development DPD (proposed submission version 2012) seek to ensure that new development protects amenity, preventing the loss of privacy. This impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective.
- 8.99 The separation distance of the proposed building and its neighbouring building at Wharf side Point South is minimum 21m. The proposed buildings have also been designed like a 'teardrop' shape including curved edges to create greater separation distances between buildings. Not only does this improve the direct habitable to habitable room relationship, this element of the design also provides visual interest. The Council's UDP and policy DM25 of the Managing Development DPD (proposed submission version 2012) states that a distance approximately 18m between windows of habitable rooms reduces inter-visibility to a degree acceptable to most people. This is applied as guidance and the proposal generally exceed this minimum separation distance.
- 8.100 The only habitable room window to habitable room separation distance which fail to meet the minimum separation distance of is located on the northern end in Block C1 and its relationship with Wharfside Point North is approximately 12m. (see figure 5). Only one or two kitchen windows to a flat on each floor (a total of 6 units) which will have direct habitable room window to window separation distance of 12 m. In this instance, given that the proposed kitchen will have multiple windows, the subject windows can be obscured glazed to ensure no direct overlooking is achieved. A suitably worded condition will be imposed for appropriate mitigation towards direct overlooking.

8.101 All other window to window relationship is more than 18m and therefore is satisfactory. In the opinion of officers, the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the surrounding area and privacy impacts can be appropriately mitigated.

Figure 5. Separation Distance between proposed Block C1 and Wharf Side Point North



Micro-Climate

8.102 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan, requires that *“tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence..”* Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

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

8.103 The application is accompanied by a Wind Microclimate Desk Study and it assesses the likely impact of the proposed development on the wind climate, by placing an accurate

model of the proposed building in a wind tunnel. The wind tunnel test also considered the landscaping proposal on site and parapet details of the scheme. The assessment has focused on the suitability of the site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances and in retail areas, and sitting/standing conditions in public realm areas during summer) and the impact relative to that use.

- 8.104 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria.
- 8.105 Overall, all conditions within and around the site are suitable for their intended use, apart from entrance to a light industrial unit near the south west corner of the site. It is recommended that the entrance to the light industrial unit to be located either west elevation or south elevation of the unit. The proposed scheme has been designed with this assessment in mind, and the location of the entrance to the light industrial unit has been located on the western elevation and not located in the corner. All other locations have a wind microclimate that is equal to or calmer than desired, and therefore no additional mitigation is considered necessary.
- 8.106 It is therefore considered that the proposed development would be acceptable in terms of the impact upon microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site.

Transport

- 8.107 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.108 London Plan Policy 6.3 seeks to ensure that new development does not adversely affect safety on the transport network. Policies 6.8, 6.9 and 6.10 seek to ensure that new developments make appropriate provision for cycles and the pedestrian environment. Policies 6.12 and 6.13 seek to ensure that new developments provide an appropriate level of car parking, whilst ensuring new developments result in a net benefit on road network capacity.
- 8.109 In respect of local policy, UDP saved policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.110 Having regard to the IPG, policy DEV17 states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 requires a travel plan for all major development. DEV19 sets maximum parking levels. Policies SP08 and SP09 of the Core Strategy DPD (2010) seek to deliver an accessible, efficient and sustainable transport network. Policy DM20 seeks to achieve the same objectives as the Core Strategy and the IPG. Policy DM22 sets out maximum parking levels.
- 8.111 The Public Transport Accessibility Level is 4, and it is located in close proximity to Blackwall DLR, and short walking distances to All Saints, East India and Poplar DLR

Stations. There are several bus networks easily accessible from Poplar High Street.

- 8.112 The proposal includes a total of 98 car parking spaces, 11 of which will be for disabled parking use. 12 motorcycle parking spaces and a maximum 554 cycle parking spaces are also proposed for residents, employees and visitors.

Vehicular Parking

- 8.113 The proposed 98 spaces comply with the Council's maximum parking standards and this represents 0.22 spaces per unit. The spaces are located within the proposed semi-basement level and on street level. Within the basement, which is for residential use only, a total of 69 spaces are provided, of which 6 spaces are dedicated as disabled parking spaces and 12 spaces are dedicated to 4 and 5 bedroom affordable units. Further 12 motorcycle spaces are also provided within the basement level. Remaining car parking spaces are located on the street level located appropriate for both workspaces and residential uses. 20% of all car parking spaces will need to be provided for electric charging points with further 20% passive provision for future installation. An appropriately worded condition will be imposed to ensure that this provision is delivered.
- 8.114 It is therefore considered that the vehicular parking provisions would be in accordance with policies 6.9 and 6.13 of the London Plan. A s106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits. This will ensure no overflow parking on the public highway.

Cycle Parking

- 8.115 The application proposes a total of 554 secure cycle parking spaces can be provided within the basement level and at street level. The cycle parking areas are separated into various locations within the site for different users of the site. This represents a provision in excess of 1 space per residential unit, 1 space per 250sq.m of workspace, and 1 space per 500sq.m for light industrial floor space. The proposed provision is compliant with Planning Standard 3: Parking and policy DEV16 of the IPG. Commercial cycle spaces are proposed at ground level.
- 8.116 In addition to the proposed number of cycle spaces, the applicant has initially included a land provision for 16 cycle docking stations for TfL's Cycle Hire Scheme. Through Stage 1 response from GLA, TfL made representations and have requested a provision for 30 spaces, and further contribution of £186,000 towards Cycle Hire Scheme. As explained earlier in the report, the proposal is subject to viability and is constraint in delivering affordable housing and financial contributions. Following further discussions with TfL it has now been agreed that TfL will be satisfied with 24 cycle docking spaces on site to be located within the central open space area. The proposal now provides an area for 24 docking stations within the site and this will be secured through a 106 agreement.

Servicing and Refuse Collection

Servicing

- 8.117 All servicing for the commercial units are proposed to take place on site as the proposal benefits from a perimeter type road and sufficient areas have been provided in front of light industrial units and entrance cores of relevant uses. There is sufficient provision for turning areas for larger vehicles within the site. The Council's Highways section is satisfied with this arrangement.

Residential Refuse

- 8.118 The scheme proposes the incorporation of a refuse storage space in appropriate locations

where it will be collected to be stored in a central collection area for the development. The location is suitable as it is accessible to all the residents and the travel distance to the storage areas is adequate. An appropriately worded condition will be proposed to ensure that suitable provision of recycling and waste can be accommodated on site.

Commercial Refuse

- 8.119 The waste storage for commercial is separated and the workspace benefits from its own collection point. Recycling and general waste bins would be provided and this will also be secured by condition to ensure it can be delivered.

Delivery service plan and construction logistics plan

- 8.120 TfL have requested the submission of a delivery service plan and a construction logistics plan. Should permission be granted, conditions which secure the submission of a Construction Management Plan and a Delivery and Service Plan would satisfy this request.

Transport Assessment

- 8.121 A full transport assessment has been submitted and it identifies a significant increase in car trips associated with the scheme. In addition, the proposal will also have significant increase in the number of pedestrian movements, from Blackwall DLR Station and Bus depots to the site. TfL however have stated that proposed vehicular trips generated by the proposed development is unlikely to have a significant impact on the operation of Transport London Road Network. In order to mitigate against the impact from the increased car trips and pedestrians, financial contributions have been secured towards improvements towards public transport (Buses), junction improvements to Preston Road roundabout and Poplar High Street. Therefore, it is considered that the proposed impacts to local transport network will be appropriately mitigated.

Energy Efficiency and Sustainability

- 8.122 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011 and London Borough of Tower Hamlets Core Strategy (SO24 and SP11) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.123 The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.124 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.125 Saved Policy DEV2 of the UDP (1998), DEV 6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.126 The submitted energy strategy follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a

Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).

- 8.127 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 3% carbon savings over the baseline. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is not feasible. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (300m2 with a peak output of 30kWp) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the development is in compliance with the London Plan (Policy 5.2) through achieving a cumulative 28% reduction above Building Regulation requirements.
- 8.128 The anticipated 28% reduction in carbon emissions through energy efficiency measures, a CHP power system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Strategy dated October 2011.
- 8.129 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 dated and Policy DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance which seek the highest standards of sustainable design and construction principles to be integrated into all future developments.
- 8.130 The applicant has submitted a Sustainability Statement that details how the development will achieve a Code for Sustainable Homes Level 4 rating for the residential elements and BREEAM Excellent ratings for all non-residential uses. It is recommended that the achievement of these ratings is secured through an appropriately worded Condition.

Other Planning Issues

Flooding

- 8.131 Planning Policy Statement 25 (PPS25) and Policy 5.12 of the London Plan (2011), Policy SP04 of LBTH Core Strategy (2010) relate to the need to consider flood risk at all stages in the planning process.
- 8.132 The application site lies within Flood Zone 4 designated by Planning Policy Statement 25 as having a high probability of flooding. The applicant has submitted Flood Risk Assessment. The Flood Risk Assessment demonstrates that the proposed development of the site is appropriate from the perspectives of flood risk and drainage. Environment Agency (EA) has reviewed the Flood Risk Assessment however, the EA have requested Emergency Flood Management Plan. The applicant has submitted Emergency Flood Management Plan and EA have advised that the details should be assessed by the Council. At the time of writing, the Emergency Flood Management Plan is being assessed and further comment is awaited from the Council's Emergency Planning Team. Further update will be detailed in the addendum report.

Biodiversity

- 8.133 There are no significant biodiversity issues on the site and therefore, no adverse impacts on biodiversity. The proposals include extensive brown roofs at a higher level which cannot be accessed by residents of the development. This will be a significant biodiversity enhancement, including providing foraging habitat for black redstarts. The proposal is considered to be acceptable by the Council's Biodiversity Officer.

Demolition & Construction

- 8.134 Some concerns have been raised in relation to the nuisance from construction works. The typical hours of work, which would be secured by condition would be 08:00 – 18:00 weekdays; 08:00 – 13:00 Saturdays; and no working on Sundays or bank holidays. This is also covered by Pollution Prevention and Control Act 1999 and therefore the hours are regulated.
- 8.135 In addition, the applicants agree to the provision of an Environmental Management Plan (EMP) to be secured by condition. This plan would cover various operational aspects of the development phase, including air quality, noise, dust and vibration, as well as monitoring of impacts. The EMP would be reviewed by the Environmental Health section, and allow the Council to work with the developer to ensure that impacts associated with the build are closely monitored.

Environmental Impact Assessment

- 8.136 The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) regulations 2011.
- 8.137 As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.138 The Council appointed consultants, Land Use Consultants (LUC) to examine the applicant's ES and to confirm whether it satisfied the requirements of the EIA Regulations. Following that exercise, LUC confirmed that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues.
- 8.139 Number of issues has been clarified and LUC conclude that the application is considered to meet the EIA Regulations and provide a satisfactory level of information to allow a proper assessment of the development proposals. The ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.

Section 106 Agreement

- 8.140 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (i) Relevant to planning;
 - (ii) Necessary to make the proposed development acceptable in planning terms;
 - (iii) Directly related to the proposed development;
 - (iv) Fairly and reasonably related in scale and kind to the proposed development;

and
(v) Reasonable in all other respects.

8.141 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

8.142 Policies 8.2 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

8.143 The Council has recently adopted a Supplementary Planning Document on Planning Obligations in January 2012. Planning obligations set out in policy SP13 of the adopted Core Strategy. Within the document, the standard obligations area set out under the following headings:

Key priorities are:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

In light of these and taking account of the viability of the scheme, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed. The amounts to be secured have also been agreed with Planning Contribution Obligation Panel. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

Affordable Housing

8.144 Delivery of 25% affordable housing (a total of 87 units of which 58 are at affordable rent and 29 intermediate) on the Site.

Employment, skills, training and enterprise

8.145 The Council will secure **£96,957** to support and/or provide the training and skills needs of local residents in accessing job opportunities at the end-phase of the proposed development.

8.146 In terms of non-financial obligations, the applicant has also been asked to use reasonable endeavours to ensure:

- 20% Local procurement at construction phase

This requirement would be captured in the S106 requiring the developer to include a 'local procurement clause' for their subcontracting supply chains. The developer would provide LBTH with a list detailing a package of works/trades, so that LBTH can match these requirements with appropriate suppliers within the Borough.

The Skillsmatch Service would also assist in local procurement through advertising upcoming contracts in the East London Business Place and facilitating an integrated

consultation event with a number of developers to enable them to meet with prospective local suppliers.

8.147 • 20% Local labour in construction phase

This requirement would also be captured in the S106 where by Tower Hamlets would provide a full job brokerage service. The Skillsmatch team would have access to a database of entry-level operatives, experienced trades people and site managers and the team would develop a complete skills solution based on the developer's labour requirements.

This can also include pre-employment training for local jobseekers (e.g. Construction Skills Certification Scheme (CSCS) cards, Traffic Marshall certificates, Plant training tickets and other accreditations).

Education

- 8.148 Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions towards Education would be pooled in line with Circular 06/2005. This would allow expenditure on Education to be planned on a Borough wide basis to meet the Education need for its residents. Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 44 additional primary places at £14,830 per place, and 16 additional secondary school places at £22,347 per place. In light of the viability of the scheme, it is considered to be prudent for primary places to be secured in this instance and accordingly, the total education financial contribution sought is **£652,520**.

Community Facilities

- 8.149 A contribution of **£108,799** will be secured towards provisions of additional leisure facilities as identified in the Core Strategy.

Health

- 8.150 This development is within Blackwall and Cubitt Town Ward. To accommodate the expected population growth from this and other developments in the locality, a new network service hub is being development at Newby Place. Given the viability of the scheme, a part contribution of **£136,000** is sought from the development to go towards the long lease or fit out costs for this development.

Public Realm Improvements

8.151 *Prestons Road Roundabout*

The 2011 Study commissioned by the Council showed proposed design and costs for a scheme to deliver at grade crossing, junction improvements, new pedestrian bridge and comprehensive public realm improvements to the subway at Prestons Road Roundabout. The cost estimated the scheme to be in the region of £2,500,000 which has been verified by LBTH Highways. Planning contributions are being pooled from other developments nearby to deliver the improvements to the Prestons Road Roundabout. A contribution of **£300,000** will be secured towards this improvements works.

8.152 *Poplar High Street*

The total estimated cost to improve pedestrian crossing, signalling and realign junctions to create a better environment at the junction of Poplar High Street and Cotton Street together with public realm improvements including level access, de-cluttering and traffic

controls are estimated at £675,000. Contributions are being sought from other developments nearby to fund the project and therefore a contribution of **£150,000** from proposed development is sought.

Public Transport (buses)

- 8.153 The proposed development is likely to generate additional demand on the local bus network, which is currently at capacity. TfL therefore request a contribution of **£270,000** over three years to provide an extra journey on one of the routes that serve the site in order to mitigate the impact on bus capacity.

Legible London

- 8.154 Transport for London have requested a contribution of £15,000 to a signage wayfinding via the London wide 'Legible London' scheme as means of signposting for navigation on foot.

Total

- 8.155 A total financial contribution (including a monitoring fee of £34,585) of **£1,763,861** is therefore sought.

9 Conclusions

- 9.1 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 and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

1st March 2012 at 7.30 pm

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
7.2	PA/11/03375	Poplar Business Park, 10 Prestons Road London E14 9RL	Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3) with associated parking and landscaping.

Agenda Item number:	7.2
Reference number:	PA/11/03375
Location:	Poplar Business Park, 10 Prestons Road London E14 9RL
Proposal:	Demolition of existing buildings and redevelopment of the site to provide a mixed use scheme of between 3 and 22 storeys comprising 8,104sq.m of business accommodation (Use Class B1), 392 residential units (Use Class C3) with associated parking and landscaping.

1.0 Error

1.1 There was a typographical error to Paragraph 8.100 and it should read:

The only habitable room window to habitable room separation distance which fail to meet the minimum separation distance of is located on the northern end in Block C1 and its relationship with Wharfside Point North is approximately 12m. (see figure 5). Only one of two kitchen windows to a flat on each floor (a total of 6 units) which will have direct habitable room window to window separation distance of 12 m.

1.2 There was a typographical error to Paragraph 8.113 and it should refer to the proposal providing 9 parking spaces dedicated to 4 and 5 bedroom affordable units, and not 12 spaces.

1.3 Paragraph 3.1(o) should read:

*Provision of a pedestrian access (public walkway) through the site and Aspen Way and future provision through to **Poplar High Street**.*

1.4 Paragraph 7.1 states number of individual responses as 16. This should be a total of **51** responses, 16 with objections and 35 with support.

2.0 Additional information and clarification

2.1 Density

Paragraph 8.17 explains the proposed density for the site and your officers have identified the site as in an urban location. It should be noted that the GLA had identified the site being within a central location which would result in the proposed density being in compliance with the density threshold of 650-1100hr/ha.

In the London Plan 2011, urban setting is defined as: *areas with predominately dense development, such as, for example, terrace houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800m walking distance of a District centre or along main arterial routes.*

Central setting is defined as *areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre.*

It can arguably be said that the application site falls within the two settings. The site is located within 800m walking distance to Canary Wharf major town centre, however the site is in a predominately dense area. Nonetheless, as outlined in the main report the proposed density of 907 habitable rooms per hectare is considered acceptable for the application location.

2.2 Emergency Flood Evacuation Plan

Paragraph 6.14 outlined the requirement of the Emergency Flood Evacuation Plan for the site by the Environment Agency. The Council's Emergency Planning Team was consulted

and raised no objections to the Plan subject to informatives. Appropriately worded informative will be added.

2.3 Affordable rented housing

Paragraphs 8.20 to 8.33 outline the proposed affordable housing offer. It should have clarified that the applicant has agreed to rent levels below the borough average rents as identified in Pod research levels which are as follows:

- 1bed - £173 per week
- 2bed – £186 per week
- 3bed - £229 per week
- 4bed - £236 per week
- 5bed - £288 per week

2.4 Cycle hire docking station

In paragraph 8.116 states that the land made available for 24 cycle docking station will be secured through a 106 Agreement. Therefore, under the Non-financial contribution within Paragraph 3.1 should have included an additional point. This shall read;

s) Land to be made available for 24 cycle docking stations and the delivery and implementation of the cycle docking stations shall be made by TfL.

3.0 ocalism Act (amendment to S70(2) of the TCPA 1990)

3.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

3.2 In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

3.3 Section 70(4) defines “*local finance consideration*” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

3.4 In this context “grants” might include:

- a) Great Britain Building Fund: the £400m “Get Britain Building” Fund and government-backed mortgage indemnity guarantee scheme to allow housebuyers to secure 95% mortgages;
- b) Regional Growth Funds;
- c) New Homes Bonus;
- d) Affordable Homes Programme Funding.

3.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

- 3.6 (Officer Comment): Officers are satisfied that the current report to Committee, when viewed alongside previous reports presented has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 3.7 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that it is likely that the London mayoral CIL is intended to become operational from 1 April 2012 and will not be payable on this scheme, as long as the planning permission is issued by 31 March 2012. The likely CIL payment associated with this development would be in the region of £837,728 and could impact on the future s.106 obligations.
- 3.8 With regards grants, the Great Britain Building Fund is part The government's housing strategy published on the 21 November 2011 designed to tackle the housing shortage, boost the economy, create jobs and give first time buyers the opportunity to get on the housing ladder. Officers are satisfied that the development provides the types of units in the form single occupancy flats within the private and intermediate tenure, and range of unit sizes to accommodate the differing financial constraints of future potential occupier and therefore the proposal supports this initiative .
- 3.9 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmers that lever private sector investment to create economic growth and sustainable employment. It aims particularly to help those areas and communities which were dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity. Whilst there is no evidence to suggest that this development is directly linked into this initiative, officers are satisfied that through the creation of 425 jobs, there is likely to be range of job opportunities, both skilled and un-skilled that would support the aim of the initiative to create economic growth and sustainable employment. Officers can confirm that best endeavors have been secured through the S.106 agreement to ensure that at least 20% of the those job opportunities will benefit residents of the borough during the construction process, and are also satisfied that a financial payment to provide silks and training can also lead to greater opportunities for local residents to secure sustainable employment.
- 3.10 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides unring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 3.11 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £594,667 within the first year and a total of £3,568,004 over a rolling six year period. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.
- 3.12 The Affordable Homes Programme 2011-15 (AHP) aims to increase the supply of new affordable homes in England. Throughout 2011-15, Homes and Communities

Agency(HCA) aims to invest £4.5bn in affordable housing through the Affordable Homes Programme and existing commitments from the previous National Affordable Housing Programme. The majority of the new programme will be made available as Affordable Rent with some for affordable home ownership, supported housing and in some circumstances, social rent.

3.13 However developments that secure affordable housing through s.106 agreements (as is the case for this proposal) are highly unlikely to receive grant from the HCA as they seek to reserve funding for Registered Social Landlords who specialise in providing affordable housing.

4.0 Recommendation

Officer's recommendation remains approval.

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