

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 31 May 2012 at 7.00 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Helal Abbas	
Vice-Chair:	
Councillor Dr. Emma Jones	Councillor Tim Archer, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
Councillor Carlo Gibbs	Councillor Peter Golds, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
Councillor Judith Gardiner	Councillor Gloria Thienel, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
1 Vacancy	Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
Councillor Bill Turner	Councillor Kosru Uddin, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
Councillor Helal Uddin	Councillor Shiria Khatun, (Designated Deputy representing Councillors Helal
Councillor Zara Davis	
Councillor Stephanie Eaton	

Abbas, Carlo Gibbs, Bill Turner, Helal Uddin 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: Zoe Folley, Democratic Services, Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 31 May 2012

7.00 p.m.

1. ELECTION OF VICE CHAIR FOR 2012/13

At the Annual Meeting of the Council held on 16th May 2012, Councillor Helal Abbas was appointed Chair of the Strategic Development Committee for the Municipal Year 2012/2013.

However, it is necessary to elect a Vice-Chair of the Strategic Development Committee for the Municipal Year 2012/2013.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. 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.

4. UNRESTRICTED MINUTES

To confirm as a correct record of the proceedings the unrestricted minutes of the extraordinary meeting of the Strategic Development Committee held on 15th March 2012 and the ordinary meeting held on 12 April 2012.

PAGE NUMBER	WARD(S) AFFECTED
------------------------	-----------------------------

3 - 24	
---------------	--

5. 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.

6. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS 25 - 32

7. PROCEDURE FOR HEARING OBJECTIONS

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. 33 - 34

The deadline for registering to speak at this meeting is 4pm Tuesday 29th May 2012.

8. DEFERRED ITEMS 35 - 36

8 .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) 37 - 114 Spitalfields & Banglatown

9. PLANNING APPLICATIONS FOR DECISION 115 - 118

9 .1 Orchard Wharf, Orchard Place, London (PA/11/03824) 119 - 160 Blackwall & Cubitt Town

9 .2 Millwall Park, Manchester Road, London, E14 (PA/12/00252) 161 - 172 Blackwall & Cubitt Town

Agenda Item 3

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 EXTRAORDINARY STRATEGIC DEVELOPMENT
COMMITTEE**

HELD AT 7.00 P.M. ON THURSDAY, 15 MARCH 2012

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

Members Present:

Councillor Helal Abbas (Chair)

Councillor Khaled Uddin Ahmed
Councillor Dr. Emma Jones
Councillor Bill Turner (Vice-Chair)
Councillor Judith Gardiner

Councillor Denise Jones

Other Councillors Present:

Councillor Peter Golds

Officers Present:

Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Owen Whalley	– (Service Head Planning and Building Control, Development & Renewal)
Jen Pepper	– (Affordable Housing Programme Manager, Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer)
Simon Ryan	– (Deputy Team Leader, Development and Renewal)
Amy Thompson	– (Strategic Applications Planner)
Margaret Cooper	– (Section Head Transportation & Highways, Public Realm, Communities Localities & Culture)
Niall McGowan	– (Regeneration Manager)
Pete Smith	– (Development Control Manager, Development & Renewal)
Jo Dowle	– (Development Officer, Housing Strategy & Development)
Alan Ingram	– (Democratic Services)

COUNCILLOR HELAL ABBAS (CHAIR) – IN THE CHAIR

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Carlo Gibbs, for whom Councillor Denise Jones deputised.

Change of Order of Business

The Chair indicated that the order of business on the agenda would be varied so as to consider item 6.1 first, in view of the large public attendance in connection with the application. However, for ease of reference, the minutes are set out in the original agenda order.

The Chair further commented that Councillor Judith Gardiner would not be eligible to vote on agenda item 5.1, as she had not been present at the meeting on 6th March 2012, when the item had been deferred.

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	5.1, 6.1, 6.2	Personal	Had received emails and phone calls for and against the applications, some from persons known to him, but had not expressed an opinion.
Khales Uddin Ahmed	5.1, 6.1, 6.2	Personal	Had received emails and phone calls for and against the applications but had not expressed an opinion.
Dr Emma Jones	5.1, 6.1, 6.2	Personal	Had received emails and phone calls for and against the applications but had not expressed an opinion.
Denise Jones	5.1, 6.1, 6.2	Personal	Had received emails and phone calls for and against the

			applications but had not expressed an opinion.
Helal Abbas	5.1, 6.1, 6.2	Personal	Had received emails and phone calls for and against the applications but had not expressed an opinion.

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 indicated that he had used his discretion to grant speaking rights to Councillor Peter Golds, who wished to speak in support of agenda item 6.1 in his capacity as a Ward Councillor. He added that additional time would be consequently made available to the two objectors who had registered to speak on the item.

5. DEFERRED ITEMS

5.1 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 Pete Smith, Development Control Manager, presented the circulated report and tabled update and referred to the reasons

given by Members at the last meeting as to being minded to refuse the application, along with implications of a refusal. Mr Smith indicated that, since the last meeting, the applicant now proposed a mix of 48% social rent, 26% affordable rent (pod levels) and 26% intermediate. This meant more family units at a social rent, leading to a significant change of family sized, socially rented units in that part of the Borough.

Ms Mary O'Shaughnessy, Planning Officer, added that child playspace had now been increased from 1322 sq.m to 2900 sq.m which met the policy requirement. This had been achieved by reducing the amount of communal amenity space, which still accorded with policy requirement. Ms O'Shaughnessy continued that the developer had now provided further information on proposed biodiversity enhancements across the site which were much more consolidated and were considered acceptable.

Mr Smith indicated that a further offer had been made to commit to providing 80 apprenticeships during the construction programme and to encourage engagement with the local community. He referred to a letter appended to the update report received from Whitbread Plc in which agreement was given to enter into a social compact to ensure that local residents had the best possible opportunity to enter into hotel work and related training.

Members then put questions to Officers with regard to:

- Changes in the applicant's offer regarding housing provision.
- Formal conditions to ensure the employment provisions and training centre.
- Further implications of a decision to refuse the application and the likelihood of appeal.

Officers' responses included information that:

- The viability of the scheme had been robustly examined and the applicant had offered additional levels of housing provision that now affected the viability or profitability of the scheme.
- Employment provisions and the training centre were being factored into the scheme through the S106 agreement. The developer would build and fit out the training centre, which would be leased to the Council at a peppercorn rent on a 15 year basis. The facility would be run by a Trust established jointly by the Council and developer and linked to the hotel.
- It was now considered that the offers made since the last meeting meant that the previous reasons for possible refusal would not be sustainable on appeal. Should the applicant go to appeal, any S106 arrangements would be determined by the Planning Inspector and, after 1st April 2012, the development would become subject to the Community Infrastructure Levy, which would impact both on the viability of the scheme and the amount of S106 benefits to the Council.

In considering the application, the Committee instructed that the following point be formally noted and recorded in the minutes:

- The Strategic Development Committee are to be kept informed of the progress in implementing the S106 agreement at the appropriate stages of the development.

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

(1) That planning permission be **GRANTED** for the hybrid planning application at Former Goodmans Fields, 74 Alie Street and Land North of Hooper Street and east of 99 Leman Street, Hooper Street, London, E1 for residential-led redevelopment of the site comprising:

(a) Outline Application - All matters reserved (except for access)

- § Development of North East (NE) and South East (SE) quadrants of the site to provide:
- § Podium blocks of between 7 - 10 storeys (max 46.075m AOD) with two towers on each podium block of between 19-23 storeys (max 85.425m AOD) and dwellings fronting Gower's Walk;
- § Up to 700 residential units (Use Class C3);
- § Up to 6,709 square metres (GIA) of flexible commercial and leisure floor space (Use Classes A1 - A5, B1a, D1 and D2) at ground floor level including a health centre (up to 1,581 square metres GIA);
- § Associated vehicular, pedestrian and cycle access;
- § At least 9,380 square metres of Public Open Space; and
- § Related infrastructure and engineering works.

(b) Full details

- § Development of the North West (NW) quadrant of the site to provide:
- § Podium block between 6-10 storeys (max 46.075 AOD) and two towers up to 19 Storeys (max 76.17m AOD) and 21 storeys (max 85.4m AOD);
- § 250 bedroom hotel (Use Class C1) including a restaurant (Use Class C3) at ground to sixth floor level;
- § 164 residential units (Use Class C3);
- § 841 square metre (GIA) ancillary gym and swimming pool at ground and first floor level for residents use;
- § 1,713 square metre (GIA) flexible commercial / leisure floorspace (Use Class A1 - A5, B1a and D2) at ground floor level;
- § 17,778 square metre (GIA) basement level across the site to provide 253 car parking spaces, 35 motor cycle spaces, 50 electric car charge points, 1358 cycle parking spaces and ancillary facilities for storage, management facilities and plant;
- § Public Open Space to form part of the wider outline public open space strategy; and
- § Associated access, landscaping, surface car parking and cycle parking and related infrastructure and engineering works.

- (2) That such planning permission be 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.
- (3) That the Corporate Director Development and Renewal be delegated power to negotiate the legal agreement indicated above.
- (4) 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.
- (5) That, if within three months of the date of this Committee the legal agreement indicated in resolution (2) above has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.
- (6) That in the event of any responses being received relating to the outstanding Environmental Statement Consultation prior to the decision being issued, the Corporate Director Development and Renewal be delegated authority to assess if any such response raises issues which substantively exceed the nature of the Committee's decision, subject to this not being the case the Corporate Director Development & Renewal be delegated authority to issue the decision.

6. PLANNING APPLICATIONS FOR DECISION

6.1 The Robin Hood Gardens Estate together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore Street bounded by Cotton Street, East India Dock Road and Bullivant Street (PA/12/00001 and PA/12/00002)

At the request of the Chair, Mr Owen Whalley, Head of Planning and Building Control, introduced the planning application regarding redevelopment of the Robin Hood Gardens Estate (PA/12/00001) and application for conservation area consent (PA/12/00002) for the demolition of building adjacent to and on east side of Steamship public house, Naval Row.

The Chair then invited registered speakers to address the Committee.

Mr Tom Ridge, speaking in objection to the proposal, referred to the intention to expand Woolmore School from 1 Form Entry. Whilst he had no objections to this in principle, the drawings showed that a large four storey extension would be provided on the existing site. The circulated report made reference to Officers' views that the overall benefits of the scheme outweighed the loss of the building, implying demolition. However, Woolmore School was one of only 30+ schools built by the former LCC around 1916, when designs of such non-Georgian elementary schools were at their best. Officers had also

referred to a detailed heritage appraisal, however, he had made two objections by letter, which were not mentioned and the Officers' remarks comprised only unjustified assertions. He had visited all such schools and could assure the Committee that all were different, as evidenced by the differences between the Woolmore, Osmani and Bow Boys' Schools in the Borough. Later examples were less well designed. The report stated that the school had been heavily altered, but he disagreed with that opinion. The north east part of the building had suffered war damage but it was the most original of the schools in the Borough. It was, therefore, premature to consider demolition of the school and this should be avoided.

In response to Members' questions, Mr Ridge stated that the application seemed to have rubbished the school and Officers considered demolition was acceptable to achieve benefits. He was concerned that the tabled update report still referred to demolition of the existing building. He had sent letters in this regard to Lead Members, Officers, the School Headteacher and Chair of the Governors and Sister Christine Frost had indicated that she was prepared to take up the matter with the Governors. Although no formal response had been received from the school, the only structural criticism related to a long internal central corridor that lacked natural light. However, the classrooms were spacious and in perfect condition. Mr Ridge agreed that the school needed extending on an enlarged site for the 3 Form Entry but adaptations could be made very easily without demolition.

Mr Darren Pauling, speaking in objection to the proposal, stated that he was a resident of Robin Hood gardens and Chair of the Millennium Green Trust. He felt that the entire consultation process had been a betrayal of what residents wanted. It was wrong to say that 80% of residents favoured demolition of Robin Hood gardens and he had raised a petition showing that 92% preferred refurbishment. The current site had a strong sense of community and provided a peaceful green area and an excellent central heating system. The consultation process had been scandalous and residents had been cajoled into accepting the inevitable. Their views had not been held in regard and were sidelined – they had only been told what was going to happen and there was deep resentment, with a feeling that they could not fight city hall. Residents felt that Councillors were not listening to them, their rights had been trampled on and vulnerable people had been ignored. He considered that the estate deserved refurbishment, not just demolition. Leaseholders were in a poor position and needed a breakdown of proposed service charges. The whole scheme should be put on hold until residents' views had been properly presented. At a time when household buildings were increasing, the proposals would be even more damaging to residents. The Millennium Green Trust had not been consulted at all, with three impromptu meetings having been held. Residents had been left feeling despair and had been told there were only two options, agree the plans or be subject to compulsory purchase. The proposals would destroy the peaceful nature of Robin Hood Gardens, where children could play near their homes and residents deserved extensive consultation.

In response to members' questions, Mr Pauling stated that a petition undertaken by him a few years ago, with interpreters provided, found that 120 out of 130 households supported refurbishments. This would not be a minor scheme, as the building had been neglected and under-funded for 20 years. The Millennium Trust had held responsibility for the green space in the middle of Robin Hood Gardens for many years but there had been only three consultation meetings in three years, two of which had been held in the last couple of months.

At this point the Chair responded to comments from the public gallery and indicated that speakers in favour of the application would now be heard.

Mr Julian Carter, Planning Adviser (GVA Grimley Ltd.), speaking in support of the proposal, made the point that the scheme would provide 1575 new homes built to the latest standards and 52% would be affordable housing across the site. The Woolmore School would have many additional pupil places and the scheme would also provide retail, office space, faith amenities and a bus interchange. The applicant had amended the scheme in response to residents' comments and had reduced the scale of buildings from 22 to 15 storeys. Residents had been given undertakings about transfer terms and Council tenants would preserve the option to remain on site. The applicant had also indicated that parents and children would be involved in proposals for Woolmore School. Over £14.5m would be made available to make extensive contributions to the public realm.

In response to a Members' question, Mr Carter stated that there had actually been a very full public consultation exercise on the scheme, led by Council Officers.

Mr Mohammed Yousuf, speaking in support of the proposal, indicated that he was Chair of Robin Hood Gardens Tenants' and Residents' Association, who had been involved in the consultative process since 2007. In general the majority of TRA members supported regeneration. He had attended most consultation meetings and more recently been involved with the Millennium Green. He wanted the TRA to continue working with the Council and developers to ensure that promises were kept, to redress 20 years of neglect in the area, which had very few facilities. The proposed community facilities and faith building were very much needed and only a few individuals opposed the scheme, rather than numerous residents. He looked forward to further extensive design consultation and felt that the proposal was a great opportunity for residents to be given a better life.

In response to a Member's query, Mr Yousuf commented that residents were sick of housing problems on the estate that occurred daily, with overcrowding and repairs needed. The Architect's view was that refurbishment was not suitable for the estate, which could not be brought up to current standards.

Councillor Peter Golds a Blackwall and Cubitt Town Ward Member, spoke in support of the proposal, stating that he had known of the situation at Robin Hood Gardens for 10 years and the idea that something must be done had

persisted through the terms of two governments, six Ministers of Housing, two mayors of London and four Leaders of LBTH. There were serious concerns relating to some aspects of the consultation exercise and some residents may have felt excluded. In addition, some of the buildings over the site should be preserved. However, most attention was needed with regard to Robin Hood Gardens and Anderson House – these buildings had been neglected and in some cases turning on central heating resulted in raw sewage discharge into homes. In order to provide new premises, it was necessary to demolish in a systematic way to let people live in Poplar in proper homes. The proposed level of affordable housing was much needed and was a remarkable achievement. However, it was also essential to give leaseholders a choice. Councillor Golds felt that the Committee should look favourably on the application to obtain new homes but also ensure that residents and the wider community were more involved than they had been in the past.

At the request of the Chair, Mr Simon Ryan, Deputy Team Leader, Planning Services, made a detailed presentation as contained in the Circulated report and table update, including plans and a slideshow. He referred to concerns expressed regarding the potential loss of the existing school premises but commented that the Children, Families & Schools Directorate would ensure that retention of the building would receive further consideration at the reserved matters stage, when deciding on the exact methods of expanding the school. He added that the reduction of the height of buildings to 15 storeys had addressed the English heritage and other concerns relating to views of All Saints Church. Tall buildings to the south of the site were considered acceptable in the context of the Canary Wharf estate. Following a very detailed presentation, Mr Ryan added that green space provision would be substantially larger than the Millennium Green and indicated that the concerns of the London Thames Gateway Development Corporation relating to height of buildings, daylight/sunlight and other matters had now been addressed as contained in the tabled update. The scheme was commended so as to achieve the regeneration of the area and provision of substantial amounts of new housing.

Members then put questions to Officers with regard to:

- Why the proposed number of new homes had been reduced from 1700 to 1575.
- Under-provision of one-bed housing.
- Education plans for the future of Woolmore School and its position as a reserved matter.
- What would be done to ensure that community facilities were accessible to all residents?
- Whether the relocated faith centre would be accessible to all residents – was this a relocation of the existing mosque?

Officers' responses included information that:

- The overall reduction in housing units had come about due to issues raised about heritage impact because of proposals for building on sensitive parts of the site. The figure of 1700 had been the maximum

parameter and had resulted due to concerns raised by the GLA and English Heritage owing to the proposed heights of buildings having an effect on views of All Saints Church. Also raised had been the intensity of development and resulting effects on public open space. It was felt that the balance of housing development was now right.

- The difference in housing unit figures had arisen because the initial numbers had been only an indicative mix that would be fully decided when the full planning application was made. When units had needed to be reduced, it had been felt best to retain larger family units on the rented side.
- No details were currently available on how the school facility would be delivered. This was a reserved matter that would be decided after the outline planning stage. The Committee would be able to give a view when reserved matters were being determined and Members were assured that their views on the matter would be sought.
- The design code required open spaces to be publicly accessible, so would be open to all. The GLC had not requested contributions to Idea Stores but significant contributions were being made to sports facilities.
- The faith centre related to replacement of the existing mosque and the other community centre would relate to other amenities.

In considering the application, the Committee instructed that the following points be formally noted and recorded in the minutes:

- The Strategic Development Committee are to be kept informed of the progress in implementing the S106 agreement at the appropriate stages of the development.
- The replacement mosque building must be kept separate from the other community facilities proposed.
- Notwithstanding the comments of Officers, Members' strong sense of discomfort be noted regarding the reduction in the number of housing units arising from GLA comments.

Councillor Bill Turner **moved** and Councillor Khales Uddin Ahmed **seconded** an amendment which, on being put to the vote, was **agreed** 5 for and nil against, and is shown as resolution (3) below.

NOTE: Councillor Denise Jones did not vote on the application as she had arrived at the meeting after commencement of consideration of the matter.

The substantive motion was put to the vote and, on a vote of 5 for and nil against, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at the Robin Hood Gardens Estate, together with land south of Poplar High Street and Naval Row, Woolmore School and land north of Woolmore School bounded by Cotton Street, east India Dock Road and Bullivant Street, for:

PA/12/00001 (Outline Planning Permission)

Outline application for alterations to and demolition of existing buildings, site clearance and ground works and redevelopment to provide:

- Up to 1,575 residential units (up to 191,510 sq.m GEA - Use Class C3);
- Up to 1,710 sq.m (GEA) of retail floorspace (Use Class A1-A5);
- Up to 900 sq.m of office floorspace (Use Class B1);
- Up to 500 sq. m community floorspace (Use Class D1);
- Replacement school (up to 4,500 sq.m GEA - Use Class D1);
- Replacement faith building (up to 1,200 sq.m - Use Class D1)

The application also proposes an energy centre (up to 750 sq.m GEA); associated plant and servicing; provision of open space, landscaping works and ancillary drainage; car parking (up to 340 spaces in designated surface, podium, semi-basement and basement areas plus on-street); and alterations to and creation of new vehicular and pedestrian access routes.

All matters associated with details of appearance, landscaping, layout and scale and (save for the matters of detail submitted in respect of certain highway routes, works and/or improvements for the use by vehicles, cyclists and pedestrians as set out in the Development Specification and Details of Access Report) access are reserved for future determination and within the parameters set out in the Parameter Plans and Parameter Statements.

(a) Outline Application - All matters reserved (except for access)

- § Development of North East (NE) and South East (SE) quadrants of the site to provide:
- § Podium blocks of between 7 - 10 storeys (max 46.075m AOD) with two towers on each podium block of between 19-23 storeys (max 85.425m AOD) and dwellings fronting Gower's Walk;
- § Up to 700 residential units (Use Class C3);
- § Up to 6,709 square metres (GIA) of flexible commercial and leisure floor space (Use Classes A1 - A5, B1a, D1 and D2) at ground floor level including a health centre (up to 1,581 square metres GIA);
- § Associated vehicular, pedestrian and cycle access;
- § At least 9,380 square metres of Public Open Space; and
- § Related infrastructure and engineering works.

(b) Full details

- § Development of the North West (NW) quadrant of the site to provide:
- § Podium block between 6-10 storeys (max 46.075 AOD) and two

- towers up to 19 Storeys (max 76.17m AOD) and 21 storeys (max 85.4m AOD);
 - § 250 bedroom hotel (Use Class C1) including a restaurant (Use Class C3) at ground to sixth floor level;
 - § 164 residential units (Use Class C3);
 - § 841 square metre (GIA) ancillary gym and swimming pool at ground and first floor level for residents use;
 - § 1,713 square metre (GIA) flexible commercial / leisure floorspace (Use Class A1 - A5, B1a and D2) at ground floor level;
 - § 17, 778 square metre (GIA) basement level across the site to provide 253 car parking spaces, 35 motor cycle spaces, 50 electric car charge points, 1358 cycle parking spaces and ancillary facilities for storage, management facilities and plant;
 - § Public Open Space to form part of the wider outline public open space strategy; and
 - § Associated access, landscaping, surface car parking and cycle parking and related infrastructure and engineering works.
- (2) That such planning permission be 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 as amended and augmented by the update report **Tabled** at the meeting.
- (3) That a further condition be added: "That any proposal for demolition of Woolmore School be referred to the Strategic Development Committee."
- (4) That the Corporate Director Development & Renewal be delegated power to engage with London Thames Gateway Development Corporation and the applicant to negotiate the legal agreement indicated in resolution (2) above acting within normal delegated authority.
- (5) 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, as amended by the update report **Tabled** at the meeting.
- (6) That the Corporate Director Development & Renewal be delegated power to impose such further conditions and informatives as may be considered necessary.
- (7) That the application for conservation area consent with regard to the demolition of building adjacent to and on east side of Steamship Public House, Naval Row, (PA/12/00002) be referred to the Secretary of State with the recommendation that the Council would be minded to grant conservation area consent, subject to the conditions and informatives as set out in the circulated report and to any other conditions or informatives considered necessary by the Corporate Director Development & Renewal.

- (8) That, if within three months of the date of this Committee the legal agreement indicated in resolution (2) above has not been completed, the Corporate Director Development & Renewal be delegated power to refuse planning permission.

At 8.40 p.m. the Chair indicated that there would be a brief adjournment to allow members of the public who had attended for this item of business to leave the public gallery. The meeting reconvened at 8.45 p.m.

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

At the request of the Chair, Mr Owen Whalley, introduced the application (PA/11/3765) regarding the construction of an additional 12 residential units at the site of the Former Blessed John Roche Secondary School, Upper North Street, London, E14 6ER.

At the request of the Chair, Mr Pete Smith, Development Control Manager, made a presentation of the scheme and indicated that this sought 12 additional housing units for the development previously granted planning permission on 21st September 2010 (PA/10/161).

On a vote of 5 for and nil against, the Committee **RESOLVED**

- (1) That planning permission be **GRANTED** at Former Blessed John Roche Secondary School, Upper North Street, London, E14 6ER, (PA/11/3765) for construction of 239 dwellings within two buildings extending to between five and ten storeys with landscaping and 92 car parking spaces, being a revision of Blocks C and D as approved within planning permission dated 21st September 2010 (PA/10/161) and comprising an additional 12 residential units upon the 27 previously approved within these blocks.
- (2) That such planning permission be subject to the prior completion of a legal agreement to secure the additional planning obligations and to the planning conditions and informatives as set out in the circulated report.
- (3) That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.
- (4) 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.
- (5) That, if within three months of the date of this Committee meeting the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of development Decisions be delegated power to refuse the planning permission.

The meeting ended at 9.35 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 12 APRIL 2012

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

Members Present:

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

Councillor Peter Golds

Other Councillors Present:

None.

Officers Present:

Jerry Bell	– (Applications Manager, Development and Renewal)
Richard Murrell	– (Deputy Team Leader, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)
	–

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Helal Abbas.

2. DECLARATIONS OF INTEREST

Councillor Bill Turner declared a personal interest in agenda item 8.1 (Poplar Business Park, 10 Prestons Road, London E14 9RL (PA/11/3375)). The declaration was made on the basis that he had received correspondence for and against the item prior to the previous 1st March 2012 Committee meeting when the item was last considered.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meetings of the Committee held on 16th February 2012, 1st March 2012 and 6th March 2012 be agreed as a correct record and signed by the Chair subject to the minutes of the 6th March 2012 meeting being amended as follows:

Item 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).

That the text for the supporters verbal statements be amended to reflect Members queries over the length of their comments on the S106 agreement and lack of comments on the more general concerns.

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.

6. DEFERRED ITEMS

Nil items.

7. PLANNING APPLICATIONS FOR DECISION

7.1 15-17 Leman Street and 1A Buckle Street, London (PA/11/03693)

Update report tabled.

Mr Jerry Bell (Applications Manager D&R) introduced the application regarding 15-17 Leman Street and 1 A Buckle Street (PA/11/3375).

The Chair reported that there were no registered speakers.

Mr Richard Murrell (Deputy Team Leader, Planning Services) presented the detailed report. Mr Murrell described the existing site and surrounds including the scale and height of the neighbouring buildings and recently approved consents. He explained the appeal scheme for a similar hotel development on site refused under delegated authority in 2010. He explained the main issues of concern identified by the Planning Inspectorate regarding the design of the lower building in relation to the public realm and the servicing plans. The current plan now addressed these issues. The ground floor layout had been redesigned by setting back the building from Buckle Street to improve permeability. It also included an undercroft area that could be used for coach pick up and drop offs. The plans would also activate the street frontage. In relation to servicing, the servicing area had been expanded from 8 metres to 12 metres. The shared servicing area could accommodate coaches as well as servicing vehicles. The servicing plans showed that there was sufficient room for vehicles to manoeuvre safely within the area.

Overall it was considered that the current plans contributed positively to the public realm and addressed the servicing issues.

The scheme included a full range of contributions. The contributions fully meet the requirements in the Planning Obligations SPD securing the maximum that could be sought. There was also an offer to enter into a social compact to provide local employment opportunities.

Overall the scheme fully complied with policy including the new National Planning Policy Framework regarding sustainability. It represented a significantly improvement on the Appeal scheme and should be granted.

Members noted the plans for the shared surface area for use by both pedestrian and servicing/delivery vehicles. They stress the need for adequate signage to be displayed to safeguard public safety in using this route and for signs generally to publicise the public access routes throughout the site. They sought assurances that there were mechanisms to fund and supply such notices in the plans.

In reply, Officers drew attention to the measures to secure this that would be bound by the S106 agreement. These included the use of retractable bollards in the shared surface area and supervision of the area. There were contributions for high quality signage to highlight the rights of way through the site and ensure there were safe.

Questions were also raised about overshadowing given the minor failings in the light report. Officers confirmed the nearest residential property was the

City Reach development. The surrounding residential units had been tested for light levels. Whilst there were some minor failings, it was evident from the testing that the windows would receive adequate levels of light comparable to that typically received in similar developments.

In response to further questions, Mr Murrell also explained in greater detail the issues considered at the appeal and also those raised in local representation as set out in the report. The height of the new building was broadly the same as the appeal scheme considered to be acceptable by the Planning Inspectorate.

Members also discussed the number of hotels in the area and how often this was reviewed to prevent a saturation in such uses. Officers explained that they did carefully monitor land use. Officers were guided by current policy. Both local and regional policy supported this hotel scheme in this area.

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

1. That planning permission PA/11/03693 be **GRANTED** at 15-17 Leman Street and 1A Buckle Street, London subject to:
 - A. The prior completion of a **legal agreement** to secure the planning obligations set out in the report.
 - B. Any **direction** by **The Mayor of London**
2. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
3. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the report.
4. 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.

8. OTHER PLANNING MATTERS

8.1 Poplar Business Park, 10 Prestons Road, London E14 9RL (PA/11/3375)

Update report tabled.

Councillor Dr Emma Jones left the Committee at this point (7:40pm) as she had not been present at the previous meeting when this item was considered.

Councillor Peter Golds subsequently replaced Councillor Jones for the consideration and voting on the item as he had been present at that previous meeting.

Councillor Peter Golds declared an interest in the item (8.1, Poplar Business Park, 10 Prestons Road, London). The declaration was made on the basis that he was a Ward Councillor for the area and that he had received correspondence for and against the application. The Councillor reported that whilst he had listened to the representations he had not made any observations.

Mr Jerry Bell presented the application regarding Poplar Business Park (PA/11/03693). Members were reminded that at its meeting on 1st March 2012, the Committee resolved to refuse the application and it was agreed that the detailed reasons for refusal be brought back before the Committee for consideration.

These detailed reasons were now before the Committee for consideration with the original Committee report for a decision.

To assist the discussions, Mr Bell gave a concise presentation of the scheme covering the key points.

He also drew attention to the update report before Members.

The report detailed a number of new developments since the 1st March 2012 meeting. This included the offer of a uplift in the affordable housing offer to 28% (from 25%) and the offer to absorb the costs of the CIL without impact on the scheme.

The update also referred to the recently adopted National Planning Policy Framework (NPPF) that was a now material consideration and should be taken into account. Officers explained the aim of policy which was to encourage sustainable development. It was considered that the scheme complied with the NPPF.

In view of this new information, Officers substantive recommendation remained as at 1st March 2012 - that the scheme should be granted.

A comprehensive debate the ensued where the Committee raised a number of points and concerns regarding the following issues:

- The safety of the child roof top play spaces given the problems with a similar facility at the nearby Mikardo Court development. Members sought assurances that they would be safely managed. Disappointment was expressed that the concerns had not already been addressed given the concerns expressed at the 1st March 2012 meeting about the play spaces. There were also worries that the relocation of the play spaces to the ground level could reduce the overall amount of communal space provided.

- The ongoing concerns over the affordable housing. Specifically the lack of social housing. It was questioned whether the units were genuinely affordable under the affordable rent product.
- The credibility of the viability assessment given the subsequent offer of an uplift (28% affordable housing, the additional funding for CIL).
- The failure to secure this higher offer sooner as part of the initial negotiations.
- The viability of the scheme with 28% affordable housing.
- The layout of the housing, particularly the proposed separation of the private and affordable units. It was feared that this could lead to segregation and hamper community cohesion.
- The need for the red brick materials.
- The impact on local services given the number of new developments in the area.
- The adequacy of the health and education contributions to mitigate these pressures.
- In particular, concern was expressed at the capacity of local schools to accommodate the scheme as well as the collective pressures from the other major new consents in the area eg the Blackwall Reach development. Currently there was already understood to be a shortage of school places in the general area resulting in children being 'bussed out' to schools elsewhere. There was also a lack of health care facilities and a general lack of infrastructure to accommodate the scheme alongside the other major developments in the area.
- The sustainability of the scheme given the last two points and that it accorded with the NPPF.
- It was also considered that the contributions should be awarded to the local area to mitigate impact, rather than pooled centrally as in the case of education.

In response Officers addressed each point raised by Members:

- The roof top play spaces remained part of the application. Overall the scheme provided an overprovision of communal amenity space in relation to policy requirements. One option was to relocate the play spaces to the ground floor. This could be achieved by switching the play spaces with some of the ground floor community amenity space to avoid any net loss in communal amenity space and this could be secured by a condition.
- Explained the process for allocating the education contributions. Education services pooled the s.106 contributions and sought to allocate the funding based on need in the Borough. It was considered that scheme provided the maximum level of contributions that could be provided based on the Council's Planning Obligations SPD and viability. The Council was also an education provider and would be extending the capacity of schools generally so there should be sufficient capacity to accommodate the development.
- The scheme was subject to an independent viability assessment. The assessment found that the scheme provided the maximum percentage

of affordable housing (25%) and contributions that could be supported based on the evidence available at the time. Officers were guided by this assessment and planning policy and could only consider the evidence presented to them. They expressed confidence that the independent assessment of the viability report was sound and it was based on the ability of the scheme/site to deliver the s.106 contributions not the applicant.

- The assessment looked at a variety of factors including reasonable profit margins and was carried out by a very experienced well established independent consultant.
- The applicant had since independently volunteered 28% affordable housing and to absorb CIL without impacting the s106 contributions possibly by reducing their profit margin.
- The materials would be conditioned to ensure they were suitable. The proposals included a variety of bricks colours. Brick buildings tended to be more sustainable. It was required that samples be submitted for approval.
- The proposal would create 425 jobs.
- Of the affordable housing element 30% would be intermediate housing and 70% provided under the affordable rent product. There were no social rent units.
- The rents levels were tested by POD Partnerships, the Council's housing consultancy agents. The research concluded that they were affordable to people in the Borough based on market research. The information from the RSLs and relevant experts indicated it would be very difficult to pepperpot the affordable and private rent units due to increased service charges that could make such charges for the affordable units too expensive. Furthermore, it was intended that there would be no difference in design and quality between the types of tenures. All occupants would also have to access the same community spaces therefore helping social cohesion.
- It was planned that the majority of commercial units would be occupied by small and medium sized businesses.

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

On a vote of 5 for and 0 against, with 0 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 Carlos Gibbs for the reasons set out below.

On a vote of 5 for and 0 against, with 0 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:

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. and as a result is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

The meeting ended at 8.55 p.m.

Chair,
Strategic Development Committee

Agenda Item 6

Committee	Date	Classification	Report No.	Agenda Item No.
Strategic Development Committee	31 st May 2012	Unrestricted		6
Report of: Assistant Chief Executive Originating Officer(s) : Zoe Folley, Democratic Services		Title : Strategic Development Committee Terms of Reference, Quorum, Membership and Dates of Meetings Ward(s) affected: N/A		

1. Summary

- 1.1 This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Strategic Development Committee for the Municipal Year 2012/13 for the information of members of the Committee.

2. Recommendation

- 2.1 That the Strategic Development Committee agrees to note its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

3. Background

- 3.1 At the Annual General Meeting of the full Council held on 16th May 2012, the Authority approved the proportionality, establishment of the Committees and Panels of the Council and appointment of Members thereto.
- 3.2 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 3.3 The Committee's meetings for the remainder of the year, as agreed at the Annual General Meeting of the Council on 16th May 2012, are as set out in Appendix 3 to this report.
- 3.4 In accordance with the programme of meetings for principal meetings, meetings are scheduled to take place at 7.00pm with the exception of one meeting which will start at 5.30pm to accommodate Members who may be participating in Ramadan.

4. Comments of the Chief Financial Officer

- 4.1 There are no specific comments arising from the recommendations in the report.

5. Concurrent report of the Assistant Chief Executive (Legal)

- 5.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 16th May 2012.

6. One Tower Hamlets Considerations

- 6.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

7. Sustainable Action for a Greener Environment

- 7.1 There are no specific SAGE implications arising from the recommendations in the report.

8. Risk Management Implications

- 8.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

9. Crime and Disorder Reduction Implications

- 9.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

10. Appendices

Appendix 1 - Strategic Development Committee Terms of Reference and Quorum

Appendix 2 - Strategic Development Committee Membership 2012/2013

Appendix 3 - Strategic Development Committee Meeting Dates 2012/2013

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

If not supplied
Name and telephone
number of holder

None

Zoe Folley
Democratic Services
020 7364 4877

APPENDIX 1

EXTRACT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.5 Strategic Development Committee

Seven Members of the Council. Up to three substitutes may be appointed for each Member.	
Functions	Delegation of Function
<p>To consider any matter listed within the terms of reference of the Development Committee where any one of the following applies:</p> <ul style="list-style-type: none"> – Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames). – Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area. iii. Applications for employment floor space on sites of more than 4 hectares. iv. Major infrastructure developments. v. Applications not in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres. vi. Applications on metropolitan open space involving buildings with a gross floor space exceeding 100 square metres. vii. Applications for developments including 200 or more car parking spaces. viii. Legal proceedings in relation to the matter are in existence or in contemplation. ix. Three or more members of the Development Committee are disqualified in some way from participating in the decision x. On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the 	No delegations

<p>Strategic Development Committee.</p> <p>xi. To consider any application or other planning matter referred to the Committee by the Corporate Director Development and Renewal where s/he considers it appropriate to do so (for example, if especially significant strategic issues are raised).</p> <p><i>It shall be for the Corporate Director Development & Renewal to determine whether a matter meets any of the above criteria.</i></p>	
<p>Quorum Three Members of the Committee</p>	

APPENDIX 2

STRATEGIC DEVELOPMENT COMMITTEE (Nine members of the Council)			
<i>Labour Group (5)</i>	<i>Conservative Group (2)</i>	<i>Respect Group (0)</i>	<i>Others (2)</i>
<p>Cllr Helal Abbas (Chair) Cllr Carlo Gibbs Cllr Bill Turner Cllr Helal Uddin Cllr Judith Gardiner</p> <p>Deputies:- Cllr Denise Jones Cllr Kosru Uddin Cllr Shiria Khatun</p>	<p>Cllr Dr Emma Jones Cllr Zara Davis</p> <p>Deputies:- Cllr Tim Archer Cllr Gloria Thienel Cllr Peter Golds</p>	n/a	<p>Cllr Stephanie Eaton (LD)</p> <p>(1 vacancy)</p>

This page is intentionally left blank

APPENDIX 3
SCHEDULE OF DATES 2012/13
STRATEGIC DEVELOPMENT COMMITTEE

5th July 2012
16th August 2012 (5.30pm)
27th September 2012
8th November 2012
13th December 2012
24th January 2013
7th March 2013
18th April 2013

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

This page is intentionally left blank

Agenda Item 7

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 8

Committee: Strategic Development	Date: 31 st May 2012	Classification: Unrestricted	Agenda Item No: 8
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
6 th March 2012	PA/11/02220 (Full Planning Application) PA/11/02221 (Conservation Area Consent)	London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London	Demolition of Whites Row Multi-Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street facade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works, together with a new pavilion building for retail accommodation (Use Class A1).	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.

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The following deferred application is for consideration by the Committee. The original report along with any update reports are attached.
- London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London

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

Brief Description of background papers:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

Agenda Item 8.1

Committee: Strategic Development	Date: 31 May 2012	Classification: Unrestricted	Agenda Item No: 8.1
Report of: Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Paul Buckenham		Ref No: PA/11/02220 PA/11/02221	
		Ward(s): Spitalfields and Banglatown	

1. APPLICATION DETAILS

Location: London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London

Existing Use: Offices, retail, public house, bank, private sports facility and car park.

Proposal: Demolition of Whites Row Multi-Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House) and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street facade and the erection of a six storey building with a basement for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works, together with a new pavilion building for retail accommodation (Use Class A1).

AMENDED PLANS

Amendments to external elevations of proposed building, proposed ground floor layout, increase in amount of proposed retail space.

Drawing's and documents: 0923_P20_SP00 A; 0923_P20_PB1 A; 0923_P20_P00 A; 0923_P20_P01 A; 0923_P20_P02 A; 0923_P20_P03 A; 0923_P20_P04 A; 0923_P20_P05A; 0923_P20_P06A;

0923_P20_E01A; 0923_P20_E02A; 0923_P20_E03A
0923_P20_E04A;

0923_P20_S01 A; 0923_P20_S02A; 0923_P20_S03A;
0923_P20_S04 A;

0923_P20_B01A; 0923_P20_B02A; 0923_P20_B03A;
0923_P20_B04A; 0923_P20_B05; 0923_P20_B06A;
0923_P20_B07A; 0923_P20_B08A; 0923_P20_B09A;
0923_P20_B10;

0923_P20_D_01;

0923_X10_SP00; 0923_X10_PB1; 0923_X10_P00;
0923_X10_P01; 0923_X10_P02; 0923_X10_P03;
0923_X10_P04; 0923_X10_P05;

0923_X10_E01; 0923_X10_E02; 0923_X10_E03;

0923_X10_E04; 0923_X10_E05; 0923_X10_E06
0923_P12_PB1; 0923_P12_P00; 0923_P12_P01;
0923_P12_P02; 0923_P12_P03; 0923_P12_P04
0923_P12_P05;

0923_P12_E01; 0923_P12_E02; 0923_P12_E03;
0923_P12_E04; 0923_P12_E05; 0923_P12_E06.

Design and Access Statement and Appendices;
Transport Assessment, Draft Travel Plan and
Delivery and Servicing Plan;
Energy Statement;
Sustainability Statement;
Statement of Community Involvement;
Draft Management Strategy;
Arboriculture Impact Assessment;
Environmental Statement (inc Non-Technical
Appendix)

Response to LBTH Transportation and Highways
comments

Response to LBTH Sustainability and Energy
comments

Summary PPS 5 case

Design and Access Statement Addendum

Replacement ES Volume 1: Non-Technical

Replacement ES Volume 3

ES Volume 5 Addendum

Update notes responding to indicative reasons for
refusal

- Employment
- Housing
- Gun Public House
- Executive Summary
- Financial viability appraisal supplemental note

Letters from Exemplar and City of London (dated
17 May 2012)

Applicant: Exemplar Properties (Brushfield) LLP
Ownership: Private
Historic Building: Grade I and Grade II Listed Buildings adjacent
Conservation Area: Fournier Street and Brick Lane Conservation Area
Artillery Passage Conservation Area

2. BACKGROUND

2.1 Applications for planning permission and Conservation Area Consent were reported to Strategic Development Committee on 6 March 2012 with an officer recommendation for approval. Copies of the committee report and associated addendum report are attached at Appendices 1 and 2.

2.2 Members deferred both applications and indicated that they were minded to refuse planning permission on the following grounds:

1. The loss of employment uses;

2. The lack of any on-site social housing development in the proposed scheme;
 3. The loss to the local environment and heritage that would arise from the proposed demolition of The Gun public house historic building.
- 2.3 The previous deferral provides an opportunity for officers to prepare a supplemental report setting out the reasons for refusal and the implications of the decision.
- 2.4 This report also summarises representations received following the committee meeting on 6 March, considers any implications of the National Planning Policy Framework (NPPF) introduced on 27 March 2012, provides further clarification of the proposed development and outlines any modifications proposed by the applicant in an attempt to respond to Members stated concerns.

3. REPRESENTATIONS

- 3.1 Since consideration of the applications on 6 March 2012, the following additional representations have been received.
- 3.2 One petition with 325 signatures objecting on the following grounds:
- ugly and architecturally substandard building proposed for Commercial Street, opposite Christ Church;
 - the removal of historic Dorset Street;
 - the demolition of the Gun Public House;
 - the demolition of Barclays Bank.
- 3.3 The petition includes the following suggested changes to address the objections:
- reopen historic Dorset Street as an east-west axis and suitable site for the development's restaurant plans;
 - insist on high quality buildings for Commercial Street opposite Christ Church;
 - reintroduce housing to this historically residential part of Spitalfields;
 - reserve all ground floor space for retail use.
- 3.4 One detailed letter and attachments from Spitalfields Trust and Spitalfields Community Group summarised as follows:
- The architecture should be more responsive within a conservation area; the 17th Century Dorset Street should be retained; more of the 1920s buildings (including the pub and bank) should be retained; the mix of uses should be richer to reflect economic and social diversity of the area and the scheme and include a variety of housing on site.
 - Following the SDC meeting on 6 March, Spitalfields Trust and Spitalfields Community Group met with Exemplar to discuss ways in which the scheme could be amended to respond to the objections but were advised by that the plans would not be amended. This has led the group to prepare an alternative development scheme for the site.

- Spitalfields Trust and Spitalfields Community group say that the alternative scheme shows how the site could be developed to enhance the historic and social character of the area, create on site housing and local employment, improve permeability, provide public spaces and retain Dorset Street. The scheme is intended to be a direct critique of the current application.
- Spitalfields Trust and Spitalfields Community Group say that If the site is developed with flare and sensitivity, the quality of life for all inhabitants and visitors to Spitalfields will be improved. There would be significant economic and social benefit.
- The objection letter is supported by concept diagrams and text setting out design rationale, analysis, and indicative floor plans and artists impressions of key views in and around the alternative development scheme.
- The letter is supported by a draft development analysis of commercial floor space in the application scheme and ion the alternative scheme. The analysis attempts to show the alternative scheme is also viable in terms of financial returns than the application scheme.

Officer comments

- 3.5 The petition does not raise any planning issues that are materially different from previous objections, reported to and considered by the Strategic Development Committee in reaching the decision to defer the applications.
- 3.6 The letter of objection submitted by Spitalfields Trust and Spitalfields Community Group does not raise any new matters of objection to the applications that have not been considered previously by the Strategic Development Committee but does introduce the concept of an alternative scheme to address matters of concern.
- 3.7 The illustrative proposals for an alterative scheme were prepared in response to the decision to defer the applications. The alternative scheme demonstrates that theoretically the site could be developed, but only in a manner that would seek to address those objections raised by the Spitalfields Trust, SCG and others to the application proposals.
- 3.8 This alternative scheme has not been the subject of any formal assessment in planning terms by officers at pre-application stage and is not the subject of a current planning application. Statutory consultees, local community and other stakeholders have not provided comments on the proposals.
- 3.9 Officers note that the Spitalfields Trust and Spitalfields Community Group have invested time and resources in preparing a conceptual alternative proposal. However the Local Planning Authority, in exercising its powers under the relevant Planning Acts, must consider only the development for which planning permission and conservation area consent has been applied for and consider such proposed development on its merits within the context of the development plan and other material considerations.
- 3.10 Presentation of an alternative approach to site re-development is capable of being a material consideration for the purposes of Section 70 of the Town and

Country Planning Act 1990, but the weight to be attributed to alternative approaches for which planning permission has not been applied for is very limited.

4 NATIONAL PLANNING POLICY FRAMEWORK

4.1 On 27 March 2012, the Government introduced the National Planning Policy Framework (NPPF) and withdrew the majority of former Planning Policy Statements and Planning Policy Guidance. The NPPF is a material consideration in determining all planning applications and must be taken into account in considering the information contained in this update report.

4.2 The National Planning Policy Framework introduces a presumption in favour of sustainable development for both plan-making and decision-taking. The NPPF says:

“The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”

4.3 The NPPF contains policy guidance directly relevant to determination of these applications. The NPPF contains policies for building a strong competitive economy. Paragraphs 18 and 19 say:

“The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

4.4 The NPPF replaces PPS5 (Planning and Heritage) and contains policies for conserving and enhancing the historic environment. Paragraph 131 says:

“In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

Further discussion on the relevance of the NPPF to considering the heritage aspects of these proposals is contained in section 5 of this report.

- 4.5 The NPPF must be reflected in the reasons given for the final decision on the applications, either in the reasons for refusal or in the event that permission is granted in the reasons for approval. A schedule containing amended reasons for approval, to replace those set out in Section 2 of the original 6 March 2012 report is attached at Appendix 3 to this report.

5. CLARIFICATIONS AND AMENDMENTS

- 5.1 Since the deferral of the applications on 6 March 2012, the applicant has sought to address the reasons for refusal by providing additional information, clarifications and amendments to the proposals.

Reason one – loss of employment uses

- 5.2 The table below sets out the existing area of each employment use on site and the proposed employment floor space by type as proposed.

Use	Existing	Proposed	Net Change
Office Space (B1)	20,996 sqm.	35,417	+14,421
Retail/other class A uses	1,635 sqm.	2,777	+1,142
Public House	300	300	0
SME Workspace	0 sqm.	2,000	+2,000
Total on-site employment floor space	22,931	40,494	+17,563

- 5.3 The table demonstrates that the proposal will deliver 17,563sq m GEA additional employment floor space than existing. Using the Homes and Communities Agency Employment Densities Guide (2nd Edition 2010) Benchmark for Employment Densities, the proposed employment floor space would be capable of delivering up to 3000 jobs, depending on how it is occupied.
- 5.4 As existing, the lawful use of the London Fruit and Wool Exchange is offices Class B1. There are no planning conditions relating to the existing building that restrict the size of the individual office floor plates and there are no conditions affecting the existing LFWE building that either seek or control the provision or protection of SME floor space.
- 5.5 The site has been earmarked for development for many years and consequently, the existing space has been rented to various occupiers on short term leases to retain an income whilst a long term redevelopment the scheme is prepared. It would be possible to revert the existing building into larger floor plates again without requiring planning permission.
- 5.6 The proposed scheme would include a dedicated proportion of floor space aimed at SME's. The applicant is proposing to increase this from 1,440 sqm. (previously presented) to 2,000 sqm. It is proposed that this SME space would be protected in perpetuity through a legal agreement.

- 5.7 The proposed development would therefore provide an intensification of employment floor space and opportunities for a range of employment types over and above the current situation and as such would be in line with Strategic Objective SO16 of the Core Strategy to support the growth of existing and future businesses in accessible an appropriate locations and policy SP06 which seeks to maximise and deliver investment and job creation in the borough and support the provision of a range of employment uses and spaces.
- 5.8 In addition to the creation of additional employment floor space, the applicant has sought to address concerns raised by Members relating to the relocation of existing tenants, the provision of employment and training opportunities both during the construction stage and over the long term use of the development.

Existing Tenants

- 5.9 In terms of the existing tenants, the following strategy is in place to assist the existing tenants re-locate:
- Extended notice period for vacant possession provided to all existing tenants;
 - First right of refusal to occupy new SME space created in the new scheme;
 - Transitional relief on rent to existing tenants. This will take the form of 1st year rent free and 2nd year at half rent;
 - First right of refusal offered to tenants for space within other City of London owned buildings in both Tower Hamlets and neighbouring Boroughs;
 - Active relocation strategy being run by the City of London Property Advisory Team in conjunction with LBTH Employment & Enterprise Team;
 - Advice provided on relocation process, professional advisors and assistance to identify relocation options;
 - Financial assistance to mitigate costs associated with relocation.
- 5.10 The applicant is working in partnership with the City of London Corporation to co-ordinate the managed relocation of existing tenants into alternative accommodation with the prospect of future engagement and return to the proposed redeveloped LFWE. This has been confirmed formally in a letter received from the City of London Corporation dated 17 May 2012.

Employment & Training during Construction

- 5.11 During the course of construction, the following employment and training initiatives will be delivered:
- Minimum of 75 apprenticeships;
 - Commitment to work with suppliers and contractors to offer additional apprenticeships once construction is completed;
 - Minimum 20% of all construction jobs to be taken by local people (defined as LBTH residents);
 - Minimum of 144 weeks of 'Work Placements' during construction across all organisations, sectors, and functions within the supply chain;
 - 20% of suppliers and services to be provided by local suppliers (defined as those within LBTH);

- Job Ready training for local construction staff (including CSC cards and Health & Safety);
- Mentoring both on site and within the local area;
- Hosting of 'Jobs Fairs' prior to commencement on site to advertise positions locally;
- Agree methodology for participating in LBTH strategies before commencement on site;

Long Term Employment and Training Strategy

5.12 The applicant, the construction contractors and long term occupiers of the proposed scheme will enter into a social compact to include an Employment & Training Strategy controlled through the Section 106 legal agreement and ongoing work with Tower Hamlets Employment & Enterprise Team. The strategy will comprise the following elements.

- Minimum of 20 Work Placements per annum to people in education locally
- Commitment to Secondary School visits and attendance at Careers fairs
- Mentoring Programme for local students
- Target minimum of 20% 'Local Employment' on site.
- Advance notification of all new jobs to LBTH Employment & Enterprise Team;
- 'Meet the Buyer' events where local suppliers can meet the occupiers and explore opportunities for local procurement;

Proposed Employment and Skills Centre

5.13 Recent development work has identified a large number of workless residents in and/or around the Spitalfields, Whitechapel and Weavers area of Tower Hamlets. The Employment & Enterprise team within the Council has explored extending the provision of its employment, skills development and brokerage services to assist local people into jobs.

5.14 The LFWE development provides an opportunity to assist in the set up of a local brokerage service to develop the Council's overall advice and guidance provision which will lead to an increased volume of local residents taking up job vacancies. It is proposed to establish a new facility to enhance local engagement of workless residents and begin them on their journey toward economic activity and employment.

5.15 For the facility to be successful it must provide relevant advice, guidance and support services for local residents to overcome any barriers to work and to then identify aspirations and career goals. This would be achieved through relevant skills training, focussed work experience placements, assistance with preparation for interviews and introductions to employers. This model is outlined in the Council's Employment Strategy 2011 as the "Route way to Work".

5.16 A facility of this nature would contain a core employment brokerage function through the Tower Hamlets Skillsmatch service and partnership working with third sector organisations, training providers (including TH College) and Jobcentre Plus to enhance the local offer and widen vacancy access. A facility of this kind would involve a longer term plan 5-10 years and costs would be in the region of £200k set up and approximately £200k per year to operate which includes ongoing building costs. Funding models have been

explored for a facility of this kind and success would be based on a shared cost basis.

- 5.17 The service would focus its engagement on the local residential area of the west of the borough. It would also tap into the local employment market which includes the retail, hospitality and hotels sectors. The facility and its advisers would work alongside other employment and training providers to co-ordinate the service offer and form part of the Council's overall response to low employment rates and high unemployment rates.
- 5.18 The applicant is proposing to assist with the establishment of the centre through:
- The provision of 500 sqm. of floor space to accommodate the employment and skills centre rent and service charge free for 10 years;
 - The provision of an additional financial contribution of £500,000 towards pump priming the initial set up of the new centre.
- 5.19 The proposed Employment and Skills Centre would be a use falling predominantly within class A2 (financial and professional services) with some class B1 office space. The proposed centre would therefore fall within the scope of the uses for which permission has been sought.
- 5.20 The proposed pavilion building on the south west corner of the site has been identified by the applicant as a potential location within the scheme to accommodate the new centre.
- 5.21 The applicant has stated that they and the future tenant(s) of the retail and office space will also make a commitment for occupiers to work with the Centre - for example by committing to providing advanced information on all employment opportunities within the scheme to the Centre and Tower Hamlets.
- 5.22 The Centre would work alongside the Council's Employment and Enterprise Team to engage a minimum of 1,000 local workless residents per year, to up-skill or train 305 people per year and place a minimum of 150 people into jobs. Over the lifetime of the programme this equates to 1,500 local people placed into sustainable employment
- 5.23 The applicant, construction contractor and long term occupiers will provide a dedicated 'Liaison Officer' who will work with LBTH to ensure the employment & training opportunities outlined above are delivered.
- 5.24 In conclusion officers consider that the proposed development will have a wide range of tangible benefits in terms of local job creation that would outweigh any displacement of the existing jobs and businesses occupying space in LFWE and that appropriate measures would be put in place by the applicant and site owner to assist firms in finding suitable alternative accommodation and to potentially return to the development.
- 5.25 The enhanced planning obligations package with specific commitments to delivering local job creation and training, through financial contributions along with the establishment of the employment and skills centre offer a major public benefit to the Borough.

- 5.26 The enhanced offer would contribute towards improving skills and reducing worklessness in the local community thereby helping to deliver against the Community Plan objective A Prosperous Community, the Core Strategy policies SP06 to maximise and deliver investment and job creation in the borough and strategic objectives to improve education, skills and training and encourage life long learning (SO17) and policy SP07(B) supporting and working with the Skillsmatch job brokerage service to increase the number of local people obtaining access to employment opportunities.

Reason Two – The lack of any on-site social housing development in the proposed scheme.

- 5.27 Members previously resolved that they were minded to refuse planning permission on grounds of the lack of any on site affordable housing arising from the fact that the development subject of the application was wholly commercial in nature, being a mix of office and employment floor space with associated retail, café and restaurant uses.
- 5.28 Members will be aware that Tower Hamlets Core Strategy policy for the provision of affordable housing applies only in respect of residential developments where 10 or more housing units are proposed.
- 5.29 The London Plan and Tower Hamlets policies generally support office use in this location. The site is located in the Central Activities Zone (CAZ) where the London Plan recognises that the CAZ is the country's most important strategic office location and identifies a strategic priority to promote and co-ordinate development to provide a competitive, integrated and varied global business location.
- 5.30 The site is identified as a City Fringe Area Opportunity Site in the LBTH Interim Planning Guidance (2007). Policy CFR8 identifies employment, retail and open space as the preferred uses for the site.
- 5.31 The site falls outside of the Bishopsgate Corridor Preferred Office Location identified in Core Strategy policy SP06, this designation is intended to ensure that larger office floor plate development can be accommodated in accessible locations adjacent to the City of London and at Canary Wharf. The Managing Development DPD policy DM16 clarifies that the POL designation acts as a safeguard against loss of office floor space in these locations.
- 5.32 Policies 2.11 and 4.3 of the London Plan require that, where an increase in office floor space is proposed within the CAZ, it should provide for a mix of uses including housing, "*unless such a mix would demonstrably conflict with other policies in the London Plan*". The development proposes a mix of uses comprising office, retail, and restaurant and SME space, but does not include housing.
- 5.33 The applicant has set out that the scheme seeks to provide excellent office accommodation and retail space to support one of the strategic priorities of CAZ' as stated in the London Plan. The applicant has stated that the provision of on-site housing would fundamentally constrain the potential of the optimum office and retail development on the site to support the CAZ function in this way.

- 5.34 The applicant is not proposing to amend the scheme to include housing but is mindful of the need to address the principles behind London Plan Policy 4.3 and previously proposed a financial contribution towards the delivery of off site affordable housing.
- 5.35 The principle of a commuted sum in lieu of on-site provision had previously been accepted by the GLA as an appropriate in this case to meet the London Plan CAZ policies and mixed use objectives. The Managing Development DPD policy DM3 includes off site affordable housing provision as one of the range of affordable housing delivery mechanisms. The proposed financial contribution has been increased by the applicant from £300,000 to £1million to address Members concerns that the contribution would need to properly mitigate the failure to provide residential accommodation within the scheme.
- 5.36 The Council will need to facilitate the delivery of a significant level of new affordable housing in the next five years. Given national funding constraints, the effective use of existing land and assets is a vital part of any strategy to deliver this.
- 5.37 Tower Hamlets Homes and the Council have commissioned feasibility work on the capacity to carry out development on a number of in-fill sites on nine estates where earlier studies have shown that these estates have the greatest opportunity for infill development. It is envisaged that the results of the estates capacity work will be ready by Autumn 2012.
- 5.38 In addition to the estate capacity work, the Council is looking at the development capacity of approximately 15 surplus sites in its ownership with the potential of delivering new affordable homes (subject to planning permission).
- 5.39 Given the increasing financial constraints that affect housing and more specifically affordable housing delivery, the contribution could be used beneficially to unlock or speed up the delivery of homes on sites where funding is a critical issue. The contribution could enable an affordable housing scheme that already has permission but is lacking funds to be completed or to pump prime new schemes.
- 5.40 In conclusion, the mixed use approach to development within the CAZ as advocated in the London plan represents an important material consideration. Officers consider that the proposed contribution of £1 million towards off site affordable housing delivery is an appropriate response to meeting the objectives of the policy and could be used beneficially on to deliver housing through the Council's future development programmes or affordable housing initiatives.
- 5.41 In the event that Members do not agree with this conclusion, a suggested reason for refusal is included in Section 7 of this report.

Reason Three – The loss to the local environment and heritage that would arise from the proposed demolition of the Gun public house historic building.

- 5.42 The application proposes the demolition of the Gun Public House and proposes to provide a replacement public house as part of the ground floor mix of uses within the new development in the same location, on the corner of

Brushfield Street and Crispin Street. The applicant has also advised that the current brewery have confirmed they will operate the new public house if planning permission is granted and the scheme is developed.

- 5.43 Members will be aware that the planning system cannot control the operation of the proposed public house but can control the size and mix of uses in the proposed scheme to ensure a replacement public house is included.
- 5.44 In dealing with applications that affect heritage assets, the NPPF advises that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.”*
- 5.45 As set out in the 6th March report ,the designated heritage assets affected by the proposed development are the Brick Lane and Fournier Street Conservation Area, the Artillery Passage Conservation Area (in terms of its setting) and the setting of listed buildings adjoining and close to the site. The undesignated heritage assets affected by the development are the buildings within Brick Lane and Fourier Street Conservation area namely the Gun Public House, the bank at 99-101 Commercial Street, London Fruit and Wool Exchange.
- 5.46 The NPPF advises that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 5.47 The applicant’s assessment of the significance of The Gun public house itself in terms of the wider conservation area is limited and hence the harm caused by its demolition would be less than substantial.
- 5.48 English Heritage have stated in their response to the applications that they consider the non-designated assets including the public house are significant in their own right and make a positive contribution to Brick lane and Fournier Street Conservation Area. Demolition of these buildings would cause substantial harm to the conservation area and their replacement with a single building that eliminates the divisions between the buildings within the urban block would be inappropriate and would fail to preserve or enhance the character and appearance of the Conservation Area.
- 5.49 In the context of this advice, officers have taken a precautionary approach by ensuring that the recommendation to grant conservation area consent and planning permission is made in the context of the higher test of balancing the harm caused by the loss of the public house to the wider conservation area against the public benefits of the replacement development proposed.
- 5.50 As set out in the previous report to the Strategic Development Committee, officers consider that there are substantial public benefits that would flow from the proposed development, which must be taken into account in reaching a decision. These are:

- Comprehensive redevelopment of the site to provide a building of appropriate scale, height and appearance for the local context;
- Improved permeability through the site and a better relationship between the building frontages and the street with ground floor shops, cafes and restaurants,
- Provision of new publicly accessible open spaces;
- Removal of the White's Row multi-storey car park which is described as an opportunity site in the Conservation Area Character Appraisal;
- Delivery of a key employment site, with the associated job opportunities;
- Provision of a number of training and access to employment initiatives to maximise the employment opportunities for local people, including the proposed employment and skills centre on site;
- Provision of protected space for small and medium enterprises;
- Benefits to the local economy through additional spending power of future occupants.

5.51 In conclusion, officers consider that the level of harm caused to heritage and the local environment from the loss of the public house (in itself and to the wider conservation area) would be outweighed by the wider public benefits including substantial job creation and regeneration benefits of the overall scheme. Accordingly the policy tests of the NPPF would be met.

5.52 In the event that your committee do not agree with this conclusion, a suggested reason for refusal is included in Section 7 of this report.

Additional financial contributions

5.53 Members will note that since the deferral of the applications on 6th March, the proposed contribution towards affordable housing in lieu of onsite provision has been increased from £300,000 to £1 million and that an additional sum of £500,000 has been offered by the applicant to support the set up costs of the proposed on-site Employment and Skills Centre. The total increase would be equivalent to £1.2 million.

5.54 A Supplemental Financial Review of development viability has been undertaken by the applicant to assess the effect on development viability of increasing the financial contributions associated with the scheme, to update the previous viability assessment carried out in October 2011 and reported to the Strategic Development Committee on 6 March 2012.

5.55 The updated financial assessment comes to a conclusion that additional contributions of £800,000 could be afforded without rendering the development unviable. The reasons cited in the applicant's assessment are a fall in forecast construction tender price inflation, added confidence in the regeneration effects of the proposed development and the increased interest in the potential to achieve a pre-let of the main office floor space.

- 5.56 Officers have sought independent advice on the revised offer and associated viability assessment. In summary the independent advice concludes that whilst a re-assessment of build cost inflation may have been a factor which has changed the development appraisal calculation, the likelihood of a significant pre-let of the proposed commercial floor space by a prospective tenant is far more important in influencing the improved financial offer. Together, these factors have changed the appraisal calculation and prompted the improved financial contributions.
- 5.57 The advice to officers also recommends that if Members are minded to grant permission, the associated legal agreement should ensure that the proposed contributions are offered on an unconditional basis, that the trigger points for payments are set appropriately too ensure the contributions can be used to properly mitigate the impact of the development and that the contribution towards affordable housing delivery is used on schemes being promoted on Council or Tower Hamlets Homes sites to avoid land costs.
- 5.58 The Council has received a letter from Exemplar setting out that interest in the scheme has been received from a number of potential occupiers and they are in active discussions with two occupiers who would like to pre-let a significant part of the scheme. The letter goes on to say that the increased interest has allowed greater certainty to be factored into the appraisals and has enabled the improved offer that has been submitted. The letter explains that the overall offer exceeds that tested in the viability assessment by £400,000 in view of a commercial decision on the part of the applicant to increase the Employment and Skills Centre contribution from £100,000 (in the viability assessment) to £500,000 to ensure that the centre has the best chance of success.
- 5.59 In conclusion, the additional financial contributions can be taken into account as material considerations by Members in coming to a decision on the application for planning permission. However in coming to a decision, Members are also reminded of the provisions of regulation 122 of the Community Infrastructure Regulations 2010 which state:
- A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*
- (a) necessary to make the development acceptable in planning terms;*
 - (b) directly related to the development; and*
 - (c) fairly and reasonably related in scale and kind to the development*
- 5.59 The contribution towards the employment and skills centre start-up costs is not required explicitly by planning policies, but is intended to ensure that delivery of the centre would not be fettered by financial considerations. Whilst this contribution is a material consideration it would not “necessary” to grant permission within the meaning of the above regulations.
- 5.60 The contribution towards off-site affordable housing is considered necessary within the meaning of the above regulations in order to meet the objectives of the London Plan policies for mixed use development in the CAZ. The additional contribution that would arise if the Crossrail contribution is discounted for early payment and transferred to the Council for affordable housing delivery is entirely voluntary and therefore this element would not be necessary in terms of the regulations.

6. RECOMMENDATION

6.1 In light of the additional information and amendments to the scheme officers maintain the previous recommendation to grant planning permission and conservation area consent, subject to changes to the proposed heads of terms as set out for completeness below.

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

A. Any direction by The London Mayor;

B. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

- | | |
|--|------------|
| • Contribution to training, employment and enterprise initiatives | £700,000 |
| • Contribution to training centre start up costs (additional) | £500,000 |
| • Contribution to off site affordable housing delivery (increased) | £1,000,000 |
| • Contribution to local community facilities | £350,000 |
| • Contribution to borough Idea Stores, libraries and archives | £31,282 |
| • Contribution to borough indoor leisure facilities | £101,147 |
| • Contribution to local public open space and public realm | £199,227 |
| • Contribution to local heritage initiatives | £412,152 |
| • Contribution to sustainable transport projects | £48,000 |
| • Standard monitoring charge (2%) | £66,836 |
|
 | |
| • Total Tower Hamlets contributions | £3,408,644 |
|
 | |
| • Contribution to Crossrail | £2,026,716 |
|
 | |
| • Standard clause to allow for 20% reduction in Crossrail contribution if paid by 31 March 2013; | |
|
 | |
| • Additional affordable housing contribution equivalent to the value of 20% of the Crossrail contribution in the event that the standard discount arrangement would apply; | |
|
 | |
| • Strategy for managed relocation of all existing firms (detailed above); | |
|
 | |
| • Provision and safeguarding of 2,000sq m of SME floor space. | |

Employment and training during construction

- Target to achieve at least 20% of all construction and ancillary jobs to be taken by Tower Hamlets residents;
- Commitment to use reasonable endeavours to achieve throughout the construction period that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable;
- Commitment to provide minimum 75 local apprenticeships leading to recognised technical or vocational qualifications during construction phase;
- To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete

supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown;

- Job ready training for local construction staff;
- Mentoring both on site and within the local area;
- Strategy for local promotion of construction positions.

Long term employment and training opportunities

- Provision of a dedicated 'Tower Hamlets Spitalfields employment and skills centre, minimum 500 sqm. Floor space provided rent free for 10 years, with location and specification to be agreed;
- Main occupier of the office floor space to enter into a Social Compact to facilitate training, work experience and apprenticeships to maximise access to employment opportunities including
 - minimum of 20 Work Placements per annum to people in education locally
 - commitment to Secondary School visits and attendance at careers fairs
 - mentoring programme for local students
- Target minimum of 20% 'Local Employment' on site;
- Advance notification of all new jobs to LBTH Employment & Enterprise Team;
- 'Meet the Buyer' events where local suppliers can meet the occupiers and explore opportunities for local procurement;
- Commitment to ensure that occupiers of the commercial floor space across the development work with the Council to procure 20% of supplies and services locally subject to procurement/competition rules;

6.3 That the Strategic Development Committee note that the contribution towards the employment and skills centre start-up costs, the proposed provision of space rent free to facilitate the establishment of the training centre and the additional contribution toward off site affordable housing arising from the Crossrail payment discounts are material considerations but are not necessary to grant planning permission under the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

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

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

Conditions:

1. Permission valid for 3 years;

2. Development in accordance with approved plans;
3. Details of the following matters to be submitted to the local planning authority for approval prior to commencement of the development and the development to be carried out strictly in accordance with the approved details:
 - All external facing materials with mock ups to be provided, including materials facing the central courtyard and public routes;
 - Detailed design of the proposed pavilion building;
 - Detailed design of the proposed top two floors of the main office building;
 - Details of all proposed fenestration;
 - Details of the treatment of the internal face of the retained LFWE Brushfield Street elevation;
 - Details of the design of the proposed junction between the retained LFWE Brushfield Street elevation and new development either side;
 - External hard and soft landscape treatment within the site boundary including the central courtyard and public routes;
 - Finished floor levels and associated external spot heights for the public route, public spaces and ground floor internal spaces;
 - Street scene improvement works including hard and soft landscaping, way-finding and tree planting to Brushfield Street, Crispin Street, White's Row and Commercial Street;
 - Detailed design of proposed footway crossings and visibility splays for the proposed vehicular access points on Crispin Street;
 - Construction management plan;
 - Delivery and servicing plan;
 - Written scheme of archaeological investigation;
 - Ground contamination survey and remediation strategy;
 - Water impact assessment in conjunction with Thames Water.
4. Details of the following matters to be submitted to the local planning authority prior to commencement of the relevant part of the development and the development to be carried out strictly in accordance with the approved details:
 - Shop front and external signage design code;
 - External lighting and CCTV;
 - External mechanical ventilation and plant;
 - Design of the proposed green roofs and bat boxes;
 - Secure cycle parking, changing and shower facilities for occupiers and visitors;
 - Electric vehicle charging points.
5. Details of the following matters to be submitted to the local planning authority and implemented strictly in accordance with the approved details, prior to first occupation of any part of the development hereby permitted:
 - Internal lighting strategy to prevent obtrusive light spill, as set out in the Environmental Statement and Addendum submitted with the planning application;
 - Public art strategy;
 - Estate management strategy;
 - Noise and vibration assessment for external plant and machinery in accordance with BS4142.

6. Details of tree planting, including species to be provided prior to commencement of the development and the agreed planting scheme to be implemented during the first planting season following first occupation of any part of the development.
7. Limit on hours of construction.
8. Noise levels for plant not to exceed existing background levels.
9. Restriction of class A3 and A4 uses to no more than 50% of overall provision of ground floor class A1-A4 floor space.
10. Restriction of retail, restaurant, café and public house (Class A1, A2, A3 and A4 uses) customer/public opening hours to 0900-2300 hours Mondays to Saturdays and 0900 -2230 hours Sundays and Bank Holidays.
11. Limitation on size of ground floor retail, café and restaurant uses to prevent amalgamation.
12. Development shall not commence until a 278 agreement with the local highway authority and Transport for London has been completed for highway and street scene improvement works surrounding the site.
13. The development shall not be occupied until the site archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation. A
14. Development shall not be occupied until the central stone pediment to the Brushfield Street elevation has been reinstated in full to the satisfaction of the local planning authority in accordance with the approved plans.
15. Development shall not be occupied until street scene improvement works have been completed in accordance with S278 agreement.
16. Secure the provision of minimum area of photo voltaic cells on the roof of the development.

Informatives:

1. Definition of development for the purposes of discharging relevant conditions;
 2. The permission is subject to a S106 agreement;
 3. Contact Thames Water;
 3. Building Regulation Approval required;
 4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 6.6 That, if within 6 weeks of the receipt by LBTH of the Mayor of London's Stage II report the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated the power to refuse planning permission.
- 6.7 That the Strategic Development Committee resolve to **GRANT CONSERVATION AREA CONSENT** for application PA/11/02221 subject to the following conditions and informatives:

Conditions

1. Demolition to commence within 3 years;
2. Demolition in accordance with approved plans
3. Demolition shall not commence until details of the following matters have been submitted to and approved by the local planning authority and demolition to take place strictly in accordance with the approved details:
 - Scheme of archaeological investigation and recording

- Means of site enclosure;
 - Demolition method statement and management plan;
 - Façade retention method statement.
4. Demolition not to take place during the black redstart nesting season (April to July inclusive), until a black redstart survey has been undertaken immediately prior to commencement of demolition.
 5. Grampian condition preventing demolition works until submission of details of a construction contract relating to the associated planning permission PA/11/02220 or an alternative means of ensuring that demolition on the site will only occur immediately prior to the development of the new building.
 6. Recording of important architectural or historic features
 7. Materials salvage and re-use arrangements.

Informatives:

1. Submission of demolition notice under the Building Regulations

- 6.8 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.

7. CONCLUSIONS

- 7.1 Taking into account all relevant policies and material considerations officers recommend that planning permission and conservation area consent should be granted.
- 7.2 If Members are minded to refuse the application in line with the resolution to defer, subject to any direction by the Mayor of London, the suggested reasons for refusal are as follows:

Planning permission

1. The proposed development would provide a significant increase in office floor space within a large development scheme falling within the London Central Activities Zone (CAZ), without directly providing housing on site as part of a mixed use development. The proposed development would therefore be contrary to policies 2.11 and 4.3 of the London Plan 2011 which seeks to ensure that new office development within the CAZ delivers a mix of uses including housing in the interests of ensuring economic growth is complimented and supported by appropriate levels of housing.
- 2 The demolition of the Gun Public House would cause total loss of an existing heritage asset that makes a positive contribution to the Brick Lane and Fournier Street Conservation Area. Its replacement with a building of inappropriate of scale, bulk and massing, within an inappropriate design approach that eliminates the divisions between separate buildings within the urban block would fail to preserve or enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area and would harm the setting of neighbouring listed buildings contrary to policy 7.8 of the London Plan, policy SP10 of the Core Strategy 2010, saved policy DEV28 of the Unitary Development Plan 1998, policies DM24 and 27 of the Managing Development DPD

(submission version 2012) and policy CON2 of the Council's Interim Planning Guidance 2007.

Conservation area consent

1. The demolition of the London Fruit and Wool Exchange (except Brushfield Street façade), Gun Public House, bank at 99-101 Commercial Street and the White's Row Car Park, in the absence of an acceptable redevelopment proposal would be premature and would harm the character and appearance of the Brick Lane and Fournier Street Conservation Area, would harm the setting of adjacent and nearby listed buildings and would be contrary to policy 7.8 of the London Plan (2011), policy SP10 of the Core Strategy 2012, saved policy DEV28 of the Tower Hamlets Unitary Development Plan 1998, policy CON2 of the Council's Interim Planning Guidance 2007.

8. IMPLICATIONS OF A DECISION TO REFUSE PLANNING PERMISSION

- 8.1 If the Strategic Development Committee resolves to refuse planning permission and conservation area consent, the applications must be referred back to the Mayor of London under the provisions of the Planning Acts and the Town and Country Planning (Mayor of London) Order 2008. The Mayor of London must then determine whether to take over the application for his own determination or allow the planning authority's decision to stand.
- 8.2 If the applications are subsequently refused, the applicant could decide to submit an amended application to overcome the reasons for refusal or the applicant could appeal to the Secretary of State.
- 8.3 In considering the implications arising from defending an appeal, officers must take into account the relative strength of the proposed reasons for refusal, notwithstanding the suggested reasons set out section 7 of the report.
- 8.4 In respect of the reasons for refusal indicated by the Strategic Development Committee, officers consider that the first reason relating to loss of employment uses can be addressed adequately through the direct job creation opportunities arising from the scheme, the measures to assist with relocation of existing businesses, the enhanced training and employment commitments that aim to ensure that local people have the best possible opportunities to take up jobs arising from this and other developments in the area, all of which would be secured through planning obligations and conditions. For this reason, officers consider that it would not be possible to defend this reason for refusal at appeal.
- 8.5 In respect of the second reason for refusal relating to the failure of the scheme to provide any on site affordable housing, an Inspector would take into account whether the failure of the scheme to provide on-site housing would have a harmful effect on delivering against the Council's housing targets or would undermine the application of the London Plan policies for mixed use development.
- 8.6 The proposed financial contribution for off-site affordable housing offered in lieu of provision within the scheme would be a material consideration. Officers consider that this reason would be defensible on appeal but consideration

would have to be given to the level of off site affordable housing contribution being offered to mitigate the extent of policy non-compliance.

- 8.7 In respect of the third reason for refusal, an Inspector would take into account how the loss of the heritage asset and the proposed replacement development would meet the statutory tests of preserving and enhancing the character and appearance of the conservation area and the effect on the setting of listed buildings. In coming to a final view, an Inspector would take into account policies in the NPPF which require the heritage issues to be balanced against public benefits arising from the development. Officers consider that this reason could be defended on appeal, but the extent to which this may be successful would depend on the Inspectors judgement on the relative weight to be applied to heritage and regeneration matters.
- 8.8 There are two financial implications arising from appeals against the Council's decision. 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 Regulation 122 of the Community Infrastructure Regulations 2011, including whether they are necessary to enable the development to proceed.
- 8.9 Notwithstanding, the above, the Council would vigorously defend any appeal that may arise.

9. APPENDICIES

- 9.1 Appendix One – Strategic Development Committee Report to Members on 6 March 2012.
- 9.2 Appendix Two – Addendum Report 6 March 2012.
- 9.3 Appendix Three – Amended summary of material planning considerations

This page is intentionally left blank

Committee: Strategic Development	Date: 6 March 2012	Classification: Unrestricted	Agenda Item Number:
---	------------------------------	--	----------------------------

Report of: Director of Development and Renewal	Title: Applications for Planning Permission and Conservation Area Consent
Case Officer: Paul Buckenham	Ref No: PA/11/02220 (Full Planning Application) PA/11/02221 (Conservation Area Consent)
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield St & Whites Row Car Park, London

Existing Use: Offices, retail, public house, bank, private sports facility and car park.

Proposal: Demolition of Whites Row Multi-Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street facade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works, together with a new pavilion building for retail accommodation (Use Class A1).

AMENDED PLANS

Amendments to external elevations of proposed building, proposed ground floor layout, increase in amount of proposed retail space.

Drawing's and documents: 0923_P20_SP00 A; 0923_P20_PB1 A; 0923_P20_P00 A;
0923_P20_P01 A; 0923_P20_P02 A; 0923_P20_P03 A;
0923_P20_P04 A; 0923_P20_P05A; 0923_P20_P06A;

0923_P20_E01A; 0923_P20_E02A; 0923_P20_E03A
0923_P20_E04A;

0923_P20_S01 A; 0923_P20_S02A; 0923_P20_S03A;
0923_P20_S04 A;

0923_P20_B01A; 0923_P20_B02A; 0923_P20_B03A;
0923_P20_B04A; 0923_P20_B05; 0923_P20_B06A;
0923_P20_B07A; 0923_P20_B08A; 0923_P20_B09A;
0923_P20_B10;

0923_P20_D_01;

0923_X10_SP00; 0923_X10_PB1; 0923_X10_P00;
0923_X10_P01; 0923_X10_P02; 0923_X10_P03;
0923_X10_P04; 0923_X10_P05;

0923_X10_E01; 0923_X10_E02; 0923_X10_E03;
0923_X10_E04; 0923_X10_E05; 0923_X10_E06
0923_P12_PB1; 0923_P12_P00; 0923_P12_P01;
0923_P12_P02; 0923_P12_P03; 0923_P12_P04
0923_P12_P05;

0923_P12_E01; 0923_P12_E02; 0923_P12_E03;
0923_P12_E04; 0923_P12_E05; 0923_P12_E06.

Design and Access Statement and Appendices;
Transport Assessment, Draft Travel Plan and
Delivery and Servicing Plan;
Energy Statement;
Sustainability Statement;
Statement of Community Involvement;
Draft Management Strategy;
Arboricultural Impact Assessment;
Environmental Statement (inc Non-Technical
Appendix)

Response to LBTH Transportation and Highways
comments
Response to LBTH Sustainability and Energy
comments
Summary PPS 5 case
Design and Access Statement Addendum
Replacement ES Volume 1: Non-Technical
Replacement ES Volume 3
ES Volume 5 Addendum

Applicant: Exemplar Properties (Brushfield) LLP
Ownership: Private
Historic Building: Grade I and Grade II Listed Buildings adjacent
Conservation Area: Fournier Street and Brick Lane
Artillery Passage

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's planning policies contained in Adopted Core Strategy (2010), Tower Hamlets Unitary Development Plan (Saved Policies 2007), Interim Planning Guidance (2007), Managing Development DPD (2012), the London Plan (2011), relevant supplementary planning guidance and national planning policy and has found that:

Conservation Area Consent:

- 2.2 The demolition of the White's Row car park, Gun Public House and Bank (99-101 Commercial Street) and partial demolition of the London Fruit and Wool Exchange would be acceptable only in the context of proposed re-development of the site, as permitted by the linked planning permission (PA/11/02220). The extent of demolition of buildings within the conservation area would be outweighed by the merits of the proposed development in terms of design and attendant public benefits. Demolition would therefore comply with national planning policy in PPS5, saved policy DEV28 of the Unitary Development Plan (1998), policy CON2 of the Council's Interim Policy Guidance (2007), policy SP10 of the Core Strategy (2010) and policy DM27 of the Managing Development DPD (proposed submission version) 2012.

Planning Application:

- 2.3 The proposed development would provide an employment and retail mixed used scheme, including space for small and medium enterprises, creating a wide range of job opportunities and local economic benefits in an accessible location. The proposals provide significant benefits in terms of more intensive use of the site and contribute to the enhancement of vitality of Spitalfields and the immediate locality. The development would accord with national planning policy PPS4, the London Plan objectives for the Central Activities Zone, policy SPO6 of the Core Strategy, saved policies CAZ1, DEV3, EMP1, EMP6, EMP7 and EMP8 of the Council's Unitary Development Plan (1998), policy EE2 of the Interim Planning Guidance (2007) and draft policy DM15 of the Managing Development DPD (draft submission document) 2012.
- 2.4 The design of the proposed development, in terms of building height, scale, bulk, detail, use of materials, public permeability, improved sense of place and additional ground floor activity is acceptable and would be of sufficient quality to permit the demolition of buildings within the conservation area. The proposed development would preserve and enhance the character and appearance of Brick Lane and Fournier Street Conservation Area and enhance the setting of adjacent listed buildings, in accordance with the objectives of national planning policy in PPS1 and PPS5 to achieve high quality design, policies 7.1-7.6 of the London Plan, policy SP10 of the Core Strategy 2011, saved policies DEV1, and DEV2 of the Tower Hamlets Unitary Development Plan, policies DEV1, DEV2, DEV3, DEV27 of the Interim Planning Guidance 2007 and draft policy DM24 and DM27 of the Managing Development DPD (draft submission document) 2012.
- 2.5 The impact of the development on the amenity of neighbours, in terms of impact on light, overshadowing, noise, privacy or any increase in the sense of enclosure is acceptable, given the general compliance with relevant Building Research Establishment's Guidance and the urban context of the site and its surroundings. As such, it accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), policies SP02 and SP10 of the Council's Core Strategy (2010) and draft policy DM25 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure development does not have an adverse impact on neighbouring amenity.

- 2.6 Transport matters, including car parking, cycle parking, vehicular access and servicing, pedestrian access and inclusive design are acceptable and in line with London Plan policies 6.1, 6.9, 6.13, saved policies T16, T18 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) and policy DM22 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.7 Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 5.1-5.3 of the London Plan (2011), policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policies SP04, SP05 and SP11 of the of the Core Strategy Development Plan Document (2010), and draft policy DM29 of the Managing Development DPD which seek to promote sustainable development practices and energy efficiency.
- 2.8 Planning obligations have been secured towards the provision of access to employment and training initiatives, local enterprise, heritage initiatives, community facilities, leisure and open space, public realm and street scene improvements, off site affordable housing and contributions towards Crossrail, in line with the requirements of Regulation 122 of Community Infrastructure Levy (2010); Government Circular 05/05; the London Plan 2011, policy S03 and SP13 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Planning Obligations Supplementary Planning Guidance 2012.

3. RECOMMENDATION

- 3.1. That the Strategic Development Committee resolve to **GRANT PLANNING PERMISSION** for application PA/11/02220 subject to:

A. Any direction by The London Mayor;

B. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the following planning obligations:

• Contribution to training, employment and enterprise initiatives	£700,000
• Contribution to off site affordable housing delivery	£300,000
• Contribution to local community facilities	£350,000
• Contribution to borough Idea Stores, libraries and archives	£31,282
• Contribution to borough indoor leisure facilities	£101,147
• Contribution to local public open space and public realm	£199,227
• Contribution to local heritage initiatives	£412,152
• Contribution to sustainable transport projects	£48,000
• Standard monitoring charge (2%)	£42,776
• Contribution to Crossrail,	£2,111,198

- Standard clause to allow for 20% reduction in Crossrail contribution if paid by 31 March 2013;
 - Additional affordable housing contribution equivalent to the value of 20% of the Crossrail contribution in the event that the standard discount arrangement would apply;
 - Strategy for managed relocation of all existing firms;
 - Achieve at least 20% of all construction and ancillary jobs to be taken by Tower Hamlets residents;
 - Commitment to use reasonable endeavours to achieve throughout the construction period that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable;
 - Commitment to provide minimum 75 local apprenticeships leading to recognised technical or vocational qualifications during construction phase;
 - To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown;
 - Main occupier of the office floor space enters into a Social Compact to facilitate training, work experience and apprenticeships to maximise access to employment opportunities;
 - Commitment to ensure that occupiers of the commercial floor space across the development work with the Council to procure 20% of supplies and services locally subject to procurement/competition rules.
- 3.2 That the Strategic Development Committee note that the additional contribution for employment training and enterprise over and above the standard contribution and the additional contribution toward off site affordable housing arising from the Crossrail payment discounts are not necessary under the provisions of regulation 122 of the Community Infrastructure Levy Regulations 2010 or guidance in Circular 05/05 to grant planning permission.
- 3.3 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
- 3.4 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions:

1. Permission valid for 3 years;
2. Development in accordance with approved plans;

3. Details of the following matters to be submitted to the local planning authority for approval prior to commencement of the development and the development to be carried out strictly in accordance with the approved details:
 - All external facing materials with mock ups to be provided, including materials facing the central courtyard and public routes;
 - Detailed design of the proposed pavilion building;
 - Detailed design of the proposed top two floors of the main office building;
 - Details of all proposed fenestration;
 - Details of the treatment of the internal face of the retained LFWE Brushfield Street elevation;
 - Details of the design of the proposed junction between the retained LFWE Brushfield Street elevation and new development either side;
 - External hard and soft landscape treatment within the site boundary including the central courtyard and public routes;
 - Finished floor levels and associated external spot heights for the public route, public spaces and ground floor internal spaces;
 - Street scene improvement works including hard and soft landscaping, way-finding and tree planting to Brushfield Street, Crispin Street, White's Row and Commercial Street;
 - Detailed design of proposed footway crossings and visibility splays for the proposed vehicular access points on Crispin Street;
 - Construction management plan;
 - Delivery and servicing plan;
 - Written scheme of archaeological investigation;
 - Ground contamination survey and remediation strategy;
 - Water impact assessment in conjunction with Thames Water.

4. Details of the following matters to be submitted to the local planning authority prior to commencement of the relevant part of the development and the development to be carried out strictly in accordance with the approved details:
 - Shop front and external signage design code;
 - External lighting and CCTV;
 - External mechanical ventilation and plant;
 - Design of the proposed green roofs and bat boxes;
 - Secure cycle parking, changing and shower facilities for occupiers and visitors;
 - Electric vehicle charging points.

5. Details of the following matters to be submitted to the local planning authority and implemented strictly in accordance with the approved details, prior to first occupation of any part of the development hereby permitted:
 - Internal lighting strategy to prevent obtrusive light spill, as set out in the Environmental Statement and Addendum submitted with the planning application;
 - Public art strategy;
 - Estate management strategy;
 - Noise and vibration assessment for external plant and machinery in accordance with BS4142.

6. Details of tree planting, including species to be provided prior to commencement of the development and the agreed planting scheme to be implemented during the first planting season following first occupation of any part of the development.
7. Limit on hours of construction.
8. Noise levels for plant not to exceed existing background levels.
9. Restriction of class A3 and A4 uses to no more than 50% of overall provision of ground floor class A1-A4 floor space.
10. Restriction of retail, restaurant, café and public house (Class A1, A2, A3 and A4 uses) customer/public opening hours to 0900-2300 hours Mondays to Saturdays and 0900 -2230 hours Sundays and Bank Holidays.
11. Limitation on size of ground floor retail, café and restaurant uses to prevent amalgamation.
12. Development shall not commence until a 278 agreement with the local highway authority and Transport for London has been completed for highway and street scene improvement works surrounding the site.
13. The development shall not be occupied until the site archaeological investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation. A
14. Development shall not be occupied until the central stone pediment to the Brushfield Street elevation has been reinstated in full to the satisfaction of the local planning authority in accordance with the approved plans.
15. Development shall not be occupied until street scene improvement works have been completed in accordance with S278 agreement.
16. Secure the provision of minimum area of photo voltaic cells on the roof of the development.

Informatives:

1. Definition of development for the purposes of discharging relevant conditions;
 2. The permission is subject to a S106 agreement;
 3. Contact Thames Water;
 3. Building Regulation Approval required;
 4. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 3.4 That, if within 6 weeks of the receipt by LBTH of the Mayor of London's Stage II report the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated the power to refuse planning permission.
- 3.5 That the Strategic Development Committee resolve to **GRANT CONSERVATION AREA CONSENT** for application PA/11/02221 subject to the following conditions and informatives:

Conditions

1. Demolition to commence within 3 years;
2. Demolition in accordance with approved plans
3. Demolition shall not commence until details of the following matters have been submitted to and approved by the local planning authority and demolition to take place strictly in accordance with the approved details:
 - Scheme of archaeological investigation and recording

- Means of site enclosure;
 - Demolition method statement and management plan;
 - Façade retention method statement.
4. Demolition not to take place during the black redstart nesting season (April to July inclusive), until a black redstart survey has been undertaken immediately prior to commencement of demolition.
 5. Grampian condition preventing demolition works until submission of details of a construction contract relating to the associated planning permission PA/11/02220 or an alternative means of ensuring that demolition on the site will only occur immediately prior to the development of the new building.
 6. Recording of important architectural or historic features
 7. Materials salvage and re-use arrangements.

Informatives:

1. Submission of demolition notice under the Building Regulations

4. DETAILS OF PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS

Details of Proposed Development

4.1 Planning permission and conservation area consent are sought for the demolition of the White's Row multi-storey car park, the LFWE behind the retained Brushfield Street façade, Gun Public House and Bank at 99-101 Commercial Street and the comprehensive redevelopment for a mix of uses including offices, small business space, retail, services, restaurants, cafes and licensed premises.

4.2 The proposal would provide the following floor space (GEA):

Offices (class B1)	35,977 sqm
Small business space (B1)	1,440 sqm
Retail (A1, A2, A3, A4)	3,077 sqm
Parking/servicing	1,323 sqm
Total	41,817 sqm

4.3 The proposals would remove the existing east/west service route (non-adopted road) known as Duval Street running between Crispin Street and Commercial Street which separates the LFWE from the multi-storey car park.

4.4 Amended plans and supporting documents were submitted on 23 January 2012 and related to changes to the external appearance of the proposed building and minor changes to the proposed ground floor layout.

4.5 The application includes an Environmental Statement (amended) submitted under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

Proposed Building Form

4.6 The proposed development comprises a part three, part four and part six storey building to provide high quality flexible office space, managed accommodation for small and medium enterprises, ground floor retail space, cafes, restaurants and

public house. A small scale single storey pavilion building for retail or restaurant use is proposed adjacent to the junction of White's Row and Crispin Street.

- 4.7 The main front façade of the LFWE (77m in length) between the existing bank and public house would be retained in its entirety. The façade would be adapted to form an integral part of the proposed development, linked to the new development at either end of the facade (replacing the existing bank and public house) and the main building behind.
- 4.8 The façade would be adapted by removing existing ground floor windows and stall risers and by dropping the openings to street level to form a new ground floor public arcade, with the principal elevation of the office building set 2.5m behind the facade.
- 4.9 The main volume of the new building would have four floors (ground plus three) with the architectural approach comprising a series of broad brick piers with a strong vertical emphasis, large recessed windows and reconstituted stone spandrels running between.
- 4.10 The top two floors above the main four storey element would be set back 9 metres from the main elevation and expressed architecturally as a distinct element, with vertical perforated metal solar shading and re-constituted stone shading. A sedum roof would be proposed as part of this roof top element. A terrace with perimeter planting is proposed between the set back top floors and the main building elevations.
- 4.11 The proposed development would step down in height to provide a lower three-storey element to the south, respecting the lower scale buildings in White's Row. This element would also step forward slightly facing onto Commercial Street to read as visually distinct element set against the main volume of the building behind.
- 4.12 The proposed corner elements that are proposed to replace the public house and bank building break down the architectural appearance to smaller scale elements, to provide a more intimate scale, with greater horizontal emphasis. The corner elements are set forward by approximately 2 metres in relation to the west and east main elevations to express these as distinct from the main building volume behind. The corner elements would be chamfered by 45 degrees (to Brushfield Street, Commercial Street and Crispin Street) to provided added interest and some continuity with existing architectural arrangements and detailing.
- 4.13 The scheme has been designed to allow flexible occupation of the main office floors by more than one main tenant, with two office receptions situated behind the main LFWE entrance on either side of the new public route, with doors facing the front arcade and public route.
- 4.14 The overall design approach sets out to respond to the different townscape settings on each side of the site, whilst maintaining a unifying theme. The design approach would create the impression of three distinct elements along Commercial Street and along Brushfield Street, including the retained façade, to break down the perceived mass of the building.

- 4.15 The proposed development also includes the removal of an existing 1960's roof extension and the re-instatement of original stone centrepiece on the LFWE Brushfield Street elevation. Proposed facing materials would comprise predominantly red brick and re-constituted stone. Typical floor plans, elevations and key verified views are shown in Appendix A.
- 4.16 The proposed redevelopment includes the formation of two new open spaces. A new public open space on the corner of Crispin Street and White's Row (1,060 sqm) would be created by stepping the building volume back in this location. A new central courtyard, (410 sqm) would be created, accessed via a public route running north/south through the development from the main LFWE entrance to the proposed open space at White's Row. The majority of the central courtyard would be open to the elements. The public routes would be bridged in two places north and south of the central courtyard by the first floor offices above. Bridging has been kept to a minimum (13m depth to the front and 16m depth to the rear) with 34 metres of the total 63 metre public route through the site open to the elements. Where bridging occurs this would be 4.3 m above ground level to ensure that a generous, welcoming space is created.
- 4.17 The courtyard and public route would be framed by shop, cafe and restaurant units at ground floor to provide animation and to ensure the route feels genuinely public. High quality hard and soft landscaping, public art and lighting is proposed within the open spaces. York Stone paving would be used through the central route and courtyard to provide a continuous surface treatment linking to the adjoining streets.
- 4.18 A package of public realm improvements for the adjoining streets are also proposed, to accord with the Council's proposed Brushfield Street Improvement Scheme (designed but not implemented) involving revised on street parking arrangements, and more generous pedestrian routes in front of the development. The landscape proposals include an option to remove existing trees and replace these on a new alignment to frame the proposed development and improve the views towards Christ Church.
- 4.19 Improvements to paving and additional tree planting (where possible) are proposed for Crispin Street, White's Row and Commercial Street. York Stone paving is proposed to tie in with street scene improvements carried out already to the western part of Brushfield Street. Taking into account the public paved route and public spaces, the proposed redevelopment would generate approximately 1,800 sq metres of publicly accessible space.
- 4.20 Ground levels taper across the site from north to south with White's Row being approximately 1.4 metres below the ground level of Brushfield Street. The difference in levels is accommodated within the public route through two ramps; one from the central courtyard and one from the southern public space to White's Row. A small flight of steps is also proposed from White's Row to the open space.

Parking and servicing arrangements

- 4.21 Eight car parking spaces including two disabled spaces are proposed at basement level along with 180 employee cycle stands and 16 motorcycle spaces. Access to

the basement would be via a ramp from Crispin Street, 29 metres from the south west corner of the development site boundary.

- 4.22 All servicing would take place within a combined service yard accessed midway along Crispin Street and would contain three service bays capable of accommodating vehicles up to the size of a large refuse vehicle. Sufficient space is proposed for loading and unloading. A central recycling and waste storage facility is proposed at basement level and would be transported by lift to the service yard for collection.

5.0 Site and Surroundings

- 5.1 The application site is located on the south side of Brushfield Street, Spitalfields, close to the administrative boundary with City of London. The site occupies a prominent position directly opposite Spitalfields Market and diagonally opposite Christ Church, Spitalfields, bounded to the east by Commercial Street, to the south by White's Row and to the west by Crispin Street.
- 5.2 The site measures 0.842 hectares and contains four buildings the London Fruit and Wool Exchange (LFWE) building dating from 1929, the Gun Public House and Bank (99-101 Commercial Street) dating from similar period and White's Row multi-storey car park dating from 1969/71. The site and surroundings are shown in Appendix A.
- 5.3 LFWE provides four floors of managed business space provided by the City of London and is occupied by a mix of 61 small businesses, a private gym with squash courts and a private medical facility. Duval Street (a private road) runs through the site to the rear of LFWE separating this from the White's Row multi-storey car park and is used for at grade parking and servicing for tenants of LFWE. Vehicular access to the car park is from White's Row.
- 5.4 The surrounding area contains a mix of retail, office, food and drink and residential properties, including accommodation above ground floor commercial properties. Spitalfields Market and new buildings to the west at Bishops Square have large footprints and in the case of the latter, includes a tall modern office building at the western end of Brushfield Street. Areas to the south and east are characterised by generally lower scale buildings, typically 3-4 storeys and a fine grain mix with smaller scale building plots and narrow streets.
- 5.6 The site falls within Brick Lane and Fournier Street Conservation Area which contains a high concentration of listed and locally listed buildings – 111 in total. The nearest to the site are Christ Church Spitalfields (Grade I listed), 52 Brushfield Street (Grade II), 5 White's Row, Old Spitalfields Market Buildings (Grade II). None of the buildings within the site are listed.
- 5.7 The site is also close to the boundary of the Artillery Passage Conservation Area to the south west.
- 5.8 The site is well served by public transport. Liverpool Street station is 0.5 km to the south west and Shoreditch High Street Overground Station is 0.5km to the north. Extensive bus services run along Commercial Street and Bishopsgate.

6. RELEVANT PLANNING HISTORY

- 6.1 LBTH Ref: PA/04/00916 - Application for demolition of existing buildings and structures, and redevelopment to provide a basement and lower ground floor plus six storey mixed use development comprising Class B1 offices (27,509 m²) and Class A1 and A3 uses (4,130 m²), together with ancillary storage use and parking facilities, and a new vehicle access from Whites Row. Undetermined – returned by local planning authority 13 April 2011.
- 6.2 LBTH Ref: PA/10/01288 - Temporary change of use of Rooms 41/43 of the London Fruit Exchange from B1 (office) to chiropractic Clinic (Use Class D1) for the duration of the applicant's leasehold use and occupation. Permission granted - 26/08/2010

7. POLICY FRAMEWORK

- 7.1 The development plan comprises the London Plan 2011, UDP 1998 saved policies (2007) and Tower Hamlets Core Strategy 2010. The Council adopted Interim Planning Guidance (referred to as IPG) for the purposes of development control in 2007.
- 7.2 The Council has commenced public consultation (call for representations) on the Proposed Submission Version of Managing Development DPD 2012 (referred to as the MD DPD). The MD DPD has reached the same stage in preparation as the IPG. Officers consider the DM DPD to carry more weight, given it is more recent and provides local context to policies contained within the Core Strategy (2010) and the London Plan 2012 and recent national planning policy statements.
- 7.3 The following policies are considered relevant to the applications:

7.4 National Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise
PPS25	Development and Flood Risk

Draft National Planning Policy Framework

7.5 Spatial Development Strategy for Greater London The London Plan 2011

2.10 – 2.12	Central Activities Zone policies
4.1	Developing London's economy
4.2	Offices
4.3	Mixed use and offices

- 4.11 Encouraging a connected economy
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport Infrastructure
- 7.2 An inclusive environment
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.9 Heritage-led regeneration

Use of Planning Obligations in the funding of Crossrail

7.6 **Tower Hamlets Core Strategy (adopted 2010)**

- SO1 – SO25 Strategic Objectives for Tower Hamlets
- SP01 Refocusing on our town centres
- 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 place making – Priorities and Principles
- SP13 Planning Obligations
- Annex Delivering place making - Spitalfields

7.7 **Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Designations within the vicinity of the site are as follows:

Central Area Zone

Special Policy Area (SPA) where a diverse and balanced mix of use is to be maintained

Area of archaeological importance potential

Strategic view consultation area

- ST15 Local Economy
- ST17 High Quality Work Environments
- ST26 Existing Residential Accommodation
- ST35 Local Shops
- ST43 Public Art
- ST51 Public Utilities
- DEV1 Design Requirements
- DEV2 Environmental Requirements
- DEV3 Mixed Use Developments

DEV4	Planning Obligations
DEV8	Local Views
DEV12	Provision of Landscaping in Development
DEV28	Demolition in Conservation Areas
DEV42	Scheduled Ancient Monuments
DEV43	Protection of Archaeological Heritage
DEV44	Preservation of Archaeological Remains
DEV50	Noise
DEV51	Contaminated Soil
DEV53	Conditions on Consents
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
CAZ 1	Central Activities Zone
EMP1	Promoting economic growth and employment opportunities
EMP7	Employing Local People
EMP8	Enhancing Employment Opportunities
EMP10	Encouraging Small Business Growth
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrians Needs in New Development
S10	Requirements for new shop front proposals

7.8 Tower Hamlets Interim Planning Guidance 2007

CF4 Employment (B1), Residential (C3) and Retail (A1, A2, A3, and A4)

CAZ

Conservation Area

Archaeological Priority Area

Strategic View Consultation Area

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 Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles

DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment / Change of Use of Employment Sites
RT5	Evening and Night-time Economy
CON2	Conservation
CON3	Protection
CON4	Archaeology
CON5	Protection
U1	Utilities

7.9 **Managing Development DPD 2012 (proposed submission version)**

DM1	Development within the town centre hierarchy
DM2	Protecting local shops
DM 15	Local job creation and investment
DM16	Office locations
DM20	Supporting a sustainable transport network
DM22	Parking
DM23	Streets and the public realm
DM24	Place sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the historic environment
DM29	Achieving a zero carbon borough and addressing climate change

7.10 **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

7.11 **Other plans and policies**

- Tower Hamlets Planning Obligations SPD
- Brick Lane and Fournier Street Conservation Area – Character Appraisal and Management Guidelines
- Artillery Passage Conservation Area – Character Appraisal and Management Guidelines

8. **CONSULTATION RESPONSE**

8.1 The following were consulted with regard to the applications. Responses are summarised below. Full representations are available to view on the case file. The views of officers within the Directorate of Development and Renewal are expressed within Section 8 - Material Planning Considerations.

- 8.2 Where further comments have been received following the consultation on amended plans, these are highlighted below. Additional comments are anticipated from English Heritage and Twentieth Century Society. If these are received prior to the Committee meeting they will be included in an update report.

Tower Hamlets Consultees

Crime Prevention Officer

- 8.3 No objection in principle, but raises concern over night time security within central courtyard space and through route. Gates should be installed at either end so that the management has the option of closing the area should they need to.

Environmental Health

- 8.4 No objection in principal. A full noise and vibration assessment for mechanical and electrical (M&E) plant is required; guidance can be sought through BS4142.
- 8.5 The mechanical and engineering plant must not increase the existing background noise level at the times required to operate and low frequency noise should also be taken into consideration. Advice should be sought through environmental protection on the noise metrics to be used and noise limit criteria that should apply at residential and commercial receptors.
- 8.6 Any commercial kitchens should comply fully with the DEFRA guidance 2005 on the control of odour and noise from commercial kitchen exhaust systems.

Transportation & Highways

- 8.7 No objection in principle including to the demolition and removal of the White's Row car park. The trip generation is acceptable and demonstrates that there will be an overall increase in the number of person trips over the existing situation as a result of the development proposals.
- 8.8 Justification for provision of 8 car parking spaces including 2 disabled spaces is required, given high public transport accessibility of the site.
- 8.9 Provision of parking for 16 motorcycles is supported. Minimum of three electric vehicle charging points are required to be installed from the outset, with passive provision secured for a further two spaces.
- 8.10 The provision of 180 cycle parking spaces is welcomed and details are required showing the type of stand to be installed and demonstrating that the minimum dimensions and clearances can be achieved. Further information on provision for shower, changing and locker facilities for employees who cycle to work and therefore further information is required.
- 8.11 Servicing arrangements supported in principle, given constraints of site and form of development. Concern over the width of the proposed crossover (approximately 10 metres) as this is a long distance over which pedestrians must travel without any form of refuge. Further information is required detailing how the applicant will ensure that vehicles do not impede the movements of vehicles or pedestrians along Crispin

Street while the gates to the service yard are being opened. Visibility splays are required.

- 8.12 A Delivery and Servicing Plan will need to be secured by planning condition or obligation and form part of future tenancy agreements for the commercial units. Service yard operation should be revised to preclude servicing from occurring during the hours of 0700-1000 and 1600-1900.
- 8.13 The requirement for Travel Plans should be included as part of a Section 106 Agreement to cover the implementation of Travel Plans in accordance with the framework submitted to and approved by the Council, the appointment of a Travel Plan Co-ordinator role to ensure the implementation and monitoring of the Travel Plans and a contribution of £3,000 to Tower Hamlets Council towards monitoring of Travel Plans.
- 8.14 The Applicant is asked to confirm that no part of the building over-sails or projects into, over or under the public highway and doors/gates must be redesigned and revised so that they do not open out over the public highway. A contribution towards public realm/highway improvement works is requested and a Construction Management Plan should be secured via condition.
- 8.15 Private forecourt/areas to be drained within the site and not into the Public Highway and the scheme of highway works to be agreed prior to commencement, secured through S.278 agreement and implemented prior to occupation.
- 8.16 General comments provided on construction phase highway requirements.

CLC Landscape Section

- 8.17 No objections.

CLC Strategy

- 8.18 Note increase in employees as a result of the increased floor space on the site following proposed redevelopment. In accordance with the Planning Obligations SPD, contributions are requested to mitigate the impact of the development. Financial contributions should be secured through planning obligations for Leisure Facilities (£101,147), Public Open Space (£199,227) and public realm (£412,152).

Waste Policy and Development

- 8.18 Waste management arrangements are satisfactory as described in Delivery and Service Plan under Waste Management Strategy. One third of this capacity must be retained for the storage of separated waste for recycling. Restaurants must have a private refuse and recycling collection contract in place with a licensed waste collector who can provide a Waste Transfer Note for the material carried.

External consultation responses

English Heritage

Initial comments

- 8.19 English Heritage object to the demolition of the Gun Public House and the bank building and express concern with regard to the extent of demolition of all but the

front elevation of LFWE. Detailed comments have been provided and are summarised below.

- 8.20 The Gun Public House, Bank and LFWE are important conservation area buildings, make positive contributions to the character and appearance of the conservation area and were included in the Conservation Area because they provide the prime focus for the setting for the front elevation of Christ Church Spitalfields as set out in the Council's Conservation Area Character Appraisal.
- 8.21 An important part of the significance of LFWE is its relationship to Spitalfields Market which plays an important part in shaping the character of this part of the Conservation Area.
- 8.22 Proposed demolition of LFWE, Bank and Public House would cause substantial harm to the designated heritage asset (the conservation area) and complete loss of significance to the undesignated assets (the buildings within the conservation area). Policy HE 9.2 of PPS5 would apply.
- 8.23 EH Raise concern about the scale of the proposed office development and reiterate general concerns about the encroachment of city scale offices into Spitalfields, the City Fringe and the impact on the character of the conservation area.
- 8.24 Attention is drawn to harm caused by the proposal to key views from within the conservation area, particularly the view along Commercial Street.
- 8.25 English Heritage object to the loss of Duval Street (formerly Dorset Street) which has historic significance. The proposed north-south route is noted as beneficial to the development, but would not outweigh the objection to the loss of Duval Street.
- 8.26 Note the beneficial impact on the views from Artillery Lane Conservation Area but this would not outweigh considerable harm caused by the proposals to Brick Lane and Fournier Street Conservation Area.
- 8.27 There is no objection to the demolition of White's Row car park.
- Further comments on amended plans
- 8.28 Previous letter clearly described the significance of the existing Fruit & Wool Exchange, Barclay's bank building and The Gun Public House and set out overriding concerns which included the proposed loss of the Barclay's bank building and The Gun Public House, to which we objected. The amended scheme does not include the retention of either the bank or public house but rather includes revised elevations for those parts of the site. English Heritage consider that these amendments would not, in any way, compensate for the loss of the existing structures.
- 8.29 The proposed revisions with regard to the Commercial Street elevations and slight amendments with regard to the building line fronting that street do not address our fundamental concerns with regard to that aspect of the proposal as set out in the earlier letter.
- 8.30 Points raised in both letters should be addressed within any Committee Report.

- 8.31 English Heritage object to both the Conservation Area Consent Application and Planning Application and we urge that both applications are refused.

English Heritage Archaeology

- 8.32 The development site lies in an area of high archaeological potential. It is in a designated Area of Archaeological Interest as defined by the Council, and significant remains from the Roman and medieval periods, including burials, have been found within the immediate vicinity of the site. The development of the Spitalfields area in the 17th and 18th centuries is also of significance in understanding the expansion of the City fringe areas, and how the activities, occupations and buildings from that period continues to have a strong influence in the present character of the area.
- 8.33 The southern area of the site, that presently occupied by the White's Row car park, does not have basement levels, and that up to 3m of archaeological deposits may be present on this area of the site. The potential for archaeological deposits under the Fruit and Wool Exchange building is lesser for later deposits, but still remains for deep cut features and earlier activity. The proposed development includes basement levels across the entirety of the site, which will clearly have a detrimental affect on any archaeological remains present.
- 8.34 In accordance with the recommendations given in PPS 5, Policy HE 12.3, and in the borough's saved UDP policies DV42 - 45, a record should be made of the heritage assets prior to development, in order to preserve and enhance understanding of the assets.
- 8.35 Conditions required such that:
- A) No development shall take place until the applicant has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.
 - B) No development or demolition shall take place other than that in accordance with the Written Scheme of Investigation approved under Part (A).
 - C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured..

Greater London Authority

- 8.36 Stage 1 response confirms that London Plan policies on Central Activities Zone, mix of uses; urban design, inclusive access, sustainable development and transport are relevant to this application. The application is broadly acceptable in strategic planning terms, but on balance does not comply with the London Plan for the following reasons:

Mix of uses –consider the potential for off site housing provision nearby or propose a financial contribution for off site provision.

Urban design – provide information on whether the re-use of the Gun Public House building for residential or employment uses would be feasible. Details of the pavilion

building's street facing materials are sought. An activity strategy should be developed for the arcade and north south route.

Inclusive access – ensure a genuinely intuitive and inclusive wheelchair route is between Brushfield Street and White's Row.

Sustainable development – further commitments with respect to renewable energy, overall carbon dioxide savings, urban greening and sustainable drainage are required.

Transport – further information is required to address matters relating to parking, trip generation, travel planning, walking and Crossrail.

- 8.37 In addition to the representations contained within the Stage 1 report, the Mayor of London has expressed concern at the loss of the existing Gun Public House and the treatment of the building facades at the corners of Brushfield Street with Crispin Street and Commercial Street. He urges the applicant to retain the public house if possible and provide an appropriate architectural response.

GLA comments on amended plans

- 8.38 Following the receipt of amended plans, the GLA has provided further officer level comments to update the Stage 1 response. The final position will be confirmed following the Stage 2 referral.
- 8.39 In summary, whilst GLA officers are disappointed that the revised proposals do not seek to retain The Gun PH, the submitted revisions are broadly welcomed in response to the urban design concerns raised at consultation stage. Officers would now be content to positively recommend the scheme to the London Mayor in design terms.
- 8.40 GLA officers note that the applicant has committed to the required Crossrail contribution, which will be secured by the Council within the section 106 legal agreement. This is supported.
- 8.41 GLA officers also note that a contribution has been secured for the provision of affordable housing, with the potential to top this up should the Crossrail contribution be paid before 31 March 2013 and the resulting 20% discount redirected towards affordable housing. The GLA understands that the Council has identified a site close to the proposed development which would benefit from these funds in order to contribute towards the delivery of additional affordable units. This response is supported in accordance with the principles of London Plan CAZ mixed use policy, and officers are content this would address outstanding concerns with respect to London Plan Policy 4.3.

Transport for London

- 8.42 TfL notes that 6 car parking spaces are proposed at basement level for employees and would prefer car free development in this location. TfL accepts however that the level is within the London Plan maximum. Two spaces are proposed to be fitted with electric vehicle charging points. In order to comply with London Plan policy 6.13, this should be increased to three and passive provision should be made for a further 10%

(two spaces). The proposal to provide two accessible spaces for dedicated use by blue-badge holders is also welcomed.

- 8.43 180 cycle parking spaces are proposed for the office element of the scheme, which accords with London Plan policy 6.13. Details requested regarding the precise number and location of cycle parking to be provided for visitors to the retail uses, as this should be in line with TfL's minimum standards and should be accessible and secured.
- 8.44 The number of trips likely to be generated by the proposed development can be accommodated on the bus network. The capacity of the TLRN is unlikely to be constrained by either the trip generated by the proposed development or the removal of the Whites Row car park. The proposals are therefore in line with London Plan policy 6.1 and 6.12.
- 8.45 The applicant should enter into a Section 278 agreement with TfL to carry out highway improvement works to Commercial Street
- 8.46 A framework travel plan has been prepared, which is acceptable considering that the occupiers of the proposed development are currently unknown. Prior to occupation of the development, further information will be required to develop a full travel plan. The full travel plan should be secured through the section 106 agreement, in line with London Plan policy 6.1.
- 8.47 In order to improve conditions for walking, TfL seeks a contribution towards improving way-finding in the area close to the site in accordance with the principles of the Legible London scheme.
- 8.48 TfL supports servicing from Crispin Street considering its distance from the TLRN, and the highway constraints of both Brushfield Street and Whites Row. The draft delivery and servicing plan prepared by the applicant should be secured through the planning permission.
- 8.49 The framework for a construction traffic management plan has also been prepared by the applicant and the proposed content is welcomed as it outlines the likely route of construction vehicles. Further detail should be added regarding how trips will be restricted to off-peak hours. The plan should be secured by condition or through the S106 agreement.
- 8.50 In view of the strategic regional importance of Crossrail to London's economic regeneration and development and in order to bring the project to fruition in suitably timely and economic manner, a contribution of £2,111,198 will be sought in line with the Use of Planning Obligations in the funding of Crossrail SPG.

London Fire and Emergency Planning Authority

- 8.51 Pump appliance access to the perimeter appears adequate. Water supplies for the fire service not addressed in supplied documents. Existing pavement hydrants should not be covered or altered. The proposal should conform to the requirements of Part B of the Building Regulations.

Thames Water

- 8.52 Detailed comments provided on surface water drainage, storm water protection, surface water drainage from parking area. Impact studies of the existing water supply infrastructure have to be submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water) prior to commencement of development. Overall flows to combined sewers should not exceed historic flows and this may often be achievable by agreed surface water retention.

Twentieth Century Society

- 8.53 Despite the amended proposals which incorporate a greater level of detailing with regards to the replacement corner buildings and a wider palette of appropriate materials, the Society maintains its objections to the loss of the pub and bank buildings. Combined with LFWE the existing buildings as a group provide considerable townscape merit. The ensemble is a successful and appropriately scaled setting for Christ Church, the adjacent listed market building and other listed buildings and in keeping with the character of Brick Lane and Fournier Street conservation area.

- 8.54 The whole façade and ensemble of buildings should be retained as part of any development.

Other external bodies consulted

- 8.55 The following were consulted but have not provided comments:

- National Grid
- EDF Energy Networks Ltd
- City of London Corporation
- London Borough of Hackney
- Commission for Architecture & Built Environment
- Council for British Archaeology
- Georgian Group
- The Society for the Protection of Ancient Buildings

- Victorian Society
- Spitalfields Society
- Tower Hill Improvement Trust

Local Representation

- 8.56 Site notices for both applications displayed on 6 October and 30 January (amended plans). Proposals advertised in the press on 3 and 10 October and 30 January (amended plans). A total of 774 addresses were notified in writing.
- 8.57 108 letters of objection and two petitions with a total 254 signatures have been received from local residents, businesses, employees, occupiers of the LFWE, users of LFWE facilities, the Spitalfields Community Association and the Spitalfields Trust.
- 8.58 124 letters of support have been received from local residents, businesses and the Rector of Christ Church, Spitalfields. 1 letter of general comment received, requesting further public consultation.

8.59 The break down in relation to initial consultation responses and subsequent responses following amended plans consultation is set out below. For completeness, all issues raised in objection or in support are summarised in this report. The full representations are available to view on the case file.

	Type	Initial consultation	Amended plans	Total
Objection	Individual representations	49	8	57
	Standard letters	51	0	51
	Petitions	2	0	2
				(254 signatures)
Support	Individual representations	9	1	10
	Standard letters	61	53	114
	Petitions	0	0	0

8.60 Objections relate to the following matters:

- Scale of proposed development would be monolithic and out of character;
- Height would be inappropriate and dominate Christ Church;
- Design is bland, of poor quality of architecture and the design of the proposed development would not be appropriate for it's prominent and sensitive setting;
- Extent of proposed demolition and effect of the proposed development on the setting of surrounding heritage buildings;
- Lack of street activity within the ground floor of the elevations;
- Loss of the Gun Public House – a prominent and local landmark;
- Development does not respond positively to the established mix of uses in Spitalfields
- Development should contain residential accommodation;
- Lack of permeability due to the development occupying the whole site;
- Impact of loading area on traffic congestion in Crispin Street;
- Noise and disturbance from customers using proposed ground floor uses (public house, restaurants etc);
- Proposed public space will attract anti-social activity;
- Loss of space for 61 small businesses currently provided for in LFWE;

- Proposed SME space is insufficient;
- Loss of motor cycle parking within the multi-storey car park;
- Loss of parking generally for employees and visitors will impact on economic prosperity and tourism in Brick Lane and Spitalfields
- Loss of existing squash courts without viable replacement facilities (petition with 206 signatures).

8.61 Comments in support relate to:

- Proposed re-provision of public house to replace the existing Gun PH;
- Support for retention of façade on Brushfield Street;
- Opportunity for replacement tree planting to improve vista of Christ Church;'
- Building design is sensitive, a practical solution and responds to local needs;
- Varied approach to street elevations and proposed new north-south through route are supported;
- Development would create jobs for local people;
- Removal of car park supported;
- Scale, mass and relationship to Christ Church is appropriate;
- Opportunity to improve junction of White's Row with Commercial Street;

8.62 The response to third party representations in the assessment of the applications is included in Section 9 below - Material Planning Considerations

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application are as follows:

- Principle of development and land use
- Demolition within the conservation area
- Design
- Residential amenity
- Access and transport
- Energy efficiency and sustainability
- Planning obligations

Principle of Development and Land Use

9.2 The site is currently occupied by a mix of commercial uses including offices, small business space, private gym (recently closed), private medical facility, bank, public

house and car park. The application proposes comprehensive redevelopment of the site to provide a mix of uses comprising

Principal of office use

- 9.3 The site falls within the Central Area Zone (CAZ), defined in the London Plan. Policy 2.10 of the London Plan sets out the strategic priorities for the CAZ and seeks to enhance its unique national, international and London wide role. The London Plan seeks to maintain a supply of a wide range of office types, enhance retail provision and maintain the distinctive environment and heritage of the CAZ. The site also falls within the City Fringe Opportunity Area where the London Plan notes that because of the proximity to the City, the area provides scope to support London's critical mass of financial and business services.
- 9.4 The Council's Core Strategy recognises Tower Hamlets regional role and the economic benefits derived out of the Borough's Central London location. Core Strategy Policy SP06 seeks to maximise and deliver investment and job creation in the Borough. The Core Strategy also states that the Council will apply London Plan policy within the Central Area Zone.
- 9.5 Policy SP06.2 seeks to focus large floor plate offices within Preferred Office Locations (POL). The site falls outside of the Bishopsgate Corridor POL as defined in the Core Strategy and emerging MD DPD. The site is currently occupied in part by offices within a large footprint building. The site lies in a highly accessible and mixed commercial location and given the London Plan policy on office development within the CAZ and the Core Strategy general support for this approach, development for offices would be acceptable in principle. The scale and typology of office use and the extent to which the office use can be intensified through redevelopment will need to be balanced against the conservation area location and in particular the heritage considerations affecting the site as set out in the remainder of this report.
- 9.6 The Core Strategy also seeks to support the provision of a range and mix of employment uses and spaces by retaining, promoting and encouraging flexible work space and encouraging the provision of units (approximately 250 sq metres or less) for small and medium enterprises (SME's). The proposed development would include 950 sq metres of managed, flexible work space aimed at SME's within the ground floor via a separate entrance from Commercial Street. The size of the new units and the specification of the internal finish would be controlled, in order to maintain affordable rents for small businesses.
- 9.7 London Plan policy 4.3 requires that within the CAZ, increases in office floor space should provide for a mix of uses, including housing, unless such a mix would demonstrably conflict with other policies within the Plan. It states that housing and other uses should be required on site or nearby to create mixed use neighbourhoods. The Mayor of London's response to the Stage 1 consultation notes the mix of office and retail uses within the scheme and accepts the applicant's justification for not including housing as part of the development. However the Stage 1 report concludes that the applicant has not investigated potential of site solutions to provide housing and therefore meet the objectives of the mixed use policy.

- 9.8 The applicant has agreed to provide a financial contribution towards off site affordable housing, which would be targeted towards an affordable housing project in the vicinity of the site to increase the number of affordable homes that could be delivered. This figure could be increased in the event that the early payment discount for the Crossrail contribution applies as set out in the later sections of this report.
- 9.9 The GLA has provided supplementary comments to confirm that the approach described above is acceptable and would meet the requirements of London Plan policy 4.3.

Effect on existing businesses and job creation

- 9.10 The proposed redevelopment would result in the displacement of up to 61 businesses or 300 jobs which are currently accommodated by the LFWE.
- 9.11 Tower Hamlets Core Strategy and IPG policies support the retention and increased provision of floor space for small businesses. The draft Managing Development DPD contains policies for local job creation and investment. Policy DM15 supports the upgrading and redevelopment of employment sites outside of spatial policy area and states that development should not result in the loss of active and viable employment space unless it can be shown, through a marketing exercise, that the site is unsuitable for continued employment use due to its size, location, accessibility and condition. The draft policy goes on to say:
2. *Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere.*
 3. *Development of new employment floor space will need to provide a range of flexible units including units of less than 250 square metres and less than 1,000 square meters to meet the needs of small and medium enterprises.*
- 9.12 The applicant has confirmed that the City of London has been operating the building on the basis of subsidised flexible space as part of a bespoke programme and that all tenants have been made aware of the plans to develop the site. Consequently, it is understood that rents have been kept low and short term leases offered. All tenants have a minimum of 6 months' notice in their leases and when they have entered into leases they have been made aware of the forthcoming development plans.
- 9.13 The applicant has also provided details of a decant strategy for existing tenants in the event that planning permission is granted. The strategy is managed by the City of London Corporation and includes dedicated open days and workshops over the last 6 months to meet and offer existing tenants of the London Fruit & Wool Exchange assistance with their relocation and an onsite resource within the existing LFWE building where vacant property is advertised and where tenants can go and meet the 'City Property Advisory Team' and obtain advice and guidance on relocation options.
- 9.14 The applicant has stated that the City of London Corporation is very keen to retain as many of the tenants as possible within other buildings that they manage for small

business space and to that end have prepared 1 Alie Street in Aldgate specifically as a relocation option.

- 9.15 In reaching a view on the acceptability of the displacement of existing SME's the impact should be balanced against the potential job creation arising from the proposed development and the extent to which this will benefit residents and businesses in Tower Hamlets. The Socio-Economic chapter of the Environmental Statement states that the development is likely to generate in the region of 2,685 jobs directly and increase spending in the local area by approximately £3.1 million per year. The multiplier effect could lead to 150-200 additional local jobs to the local economy.
- 9.16 It is not possible through the planning process to guarantee the actual proportion of new jobs opportunities that would be taken up by Tower Hamlets residents or whether jobs in the proposed development will be existing jobs relocated from elsewhere in London, particularly in cases where the occupier(s) of the proposed development are not known.
- 9.17 The Planning Obligations SPD highlights the currently low proportion of residents finding work in the borough and identifies a skills mismatch as one of the contributing factors. The SPD sets out a range of measures that can help local residents compete for job opportunities in new development and gain relevant skills and training at both the construction and end user phase of major development through training programmes, job brokerage, work placements and apprenticeships.
- 9.18 The applicant is also offering to put in place a number of tangible benefits/employment and training mechanisms to ensure local residents and businesses can maximise the job opportunities and that supply chain opportunities might arise out of the proposals. These will be secured as planning obligations and would include:
- Financial contributions towards local skills and training programmes at construction and end user phase;
 - Commitments to secure 20% of construction and end user phase jobs through the Council's job brokerage service (Skillsmatch);
 - Minimum 75 apprenticeships to be provided at construction phase;
 - A strategy to agree minimum targets for apprenticeships and work experience placements at the end user and occupier phase;
 - A strategy to provide opportunities for local businesses to bid or tender for the provision of goods and services in accordance with the Councils local procurement code.
- 9.19 All of these aspects would result in a substantial contribution to both the promotion and improvement of economic well being in this part of Tower Hamlets and therefore on balance would outweigh the impact of displacement of the existing businesses within the LFWE. With any comprehensive development scheme involving existing employment space, some level of displacement is inevitable but this must be balanced against the longer term potential job creation and economic benefits.
- 9.20 Taking into account the measures put in place by the owner to manage relocation of existing businesses, the measures proposed by the applicant to help maximise job

opportunities, training and local enterprise growth for local residents and businesses along with the replacement provision of 1,400 sq metres of small business space in the new development, officers consider that on balance the economic and regeneration benefits of the development would outweigh the harm arising from the displacement of existing jobs.

Proposed retail uses

- 9.21 The proposed development would include a mix of retail, restaurant and café units located on the ground floor and facing onto adjoining streets. The main concentration of retail related uses would be on the Burchfield Street frontage. London Plan policy for the CAZ states that new development should contain a mix of uses including retail and related activities. The Core Strategy supports this approach.
- 9.22 Whilst the site is not within a designated town centre, it is located within the City Fringe and the provision of retail space in this area is supported by the IPG City Fringe Area Action Plan 2007 which acknowledges the role of retail use supporting commercial office function. The proposed retail units would be 300 sq metres or less to provide a mix commensurate with the immediate location, characterised by mainly small scale, independent shopping interspersed with food and drink uses. Retail and related uses will also contribute to the vibrancy of Spitalfields and would be in line with the strategic priorities for the area set out in the Annex to the Core Strategy, to promote mixed use development which adds to the vibrancy, economy and character of the area.

Loss of parking facilities

- 9.23 A number of objections relate to the loss of the multi-storey car park in terms of readily available parking for traders and visitors and the loss of free parking facilities for motor cycles.
- 9.24 The Council's Transportation and Highways Section and TfL have raised no objection in principal to the loss of the car park. The Parking Study submitted with the application has identified that whilst the car park is well used by motorcycles, it is under utilised by cars. This is likely to be influenced by the provision of free parking for motor cycles and the location of the car park within the boundary of the Central London Congestion Charging Zone (boundary runs along Commercial Street) which means that car drivers would be liable to pay the Congestion Charge in order to access the car park.
- 9.25 The Parking Study Survey undertaken in support of the planning application identifies other off-street car parks in the area which cater for motorcycle parking. However, this parking is offered at a cost, whereas motorcycle parking at White's Row is currently free of charge.
- 9.26 LBTH Transportation and Highways have provided additional comments noting that:
- People with a valid Tower Hamlets residential parking permit can park in any of the corresponding permit bays in the surrounding area;
 - Motorcyclists without residential or business parking permits, there are a number of on-street pay and display parking bays in the surrounding area;

- There are also a limited number of designated on-street motorcycle bays which are free to use by both permit holders and non-permit holders in Bell Lane (6), Wentworth Street (8) and Spital Square (3);
- There are alternative off street options available in the surrounding area - three car parks within 0.6 miles of the existing Whites Row car park - Spreadeagle Yard (100 spaces), Great Eastern Street (125 spaces) and Goulston Street (110 spaces);
- The displaced motorcycle parking can be accommodated through other off-street car parks in the area (although this will be chargeable as opposed to the current free of charge situation at Whites Row) and through the on-street provisions in the surrounding area.

9.27 In conclusion, officers consider that the proposed loss of the existing car park would be acceptable in both land use and highway terms and that there is no compelling evidence that the loss would have a demonstrable harmful impact on economic vitality in Spitalfields.

Public House

9.28 The application proposes to demolish the existing public house and to provide a replacement licensed premises in the same location, on the corner of Brushfield Street and Crispin Street as part of the mix of ground floor uses. Re-provision of the public house would be in line with Policy RT6 of the IPG 2007 which seeks to prevent the loss of public houses. The Council has also received correspondence from the licensee of the Gun PH supporting the proposed development.

Loss of private leisure facilities

9.29 A number of local objections relate to the loss of existing gym and squash courts provided as ancillary to the main use of LFWE by a private operator. The facility at LFWE has recently closed following the establishment of a new outlet by the same operator in the Nido Tower at Frying Pan Alley (south west of the site). The facility at LFWE appears to have been ancillary to the main use of the building for employment purposes and did not benefit from a separate planning permission. There are no proposals to re-provide the leisure facility within the proposed development.

9.30 The Council has secured a contribution towards indoor leisure facilities in line with the Planning Obligations SPD. On balance, officers do consider that the loss of the squash courts would cause sufficient harm in terms of leisure and sports provision to require direct re-provision or outweigh the other economic benefits of the development.

9.31 To conclude this section of the report, the scheme would provide an employment-led mixed used development that would provide a variety of type and size, including large floor plate office space, SME space, retail accommodation and associated active uses. The proposals will also facilitate locally-based employment and training opportunities. The scheme therefore accords with policies x 2.10, 2.11, 4.1, 4.2, 4.3 and 4.12x of the London Plan (2011), saved policies DEV3, EMP1, EMP7, EMP8 of the UDP (1998), policies SP01 and SP06 of the Core Strategy (2010) and CFR10 of the City Fringe AAP (2006).

Demolition in the Conservation Area

- 9.32 Conservation area consent is sought to demolish the LFWE (behind the retained front elevation), the bank, the Gun Public House and White's Row car park. Demolition is proposed to enable the redevelopment of the site for office led mixed use purposes as set out in the accompanying planning application.
- 9.33 PPS5 requires Local Authorities to take account of a heritage asset's designation and expert advice from bodies such as English Heritage and its overall value as a heritage asset. PPS5 also requires authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution of that asset. There is a presumption in favour of the conservation of designated heritage assets and PSS5 advises that more significant the designated heritage asset, the greater the presumption in favour of its conservation should be.
- 9.34 Local planning authorities are also advised to treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.
- 9.35 The preservation and enhancement of conservation areas, in the context of proposed development, requires recognition of the quality of existing assets, both buildings and places combined with a strong understanding of what is significant and therefore valuable and worthy of preservation or enhancement. It is this that in turn informs successful responsive development that is sensitive to the significance of its place.
- 9.36 The adopted Conservation Area Character Appraisal and management Guidelines for Brick Lane and Fournier Street Conservation Area refer specifically to the LFWE:

The City of London's Fruit and Wool exchange and Old Spitalfields Market are buildings of interest in themselves and make a positive contribution to the character of the Conservation Area. They were placed into the Fournier Street and Brick Lane Conservation Areas instead of other adjoining Conservation Areas because they form the prime focus for the setting of the front elevation of Christchurch Spitalfields. The multi-storey car park next to the Fruit and Wool Exchange is a gap site suitable for development; nevertheless the current building is at an appropriate scale and in itself forms an important transition between this Conservation Area and the Wentworth Street Conservation Area.

Its [LFWE] merit lies in its sympathetic relationship to Christchurch Spitalfields through its scale, materials and detailing, thus providing a suitable setting for the church and other surrounding listed buildings

- 9.37 A balanced approach is fundamental to decision making on a site as sensitive, complex and large as that occupied by the London Fruit and Wool Exchange.
- 9.38 Policy HE7 of PPS5 guides applications relating to heritage assets and advises that when considering impacts on heritage assets and their settings, the "particular nature of the significance of the heritage asset" (paragraph HE7.2) must be established in order to understand the nature and level of impact that may occur.

- 9.39 The applicant has carried out an assessment of the significance of LFWE, the bank building, The Gun Public House and the car park (undesigned heritage assets) and an assessment of the effect of their loss and subsequent replacement on the Brick Lane and Fournier Street Conservation Area, Artillery Passage Conservation Area, Christ Church Spitalfields, 5 White's Row and 52 Brushfield Street.
- 9.40 The applicant's assessment concludes:
- undesigned Heritage Assets are of limited significance;
 - the principles of any significance could, in any event, be taken forward as part of a replacement building – e.g. materials, proportions, height etc;
 - the undesigned heritage assets make a limited contribution to the significance of the designated heritage assets;
 - the impact of the loss of the undesigned Heritage Assets on the significance of the designated heritage assets is less than 'substantial harm';
 - Policy HE9.4 of PPS5 should apply, but for completeness the proposals have also been tested against policy HE9.2.
- 9.41 Officers note that English Heritage have objected to the proposed demolition and redevelopment and have urged planning permission and conservation area consent be refused. In terms of the starting point for assessing the proposals, English Heritage set out in detail why they consider that the undesigned assets are of significance in themselves and their demolition would cause substantial harm to the conservation area. Accordingly English Heritage advise that the more stringent tests of policy HE 9.2 of PPS5 should apply in this case.
- 9.42 Officers consider that the advice of English Heritage as the government's national heritage advisor should carry substantial weight in determining the applications and that it is correct and robust to consider the proposals against both policies HE9.2 and HE9.4.

Policy HE9.2 states:

Where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:
(i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss.

Policy HE 9.4 states:

Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:

- (i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and*
- (ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss.*

- 9.43 In considering the extent to which the proposals would meet the PPS5 policies, the Council has had regard to the potential to re-use the existing buildings, the quality of the proposed replacement buildings, wider public benefits arising from the

development including the contribution of the proposed development to economic wellbeing and social well being.

Potential to re-use existing buildings

- 9.44 English Heritage and other third parties have objected to the extent of demolition of the unlisted buildings within the Conservation Area. The Mayor of London has drawn attention to the demolition of the public house in his Stage 1 report.
- 9.45 In heritage terms, there is no objection to the demolition of the car park, which is considered to be an opportunity site in the Conservation Area Character Appraisal. The principal LFWE facade would be retained and incorporated in a positive way within the new development. The return elevations of LFWE itself onto Crispin Street and Commercial Street are considered less architecturally or historically important. However, the Gun Public House and the Bank are prominent buildings within their own right and would be demolished in entirety. In coming to a view on the extent of demolition, it is important to understand why the corner buildings cannot be retained as part of the proposed development.
- 9.46 The applicant has set out detail in the Design and Access Statement the commercial, technical and significant commercial reasons why retention of the corner buildings cannot be retained either in part or in full within the proposed development. In summary these are:
- - Both corner buildings were developed at different dates they have different floor levels from LFWE;
 - The difference in floor levels is more pronounced in the public house than in the bank;
 - Retaining the corner buildings would interrupt the continuity of the floor plates at upper level;
 - Adjusting the internal floor levels to align better would result in internal steps or ramps
 - If the facades were retained, the interruption to floor levels would be less severe, but misalignment with existing windows would compromise daylight and sunlight to the office space.
 - The size and flexibility of the office floors in the new development are the most powerful commercial attribute of the scheme;
 - Retention of the corner buildings would suppress the identity of the new development.

Quality of proposed replacement buildings

- 9.47 The Historic Environment Planning Practice Guide (March 2010) issued to accompany PPS5 encourages Local Planning Authorities "to seek well conceived and inspirational design that is founded on a full understanding of local context".
- 9.48 The applicant's Design and Access Statement demonstrates how the design of the proposed development has evolved, following a full understanding and analysis of the local context and pre-application consultation with stakeholders. Amended plans were submitted to respond to further comments made during the statutory consultation stage. The Environmental Statement includes a thorough Townscape

and Visual Amenity Assessment (TVAA) including verified CGHI visual assessments on a number of key views. The TVAA has been updated to take into account amendments to the architectural treatment of the building.

- 9.49 The Council's Design and Conservation Officer has considered the TVAA, application plans and supporting material and has concluded that "the new development is 'well conceived' and relates well to the historic and more modern buildings within its setting. Most importantly, the setting key views to Christ Church Spitalfields along Brushfield Street are maintained by the retention of the LFWE façade, with the upper stories to the new building being significantly set back."
- 9.50 The Council's Design and Conservation Officer has also drawn attention to improvements to the townscape along Commercial Street, Crispin Street and White's Row, improvements to permeability through the provision of a new pedestrian route, the removal of White's Row car park, the provision of new open spaces and proposed off site improvements to public realm within the conservation area. The detailed consideration of the design merits of the new development is covered in paragraphs 9.57 – 9.75 below.

Economic and social well being – a balanced approach

- 9.51 The existing accommodation provides approximately 300 jobs. The proposed development will provide high quality office accommodation within the City Fringe and generate between 2,500 and 3,000 jobs.
- 9.52 As part of the scheme an element of purpose built Small and Medium Enterprise (SME) accommodation is also proposed which would provide flexible business space and will ensure that a diverse range of businesses can be accommodated throughout the site. The scheme will also provide new shops and restaurants reinforcing and engaging services offered in the area as well as providing additional employment opportunities.
- 9.53 The applicant also cites a number of indirect benefits flowing from the development including increased local spending, estimated to be approximately £3.1 million per year, 150-200 additional local jobs arising from local economic growth, demolition and jobs arising from construction work, improved sense of place as a result of the scheme and new public realm, improved pedestrian permeability, new areas of public open space and increased street activity arising from ground floor retail uses.

Conclusion

- 9.54 The proposal would involve substantial demolition within the conservation area and the proposals must be considered against the policies in PPS5. For the reasons set out above officers conclude that the harm caused by the loss of the existing building would on balance, be outweighed by the proposed replacement and its attendant benefits.
- 9.55 The policies set out in HE9 of PPS5 require local planning authorities to recognise that the greater the harm to the significance of the heritage asset the greater justification will be needed for any loss.

- 9.56 Officers are satisfied that the level of harm to the significance of the conservation area is justified by the replacement building satisfying stringent townscape concerns through high quality design, improvements to public realm and bringing sufficient public benefit through the new building itself, the opportunities it will offer in terms of economic and social well being.

Urban Design

- 9.57 National planning policy in PPS 1 notes the inherent link between good design and good planning:

“Planning authorities should plan positively for the achievement of high quality and inclusive design for all development...Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”

- 9.58 The London Plan, Tower Hamlets Core Strategy, saved UDP policies and IPG all reflect the guidance in PPS1, with policies promoting high quality design in new development. The draft MD DPD states:

“Development will be required to be designed to the highest quality standards, incorporating principles of good design, including ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding scale, height, mass, bulk and form of development, building plot sizes, plot coverage and street patterns, building lines and setbacks, roof lines, streetscape, rhythm and other streetscape elements, design details and elements and natural environment.”

- 9.59 In considering the design merits of the proposed development, officers have also had regard to the requirement to preserve or enhance the character and appearance of Brick Lane and Fournier Street Conservation Area, the guidance in the relevant character appraisal and the effect of the proposed development on the setting of adjacent listed buildings and in particular the key view along Brushfield Street towards Christ Church Spitalfields.

Scale, height and mass

- 9.60 The height of the proposed building has been determined by the height of the parapet on the retained Brushfield Street elevation. The height of new build elevations on all four sides of the development would not exceed this, thereby providing a unifying approach to height whilst ensuring that the new elements would not overwhelm the scale of the retained facade. The building height would step down towards White’s Row, to provide a more appropriate relationship to the lower scale, character of this street.
- 9.61 The top two floors would be set back by 9 metres from the principal elevations and expressed with a different architectural approach. The resulting building would be only one storey or 3 metres taller than the height of the existing LFWE (top of 1960s extension). The verified CGI views included in the TVAA show that the top two floors would not be visible in the key view along Brushfield Street. The main changes to this

key view arise from the alteration to the ground floor of LFWE and the reinstatement of the stone centre piece, both of which are considered to be beneficial, along with the replacement of the corner buildings with new development of similar scale to the retained elevation.

- 9.62 The overall scale and mass of the proposed development would be greater in totality than the existing buildings on the site. This is would be most apparent in the long views north and south along Commercial Street where the bank building, side elevation of the LFWE and car park are seen as three separate elements with gap between LFWE and the car park. Throughout the design development process officers have emphasised the importance of ensuring that the perceived scale of the new development is not detrimental to the views along Commercial Street or harmful to the setting of Christ Church of the listed Spitalfields Market buildings.
- 9.63 The amended design response breaks the east elevation of the building into three distinct elements - the corner replacement for the Bank, the main building elevation and the lower element towards White's Row. The changing rhythm of brick piers and variation between solid and void element combined with changes in the alignment of the elevations significantly breaks down the perceived mass of the development along Commercial Street and echoes the existing scenario. The entrance to the SME accommodation is set back and revealed through a change to the architectural elements around it. The entrance would lie in approximately the same position as the existing service road entrance and would serve as a marker for the alignment of former Dorset Street.
- 9.64 In conclusion, officers are of the view that whilst the proposed development would be of a greater mass and scale than the existing buildings to be demolished, the carefully considered and intelligent design response would break down the perceived mass and scale in a manner appropriate to the sensitive nature of the site and its surroundings.

Relationship with listed buildings

- 9.65 The differing architectural expression at all four corners, to respond to the specific circumstances, further breaks down the perceived mass of the building and provides an appropriate response to the setting of adjoining listed buildings and non-listed buildings within the conservation area. The TVAA verified images show an appropriate high quality design response in terms of overall scale, rhythm and use of material detailing to the setting of Christ Church, 52 Brushfield Street, 66-68 Bell Lane and 5 White's Row. In the case of Buildings on Bell Lane and White's Row, the new development would significantly enhance the setting of the listed building by replacing the multi storey car park which has a harmful effect on its setting. The proposed corner element at Brushfield Street and Crispin Street would provide a similar degree of transition that the existing public house provides through careful attention to materials and proportions in order to mitigate between the grand scale of the LFWE main facade and the much smaller scale, 18th Century building.
- 9.65 The set back top two floors are revealed most prominently on the north east corner of the development in the views from the north where they are seen in context with the east elevation of Spitalfields Market. Officers have some concern about the effect of this element on the setting of the Grade II listed market buildings in terms of the

perceived scale in relation to the proportions of the main corner element giving the impression that the development is “top heavy”. However as the top two floors are not dominant in any of the other key views, officers are satisfied that this could be resolved through a more considered response to the tone of external, facing materials and minor changes to reveal the divide between the two floors. An appropriate condition is recommended to deal with this issue.

Relationship to the conservation areas

- 9.66 In considering whether the development would preserve or enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area, officers have evaluated the effect on the streets immediately surrounding the site and the impact on key public views from within the conservation area. The description of the significance of the existing LFWE building within the Character Appraisal is also important in considering the impact of the proposed development.
- 9.67 The proposed development would improve the appearance and streetscape along Commercial Street, Whites Row and Crispin Street through the demolition and replacement of the multi-storey car park which does not have a beneficial impact on the conservation area and is described in the Character Appraisal as an opportunity site. The development would bring an improved appearance to these streets, with a contextual and responsive design and by intruding an active ground floor. This development would relate well in terms of materials and size/scale of the development to the historic environment, particularly when considered in the context of nearby listed buildings and other undesignated heritage assets.
- 9.68 The proposal would successfully retain and adapt the main Brushfield Street elevation of LFWE, providing a new public interface with the street at ground floor, reinstating the stone centre piece and removing the unsightly 1960s roof extension. The proposed corner elements have been re-designed in the amended plans and now provide a much improved relationship to the retained facade and the adjacent buildings.
- 9.69 The development would result in the eradication of Duval Street which provides an at grade private servicing/parking space to the rear of LFWE. Objections to the removal of this private road have been raised by English Heritage, referring to its historic significance and by several third party objectors. Whilst Duval Street is on the approximate alignment of Dorset Street, a historic thoroughfare and at times a notorious street, its character was significantly changed by the assembly of two large development plots either side to construct the LFWE in 1929 and later the car park. Duval Street is not adopted and is not generally used as a public route.
- 9.70 The development would improve the permeability of the site with a new north-south route and a new open space to the south-west corner of the site. The new route through the development would provide a more logical thoroughfare, linking Brushfield Street and Spitalfields Market with Whites Row and on to Artillery Lane and Liverpool Street Station via a sequence of new public spaces. Duval Street has very limited benefit in terms of permeability and is not an attractive thoroughfare being framed either side by the rear elevation of LFWE and the ground floor of the car park. In conclusion the significance of the line of the former street is not

considered such that its loss, viewed in the context of the whole development, is harmful to the Brick Lane and Fournier Street Conservation Area.

- 9.71 The relationship of the proposed development to Artillery Passage Conservation Area lies principally in the effect on key views towards the south west corner of the site. The present condition means that the two main public views from Artillery Lane and Bell Lane are dominated by the stark painted frame of the multi-storey car park against the predominant fine grain, brick faced Georgian and Victorian buildings. In the view from Bell Lane the corner of the car park appears in the foreground setting of the Spitalfields Market and is a poor neighbour to its surroundings.
- 9.72 The proposed development would have a beneficial effect on both the visual amenity and on the townscape character in this view. It would replace an anaesthetically poor building with a well-designed and appropriately-scaled one, built of materials that would sit comfortably in the historic context.
- 9.73 This view along Artillery Lane is important as it contains the listed 18th Century shop building on the right and embodies the character of tight historic urban grain that formerly predominated in this part of London. The proposed development would have a major beneficial effect on visual amenity in this view by replacing the car park with a well-designed building of appropriate scale and a major beneficial effect on townscape character by introducing open space and a visibly accessible pedestrian route through the site.
- 9.74 In summary, there is overall an absence of harm to the character and appearance of the both Brick Lane and Fournier Street and Artillery Passage Conservation Areas or harm to the setting of Listed Buildings, when a balanced approach to the development is taken in consideration of its totality. Significant aspects of the proposal represent enhancements to existing conditions. This is particularly so in the case of the Whites Row Car Park demolition and its replacement with building sensitive and contextual to Whites Row itself, retention of the attractive façade of the LFWE building, improvement to the views north and south along Commercial Street, the active ground floor uses brought to a large part of the perimeter of the site and the new public space. The development would maintain the significance of the key view along Brushfield Street to Christ Church and the modest increase in overall height would ensure that the Church remains the dominant building in this part of the conservation area.
- 9.75 To conclude, the development embodies recognised principles of good design. It would not detract from the visual amenity of the area by means of its carefully evolved scale, detailing and proposed use of appropriate materials. The development would both preserve and enhance the character and appearance of the conservation area and enhance the setting of listed buildings. The development would comply with policies in PPS1, London Plan, Core Strategy, IPG, UDP and emerging MD DPD that require new development to be of the highest design quality.

Residential Amenity

- 9.76 The UDP saved policies (DEV2) seek to protect the amenity of residential occupiers and ensure that adjoining buildings are not adversely affected through loss of privacy or detrimental impact on their daylight or sunlight conditions.

- 9.77 The site lies in a highly urban location, surrounded by a mix of commercial activity, including night time uses such as public houses, bars and restaurants. There is residential accommodation close to the site; the nearest properties being at 50, 52, 53-59, 67-77 Brushfield Street, 2-8, 5, 11-12 White's Row and 45, 46 and 50 Crispin Street.
- 9.78 The main impacts on residential amenity that need to be considered are noise and disturbance and the relationship of the proposed development in terms of daylight/sunlight, loss of privacy and light pollutions.

Noise and disturbance

- 9.79 The proposals include a substantial element of ground floor retail activity, restaurants, cafes and a replacement public house. Whilst the main concentration of such uses is on Brushfield Street frontage, the development does include a proposed restaurant on the southwest corner adjacent to the new public space, which would introduce additional activity into these streets.
- 9.80 Whilst the additional activity would be supported in terms of reinforcing the vibrancy of Spitalfields, the likely effects in terms of late evening noise and disturbance from customers has been realised in third party correspondence and needs to be carefully considered. Environmental Health colleagues have not commented on the impact of the increased perimeter retail activity, officers consider that it would be appropriate to control the opening hours for ground floor retail, café and restaurant outlets in order to protect residential amenity. An appropriate condition is recommended.
- 9.81 Any external plant and machinery, such as mechanical ventilation and or air conditioning plant may also give rise to noise and vibration impacts and this is considered in detail in the associated Environmental Statement. Tower Hamlets Environmental Health have raised no objection in principal to the development but have recommended a condition to control maximum noise emissions from external plant.

Daylight / sunlight

- 9.82 The proposed building has been assessed in terms of its potential for impact on the amenity of the site and the surrounding area. Chapter 14 of the ES assesses the daylight and sunlight on nearby properties.
- 9.83 The site lies in a dense urban location and is already developed with a five storey commercial building (LFWE and four storey car park) which have an effect on their neighbours due to scale and proximity, particularly on White's Row which is a narrow street.
- 9.84 The proposed development would have overall a larger volume than the existing LFWE and car park and would replace the open space within Duval Street with built development. However the development would be contained within the same foot print as the existing buildings, would only be one storey taller than the existing LFWE, would step down in height to the south to relate to the lower rise buildings in White's Row and would be modelled to create an open space on the south west corner, where the car park currently stands.

- 9.85 The Environmental Statement considered the proposed development's potential impacts and likely effect to daylight, sunlight and overshadowing at residential properties surrounding the site. Relevant policies and guidance at National, Regional and local level have been considered and have informed the criteria and methodology used in the assessment. In particular, the assessment methodology has followed the Building Research Establishment Guidelines, which provides advice on site layout planning to achieve good sunlighting and daylighting within buildings and in the open spaces between them. The BRE Guidelines states that numerical guidelines should be interpreted flexibly and take into account the context of the site and its surroundings.
- 9.86 The assessment of existing surrounding receptors considered the baseline conditions which confirmed that many surrounding properties receive relatively low levels of daylight and sunlight due to the dense urban location and the impact of the existing buildings. The daylight and sunlight assessment therefore takes into account both absolute effects and the relative change that would be experienced.
- 9.87 As regards daylight, all but four of the surrounding properties assessed would meet the BRE Guidelines recommendations in respect of the level of change, i.e. not exceeding 20% reduction. For the four properties which contain windows not meeting the BRE Guidelines, it is generally the case that the reductions in VSC only go fractionally beyond the recommended 20% level of change.
- 9.88 With regard to sunlight, it is also the case that the majority of the surrounding residential windows will meet the BRE Guidelines' recommendations. Many of the residential windows which do not meet the Guidelines' generally do so due to slight reductions in winter levels of sunlight, whilst retaining good levels of sunlight in excess of the Guidelines in terms of their total throughout the year.
- 9.89 There are also a few other instances where some windows experience reductions of summer sunlight which go slightly beyond the Guidelines recommendations, but many of these relate to rooms which are likely to be used as bedrooms, not considered as sensitive in regard to sunlight.
- 9.90 The permanent overshadowing analysis of the proposed public space in the south-west corner of the site shows that the area will be very well lit and meet the BRE Guidelines "Ideal" recommendations.
- 9.91 The Environmental Statement has been subject to an independent review by the Council's retained consultants. Minor comments and request for clarifications were requested to ensure the methodology has been applied consistently throughout the assessment. An addendum has been provided to update this part of the assessment.
- 9.92 On balance, the proposed development has been designed to take into account its particular context location or constraints in terms of height and massing to ensure negligible effects to surrounding properties, taking into account the constraints of the site and the dense urban context. The proposed development would meet the objectives of IPG Policy DEV1 and saved UDP policy DEV 2 in terms of safeguarding the amenity of adjoining occupiers and policy DM25 of the Managing Development DPD.

Overlooking and outlook

- 9.93 The UDP, IPG and supporting text to policy DM25 indicate that privacy can be safeguarded by maintaining a separation of 18 metres between facing windows, although this standard is normally applied to residential development.
- 9.94 In the majority of cases the proposed development would not result in facing windows closer than 18 metres to the nearest residential property. In the northern part of Crispin Street and the eastern part of White's Row, face to face separation would be reduced to 11 metres and 9 metres respectively. However, this would be no worse than the existing scenario, as the elevations follow the line of the former Gun Public House and rear elevation of White's Row car park.
- 9.95 Given the building would be primarily in office use, the space would be less intensively used than residential accommodation and would not give rise to direct overlooking. It would be inappropriate in urban design terms to set all elevations back from the existing building line to increase street width. Furthermore as stated above, the increase in overall massing would not give rise to loss of outlook or increase sense of enclosure.

Light spill

- 9.96 Officers requested that the applicant to carry out a detailed light spill assessment as an addendum to the Environmental Statement to assess the potential effects of light spill from the upper floor windows of the development on adjacent residential occupiers. The assessment tested two potential scenarios both pre-curfew (pre 11pm) and post-curfew (post 11pm) as set out in the Institute of Lighting Engineers' *Guidance Notes for the Reduction of Obtrusive Light* (2005).
- 9.97 For both scenarios, light spill levels were found to be acceptable pre-curfew. Post-curfew light spill levels, which are rated against much lower light limitations, were also found to be acceptable in the scenario that all office windows have blinds drawn. However light spill assessment shows that a number of residential windows would fail without any blinds drawn, using a worst case scenario of full occupancy and all lights left on after dark.
- 9.97 The highest levels of light trespass in this latter scenario are likely to be experienced along White's Row and Crispin Street where residential properties are closest.
- 9.98 It is considered fairly unlikely that many employees would be working post-curfew hours and therefore relatively few lights within the office should be lit post 11pm. The applicant has agreed to require the use of roller blinds post 11pm through a Window Management Protocol which will form part of the Management Strategy and Tenants Contracts (i.e. all building occupants are to be made aware of this requirement as part of their induction programme).
- 9.99 The use of light fittings controlled by PIR (activity) sensors, which would switch lights on and off according to occupancy, would ensure lights are not left on when parts of the building are unoccupied, contributing to energy efficiency. The internal light fittings installed along the perimeter of the building and located within 3 metres from the windows would be dimmed down significantly from the normal office lighting level. No external lighting is proposed other than potential low level ground based up-lighters in

surrounding pavements which would be controlled through the detailed public realm improvement scheme.

- 9.100 These mitigation measures have been agreed with the applicant's lighting designer and architects. A detailed lighting scheme laying out these requirements as part of the detailed design stage submission will be conditioned as part of this permission.

Transport and Access

- 9.101 PPG 13 (2011 as amended) sets out the Government's policy in relation to transport. The Guidance promotes more sustainable transport choices, accessibility for jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reduce the need to travel especially by car.
- 9.101 London Plan policy 6.1 seeks to ensure the integration of transport and developments by encouraging patterns and forms of development that reduce the need to travel especially by car, improving public transport accessibility and capacity and relating parking provision to public transport accessibility.
- 9.102 IPG Policy DEV18 states that a travel plan will be required for all major developments. Saved policy DEV19 of the IPG states that development is required to comply with the parking levels set out in the planning standards. Policy DEV17 of the IPG states that all development is required to include adequate space for servicing and appropriate circulation routes and all developments should be supported by a transport assessment to identify the impacts on the transport network and assess its capability to support the development and where relevant, provide details and measures to mitigate adverse impacts of development or secure additional capacity.
- 9.103 The site has a Public Transport Accessibility Level (PTAL) of 6B, which means that the site is highly accessible by public transport. The proposed development includes the provision of new spaces for pedestrians as well as cycling facilities. A transport assessment is submitted as part of the application documentation and includes a draft Travel Plan Framework for the redeveloped site. The TA has considered the potential impact on the existing transport networks as a result of the proposed development.
- 9.104 LBTH Highways and Transport for London conclude that the development would not result in an increase in trips on the surrounding highways and that the impact of the development can be accommodated within the capacity of the existing bus network.
- 9.105 A total of eight visitor parking spaces are proposed, including two disabled spaces. Whilst the highly accessible location would present opportunities for a car free proposal, LBTH Highways and TfL accept that parking provision would be below the maximum indicated by relevant policy standards for this scale of development.
- 9.106 Satisfactory provision has been made for employee cycle and motorcycle parking within the basement of the development to encourage more sustainable modes of transport. Further information has been requested to ensure that the layout of the cycle stands is acceptable and that appropriate changing and shower provision is made. Details of cycle parking provision for visitors within the site boundary will also be further conditioned.

- 9.107 The application includes a framework travel plan which will be used as the basis for the submission of individual travel plans prepared by future tenants of the component parts of the development.

Inclusive access

- 9.108 The proposed route would include two ramps to deal with a 1.4 metre fall in levels across the site from north to south. The Council's Access Officer considers that the length of the route is such that the minor change in levels could be accommodated without the need for distinct ramps by "smoothing" the route creating an equivalent shallow 1:50 gradient across the site that would be barely perceptible by users. This would also enable a more satisfactory at grade solution between the southern edge of the external public space and White's Row. A condition requiring finished floor levels for the public routes and open spaces is recommended.
- 9.109 An addendum to the design and access statement has been provided to demonstrate that the all areas of the new public route would be accessible for wheelchair users. Combined with amendments described above, officers consider this would address the comments included in the Mayor of London Stage 1 report.

Servicing and waste

- 9.110 Servicing would take place via a combined service yard for the whole development located off Crispin Street and would allow all servicing to take place within the confines of the site. TfL support the location due to the reduced effect on Commercial Street compared with the existing situation.
- 9.111 Following the submission of additional information, LBTH Highways have raised no objection to the proposed servicing and waste arrangements subject to controls to prevent servicing taking place during peak hours (0700-1000 and 1600-1900 hrs Mondays – Fridays). Further controls over servicing are also recommended by officers to prevent servicing activities during quieter night time periods due to the proximity of residential properties on Crispin Street and are included in a condition.
- 9.112 The proposed footway crossing for the service yard would be 10 metres which is considered excessive for pedestrians to cross without a suitable refuge. The applicant has stated that there may be opportunities to reduce the width of the footway crossing at detailed design stage. An appropriate condition is recommended.

Crossrail

- 9.113 In view of the strategic regional importance of Crossrail, London Plan policy 6.5 states that contributions will be sought from development likely to add or create congestion on central London's rail network. This will be through planning obligations calculated in accordance with the approach set out in the Mayor of London's Supplementary Planning Guidance (PG) Use of Planning Obligations in the funding of Crossrail. The development would give rise to a contribution of £2,111,198. Further detail is set out in "Planning Obligations" below.

Sustainable Construction and Energy Efficiency

Sustainable construction

9.114 In relation to overall sustainability, Draft Policy DM 29 requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential developments to achieve a BREEAM Excellent rating. The proposals aim to achieve a minimum score of 74.23% against BREEAM Office 2008. The achievement of this score and a BREEAM Excellent rating is supported by officers and the Council's Sustainable Development Team.

Energy efficiency

9.115 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).

9.116 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation where feasible.

9.117 The Draft Managing Development 'Development Plan Document' Policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposals fall significantly short of the draft policy.

9.118 The proposed Energy Strategy sets out the anticipated energy and carbon savings at each element of the Energy Hierarchy:

- Use less energy (Be Lean) – 1.9% savings
- Supply energy efficiently (Be Clean) – 0%
- Use renewable energy (Be Green) – 9.4%

9.119 The proposed design CO2 emissions compared to baseline conditions would equate to an 11.1% reduction.

9.120 The current proposals also fall significantly short of the adopted development plan policies for reducing CO2 emissions through renewable energy (9.45% against a target of 20%) and for reducing overall CO2 emissions (11.1% against a minimum requirement of 25%).

9.121 The London Borough of Tower Hamlets Planning Obligations SPD Environmental Sustainability requirements sets out that 'where officers consider all opportunities to meet the relevant London Plan carbon dioxide reduction targets on-site have been exhausted, contributions to a carbon offset fund will be sought to meet the shortfall.' This is in line with London Plan Policy 5.2 which states 'the carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere'.

9.122 The development and detailed operational principles of the proposed carbon reduction fund is at an early stage. The applicant has offered a number of financial contributions and other obligations in line with relevant policies to mitigate the impact of the development and the total package has been tested against the scheme viability. Officers note that the energy strategy has explored a range of options and that the potential to meet the relevant emission reduction targets is constrained within office-led developments. The development would provide benefits to other aspects of sustainability including sustainable construction and biodiversity improvements. Consequently, officers have not sought a financial contribution in this case.

Biodiversity

9.123 The site currently consists entirely of buildings and hard surfaces, and is consequently of negligible biodiversity value. However there would be a negative impact if black redstarts were nesting on the existing buildings at the time of demolition. To ensure this does not happen, a condition should be imposed that, if demolition is to take place during the black redstart nesting season (April to July inclusive), a black redstart survey should be undertaken immediately prior to commencement of demolition to ensure that black redstarts are not nesting on the buildings. If black redstarts are found to be nesting, demolition must not start until the young have left the nest.

9.124 Green roofs and other soft landscaping are proposed. Bird and bat boxes are also proposed. These will ensure an overall benefit to biodiversity. A condition should require details of green roofs and other biodiversity enhancements to be agreed by the Council before commencement of work, and implemented as agreed before the buildings are occupied.

Planning Obligations

9.125 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

9.126 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 necessary to make the development acceptable in planning terms, directly related to the development and are fairly and reasonably related in scale and kind to the development.

9.127 Policies 6A.5 of the London Plan (2008), 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.

9.128 The Planning Obligations Supplementary Planning Document sets out Tower Hamlets priorities for planning obligations and the types of development for which obligations may be sought. Where obligations take the form of financial contributions, the SPD sets out relevant formula that will be applied to calculate the contribution or whether the contribution will be negotiated on a case by case basis.

- 9.129 The Planning Obligations SPD allows a degree of flexibility in negotiating obligations to take account of development viability, any special circumstances of the case and benefits that may be provided in kind (e.g. open space and public realm improvements).

Employment skills training and enterprise

- 9.130 The proposed development would create new jobs in the office, retail and related services sectors. Employment training and enterprise is one of Tower Hamlets key priorities. The standard SPD contribution would be £630,081.03 made up of £107,573.48 for the construction phase and £522,507.55 for the end user phase. The applicant has offered £700,000 to wards employment, skills, training and enterprise which exceeds the standard SPD contribution, in recognition of the Council's priorities, the displacement of existing jobs from the site pending redevelopment. Members are asked to note that in accordance with the provisions of Regulation 122 and Circular 05/05 this additional financial contribution is not necessary to make the development acceptable in planning terms and does not constitute reasons to grant planning permission.
- 9.131 In addition to the financial contribution the officers have negotiated with the applicant a number of related benefits set out within an employment, training and enterprise strategy which will be secured through as planning obligations and asa separate legal agreement between the applicant and the occupier of the development.

Affordable Housing

- 9.132 The Mayor of London's Stage 1 report highlights the Central Activity Zone policy for mixed used development and requests a contribution towards off site affordable housing in lieu of provision within the site. The applicant has offered a two stage contribution towards affordable housing. A sum of £300,000 would be secured upon commencement of the development. The applicant has offered a further contribution by transferring the equivalent of the 20% Crossrail contribution discount to the Council to support affordable housing delivery – assuming early commencement of development (see below). This would be equivalent to £422,239 making a total of £722,239 for off-site affordable housing.
- 9.133 Members are asked to note that in accordance with the provisions of Regulation 122 and Circular 05/05 this additional financial contribution is not necessary to make the development acceptable in planning terms and does not constitute reasons to grant planning permission.

Community facilities

- 9.134 The Planning Obligations SPD seeks contributions towards Idea Stores, libraries and archives and indoor leisure facilities based on the increased demand placed on such facilities from major residential and commercial development. Based on the standard contribution for this proposal, a contribution of £31,282 would be required for Idea Stores, libraries and archives and a contribution of £101,147 for indoor leisure facilities. The applicant is offering the full contribution rate.

9.135 The SPD also seeks contributions towards multi-use community facilities on major developments. This may be in the form of on-site provision of space, managed by the developer or a financial contribution towards upgrading of an existing facility in the vicinity. The contribution will be negotiated on a case by case basis as the SPD does not set out a standard charge.

9.133 In this case the applicant has declined to provide community facilities directly within the development but notes the importance of providing community facilities in the vicinity. A contribution of £350,000 towards community facilities has been negotiated which could be directed towards facilities in the locality.

Public Realm, Open Space and Heritage

9.134 The SPD seeks contributions towards public realm which is based cumulatively on contributions to public open space and contributions to street scene/built environment improvements including heritage improvements). The standard contribution would be £199,227 towards public open space and £412,152 to street scene/built environment respectively.

9.135 The applicant is proposing to carry out comprehensive public realm improvements within the highways surrounding the site including implementation of the Council's Brushfield Street improvement scheme. The total value of the works is estimated at £1,340,000 based on 2011 prices. The final scope and specification will be controlled through conditions and implemented through a Section 278 agreement.

9.136 Officers consider that the heritage rich nature of the site's local context in Spitalfields should be taken into account and reflected in the heads of terms of the legal agreement in accordance with the SPD. The standard contributions have therefore been adjusted accordingly to take account of the specific nature of the development and its local context. Contributions of £199,227 towards public open space and £412,152 towards heritage initiatives are offered by the applicant.

Sustainable Transport

9.137 The SPD says that the Council will seek contributions to mitigate the impact of growing residential and working population on the transport infrastructure serving the Borough. The Council will seek contributions towards transport infrastructure and the Smarter Travel Initiative which encourages walking and cycling. The standard charge based on the proposed development would be £48,000. The applicant has agreed to the full contribution for sustainable transport.

Crossrail

9.138 In view of the strategic regional importance of Crossrail to London's economic regeneration the Mayor of London will seek contributions from development likely to add to or create congestion on central London's rail network that Crossrail is intended to mitigate. This will be through planning obligations, in accordance with relevant legislation and policy guidance (London Plan Policy 6.5).

9.139 The approach for collecting contributions towards Crossrail is set out in the London Mayor's Supplementary Planning Guidance (SPG) 'Use of Planning Obligations in the funding of Crossrail' (July 2010). The SPG states that contributions should be sought in respect of retail, hotel and office development in central London which involves a net increase in floor space of more than 500sqm (GEA).

- 9.140 The proposed development falls within the Central London contributions area, the proposed indicative level of charge is £137 per sqm for new office floor space, £88 per sqm for new retail floor space and £60 per sqm for new hotel floor space.
- 9.141 A requirement for a Crossrail contribution from this development will therefore relate to the net additional impact from the new development, taking into account the theoretical charge that would be paid by the existing uses. Transport for London has confirmed that the development would give rise to a Crossrail contribution of £2,111,198.
- 9.142 The Use of Planning Obligations in the funding of Crossrail allows for a 20% reduction in the total contribution if this is paid prior to 31 March 2013. In this case the reduction would be equivalent to £422,239. The applicant has offered to enter into an agreement to allow the Council to benefit from any early payment to support additional affordable housing delivery (see above).

Development viability

- 9.143 The applicant is willing to offer a total of £4,292,776 in financial contributions which includes £2,181,576 towards Tower Hamlets priorities and £2,111,198 towards Crossrail.
- 9.144 The applicant has prepared a development viability appraisal which has been assessed independently by the Council's appointed consultants. The independent review concludes that the development viability of the scheme has been enhanced by the advanced nature of the negotiations with potential future occupiers of the main office floor space, thereby reducing overall financial risk. However if this was not the case, it is likely that the development viability would have a significant impact on the ability to meet the standard contributions in the Planning Obligations SPD. The review also concludes that the overall offer for planning obligations is reasonable and the maximum that the scheme can afford.
- 9.145 The summary heads of terms including non-financial contributions is listed below.

• Training, employment and enterprise	£700,000
• Affordable housing delivery (increase to £722,239 with Crossrail discount)	£300,000
• Local community facilities	£350,000
• Idea Stores, libraries and archives	£31,282
• Leisure facilities	£101,147
• Public open space and public realm	£199,227
• Heritage initiatives	£412,152
• Sustainable transport	£48,000
• Standard monitoring charge (2%)	££42,836
• Total Tower Hamlets priorities	£2,184,644
• Crossrail (reduce to £1,688,958 if paid before 31 March 2013)	£2,111,198
• Public realm and highway improvements (Section 278 works)	

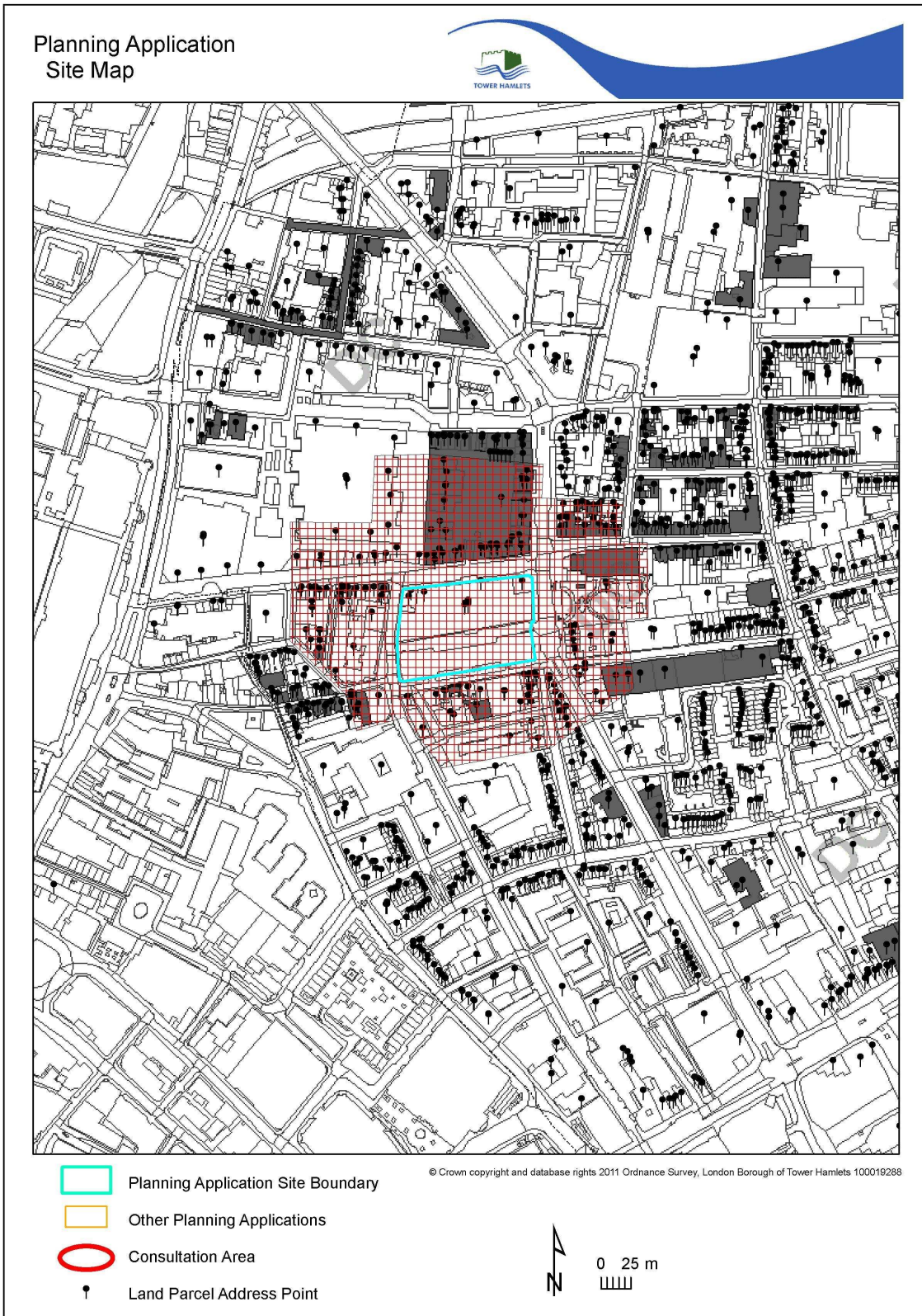
- Strategy for managed relocation of all existing firms;
- Achieve at least 20% of all construction and ancillary jobs to be taken by Tower Hamlets residents;
- Use best endeavours to achieve throughout the construction period that at least 20% of all supplies and services shall be provided by local suppliers where available and practicable;
- Provide minimum 75 local apprenticeships leading to recognised technical or vocational qualifications during construction phase;
- To facilitate work experience and management placements across all associated organisations, sectors and functions and across the complete supply chain for a minimum of 144 weeks of placements per year or part years by any breakdown;
- Main occupier of the office floor space enters into a Social Compact to facilitate training, work experience and apprenticeships to maximise access to employment opportunities;
- Commitment to ensure that occupiers of the commercial floor space across the development work with the Council to procure 20% of supplies and services locally subject to procurement/competition rules.

10 CONCLUSION

- 10.1 The proposed redevelopment would include demolition and part demolition of London Fruit and Wool Exchange, Gun Public House, Bank and car park located in Brick Lane and Fournier Street Conservation Area. The presumption is national and local policy is in favour of retention of heritage assets. The site is close to a number of listed buildings and notably forms part of the setting of Christ Church Spitalfields (Grade I). The extent of third party representations on the proposed scheme and the views of English Heritage have been taken into account afforded appropriate weight.
- 10.2 The intensification of use through increased floor area would be appropriate in this central, highly accessible location. The proposed mix of uses is in accordance with the development plan.
- 10.3 The proposals have been sensitively designed and include the appropriate and imaginative re-use of the main façade of LFWE to Brushfield Street. The proposed redevelopment is considered to be appropriate in terms of scale, height, appearance, materials detailed design. The proposals would also remove the existing multi-storey car park, replacing this with buildings of a more sympathetic architectural appearance. The development would provide new areas of public space, deliver improvements to the surrounding public realm, provide active ground floor frontages and increase permeability. The development would generate additional job opportunities, training opportunities and benefits to the local economy.
- 10.4 Planning obligations would provide financial contributions towards employment and training, leisure and community facilities, transport, Crossrail and affordable housing.

- 10.5 Officers consider that on balance, the harm caused by the loss of the existing buildings would be outweighed by the proposed replacement (based on the amended scheme) and its attendant public benefits, sufficient to meet the policy in PPS5.
- 10.6 In conclusion officers recommend that your committee grant conservation area consent and planning permission subject to the relevant obligations and conditions as set out in Section 3 of this report..

Appendix A



LONDON BOROUGH OF TOWER HAMLETS

Agenda Item number:	6.1
Reference number:	PA/11/2220 & PA/11/2221
Location:	London Fruit & Wool Exchange (LFWE), Brushfield St, 99-101 Commercial Street, 54 Brushfield Street & Whites Row Car Park, London
Proposal:	Demolition of Whites Row Multi Storey Car Park, 99-101 Commercial Street (The Bank), 54 Brushfield Street (The Gun Public House), and partial demolition of the London Fruit & Wool Exchange behind the retained Brushfield Street façade and the erection of a six storey building with a basement, for business, employment and retail use (Use Classes B1/A1/A2/A3 & A4) with landscaping and associated works together with a new pavilion building for retail accommodation (Use Class A1).

1.0 Clarifications

- 1.1 In paragraph 3.1 of the report, the contribution for indoor leisure should read £101,147 rather than £101.47
- 1.2 In paragraph 3.1 & 9.141 of the report, the contribution towards Crossrail is £2,026,716 and not £2,111,198 as previously stated.
- 1.3 In paragraph 4.8 of the report, the office building would be set 4m behind the retained façade not 2.5m.
- 1.4 In paragraph 5.3 there are approximately 60 businesses in the building (not 61 small businesses on the site).
- 1.5 In paragraph 8.10, the scheme would provide 182 cycle spaces and not 180 cycle spaces. The proposal makes provision for 50 racks provided in a 2 tiered parking system and 41 Sheffield stands. It is proposed to provide nine Sheffield stands for visitors Sheffield stands for visitors adjacent to the main building access along Brushfield Street. This would provide 18 cycle parking spaces. Agreement of the details of the cycle parking spaces would be reached through consultation with LBTH Highways during the s278 process.
- 1.6 In paragraph 9.2, it should be noted that the existing building's lawful use is unrestricted Class B1 offices together with the bank, public house and private medical facility. The original planning permission for the building does not restrict the floor plate size or require it to be used for small and medium enterprise (SME) accommodation.
- 1.7 In paragraph 9.12, the report should note that The City of London has been operating the building on the basis of low rents rather than subsidised.

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

- 2.1 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 15 January 2012, Parliament has enacted an amended section 70(2) as follows:

- 2.2 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.
- 2.3 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.
- 2.4 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.
- 2.5 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.
- 2.6 *(Officer Comment: Officers are satisfied that the current report to Committee has 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).*
- 2.7 The Regional Growth Fund (RGF) is now a £2.4bn fund operating across England from 2011 to 2015. It supports projects and programmes 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 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.
- 2.8 The Community Infrastructure Levy is not applicable to this application as the Crossrail contribution which would be secured in the S106 Agreement would offset this requirement)
- 3.0 Removal of the ‘Pavillion’ part of the scheme**
- 3.1 Should Members raise concern over proposed pavilion building, the applicant has confirmed in writing that he would be prepared to enter into a unilateral undertaking not to construct this element of the proposal and to increase the level of open space proposed as part of the scheme (specific to the south west corner of the site). Furthermore, the applicant has confirmed that prior to commencement of

development, he will submit and have approved alternative design details for the open space and area where the 'pavilion' is currently proposed. This will require approval of the boundary detailing in this area and landscaping proposals and the agreement to bespoke management arrangements.

- 3.2 This unilateral undertaking would be separate from the S106 Agreement but linked to the planning permission.

4.0 City of London

- 4.1 City of London have written to the Council to advise that they are working closely with the current tenants who occupy the London Fruit and Wool Exchange building to relocate them to other buildings in the Borough and/or to buildings within neighbouring boroughs.

- 4.2 The City advises that it works closely with the Council to provide assistance to Tower Hamlets residents in providing training, employment and business advice.

5.0 Additional representations received

- 5.1 Since the publication of the committee report,

2 letters and 1 petition(s) with 68 signature in support have been received
34 letters and 1 petition(s) with 242 signatures in objection have been received.

- 5.2 In summary, the following comments in opposition to the scheme have been received from local residents and organisations including Precious London; Spitalfield Community Group; The Spitalfields Historic Buildings Trust:

- Design is bland, of poor quality of architecture and the design of the proposed development would not be appropriate for this prominent and sensitive setting;
- Lack of street activity within the ground floor of the elevations
- The pedestrian route through the building is incidental and overdeveloped
- Development does not respond positively to the established mix of uses in Spitalfields
- Development should contain residential accommodation
- The proposed restaurant use at ground floor level would have an adverse impact on surrounding residential amenity.
- Lack of meaningful public consultation with residents prior to submission.
- The new design fails to seize the opportunity to preserve and re-invigorate the historic urban fabric of Dorset Street
- The development would result in the loss of a historic air raid shelters in East London, located in the basement of the existing building.
- The Pavillion building could be considered out of place, awkward, incongruous and forced.
- The proposal fails to preserve or enhance the mix of uses in Spitalfields.

(Officer Comment): Officers have considered all of the above matters and the detailed comments received in the assessment of the application. However, it is considered that the proposal provides a development of high quality design which would have a positive impact on the surrounding locality.

- 5.3 Supporting comments

- The retention of the building's façade would retain the character of Brushfield Street while new public spaces would enhance the area.
- The proposal would bring more employment to the area.
- The development would release funding for local environments improvements in the area.
- The proposal provides a vast improvement on the existing building and car park and would provide amenities for local residents and is more in keeping with the surrounding area

(Officers comment: Officers concur with the comments above).

5.4 Some suggested changes

- Relocate the Gun Pub over to the diagonally opposite corner on Whites Row/Commercial Street).
- Extend the excavation down to a second basement to provide additional floorspace for SME's and commercial uses.
- The location of retail elements should be contained on Brushfield Street Commercial Street and Crispin Streets. White's Row should remain small SME's and possibly residential.
- The scheme should provide a mix use residential development.

(Officers comment: The above and all others suggested changes were considered in the assessment of the application. However, it is considered that the proposed scheme is well designed and would have a positive impact for the area).

5.5 All representations received are available to view at the committee meeting upon request.

6.0 **RECOMMENDATION**

6.1 The recommendation remains unchanged subject to the amending the financial contributions for indoor leisure facilities and Crossrail in accordance with paragraphs 1.1 and 1.2 of this report.

STRATEGIC DEVELOPMENT COMMITTEE

31 MAY 2012

ITEM NO 8.1

APPENDIX 3

SUMMARY OF MATERIAL PLANNING CONSIDERATIONS (AMENDED)

- 2.1. The Local Planning Authority has considered the particular circumstances of this application against the Council's planning policies contained in Adopted Core Strategy (2010), Tower Hamlets Unitary Development Plan (Saved Policies 2007), Interim Planning Guidance (2007), Managing Development DPD (2012), the London Plan (2011), relevant supplementary planning guidance and national planning policy and has found that:

Conservation Area Consent:

- 2.2 The demolition of the White's Row car park, Gun Public House and Bank (99-101 Commercial Street) and partial demolition of the London Fruit and Wool Exchange would be acceptable only in the context of proposed re-development of the site, as permitted by the linked planning permission (PA/11/02220). The extent of demolition of buildings within the conservation area would be outweighed by the merits of the proposed development in terms of design and attendant public benefits. Demolition would therefore comply with the National Planning Policy Framework, saved policy DEV28 of the Unitary Development Plan (1998), policy CON2 of the Council's Interim Policy Guidance (2007), policy SP10 of the Core Strategy (2010) and policy DM27 of the Managing Development DPD (proposed submission version) 2012.

Planning Application:

- 2.3 The proposed development would provide an employment and retail mixed used scheme, including space for small and medium enterprises, creating a wide range of job opportunities and local economic benefits in an accessible location. The proposals provide significant benefits in terms of more intensive use of the site and contribute to the enhancement of vitality of Spitalfields and the immediate locality. The development would accord with the National Planning Policy Framework, the London Plan objectives for the Central Activities Zone, policy SPO6 of the Core Strategy, saved policies CAZ1, DEV3, EMP1, EMP6, EMP7 and EMP8 of the Council's Unitary Development Plan (1998), policy EE2 of the Interim Planning Guidance (2007) and draft policy DM15 of the Managing Development DPD (draft submission document) 2012.
- 2.4 The design of the proposed development, in terms of building height, scale, bulk, detail, use of materials, public permeability, improved sense of place and additional ground floor activity is acceptable and would be of sufficient quality to permit the demolition of buildings within the conservation area. The proposed development would preserve and enhance the character and appearance of Brick Lane and Fournier Street Conservation Area and enhance the setting of adjacent listed buildings, in accordance with the objectives of the National Planning Policy Framework to achieve high quality

design, policies 7.1-7.6 of the London Plan, policy SP10 of the Core Strategy 2011, saved policies DEV1, and DEV2 of the Tower Hamlets Unitary Development Plan, policies DEV1, DEV2, DEV3, DEV27 of the Interim Planning Guidance 2007 and draft policy DM24 and DM27 of the Managing Development DPD (draft submission document) 2012.

- 2.5 The impact of the development on the amenity of neighbours, in terms of impact on light, overshadowing, noise, privacy or any increase in the sense of enclosure is acceptable, given the general compliance with relevant Building Research Establishment's Guidance and the urban context of the site and its surroundings. As such, it accords with saved policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), policies SP02 and SP10 of the Council's Core Strategy (2010) and draft policy DM25 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.6 Transport matters, including car parking, cycle parking, vehicular access and servicing, pedestrian access and inclusive design are acceptable and in line with London Plan policies 6.1, 6.9, 6.13, saved policies T16, T18 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007) policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) and policy DM22 of the Managing Development DPD (proposed submission version) 2012 which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.7 Sustainability matters, including energy and climate change adaptability are acceptable and in line with policies 5.1-5.3 of the London Plan (2011), policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policies SP04, SP05 and SP11 of the of the Core Strategy Development Plan Document (2010), and draft policy DM29 of the Managing Development DPD which seek to promote sustainable development practices and energy efficiency.
- 2.8 Planning obligations have been secured towards the provision of access to employment and training initiatives, local enterprise, heritage initiatives, community facilities, leisure and open space, public realm and street scene improvements, off site affordable housing and contributions towards Crossrail, in line with the requirements of Regulation 122 of Community Infrastructure Levy (2010); Government Circular 05/05; the London Plan 2011, policy S03 and SP13 of the Core Strategy (2010), saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007) and the Planning Obligations Supplementary Planning Guidance 2012.

Agenda Item 9

Committee: Strategic Development	Date: 31 st May 2012	Classification: Unrestricted	Agenda Item No: 9
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:

Tick if copy supplied for register:

Name and telephone no. of holder:

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

Eileen McGrath (020) 7364 5321

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.

This page is intentionally left blank

Agenda Item 9.1

Committee: Strategic Development	Date: 31 st May 2012	Classification: Unrestricted	Agenda Item No: 9. 1
Report of: Corporate Director Development & Renewal Case Officer: Mandip Dhillon		Title: Planning Application for Decision Ref No: PA/11/03824 Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Orchard Wharf, Orchard Place, London

Existing Use: Vacant/Brownfield Site

Proposal: Cross-boundary hybrid planning application for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.

1) Outline Application: All matters reserved

Jetty; and Ship to shore conveyor.

2) Full details

Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.

Drawing Nos: Drawings:
Figure 2.1 rev C
Figure 2.2 rev D
Figure 2.3 rev D
Figure 2.4 rev D
Figure 2.5 rev D
Figure 2.6 rev C
Figure 2.7 rev B
Drawing 2565/20 rev B
Figure 3

Documents:
Design and Access Statement dated December 2011
Energy Report (Planning Stage) dated December 2011
Sustainable Design and construction Statement dated December 2011
Non-Technical Summary (Environmental Statement) dated December 2011
Lighting Assessment dated December 2011
Statement of Community Involvement dated December 2011
Planning Statement dated December 2011
Environmental Statement dated December 2011

Applicant: Aggregate Industries UK Ltd & London Concrete Ltd

Owner: Port of London Authority and Grafton Group.

Historic Building: None

Conservation Area: None

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have 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, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Development Management DPD (Proposed Submission Version 2012); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

- In land use terms, the national safeguarding of the application site supports the principle of re-activating the site for aggregate storage and concrete batching. The proposal therefore accords with policies 7.24, 7.26 and 7.30 of the London Plan 2011, policy SP12 of the Core Strategy 2010 and site allocation LS22 of the Leaside Area Action Plan 2007.
- Given the safeguarded wharf status of the site, the proposed development is considered appropriate in terms of design, bulk and scale and massing. The design and scale of the new building is in keeping with the surrounding properties in terms of general building line and height. This accords with saved policy DEV1 of the Unitary Development Plan 1998; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the Core Strategy 2010, policies DM23 and DM34 of the Managing Development DPD Submission Version May 2012 and DEV2 of the Interim Planning Guidance 2007.
- Given the safeguarded wharf status of the site, the proposals are considered to be acceptable in relation to local views and value of the East India Dock Basin nature reserve and riverfront views into the site. The proposal therefore accords with DEV8 of the Unitary Development Plan 1998, CON5 of the Interim Planning Guidance 2007 and SP10 of the Core Strategy 2010.
- Given the location of the surrounding listed buildings and structures which are not within the immediate vicinity of the site, it is considered that the proposals would not detrimentally impact upon the setting of the adjoining heritage assets. The proposal is considered to be in accordance with policies CON1 and CON2 of the Interim Planning Guidance 2007, SP10 of the Core Strategy 2010 and DM27 of the Managing Development DPD Submission Version May 2012.
- On balance, the buffer zone and noise mitigation measures proposed are considered to provide adequate measures to ensure the amenity of existing and future adjoining occupiers. The proposal is therefore considered to accord with policies 7.14 and 7.15 of the London Plan 2011, saved policies DEV2 and DEV50 of the Unitary Development Plan 1998, policies SP02, SP03 and SP10 of the Core Strategy 2010 and policies DM9 and DM25 of the Managing Development DPD Submission Version May 2012 which seek to ensure that development proposals reduce noise minimising the potential adverse impact on amenity.
- The proposed development, by virtue of its scale, design and massing is not considered to result in the loss of daylight and sunlight surrounding the site. In addition the distance and orientation of the proposed office building is unlikely to cause any loss of privacy to the live work units at Orchard Place or adjoining occupiers. The proposals are considered to accord with policy SP10 of the Core Strategy 2010, saved policy DEV2 of the Unitary Development Plan and policy DM25 of the Managing Development DPD Submission Version May 2012 which seek to protect the amenity of existing a future occupiers.
- On balance, it is considered that the proposed works both on-site and off-site

sufficiently seek to protect the biodiversity of the site and enhance the biodiversity of the adjacent East India Dock Basin (EIDB). If all the proposed on-site mitigation and the de-silting of EIDB are carried out successfully, this should result in a net gain in Biodiversity which results in a neutral impact on its recreational amenity value in accordance with the National Planning Policy Framework. The works are therefore considered to accord with policy 7.19 of the London Plan 2011 and policy SP04 of the Core Strategy 2010 and the National Planning Policy Framework.

- Subject to the imposition of conditions, the proposal is considered to reduce the impact and risk of flooding. The proposal therefore accords with policy 5.12 of the London Plan 2011, saved policy U2 of the Unitary Development Plan 1998, policy DEV21 of the Interim Planning Guidance 2007 and policy SP04 of the Core Strategy 2010.
- On balance, it is considered that sustainability matters, including energy are acceptable and accord with policies 5.2 to 5.7 of the London Plan 2011, policy SP11 of the Core Strategy 2010, policy DM29 of the Managing Development DPD Submission Version May 2012 and policies DEV5 to DEV9 of the Interim Planning Guidance 2007, which seek to promote sustainable development practices.
- On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy 2010 and DM20 and DM22 of the Managing Development DPD Submission Version May 2012, which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed development will provide appropriate contributions towards the provision of biodiversity enhancements, noise insulation works, highway improvement works, the extension of the Thames Path and employment and enterprise initiatives in line with policy DEV4 of the Council's Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance 2007 and the Planning Obligations SPD 2012, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATIONS

RECOMMENDATION 1

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

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

B The decision of **London Thames Gateway Development Corporation** to grant planning permission

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

Financial Obligations

- a) £250,000 towards biodiversity enhancements at the East India Dock Basin
- b) £14,768 towards Employment and Enterprise

Total Financial Contribution **£264,768**

Non-Financial Obligations

- a) Noise Insulation Works and Ventilation scheme for 42-44 Orchard Place;
- b) Highway Works including the resurfacing of Orchard Place;
- c) Travel Plan;
- d) Employment and Training;
- e) Thames Path extension through the application site; and
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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 & INFORMATIVES

- Submission of reserved matters within 3 years
- Commencement of development no later than 2 years from final approval of reserved matters
- Development not to be implemented without LTGDC planning permission also granted
- Approved plans
- No works carried out until S106 agreement entered into
- Details of materials
- Details of landscaping
- Strategy to maximise the use of the River Thames for construction and waste
- All aggregates (including sand) and cement to enter the site by river
- Cycle storage
- Staff and visitor parking
- All parking relating to operation, servicing, delivery, visitation and/or staffing to be within the site boundaries
- Hours of operation
- Noise management strategy
- Dust management strategy
- Programme of archaeological work
- Four stage contamination assessment
- Contamination verification report
- Actions if contamination not previously identified is found
- Report into the condition of river wall/flood defences
- Safe flood refuge area
- Hydraulic engineering reports to inform jetty design
- Surface water drainage scheme
- Details of roof runoff
- Development to be carried out in accordance with the Flood Risk Assessment
- Piling or other foundation designs to be submitted and approved
- Ecological management plan
- Minimisation of light spill onto the River Thames
- Working method statement for all works on the river side of the site
- Details of refuse storage area
- Construction environmental management plan
- Deliveries and servicing plan
- Energy strategy

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

3.5 **Informatives:**

- 1) S106 agreement
- 2) S278 agreement
- 3) Thames Water will aim to provide customers with a minimum pressure of 10m (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4) London City Airport informative: It should be noted that this informative applies to the completed structure at a maximum of 23.5m AOD. In the event that during construction, carnage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation to London City Airport. It is advised that the attention of crane operators be brought to the British Standard Code of Practice for the same use of cranes, British Standard Institute 7121: Part 1:1989 (as amended).
- 5) Applicant is advised to contact LBTH Building Control to ensure the development meets Building Regulation Approval.

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

3.7 That the Corporate Director Development & Renewal is delegated power to engage with LTGDC and the applicant to negotiate the legal agreement indicated above.

3.8 That, if within 3 months of the date of this committee, the LTGDC committee or any direction by the Mayor of London (whichever is later) the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

RECOMMENDATION 2

3.9 The London Borough of Tower Hamlets has received a request for Observations from LTGDC for the duplicate application submitted within its boundary area.

3.10 Should Members be resolved to grant planning permission for the development, it is recommended that the Council writes to the LTGDC to **formally support** the duplicate application submitted in respect of the LTGDC boundary area.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

The application site

4.1 The site is a 1.72ha parcel of land located on the southern side of Orchard Place. The application straddles two planning boundaries, located partly within the LB of Tower Hamlets and partly within the London Thames Gateway Development Corporation (LTGDC). Identical planning applications have been submitted to both planning authorities for determination, and both authorities are to determine the application as a whole, regardless of their respective boundaries. Any consent granted at the site would be subject to the imposition of Grampian condition which requires both authorities, LB Tower Hamlets and LTGDC issuing planning consent before the development can proceed.

4.2 Part of the site is currently in the ownership of the Port of London Authority and part of the site is in the ownership of the Grafton Group. To date the Grafton Group have objected to the proposed works at the application site. The Port of London Authority have therefore

advised that should the objection be retained, following the grant of any consent issued at the site, they will invoke their statutory powers to re-activate the wharf through Compulsory Purchase of the site (CPO).

- 4.3 The site is unoccupied and mostly cleared of structures with the exception of a few buildings. The first comprises a large industrial building of brick and sheet metal construction roughly two storeys in height located in the northern corner of the site. A second brick built industrial building (of roughly the same size as the first) is located in the north eastern corner of the site, and a single storey brick building is located along the northern boundary of the site fronting Orchard Place.
- 4.4 The site was safeguarded as a wharf by Direction of the Secretary of State in 1997. Whilst the site has been safeguarded since 1997, the use of the site for aggregate storage and handling ceased in 1993 and the site has been vacant since then.
- 4.5 Along the southern boundary of the site run flood defence walls alongside the River Thames. These have recently been upgraded by the Environment Agency and occupy the entire length of the southern boundary. Beyond these defences are the inter-tidal mudflats of the River Thames and the River Lea.
- 4.6 Directly adjacent to the west of the site is East India Dock Basin (EIDB), which was converted by the London Docklands Development Corporation in the 1990s from a disused dock into an area of parkland and natural habitat now designated as Metropolitan Open Land (MOL). The works to the Basin have resulted in its designation as a Site of Interest for Nature Conservation (SINC). The Basin also features Grade II listed lock structures and the entire space is managed by the Lea Valley Regional Park Authority.
- 4.7 Beyond the EIDB, approximately 100 metres to the west of the site is the Virginia Quay development. Virginia Quay is characterised by circa 1990s residential buildings ranging from terraced housing to flatted development between four and 12 storeys in height.
- 4.8 To the east of the site, the areas are predominantly industrial and business use in character. Directly adjacent is a large industrial shed that occupies the site's entire eastern boundary. Other uses to the east include open yards for vehicle storage, bespoke office accommodation, gallery space, a day care centre, café uses and ferry maintenance and storage. At the eastern end of Orchard Place is Trinity Buoy Wharf which contains two Grade II listed buildings and a school.
- 4.9 To the north of the site is a converted live work development, known as 42-44 Orchard Place. The building is located on the northern side of Orchard Place and sits opposite the application site. Originally intended as a live/work scheme, it is understood to now be in full residential occupation. The building is part four, part five storeys containing 20 residential units. Planning permission for this scheme was granted on 7th October 1999 (LBTH reference: PA/09/00170).
- 4.10 Further to the north of the site is the Leamouth Peninsula, formerly the Pura Foods site. This site has outline planning permission for up to 1,706 residential units as well as office, leisure, retail and community uses which was granted planning permission by LTGDC on 28th November 2011 (LBTH reference PA/10/01864).
- 4.11 The site is connected to the surrounding area via the junction of Orchard Place with the A1020 Lower Lea Crossing. This route provides links into Central London to the west, the Royal Docks and Essex to the east, north London via connections to the A12 and south London via the Blackwall Tunnel.
- 4.12 The nearest public transport facilities are the East India DLR station, roughly 500 metres to the west and the bus services associated with the residential developments around Virginia

Quay and the Tower Hamlets Civic Centre. In future, an additional bus route will serve the Leamouth Peninsula site to the north, once this development has been implemented.

- 4.13 Whilst pedestrian and cycle routes are provided along the Lower Lea Crossing the pedestrian environment is poor due to the high volume of vehicular traffic.

Proposal

- 4.14 The application is submitted on behalf of Aggregate Industries UK and London Concrete Ltd and seeks planning consent for a cross boundary, part outline, part full planning permission for the erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.
- 4.15 The full detail of this planning application relates to landside activities including the batching plant, cement storage and aggregate storage. The outline element of the scheme relates to all riverside structures including the jetty and ship to shore conveyor.
- 4.16 The layout of the site is arranged with the concrete batching plant on the western boundary and the cement storage structure occupying the eastern third of the site. The aggregate storage facilities are positioned along the southern site boundary and the office accommodate in the northern corner of the site.
- 4.17 The concrete batching plant is proposed to be contained within two primary buildings linked by enclosed conveyors to a feed hopper.
- 4.18 The cement storage facilities comprise six cement storage silos. The building is flanked on its eastern and western sides by cement loading stations with weighbridges. An additional weighbridge with an office and wheel washing facilities is located to the west of the cement storage facilities.
- 4.19 The aggregate storage facilities are positioned on the southern boundary of the site in order to receive imported aggregates arriving to the site from the River Thames.
- 4.20 The office accommodation in the northern corner of the site comprises a two storey building including toilets, catering facilities and a brown roof. The northern area of the site also comprises of a covered parking area with a brown roof, cycle parking facilities are also provided on-site.
- 4.21 The outline element of the proposal allows for a 63 metre jetty arm to extend out into the River Thames to an unloading area capable of handling a 90 metre aggregate barge. The jetty element envisages a mobile grab unloader, discharge hopper, cement pipeline and ship to shore conveyor. The specific details of these facilities do not form part of this application and will be the subject of related reserved matters.
- 4.22 The proposed operating hours for the development varies for the different facilities/operations and are set out below:
- Concrete batching plant: 0700-1900 Monday to Friday and 0700-1300 Saturday;
 - Shovel loaders associated with the aggregate storage facility: 0700-1800 Monday to Friday and 0700-1300 Saturday;
 - Cement terminal: 0600-1800 Monday to Friday and 0600-1300 Saturday;
 - Loading and unloading of barges and ships: 0700-2300 Monday to Saturday.

No operation shall occur on Sundays or Bank Holidays.

- 4.23 The proposal intends to utilise the existing site entrance for access to the aggregate and

cement storage facilities. A second, new access is to be provided to the west of the existing entrance for access to the concrete batching plant and site office.

- 4.24 The application also proposes a 10 metre wide extension of the Thames Path from East India Dock Basin to Orchard Place along the southern and eastern boundaries of the site.
- 4.25 In addition the proposals include landscaping and buffer zones to the northern, western and southern boundaries of the site. Provision of boundary treatments which preserve habitat and species which exist on the site are also incorporated into the design.

Relevant Planning History

Application Site

- 4.26 PA/10/2788 In 2010, the LTGDC received an application similar to the current proposals for erection of a concrete batching plant, cement storage terminal and aggregate storage facilities, together with associated structures and facilities, walkway and landscaping, jetty and ship to shore conveyor.

1) Outline Application: All matters reserved (except for layout)

Jetty; and Ship to shore conveyor.

2) Full details

Demolition of all existing buildings; Concrete batching plant; Cement storage terminal; Aggregate storage facilities; Associated structures and facilities; Associated highway works; Walkway; and Landscaping.

The planning application was withdrawn on 15th December 2011 because the planning application boundary did not fall wholly within LTDGC's jurisdiction, part of the site was also with the LB Tower Hamlets.

Adjoining sites

42-44 Orchard Place, London

- 4.27 ID/89/00109 Planning permission was granted on 21st September 1989 for the conversion of the existing warehouse to an arts centre and entertainment facility with public bar.
- 4.28 PA/99/00170 Planning permission was granted on 7th October 1999 for the renovation, extension and conversion of existing warehouse buildings into mixed use B1 office (360 sq.m) and 20 no. live/work units with ancillary car parking.

Leamouth Peninsula North, Orchard Place

- 4.29 PA/10/1864 Consent was granted by the LTGDC on 28th November 2011 for a hybrid planning application for the comprehensive redevelopment of the site for mixed-use purposes to provide up to 185,077 sq.m (GEA) of new floor space and up to 1,706 residential units (use class C3) comprising:
- 1) Full planning application for development of Phase 1, at the southern end of the site, comprising buildings G, H, I, J & K, including alterations to existing building N, to provide:
 - 537 residential units (use class C3)
 - 5,424sqm of office and flexible business workspace (use class B1)
 - 382sqm retail, financial and professional services, food and drink (use

class A1, A2, A3, A4 A5)

- 1,801sqm of leisure (use class D2)
- 1,296sqm of community uses (use class D1)
- 249sqm art gallery (use class D1)
- 2,390sqm energy centre
- 275 car parking spaces

2) Outline planning application for Phase 2, at the northern end of the site, comprising Buildings A, B, C, D E, F & M (with all matters reserved except for access and layout) and to provide:

- Maximum of 1,169 residential units (use class C3)
- 2,424sqm of office and flexible business workspace (use class B1)
- 1,470sqm of retail, financial and professional services, food and drink (use class A1, A2, A3, A4 A5)
- 1,800sqm of arts and cultural uses floorspace (use class D1)
- 4,800sqm of educational floorspace (use class D1)
- Storage and car and cycle parking
- Formation of a new pedestrian access (river bridge) across the River Lea
- Formation of a new vehicular access and means of access and circulation within the site, new private and public open space and landscaping and works to the river walls.

4.30 PA/07/1730 Planning permission was granted on 11th April 2008 for the erection of a building (25.5m) in the south-western part of the Leamouth Peninsula North to accommodate the proposed community centre (with a temporary interim use as a marketing suite) and electrical sub-station. 22 temporary car parking spaces and associated temporary and part permanent landscaping.

5. POLICY FRAMEWORK

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

Spatial Development Strategy for Greater London (London Plan 2011)

- 2.9 Inner London
- 2.18 Green Infrastructure: the network of open and green spaces
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London’s economy
- 4.4 Managing Industrial Land and Premises
- 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
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management

- 5.13 Sustainable drainage
- 5.14 Water quality and waste infrastructure
- 5.15 Water use and supplies
- 5.20 Aggregates
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 6.14 Freight
- 7.1 Building London's neighbourhoods and communities
- 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
- 7.9 Heritage-led regeneration
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.17 Metropolitan Open Land
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 7.24 Blue Ribbon Network
- 7.26 Increasing the use of the Blue Ribbon Network for Freight Transport
- 7.27 Blue Ribbon Network: Supporting Infrastructure and Recreational Use
- 7.29 The River Thames
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

Unitary Development Plan 1998 (as saved September 2007)

Proposals: Industrial Employment Area
Archaeological Priority Area
Flood Risk Zone

Policies: DEV1 Design Requirements
DEV2 Environmental Requirements
DEV4 Planning Obligations
DEV8 Protection of Local Views
DEV12 Provision of Landscaping in Development
DEV15 Retention/Replacement of Mature Trees
DEV43 Protection of Archaeological Heritage
DEV44 Preservation of Archaeological Remains
DEV46 Protection of Waterway Corridors

DEV48	Strategic Riverside Walkways and New Development
DEV49	Moored Vessels and Structures
DEV50	Noise
DEV51	Soil Tests
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Development Affecting Nature Conservation Areas
DEV63	Designation of Green Chains
DEV64	Strategic Riverside Walkways
DEV65	Protection of Existing Walkways
DEV66	Creation of New Walkways
DEV69	Efficient Use of Water
EMP1	Encouraging New Employment Uses
T7	The Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
T26	Use of the Waterways for Freight
T27	New Aggregate Handling Facilities
OS1	Reservation of Sites
OS6	Designation of Metropolitan Open Land
OS14	Lee Valley Regional Park
U2	Tidal and Flood Defences

Core Strategy Development Plan Document (September 2010)

Policies:	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
	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 – Leamouth (LAP 7&8)
	SP13	Delivering and implementation

Managing Development Development Plan Document – Proposed Submission Version May 2012

Proposals:	Archaeological Priority Area
	Flood Risk Zone
	Safeguarded Wharf
	Thames Policy Area

Policies:	DM9	Improving air quality
	DM10	Delivering open space
	DM11	Living buildings and biodiversity
	DM12	Water spaces
	DM13	Sustainable drainage
	DM14	Managing waste
	DM15	Local job creation and investment
	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
DM27	Heritage and the historic environment
DM29	Achieving a zero-carbon borough and addressing climate change
DM30	Contaminated land

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

Proposals: Archaeological Priority Area
Leaside Area Action Plan
Flood Risk Zone

Policies:

IMP1	Planning Obligations
DEV1	Amenity
DEV2	Character and Design
DEV3	Accessibility and Inclusive Design
DEV4	Safety and Security
DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air 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
OSN1	Metropolitan Open Land
OSN3	Blue Ribbon Network and the Thames Policy Area
CON1	Listed Buildings
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views
U1	Utilities

Interim Planning Guidance – Other Leaside Area Action Plan, November 2007

Site Allocation : LS22 Orchard Wharf

Policies:

L1	Leaside Spatial Strategy (partially retained – parts 1, 2, 3a, 3c, 3d and 5)
L2	Transport
L3	Connectivity
L4	Water Space
L5	Open Space

L6	Flooding
L9	Infrastructure and services
L10	Waste
L38	Employment Uses in Leamouth sub-area
L41	Local Connectivity in Leamouth sub-area
L42	Design and Built form in Leamouth sub-area
L43	Site Allocations in Leamouth sub-area

Supplementary Planning Guidance/Documents

London Plan

London View Management Framework (LVMF) Supplementary Planning Guidance (July 2011)

Safeguarded Wharves on the River Thames- Jan 2005

Sub Regional Development Framework: East London- May 2005

Lower Lea Valley Opportunity Area Planning Framework – Jan 2007

Safeguarded Wharves Review 2011/2012- Consultation draft October 2011

LBTH

Planning Obligations SPD 2012

English Heritage

The Setting of Heritage Assets: English Heritage Guidance (May 2011)

Government Planning Policy Guidance/Statements

NPPF	National Planning Policy Framework
PPS10	Planning for Sustainable Waste
MPG14	Environment Act 1995: Review of Mineral Planning Permissions
	National and regional guidelines for aggregates provision in England 2005-2020

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

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

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Transport and Highways

6.3 Highways have no objection to the scheme, subject to the imposition of conditions to secure:

- Construction Management Plan
- All private forecourt areas to be drained within the site and not onto the public highway
- A scheme of highway improvement works
- S278 agreement to be secured

(Officer comment: Conditions and informatives will be imposed on any planning consent issued)

LBTH Biodiversity

6.4 The Ecology chapter of the Environmental Statement is considered to be a fair and accurate assessment of importance and impacts.

The ES conclusion that the proposal will not have a significant residual ecological impact if all mitigation is implemented relies on all the proposed habitat creation being successful, and noise reduction measures preventing disturbance to birds on East India Dock Basin. The reaction of birds to disturbance is unpredictable so the potential for significant adverse impacts cannot be totally ruled out.

A further impact upon East India Dock Basin is envisaged to people's enjoyment of the nature of the area.

The Biodiversity Officer recommends that further mitigation is required if planning permission is to be granted. Paragraph 6.8.6 of the ES is referred to where it states that all possible measures to reduce impacts and create new habitat within the application site are included in the proposal. Therefore, an off site contribution toward the de-silting of East India Dock Basin is recommended as a way of compensating the loss of enjoyment of nature and to ensure an overall gain in biodiversity.

(Officer Comment: Biodiversity Enhancement and mitigation have been secured through off-site enhancements at the East India Dock Basin.)

LBTH Energy

6.5 Whilst the development is not achieving the policy DM29 requirement of 35% reduction in CO2 emissions, it is acknowledged that this target is not achievable due to the type of development and constraints of the site. Therefore, the 6% reduction in CO2 emissions proposed through the use of PV cells is considered to be acceptable.

(Officer Comment: A condition will be imposed to secure the energy strategy at the site).

LBTH Environmental Health

6.6 Contaminated Land

The Phase 1 desk study report has been reviewed and a contamination condition recommended.

(Officer Comment: A condition to secure further survey work is proposed to be imposed on any consent issued.)

Noise/Acoustics

Following a review of Sharps Acoustic report, if the proposed mitigation (road resurfacing

and provision of noise insulation); no objections are raised.

(Officer Comment: The mitigation measures proposed will be secured through the S106 agreement.)

LBTH Employment and Enterprise

- 6.7 Due to the unique nature of the site and its employment density the council will consider an alternative to financial contributions. The alternative provision should produce suitable outputs that exceed that of the financial investment. It is proposed that as an alternative to the £14,768 contribution (this includes construction phase £10,459K and end-phase £4,309K), the council will be seeking the following in-kind offer:

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.

To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list (Construction Line), and the East London Business Place.

Suggested in-kind offer:

The developer offers an employment training package/apprenticeship which enables 6 local LBTH residents to undertake construction pre-employment training which would include obtaining a CSCS card. As well as this, they receive plant operative specific training (CPCS) and complete an on-site assessment to achieve a NVQ level 2 qualification.

The developer commits to employing 6 local LBTH residents (20% of the 30 FTE positions) within the operation phase of the development. Lastly, we request that all 30 vacancies are advertised via the council's Access to Employment service Skillsmatch.

(Officer Comment: The applicants have agreed to provide a financial contribution of £14,768 and all non financial commitments.)

LBTH Access Officer

- 6.8 Comments query the level of information provided by the applicant. The proposal mentions DDA compliant parking spaces however the applicant should note that where there are no standards in place, Tower Hamlets will require compliance with Part M of the Building Regulations.

The use of tactile paving has been noted. Where this is used the paving should be correctly designed and installed. Further, all surface treatments should be compacted to ensure they are suitable for all users.

No details have been provided on the specific location of the WC facilities or the mess room.

All stairs, doors and corridors of the office accommodation need to comply with Part M of the Building Regulations.

(Officer comment: Further drawings have been received to show the DDA compliant facilities

at the site and an informative will be imposed requiring the applicants to contact the Councils Building Control team to ensure the development meets the Building Regulation standards. Site entrance widths and geometry, and tactile positioning on the public footpath adjoining the site were developed in conjunction with the LBTH Access Officer.)

Crime Prevention Officer

6.9 In principle, no objection has been received to the proposal, however the following comments were provided:

- Planting to the front of the site should be of a defensive variety such as Pyracantha.
- Light levels, CCTV and monitored alarms are all recommended.
- The Thames side pathway has been identified as a particularly vulnerable part of the site. CCTV, lighting and potentially closing at dusk has been recommended.

(Officer Comment: The landscaping, lighting and CCTV details would be the subject of a condition for approval at a later date. With regard to the Thames Path, whilst the comments are noted, the current proposals to provide unrestricted access are compliant with planning policy.)

LBTH Waste Officer

6.10 As this is a non-residential development with no impact on municipal waste collections, there are no objections to the application.

Greater London Authority – Mayor of London

6.11 The London Mayor's Stage 1 response was received on the 29th of February 2012. The overall conclusion of the response is that the scheme does not comply with the London Plan. However the stage 1 letter advises that these deficiencies could potentially be resolved.

Land Use

6.12 The Stage 1 report highlights the site's allocation as a safeguarded wharf and states that the principle of the proposal is strongly supported in terms of the London Plan's policies regarding safeguarded wharves (7.24) and freight transport (7.26). The report goes on to identify the support for this land use in connection to the safeguarded wharf contained within the Lower Lea Valley Opportunity Planning Framework and Tower Hamlet's Core Strategy.

Biodiversity

6.13 The report turns to biodiversity, acknowledging that although the site is not of strategic nature conservation value, the proposed use is likely to have an impact upon the adjacent East India Dock Basin nature reserve. In particular, the proposed use is considered to be detrimental to both birds and invertebrates that utilise the Basin and would reduce the amenity value of the site to local residents. In order to remedy this situation, it has been recommended that off site mitigation is secured to minimise the negative impact upon East India Dock Basin.

Noise and Vibration

6.14 In terms of noise and vibration, the construction impact of the proposal has been noted to be in line with BS5228 and that the construction contractor will be required to enter into a Section 61 consent with the Local Authority for the construction works.

- 6.15 The operational noise impact of the development have been considered and are noted to be 'minor negative' at 42-44 Orchard Place and negligible at Virginia Quays. In terms of vibration, the movement of vehicles has been identified as a potential source of disturbance for residents of 42-44 Orchard Place. It has been suggested that the application proposal include the resurfacing of the road to mitigate this potential vibration issue.

Urban Design

- 6.16 In urban design terms, the location of the structures are considered to be appropriate, particularly as the River Thames is a limiting factoring in locating structures on site.
- 6.17 The proposals vehicular access arrangements are noted and it is suggested that sufficient design measures are implemented to ensure a good pedestrian environment for those accessing facilities at the eastern end of Orchard Place.
- 6.18 The Thames Path proposals are supported, particularly the inclusion of an ecology habitat. As the specific design proposals are not clear, it has been recommended that further detail is submitted to coordinate this path with other public realm improvements in the area.
- 6.19 The scale and massing of the buildings are considered to be appropriate to the context of the surrounding area. However, further detail of the materials has been requested.
- 6.20 Boundary treatments are identified as being critical for the successful integration of the scheme with the surrounding area and should be considered in the context of the boundary environment, i.e. green elements along the western edge and brick to the northern and eastern edge.
- 6.21 In terms of access, a lift and disabled toilet has been requested for the office accommodation.

Energy

- 6.22 The energy statement has been reviewed and is considered to be in line with London Plan requirements. The use of 420sqm of photovoltaic cells is supported by the GLA and is estimated to reduce carbon emissions by 24 tonnes per year.
- 6.23 The approach to surface water drainage is accepted and it has been suggested that residual water overflow is discussed with Thames Water.

Legal Agreement and Obligations

- 6.24 Construction training has been requested and is suggested to be secured in a S106 agreement.
- 6.25 The GLA advise of the scheme liability to pay Crossrail CIL, which equates to £35 per square metre of floor area.

Transport and Access

- 6.26 Transport for London have provided comments through the Stage 1 report. The 14 car parking spaces are considered to be acceptable however cycle parking facilities have been requested for staff.
- 6.27 TfL encourage the developer to use reasonable endeavours through a Delivery and Servicing Plan to encourage off-peak journeys. This is intended to assist in preventing queuing onto the A13 or A1216.

6.28 TfL have also commented that they support the commitment to using water based transport.

(Officer Comment: The applicant has responded to all of the points raised and all issues are addressed with the body of the report.)

Environment Agency

6.29 The Environment Agency confirm that the scheme will be acceptable if conditions are imposed to secure:

- 6.30
- Engineering reports to establish the condition of the river wall/flood defences;
 - A safe refuge area for workers above 4.75 metres AOD;
 - Hydraulic engineering reports to establish the impact on river flows, bed sediment conditions;
 - A surface water drainage scheme
 - Details of roof runoff in separate sealed systems
 - Demonstration that the surface water drainage scheme will not require pumping;
 - Development to be carried out in accordance with the approved flood risk assessment;
 - A drainage scheme detailing the layout of foul and surface water drains.
 - A four stage contamination strategy;
 - Verification report following the contamination strategy;
 - Actions if contamination previously not identified is found;
 - No piling or other foundation designs without permission;
 - Provision and management of a landscaped buffer zone along the Thames foreshore;
 - An ecological management plan;
 - A plan for minimising light spill onto the Thames;
 - A scheme to prevent riverward pollution;
 - A working method statement to cover all river works;
 - Provision and management of compensatory habitat

(Officer Comment: All of the above recommended conditions are to be imposed, however some conditions have been amalgamated with others to avoid overlap and repetition.)

English Heritage Archaeology

6.31 In light of the Cultural Heritage chapter of the Environmental Statement, English Heritage do not consider that any further archaeological work needs to be undertaken prior to the determination of the planning application. A condition has been recommended to secure a written scheme of investigation for a programme of archaeological mitigation.

(Officer Comment: The requested condition is proposed to be imposed on the planning approval.)

Lee Valley Regional Park Authority

- 6.32 The Park Authority objects to the proposal on the following grounds:
- There would be unacceptable noise impact from the proposed facility and from large numbers of heavy goods vehicle movements per day on access to the East India Dock Basin;
 - The adverse impact of 280 heavy good vehicles movements per day on access to the East India Dock Basin;
 - Although the provision of more brown roofs in the revised submission is acknowledged, it remains the Authority's position that the ecological mitigation measures proposed would not be sufficient to compensate for the habitat that will

be lost on the application site;

- Although the provision of a wider landscaping strip in the revised submission is acknowledged, it remains the Authority's position that the landscaping proposed along the boundary of the site with East India Dock Basin is not of sufficient width to provide a meaningful landscape buffer to soften the considerable visual impact of the development upon East India Dock Basin.

6.33 However, the Park Authority has requested that if the Local Planning Authority are minded to approve the application despite the objection raised, mitigation should be secured as follows:

- The provision of a 10 metre landscape buffer strip along the whole length of the boundary with East India Dock Basin;
- Funding to contribute to the cost of habitat enhancement works at East India Dock Basin by de-silting the basin, or other enhancement projects at East India Dock Basin deemed appropriate following discussions between the applicants, the Local Planning Authority and the Park Authority, in the region of £250,000;
- Mitigation measures in relation to air quality, noise and vibration as set out in the Environmental Statement, and any other necessary measures to the satisfaction of the local Environmental Health Officer;
- Highway improvement works including provision of new riverside path, two metre wide footway at Orchard Place and see-through railings adjacent to site entrances;
- Funding for a new pedestrian crossing on Orchard Place, adjacent to the entrance to East India Dock Basin.

6.34 The Park Authority conclude by stating that if a resolution to grant planning permission occurs without significant changes which adequately address the concerns, the Park Authority will refer the application to the Secretary of State for his consideration under the provisions of S14 of the Lee Valley Regional Park Act 1966.

(Officer Comment: The applicant has agreed to provide a contribution of £250,000 towards the biodiversity enhancements at the East India Dock Basin, by virtue of the de-silting of the dock to enhance the value of the basin. In principle the LVRPA are happy with the enhancements proposals achieved, the application is due to be heard before LVRPA board members shortly and an update of comments from this meeting will be issued at the committee meeting if they are available.)

LB of Greenwich

6.35 No objections raised.

Natural England

6.36 No detailed comments have been provided in support or objection to the proposals. The following general comments have been provided:

- Natural England (NE) welcomes the proposed landscape and ecology zones; and
- Works to secure Biodiversity enhancement should be secured.

(Officer comment: The applicants are unable to provide further on-site biodiversity enhancements, therefore off-site planning obligations have been secured to provide biodiversity enhancements at the adjoining East India Dock Basin.)

National Air Traffic Services (NATS)

6.37 No objections raised.

Port of London Authority

6.38 The Port of London Authority (PLA) support the current proposal. In turn the proposal is supported by policy 7.26 of the London Plan which seeks to secure the protection of existing facilities for waterbourne freight traffic and increase the use of safeguarded wharves for waterbourne freight transport. The consultation draft of the Safeguarded Wharves Review 2011/2012 is also relevant as it highlights Orchard Wharf as a viable location for aggregate storage.

(Officer Comment: The Port of London Authority own part of the application site and will therefore be party to any legal agreement secured at the site.)

London Fire and Emergency Planning Authority

6.39 No objections raised.

British Waterways

6.40 The application site falls outside of the British Waterways consultation area, therefore no comments received.

Transport for London

6.41 In principle, the proposal which will re-instate the use of waterbourne freight movements is supported subject to the following:

- Provision of adequate cycle parking spaces on site

(Officer comment: ground floor layout plans have been updated to show the location of cycle stands)

- The applicants Delivery and Servicing Plan should seek to encourage off-peak journeys to ensure the smooth operation of the Leamouth Roundabout;

(Officer comment: A condition requiring the submission of a delivery and servicing plan has been attached to the decision notice)

- Details of the design of the ship to shore conveyor require further consideration to ensure they do not compromise the safety of users of the extended pathway.

(Officer comment: The design of the ship to shore conveyor is to be considered as part of the reserved matters and therefore is not a matter for consideration under the current scheme.)

Thames Water

6.42 No objection raised. It has been requested that an informative regarding water pressure is imposed on any consent issued.

(Officer comment: The requested informative is proposed to be imposed on the planning approval.)

London City Airport

6.43 No objection raised. An informative has been requested regarding the maximum AOD heights of structures at the site.

(Officer comment: The requested informative is proposed to be imposed on the planning approval.)

Olympic Delivery Authority

6.44 No objections received.

LB Newham

6.45 No comments received to date.

6.46 A full copy of all comments received will be available to view by Members prior to the committee meeting.

7. LOCAL REPRESENTATION

7.1 A total of 102 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, the Evening Standard and on site.

7.2 The application was consulted on in January 2012 and a re-consultation was undertaken in February 2012. In February 2012 the applicants sought to amend the scheme by proposing to seek outline consent with all matters reserved (previously the layout had been detailed) for the Jetty and Ship to Shore Conveyor.

7.3 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:	50	Objecting:	50	Supporting:	0	Neither:	0
No of petitions received:	0						

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

Objections

Land Use

- Area is zoned for residential development
- Inappropriate land use adjoining a school and a nature reserve
- The proposal is not considered to complement the Lower Lea Valley regeneration
- This decision should await the GLA review of Safeguarded Wharves/Development is premature
- Risk of failures at the plant causing increased odour and chemical releases
- The proposal puts at risk future investment and regeneration in the area
- Potential impact on employment generation at local regeneration sites
- Overconcentration of use proposed at the Site

(Officer comment: The above issues are addressed in paragraphs 8.2-8.14 of this report.)

Design

- Obstruction of views from the East India Dock Basin
- Visual blight
- Impact on Metropolitan Open Land

(Officer comment: The above issues are addressed in paragraphs 8.15-8.33 of this report.)

Amenity

- Noise generation
- Increased pollution (general)
- Increased smell
- Long hours of operation
- Dust generation
- Impact on Health and Safety of School children
- Existing noise from London City Airport is a concern for the area
- Vibrations from vehicle movements

(Officer comment: The above issues are addressed in paragraphs 8.34-8.49 of this report.)

Transport

- Traffic generation
- Narrow streets of Orchard Place unable to cope with site vehicles
- Impact of public footpath used by children to access local school
- Safety of pedestrians and cyclists
- Cumulative impact on local road network

(Officer comment: The above issues are addressed in paragraphs 8.63-8.83 of this report.)

Biodiversity

- Impact of noise on nature reserve
- The proposal impacts upon the likely use of the FAT walk
- Impact of the development on the Lea River Park

(Officer comment: The above issues are addressed in paragraphs 8.84-8.87 and 8.50-8.62 of this report.)

Other

- Details of the Jetty should not be provided in outline, but should be put forward in detail

(Officer comment: The Jetty details are submitted in outline at the request of the Environment Agency.)

A full copy of all comments received will be available to view by Members prior to the committee meeting.

7.5 The following issues were raised in representations, but should not be given any weight in the determination of the application:

- Impact on the view from the local residential properties;
- Reduction in property prices.

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by this application that the committee are requested to consider are:

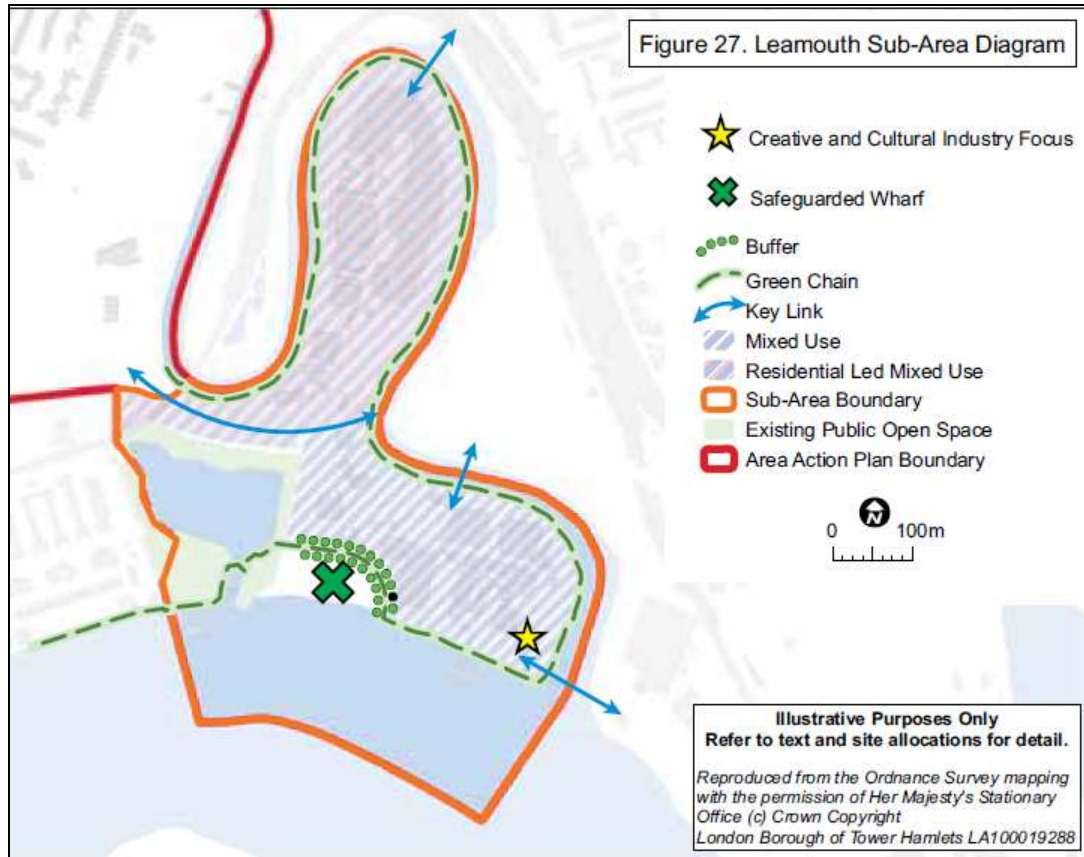
- Principle of Development and Land Uses
- Design, Views, Heritage & Conservation
- Amenity
- Biodiversity
- Transport, Connectivity & Accessibility
- Energy & Sustainability
- Contamination
- Flood Risk
- Environmental Impact Assessment
- Health
- Section 106 Planning Obligations
- Human Rights Considerations
- Equalities Act Considerations

Principle of Development and Land Uses

8.2 The application site was last used for aggregate storage and handling, with this previous use having ceased in 1993. The site has subsequently been vacant for 19 years. Historically the Leamouth area has been characterised by industrial uses, of which the former aggregate storage and handling facility formed a key part.

8.3 In more recent years, the industrial uses across the wider Leamouth Peninsula have come to an end and there have been changes to the character and land use of the wider Leamouth Peninsula area. Most notably Leamouth North is the focus for residential led mixed-use development and the area immediately around the application site is the focus of future mixed use developments. This is illustrated in Diagram 1 which is taken from the Leaside Area Action Plan 2007. It is also noted that this document highlights the application site as a safeguarded wharf.

Diagram 1



8.4 In accordance with the Leaside Area Action Plan and the changing characteristics of the Leamouth Peninsula area, a number of consents have been issued around the application site which reflect the changing character of the area from industrial mixed uses including residential. The Leamouth North development which is also known as the Pura Food site, recently gained consent for 1,706 residential units and 185,077sq.m of mixed use commercial floorspace (ref: PA/10/01864 dated 28th November 2011). This proposal will lead to a significant change to the character and vibrancy of the Leamouth Peninsula area.

8.5 The Leaside Area Action Plan also identifies Trinity Buoy Wharf for its Creative and Cultural focus within the Leamouth Peninsula (yellow star). It is evident that the once industrial area is moving away from this land use, although there are some remaining industrial and employment uses along Orchard Place, adjoining the application site.

8.6 The application site was designated as a safeguarded wharf following the recommendations of the Thames Strategy of 1995. The Thames Strategy recommended that all remaining commercial wharves along the Thames should be retained and any development proposals resulting in their loss should be referred to the Secretary of State for the Environment. The referral of proposals is now the role of the Mayor of London by way of Part IV of the Town and Country Planning (Mayor of London) Order 2000.

8.7 Policy 7.24 of the London Plan 2011 seeks to prioritise the use of London's water spaces for

the transportation of freight. Policy 7.26 specifically deals with safeguarded wharves in supporting their reactivation and resisting their loss unless the wharf is no longer viable or capable for waterborne freight handling. Policy 7.30 goes further to state that sites alongside canals and rivers should activate water spaces, particularly for transport.

- 8.8 In 2005, a London Plan Implementation Report reviewed all safeguarded wharves on the River Thames and recommended that Orchard Wharf's safeguarding status remain in place. The report identified Orchard Wharf as being capable of being made viable for cargo handling, particularly for transhipped aggregates.
- 8.9 Policy 7.26 of the London Plan 2011 states that the Mayor will review the designation of safeguarded wharves prior to 2012. The GLA are currently undertaking a further safeguarded wharves review. The consultation draft was released in October and consultation closed in January 2012. Within this consultation draft, Orchard Wharf had been retained as a safeguarded wharf. The site was considered to be viable and well located to serve London and satisfy the forecast shortfall of aggregate supply in the sub-region. Officers have therefore given weight to the retention of the safeguarding of Orchard Wharf within the Review document.
- 8.10 The draft Safeguarded Wharves 2011 document is currently being reviewed in light of comments received during the consultation period. The final safeguarded wharves document will now be produced and was expected to be sent to the Secretary of State with recommendations in early Spring 2012. The draft document has therefore been afforded some weight due to the retention of the safeguarded wharf status of the site and is a material consideration in the determination of this planning application.
- 8.11 The Lower Lea Valley Opportunity Area Planning Framework 2007 identifies the application site as a safeguarded wharf and protects its use for cargo-handling uses, including waste and aggregates in line with national and strategic policy.
- 8.12 At a local level, the safeguarded wharf status of the application site is identified within policy SP12 of the Core Strategy 2012 and site allocation LS22 of the Leaside Area Action Plan which seeks to protect the safeguarded status of Orchard Wharf for cargo handling operations and states that development which may prejudice these operations will not be supported. The Core Strategy goes on to state that effective buffers are needed to protect the amenity of nearby residential uses.
- 8.13 In land use terms, the national safeguarding of the application site has informed the regional and local policy documents of the Leamouth Peninsula area. Whilst the area in general is moving away from a principally industrial use, the safeguarding direction has been retained and therefore the principle of re-activating the site for aggregate storage and concrete batching on balance accords with planning policies.
- 8.14 Representations have been received raising concerns regarding the impact of the development on the regeneration of the Lower Lea Valley, future investment in the local area and the impact on employment generation at local regeneration sites. On balance, it is considered that the safeguarded status of the site outweighs the potential future impacts on the surrounding area.

Design, Views, Heritage & Conservation

- 8.15 Good design is central to the objectives of national, regional and local planning policy. Policy 3.5 of the London Plan provides guidance on the quality and design of housing developments and specifies a number criterion aimed at achieving good design. These criterion are reflected in saved policies DEV1, DEV2 and DEV3 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policies DEV1 and DEV2.

- 8.16 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.17 Furthermore, policy DEV2 of the IPG, supported by policy SP10 of the CS and DM24 of the MD DPD (proposed submission version January 2012) also seeks to ensure new development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings.

Design

- 8.18 The approach to the design of the development has taken account of the industrial context of the existing site and the history of the surrounding area. Consideration has also been given to the sites prominent location on the River Thames and adjacent to the EIDB. The buildings are designed simply for function and enclose the machinery and storage areas associated with the proposed use. More traditional features that would be associated with the historic warehouse buildings have also been incorporated into the design, such as dual pitched roofs and earthen colours. A condition is to be imposed to ensure the final materials used on the building facades are agreed prior to the commencement of development.
- 8.19 The layout, bulk and scale of the development is considered to relate to the existing buildings located to the north and east of the site. Whilst the EIDB does not comprise any buildings, the proposal has been set away from the western boundary and a landscaped buffer zone provided to minimise the visual impact of the proposal from the EIDB. The image below shows an artists impression of the proposal juxtaposed against the EIDB.



- 8.20 On balance due to the safeguarding of the Wharf, the proposed development is considered acceptable in terms of design, bulk and scale and massing. The design and scale of the new building is in keeping with the surrounding properties in terms of general building line and height. This is in line with saved policy DEV1 of the UDP; strategic objectives and policies SO20, SO21, SO22, SO23 and SP10 of the CS, policies DM23 and DM34 of the emerging MD DPD and IPG policy DEV2.
- 8.21 In respect of the outline part of this development, the detailed design and appearance of the jetty and ship to shore conveyor will be a reserved matter. The quality of design secured as part of the detailed development will act a benchmark to ensure that the remaining development is in keeping with the appearance of the landward development in order to

ensure an appropriate design solution for the site.

Views Assessment

- 8.22 A townscape and visual assessment of the proposed development has been undertaken and forms part of the Environmental Statement. This has analysed both the landscape and visual effects of the development compared to the existing situation.
- 8.23 The landscape character areas most likely to be effected by the development are the areas around the River Lea and River Thames.
- 8.24 The River Thames is considered to be a high sensitivity landscape area and will be directly affected by the jetty, conveyor and aggregate storage building. However, the buildings and jetty are considered to be appropriate in their scale and function given the type of other industrial infrastructure along the River Thames.
- 8.25 The visual affects of the proposal on surrounding areas has been assessed from 15 separate vantage points, including the East India Dock Basin, the Canning Town DLR station and also views from the LB Greenwich. The Environmental Statement concludes that three points are considered to be effected by a moderate to substantial degree but to a positive extent. These views are from the east side of the Virginia Quay development and from two points within East India Dock Basin.
- 8.26 The proposed development is of a larger scale than the buildings which exist on the site at present. However, on balance it is not considered that the proposals cause an adverse impact on the setting of the site within the local views afforded to the site. Whilst the site is within a prominent riverfront location, views from the LB Greenwich and the EIDB are considered to provide a vista which is not altered to a degree that it overrides the safeguarding status of the Wharf.
- 8.27 On balance, the proposals are considered to be acceptable in relation to the local views and value of the East India Dock Basin nature reserve and riverfront views into the site. The proposal therefore accords with DEV8 of the UDP 1998, CON5 of the IPG 2007 and SP10 of the Core Strategy 2010.

Heritage Assessment

- 8.28 Policies CON1 and CON2 of the IPG 2007, policy SP10 of the Core Strategy 2010 and DM27 of the MD DPD 2012 seek to ensure that development preserves or enhances the distinctive character or appearance of an areas heritage assets in terms of scale, form, height, materials, architectural detail and design.
- 8.29 The applicant has submitted a Cultural Heritage Desk Based Assessment in support of the application and Environmental Statement. The Assessment analyses surrounding statutory listed structures, the unlisted structures on site for historic interest and archaeological assessments of the site
- 8.30 The closest listed structures to the site are the Grade II listed Blackwall Pier and entrance lock to East India Dock Basin. These are located to the west of the application site and its setting primarily relates to the River Thames, as most of its landside dock setting has been removed and surrounded by modern residential development, road infrastructure and open space. The proposed development is not considered to impact on the setting of these listed structures due to the distance from the site and the orientation of the structures.
- 8.31 Further to the east of the site, further Grade II structures are present at Trinity Buoy Wharf. These are the Trinity House Buoy Wharf and Orchard Dry Dock, and Trinity House Chain Locker and Lighthouse Block. The distance from the site coupled with the obstruction of

direction sight lines between the two locations mean that the development of Orchard Wharf will have little to no impact upon these listed structures at Trinity Buoy Wharf.

- 8.32 Given the location of the surrounding listed buildings and structures which are not within the immediate vicinity of the site, it is considered that the proposals would not detrimentally impact upon the setting of the adjoining heritage assets. The proposal is considered to be in accordance with policies CON1 and CON2 of the IPG, SP10 of the CS and DM27 of the MD DPD.
- 8.33 In terms of archaeological remains on the site, the assessment has indicated that there remains a high potential for post-medieval and palaeo-environmental remains to be on site. There is also considered to be a moderate potential for Neolithic and Bronze Age evidence remaining within the site. English Heritage has reviewed the assessment and has recommended a condition to secure archaeological investigations on site.

Amenity

Noise and Vibration

- 8.34 Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the Core strategy and policy DM25 of the MD DPD seek to ensure that development proposals reduce noise, minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.35 The application site is located opposite 42-44 Orchard Place which comprises live work units, which face directly onto the application site. The Virginia Quays residential area is located approximately 100 metres to the west of the site. Directly adjoining the western boundary of the site is the EIDB nature reserve and other sensitive receptors within the area include commercial premises along Orchard Place. A full noise and vibration assessment has been undertaken by Sharps Acoustic and is submitted within the Environmental Statement.
- 8.36 The Environmental Statement reviews the impact of the proposed construction phase of the development alongside the operational phase of the development which includes the aggregate handling facility, concrete batching plant and cement terminal.
- 8.37 The demolition and construction phase of the development is anticipated to be approximately 6-9 months and the hours of working during the construction phase will be conditioned to minimise a nuisance to local residents. It has been identified within the Environmental Statement that only works of piling within the landward part of the site (excluding piling works proposed at the quay wall/riverside) could exceed the LBTH noise and vibration limits and impact on local residents. At the time of submission, it was not known the extent of piling required within the landward part of the site, therefore a condition has been imposed which requires the applicants to submit and have approved details of any piling works within the landward area of the site. The applicants also propose to use localised screening to mitigate noise impacts in the event that piling is required.
- 8.38 A detailed assessment of the noise and vibration levels for the proposed development during the operation phases are contained within the Environmental Statement submitted. The assessment reviews the impact of the proposed works throughout the proposed operating hours of the development. The proposed works are identified as having a minor adverse impact on the live work units at 42-44 Orchard Place. On site mitigation measures proposed include the enclosure of the concrete and cement plants, ancillary equipment and conveyors, screening and road re-surfacing at Orchard Place. The on-site mitigation measures are considered to minimise the impacts on adjoining occupiers of Virginia Quay and Trinity Buoy Wharf. Full details of the proposed impact on the East India Dock Basin are set out within the 'Biodiversity' section below.

- 8.39 As a result of the identified minor adverse impact on residents of the live work units at 42-44 Orchard Place, the Local Planning Authority sought mitigation measures for residents within the live work units most affected, on the south east and south west facades. As a result, the applicants propose to provide a scheme of works for all residents of the live works units which have a habitable room (bedrooms and living rooms/kitchen dining areas) of the south east and south west façade, to install secondary glazing and passive ventilation at the property. This will enable residents to install glazing and ventilation to provide adequate mitigation against the impacts of the development. The scheme of works will be secured through a legal agreement and the applicants are required to approach all residents of the live work unit as part of the legal agreement. In addition, the potential vibration impacts from the vehicular traffic entering and leaving the site is proposed to be mitigated through the re-surfacing of Orchard Place.
- 8.40 The Local Planning Authority has also been made aware that the London City Airport proposals include mitigation measures to provide all properties at 42-44 Orchard Place with double glazing and passive ventilation. Residents who already have double glazing would not however benefit from the upgrade works to glazing, but could receive the passive ventilation proposed through the London City Airport proposals. Nevertheless, residents would remain entitled to the Noise Insulation Works fund proposed by the applicants to provide a secondary glazing installation at the affected rooms on the south east and south west facade.
- 8.41 A Noise Management Strategy condition is also proposed as part of any consent issued at the site in order to monitor the noise levels following the implementation of the aggregate storage and concrete batching plant.
- 8.42 The measures proposed seek to provide reasonable mitigation to address the impacts on the amenity of existing and future adjoining occupiers. The proposal is therefore considered to accord with policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, policies SP03 and SP10 of the Core strategy and policy DM25 of the MD DPD which seek to ensure that development proposals reduce noise minimising the existing and potential adverse impact.

Air Quality

- 8.43 Policy 7.14 of the London Plan 2011 seeks to ensure that design solutions are incorporated into the new development to minimise exposure to poor air quality. Saved policy DEV2 of the UDP, policy SP02 of the Core strategy and policy DM9 of the MD DPD seek to protect the Borough from the effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent air pollution in line with the Clear Zone objectives.
- 8.44 The development is located within the Tower Hamlets Air Quality Management Area (AQMA). The main sources of pollution impacting air quality are traffic emissions and dust and fine particulates from the proposed use. The submitted Environmental Statement advises that as a result of the enclosure of much of the site, including the aggregates depot which is enclosed except above the loading apron and through the provision of fixed water sprays, the development seeks to ensure that cement dust is not released at any stage of the process. Much of the requirements for ensuring the air quality in and around the site are imposed through separate conditions under the Environmental Permit, which the site is required to apply for.
- 8.45 Departing aggregates and cement lorries will pass through the wheel-wash and departing aggregate lorries will be covered prior to leaving the site to seek to prevent dust leaving the site. A road sweeper will also be deployed on a weekly basis and duties may also include the cleaning of Orchard Place if it considered necessary. The anticipated impact from exhaust emissions is assessed as a 'slight adverse' impact.
- 8.46 Whilst a number of mitigation measures are incorporated into the design proposal at

application stage, under the requirements of the Environmental Permit for the site, should dust emissions occur or appear likely to occur, the operators would be required to be modified, reduced or suspended. Whilst the Environmental Permit falls outside of the application processes, the checks and balances imposed by the Environmental Permit seek to prevent an adverse impact on surrounding air pollution.

- 8.47 An Air Quality and Dust Management condition is proposed to be imposed as part of any consent issued at the site in order to monitor the air quality in and around the site following the implementation of the aggregate storage and concrete batching plant.

Daylight, Sunlight and Overlooking

- 8.48 Saved policy DEV2 of the UDP and SP10 of the CS seek to ensure that adjoining buildings are not adversely affected by a material deterioration in their daylighting and sunlighting conditions, overlooking/loss of privacy and sense of enclosure. Policy DEV1 of the IPG states that development should not result in a material deterioration of residential amenity for surrounding occupants.
- 8.49 The proposed development, by virtue of its scale, design and massing is not considered to result in the loss of daylight and sunlight surrounding the site. In addition the distance and orientation of the proposed office building is unlikely to cause any loss of privacy to the live work units at Orchard Place or adjoining occupiers. The proposals are considered to accord with policy SP10 of the Core Strategy 2010, saved policy DEV2 of the UDP and policy DM25 of the MD DPD which seek to protect the amenity of existing a future occupiers.

Biodiversity

- 8.50 National policy guidance contained within the National Planning Policy Framework (NPPF) states that planning policies (Local Plan policies) should minimise impacts on biodiversity and geodiversity and promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and the recovery of priority species populations, linked to national and local targets. The Local Planning Authority Biodiversity Action Plan (BAP) provides the background information which informed the adopted Core Strategy 2010 with regard to the policy formulation for Biodiversity promotion and preservation.
- 8.51 The NPPF also states that local authorities should aim to conserve and enhance biodiversity when determining planning applications. The NPPF goes on to set out that where significant harm results from a development, adequate mitigation should be provided and as a last resort, compensated for, through opportunities to incorporate biodiversity in and around a development. (paragraph 118).
- 8.52 The NPPF states that planning decisions should aim to protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational amenity value. The East India Dock basin which adjoins the site is a nature reserve which is designated as a Site of Nature Conservation Importance and an Area of Metropolitan Open Land. The Dock Basin was converted to a bird reserve in 1996.
- 8.53 Policy 7.19 of the London Plan 2011 primarily reiterates the guidance of the NPPF and seeks a hierarchical approach to the protection, enhancement, creation, promotion and management of biodiversity. In the first instance development should seek to avoid any adverse impact on biodiversity. If an impact cannot be avoided, the impact should be minimised and mitigated and in exceptional circumstances, compensation can be sought where the benefits of the proposal outweigh the biodiversity impacts.
- 8.54 Policy SP04 of the Core Strategy 2010 seeks to protect and enhance biodiversity value in order to achieve a net gain in biodiversity. The Planning Obligations SPD also highlights the need for a net gain in biodiversity, but recognises that where it is unfeasible for a

development to provide on-site biodiversity enhancements, the Council will seek financial contributions to off-site projects of Biodiversity enhancement.

- 8.55 The application site comprises a brownfield site. The site has been vacant for a number of years and as a result the site now presents a brownfield habitat. The site is located adjacent to the River Thames which is a designated Site of Metropolitan Importance for its Nature Conservation value. The adjoining East India Dock Basin is a Site of Borough Importance: Grade I for its nature conservation value.
- 8.56 Brownfield habitats are Priority Habitats in the UK, London and Tower Hamlets Biodiversity Action Plans. The habitat within such sites often supports many species and habitat types that are a priority for nature conservation. A detailed assessment of the value and potential impact upon a number of habitats and species has been undertaken by URS Scott Wilson and is detailed within the submitted Environmental Statement. An assessment of the adjoining River Thames and East India Dock Basin is also contained within the Environmental Statement. The survey work assessed the existing habitats, and species including black redstarts, breeding and wintering birds, bats, terrestrial invertebrates, reptiles, aquatic invertebrates and fish.
- 8.57 The application proposes to clear the site which will result in the loss of all existing habitats within the boundary of the site. The proposals include a range of mitigation measures to seek to ensure the translocation of species including kidney vetch, hares-foot clover and common storks-bill plants and the provision of black redstart boxes, bat roosting boxes and invertebrate boxes. Alongside this are a variety of measures to secure biodiversity at the site such as a brownfield habitat zone between the river wall and the development, provision of a landscape zone on the western boundary adjoining the East India Dock Basin, timber fendering along the side and rear walls of the aggregate bays, brownfield vegetation within the northern area of the site (fronting Orchard Place) and the provision of brown roofs on all available buildings within the site boundary including the concrete plant feed hoppers, weighbridge office, covered car parking spaces and the office building.
- 8.58 The area of brownfield habitat proposed within the application site is 1,886sq.m, which results in a net loss of brownfield habitat of 90sq.m. The proposal, as a result of the biodiversity enhancements provided on site is considered to result in a neutral impact on Biodiversity within the application site boundary. The neutral impact on Biodiversity at the site is reliant upon all Biodiversity measures proposed being successful. The proposed works are unable to deliver a biodiversity enhancement within the application site boundary.
- 8.59 The proposed works, by virtue of the type of noise generation from the use of the site (sudden noises), could impact on the biodiversity of the East India Dock Basin (EIDB). The sudden noises from the proposed works may deter use of the EIDB by noise sensitive birds, such as Teal. Off-site mitigation measures are proposed through the de-silting of the EIDB which would allow for the habitat within the Basin to be available to less noise sensitive birds which have been known to use the Basin in previous years. These works would provide a biodiversity enhancement at the Basin whilst accommodating for the proposed use adjacent to the EIDB. These measures seek to enhance the Biodiversity value of the EIDB and therefore mitigate against any residual impact upon the visitor experience and enjoyment of the Basin. The applicant has agreed to provide a planning obligation to seek to secure these works.
- 8.60 On balance, it is considered that the proposed works both on-site and off-site sufficiently seek to protect the biodiversity of the site and enhance the biodiversity of the adjacent EIDB. If all the proposed on-site mitigation and the de-silting of EIDB are carried out successfully, this should result in a net gain in Biodiversity which results in a neutral impact on its recreational amenity value in accordance with the NPPF. The works are therefore considered to accord with policy 7.19 of the London Plan 2011 and policy SP04 of the Core Strategy 2010 and the National Planning Policy Framework.

- 8.61 Conditions are recommended to ensure the biodiversity enhancements are secured and all necessary works for the translocation of species and habitats are implemented.
- 8.62 A full assessment of the impacts of the proposed development on the River Thames is provided within the URS Scott Wilson report. It should however be noted that all works for the jetty (and ship to shore conveyor) which are proposed to be located 74 metres into the River Thames have been submitted in outline, therefore all matters with regard to location will be a consideration under the reserved matters application. As such, further mitigation measures specifically designed to reduce the impact on the River Thames will be secured if necessary at the reserved matters stage in consultation with the Environment Agency.

Transport, Connectivity & Accessibility

- 8.63 Policy 6.3 of the London Plan seeks that transport demands generated by development proposals are within capacity. Such assessment is to be in accordance with TfL's *Transport Assessment Best Practice Guidance*. The London Plan also emphasises the desire to maximise the movement of freight by water in line with policies 7.24, 7.26 and 7.30. These policies are reinforced through the Mayor's Transport Strategy which highlights that water transport is particularly suited to bulky movements of relatively low value cargoes for which speed is less critical, aggregates and waste being prime examples.
- 8.64 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the draft Managing Development DPD (2012) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.65 The site's location on the southern limb of Orchard Place means that traffic serving the site has no alternative other than to use the A1020 Lower Lea Crossing in order to access the wider London road network. The A1020 crosses Orchard Place as a raised flyover. Slip roads to and from this flyover are only located on the western side of Orchard Place. There the entry onto the A1020 from Orchard Place is in a westerly direction only, and access from the A1020 to Orchard Place is from an easterly direction only. This arrangement means that all traffic either accessing or egressing the site are required to use the Leamouth roundabout to the west of the site.
- 8.66 Orchard Place is a historic industrial road, narrow with 1.5 metre footways either side. Between the application site and the A1020 the carriageway width varies from 6.1 metres to 7 metres. Although narrow, the applicant has demonstrated on site to officers that the types of concrete vehicles using the site can pass one another in opposite directions.
- 8.67 The intention of the operation is that all bulky deliveries of aggregates (including sand) and cement materials will be imported by river, involving no road transport. The onward deliveries of aggregate, cement and concrete to the market place (sites) will occur by road.
- 8.68 The total import of aggregates by barge to the site is expected to be 350,000 tonnes per annum. The total import of cement is intended to be 260,000 tonnes per annum by barge. The production of concrete from the batching plant is expected to be 100,000m³ per annum, using 35,000 tonnes of cement and 200,000 tonnes of aggregate.

Freight Movements

- 8.69 Saved policy T26, policy SP08 of the Core Strategy, policy DM21 of the MD DPD 2012 and policy 6.14 of the London Plan 2011 seek to maximise the use of the waterways for the movement of freight and bulky goods to take movements off the strategic road network.

- 8.70 As set out above, the principle delivery of aggregates (including sand) and cement materials is to be via the River Thames. A condition is proposed to be imposed which requires all such materials to be delivered by river to prevent an exacerbation of vehicular movements. As such the development maximises the use of the waterways and complies with strategic and local policies.
- 8.71 A condition has been imposed which restricts unloading of ships and barges between the hours of 7am and 11pm, Monday to Saturday. No operation to unload ship and barges is permitted on Sundays and Bank Holidays. Unloading of ships and barges can take up to 36 hours and as there is no overnight working, ships may be docked for longer than 36 hour periods.

Vehicular Traffic Impact

- 8.72 The Transport Statement provides a detailed breakdown of the estimated vehicle movements per day on an hourly basis. From 7am to 1pm the site is expected to generate between 19 and 21 vehicle movements per hour. In the afternoon and evenings this figure is expected to decrease from 18 movements from 2pm to 3pm, then 13, 10, 8, 3 and 3 in the hours following.
- 8.73 The Transport Statement has also considered vehicle movements generated by the 30 staff members using the site. The first consideration is that staff members are likely to arrive at the site before the morning traffic peak and leave after the evening peak. Although it is difficult to predict the transport modal split for staff members, the Transport Statement has allowed for 35 movements per day.
- 8.74 Adding all vehicle movements together, a total of 198 HGV movements plus 35 car movements are anticipated.
- 8.75 Given a (rounded) figure of 200 HGV movements per day on Orchard Place, the increase in traffic is expected to be 25% on top of existing flows in Orchard Place. Although the proportional increase in vehicle numbers is high, this is largely due to the existing low vehicle flows experienced in Orchard Place. The resultant total vehicle flow for Orchard Place is expected to be 989 movements per day.
- 8.76 Following discussion with TfL and Tower Hamlets Highways officers, further analysis of the traffic impact on Orchard Place has been undertaken with the context of the approved mixed use residential scheme on Leamouth Peninsula and the consented Leamouth Wharf scheme on the Leamouth roundabout. The impact of traffic generated by the scheme and assessed cumulatively with the Leamouth Peninsula scheme to the north is considered to be acceptable. Tower Hamlets Highways Officers have confirmed they are satisfied with the analysis and are content with the conclusions, and accordingly it is considered that the proposed use will not have an unduly detrimental impact upon the freeflow of traffic.

Highway Safety

- 8.77 The Transport Statement has considered data obtained from the London Accident Analysis Unit of TfL from the past three years to 31st May 2011. This reveals that no injury accidents have occurred in Orchard Place or on either slip roads connecting to the A1020.
- 8.78 The entrance is located on the outer bend of Orchard Place and emerges through the boundary wall. The development proposal retains the existing access and removes three metres of the boundary wall either side of the entrance to be replaced with wire mesh to create greater visibility between drivers and pedestrians.
- 8.79 The second access to be created on Orchard Place will serve all movements associated with

the concrete batching plant. The site boundary fence will be set back from the back edge of the footpath to create a two metre wide pedestrian pavement and 2.4m x 56m visibility splays for drivers.

- 8.80 Both site accesses have been designed so that HGVs leaving the site are able to turn onto Orchard Place without crossing the road centreline. Track plots have been provided that demonstrates these vehicle manoeuvres.
- 8.81 As part of the S278 works at the site, a pedestrian refuge is proposed to be provided in the centre of the carriageway at Orchard Place to provide safe crossing. These measures coupled with footpath widening seek to provide highway safety measures along Orchard Place.

Parking

- 8.82 Fourteen staff and visitor parking bays are to be provided adjacent to the site office. Cycle parking facilities are also to be provided. Both the car and cycle parking details are to be secured by condition to ensure they are maintained in perpetuity.
- 8.83 Parking of all vehicles when not in use, for example overnight or in non-operational periods, will be parked within the application site. A condition is also to be imposed to secure that the parking of all vehicles associated with the operation, servicing, delivery, staffing and/or visitation of the site will be contained within the site confines. This will ensure no parking of HGVs on the public highway.

Thames Path

- 8.84 In addition to the widened pedestrian pathways surrounding the site entrances, the scheme also proposes an extension to the Thames Path along the site's river frontage. This path is to extend from East India Dock Basin, along the edge of the flood defence wall to the site's eastern boundary where it will turn 90 degrees north to link back to Orchard Place. The path is to be five metres wide with an additional five metre wide landscape strip between the path and the southern site boundary.
- 8.85 As well as providing an additional area of accessible riverside, the extension to the Thames Path gives pedestrians an option for by passing the site entrances on Orchard Place when heading east to Trinity Buoy Wharf. Pedestrians approaching from the north of the site would enter East India Dock Basin and use the Thames Path extension to loop around the south of the site, although this would add time and distance to a walking journey. Alternatively, pedestrians could bypass the Leamouth Roundabout and Lower Lea Crossing altogether by using the Thames Path along the Virginia Quay development, across the locks and East India Dock Basin and then utilise the Thames Path extension along the proposal site to link to Orchard Place. This may be a desirable route for people using East India DLR station to the west.
- 8.86 It is noted that objections have been received relating to the impact of the proposal on the FAT walk which extends to the EIDB. The application proposes an extension of the existing Thames Path Walkway which currently only extends to the EIDB and will therefore improve the extent of the overall FAT walk and will allow for the creation and extension to this walkway through the development site. It is not considered that the development proposals will on balance detrimentally impact on the FAT walk. The creation and provision of the extension to this walkway accords with policy SP04 of the Core Strategy 2010.
- 8.87 On balance, transport matters, including parking, access and servicing, are considered acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP08 and SP09 of the Core Strategy (2010) and DM20 and DM22 of the Draft Managing Development DPD (2012), which seek to ensure developments minimise parking

and promote sustainable transport options.

Energy & Sustainability

- 8.88 London Plan policies contained within chapter 5 and policy SP11 of the Core strategy 2010 collectively require development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.89 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use lean Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.90 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).
- 8.91 Policy SO3 of the Core Strategy seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The LB Tower Hamlets Core Strategy policy SP11 requires all new development to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.92 Policy DM29 of the draft MD DPD requires sustainable design assessment tools to be used to ensure that development has maximised use of climate change mitigation measures. At present the current interpretation of this policy requires commercial or non-residential schemes to achieve an excellent BREEAM rating.
- 8.93 Through Officer discussion it has been established that due to the constraints of the site and the type of development proposed, it is not possible to achieve the reduction in carbon emissions required by London Plan or Local planning policies. The proposed development will deliver a 6% reduction in carbon emissions which are proposed through Photovoltaic panels on the roof of the buildings on the site. On balance the reduction of carbon emissions identified and the acceptable in this instance. The strategy to secure energy efficiency measures as proposed will be secured by condition to be delivered in accordance with the strategy submitted.

Contamination

- 8.94 In accordance saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of land contamination to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officer who has recommended conditions ensuring the submission of further details.

Flood Risk

- 8.95 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.
- 8.96 The site lies within Flood Risk Zone 3 and a sequential test has been undertaken. The Environment Agency has reviewed the sequential test and have accepted the details submitted.
- 8.97 The Flood Risk Assessment on the current scheme concludes that the risk of flooding to the development is most likely to come from the River Thames, rather than overland flooding, fluvial flooding or other types of flooding from drainage systems. The site is protected from tidal flooding by the Thames Barrier and on site flood defence walls.

- 8.98 The development has the potential to increase the risk of flooding to the surrounding area by increasing the impermeable area, thereby increasing surface water runoff. However, the site plans include a 'wash out' area where all surface water runoff will be collected for use in the concrete batching plant and for washing vehicles. The re-use of water on site will reduce the volume of surface water runoff leaving the site and it is anticipated that under normal operating conditions the need for water will outstrip the supply provided by runoff.
- 8.99 In an extreme rainfall event, underground storage for 1,134m³ will mean that runoff rates connecting to the Thames Water combined sewer can be limited to Greenfield runoff rates.
- 8.100 Subject to the imposition of conditions, the proposal is considered to reduce the impact and risk of flooding. The proposal therefore accords with policy 5.12 of the London Plan 2011, saved policy U2 of the UDP 1998, policy DEV21 of the IPG 2007 and policy SP04 of the Core Strategy 2010.
- 8.101 In respect of the outline phases, the applicant is required to undertake further survey work prior to the final layout and detail of the jetty. These details will also be required to ensure they reduce the impact and risk of flooding. All details at reserved matters stage will be issued to the Environment Agency for consultation.

Environmental Impact Assessment

- 8.102 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.
- 8.103 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.
- 8.104 The ES addresses the following areas of impact (in the order they appear in the ES):
- Townscape and Visual
 - Ecology and Nature Conservation
 - Cultural Heritage
 - Land Quality
 - Transport and Access
 - Noise and Vibration
 - Air Quality
 - Water Resources
 - Marine Navigation Risk
 - Social and Community Effects
 - Mitigation and Monitoring
- 8.105 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 their view that whilst a Regulation 22 request was not required, further clarification was sought in respect of a number of issues. These issues have been satisfactorily addressed by the applicant and further review concluded that the ES have adequately addressed all the requirements of the EIA regulations.

- 8.106 The various sections of the ES have been reviewed by officers. The various environmental impacts are dealt with in relevant sections of this report above with conclusions given, proposals for mitigation of impacts by way of conditions, and/or planning obligations as appropriate.
- 8.107 In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental impacts are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

Health Considerations

- 8.108 Policy 3.2 of the London Plan (2011) seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 8.109 Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.110 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.111 As part of the planning application, works to provide an extension to the Thames Pathway, from the adjoining EIDB through the development site are considered facilitate healthy and active lifestyles for users of the Thames Pathway. It is therefore considered that the proposal meets the objectives of London Plan policy 3.2 and policy SP03 of the Core Strategy 2010 which seek to secure opportunities for healthy and active lifestyles.

Section 106 Agreement

- 8.112 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet 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.
- 8.113 This is further supported by Saved Policy DEV4 of the UDP (1998) and Policy IMP1 of the Council's IPG (2007) policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.114 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012; this SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Energy and Biodiversity

Some of the above priority areas are not relevant to commercial developments, such as affordable housing.

8.115 LBTH and LTGDC are the determining authorities on the development site.

8.116 Based on the SPD, LBTH Officers have identified a contribution request of:
 a) £250,000 towards biodiversity enhancements at the adjoining East India Dock Basin and
 b) £14,768 towards Employment and Enterprise.

A financial contribution of £264,768 has been agreed with the applicants.

Non financial contributions are also proposed to be secured, these obligations comprise:

- Noise Insulation Works and Ventilation scheme for 42-44 Orchard Place;
- Highway Works;
- Travel Plan;
- Employment and Training; and
- Thames Path extension through the application site.

The non-financial obligations proposed are principally site specific requirements which seek to mitigate the impact of the proposed development and discussed within the relevant sections of the report. Details of Employment and Enterprise are provided below.

Employment and Enterprise

8.117 The SPD requires developments to exercise reasonable endeavours to ensure 20% of the construction phase workforce will be for local residents of Tower Hamlets, to be supported through the Skillsmatch Construction Services. In addition the SPD requires that 20% of the goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

8.118 The SPD also seeks a financial contribution towards the training and skills need of local residents in accessing job opportunities created through the construction phase of all new development and a contribution towards end use phase of commercial developments. In addition the SPD states that in-house training programmes may be considered in lieu of the construction phase skills and training contribution; however this is assessed on a case by case basis.

8.119 The SPD also seeks a financial contribution to support and provide training for local residents new job opportunities created by the development. In addition best endeavours are sought to ensure a proportion of jobs are secured for local residents and apprenticeship schemes and work experience is provided to local residents.

8.120 The applicants are committed to supporting local employment and enterprise through the construction phase of the development and the end user phase. A financial contribution of £14,768 towards providing skills and training to local residents during the construction and

end user phase of the development have been secured. In addition the applicants have agreed to work with the Local Authority to ensure 20% of the construction and end user phase employees are LB Tower Hamlets residents. Measures to secure 20% of goods and services during the construction phase from local LBTH businesses has also been secured. The applicants have also agreed to all end user phase vacancies being exclusively advertised via the Councils Access to Employment service, Skillsmatch to enable as many local residents the opportunity to access the jobs created by the development. These measures also secure the construction training requirements requested by the GLA.

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

8.121 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:

8.122 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.

8.123 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.

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

8.125 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. Regarding Community Infrastructure Levy considerations, following the publication of the London Mayor's Community Infrastructure Levy, Members are reminded that the London Mayoral CIL is now operational, as of 1 April 2012. The likely CIL payment associated with this development would be approximately £5,950.

Human Rights Considerations

8.126 The application potentially raises some Human Rights Act 1998 implications. These are summarised in this section. In terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

8.127 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- o Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- o Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest

(Convention Article 8); and

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.

- 8.128 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.129 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 8.130 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.131 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.132 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.133 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

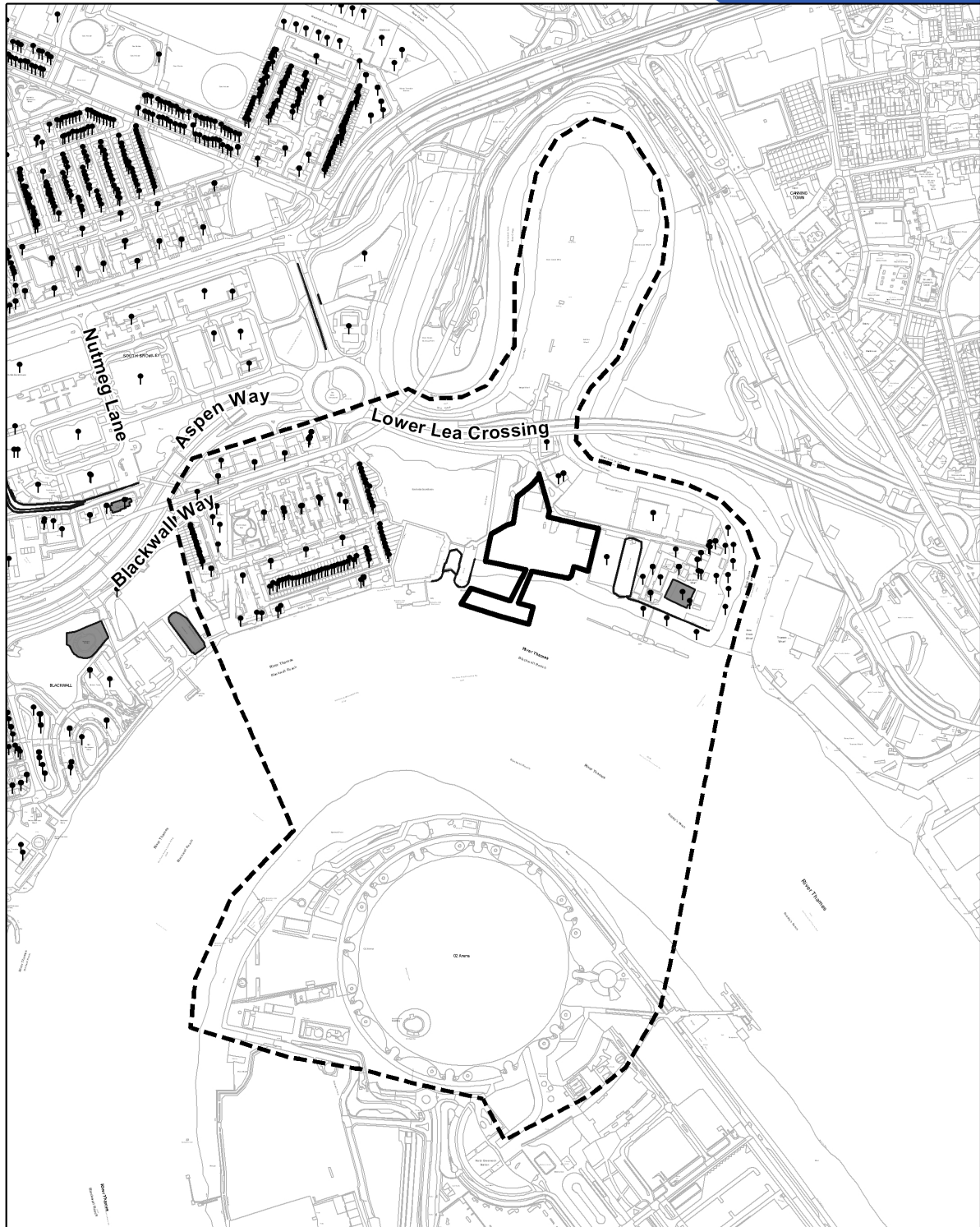
Equalities Act Considerations


- 8.134 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.135 The contributions towards various biodiversity enhancements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support biodiversity enhancement at the East India Dock Basin and provide noise insulation works for residents at 42-44 Orchard Place.
- 8.136 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

Conclusions

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


Planning Application Site Map




 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address

 Consultation Area

 Statutory Listed Buildings

0 30 m




1:8,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

© Crown copyright and database rights 2011 Ordnance Survey, London Borough of Tower Hamlets 100019288

This page is intentionally left blank

Agenda Item 9.2

Committee: Strategic Development Committee	Date: 31 st May 2012	Classification: Unrestricted	Agenda Item No: 9.2
Report of: Corporate Director Development & Renewal Case Officer: Mandip Dhillon		Title: Planning Application for Decision Ref No: PA/12/00252 Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: Millwall Park, Manchester Road, London, E14
Existing Use: Park
Proposal: The erection of a temporary mast structure, measuring 92 metres in height, and cable stretching from Millwall Park to LB Greenwich; from June to September 2012 to facilitate a cable mounted mobile camera within Millwall Park in association with the London 2012 Olympic Games and Paralympic Games, from 1st July 2012 to 31st August 2012.

Drawing Nos: Drawing Numbers and Documents:
Location Plan - GRP-SP-00-990;
22145 D02;
Overview 01-1;
Detail 01-1;
PLA 321;
Un-numbered view from Greenwich Riverside;
Un-numbered view from Island Gardens;
WOLFF tower crane specifications, 962-4-013122E, 962-4-009661E;
Planning statement including Design, Access and Heritage Statement for London 212, dated February 2012;
OBS, Draft Aerial Camera Rope Installation Thames Crossing Programme dated 16 January 2012;
Millwall Park reinstatement proposals dated 9 May 2012;

Applicant: LOCOG

Owner:

- George Green School
- Tower Hamlets Estates
- Treasury Solicitor's Office
- TFL/DLR
- Queen (Crown Estates)
- PLA

Historic Building: No historic buildings on the site.

Conservation Area: The camera cable extends over the Island Gardens Conservation Area

Other Designations: Millwall Park is designated Metropolitan Open Land.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 Officers have 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, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD (Submission Version 2012); as well as the London Plan (2011) and the National Planning Policy Framework, and has found that:

1. The proposal is only considered to be acceptable because it is a proposal for the temporary installation of a mast with the site conditions being reinstated on removal. The temporary mast is considered to be acceptable under exceptional circumstances, as it facilitates the 2012 London Olympic Games, which meets the aims and objectives of Policy 2.4 of the London Plan 2011 and SO2 of the Core Strategy adopted 2010.
2. Due to the temporary nature of the structure, the proposal would not have a long term impact on the character of the Island Gardens Conservation Area in accordance with policy 7.8 of the London Plan (2011); Policy SP10 of the Core Strategy (2010), and Policy DM26 (part 2e) and DM27 of the Managing Development DPD (Submission Version 2012).

3. RECOMMENDATION

3.1 That the committee resolves to **GRANT** planning permission subject to the imposition of the following conditions and informatives.:

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

- 1) Temporary consent from 1st July 2012 to 31st August 2012 after which the development shall be deconstructed and removed
- 2) Site to be reinstated upon deconstruction in accordance with installation surveys to submitted
- 3) Scheme to be built in accordance with the approved plans
- 4) Hours of construction
- 5) No loading/unloading on the public highway during construction or operation
- 6) 24 hour security patrols
- 7) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.3 Informatives

- 1) London City Airport
- 2) Oversailing License necessary
- 3) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 This application proposes the erection of a temporary camera mast structure, 92 metres in height, within the southern area of Millwall Park. The mast would facilitate the provision of a cable mounted mobile camera in association with the Olympic Games, linking to a second 50 metre high structure in Greenwich Park, to the south of the General Wolfe Statue. The mast would be similar to a temporary crane, being of lattice type design.

4.2 The cable would be 1,580 metres in length and be 59 metres above the river at high tide to

ensure the safe passage of ships. The camera would allow aerial images of the Games to be seen worldwide without the need to use helicopters.

- 4.3 The site area of the mast and associated structures (excluding cable) is approximately 0.3 hectares, representing approx 5% of the total area of Millwall Park (being approx 6.34 hectares).

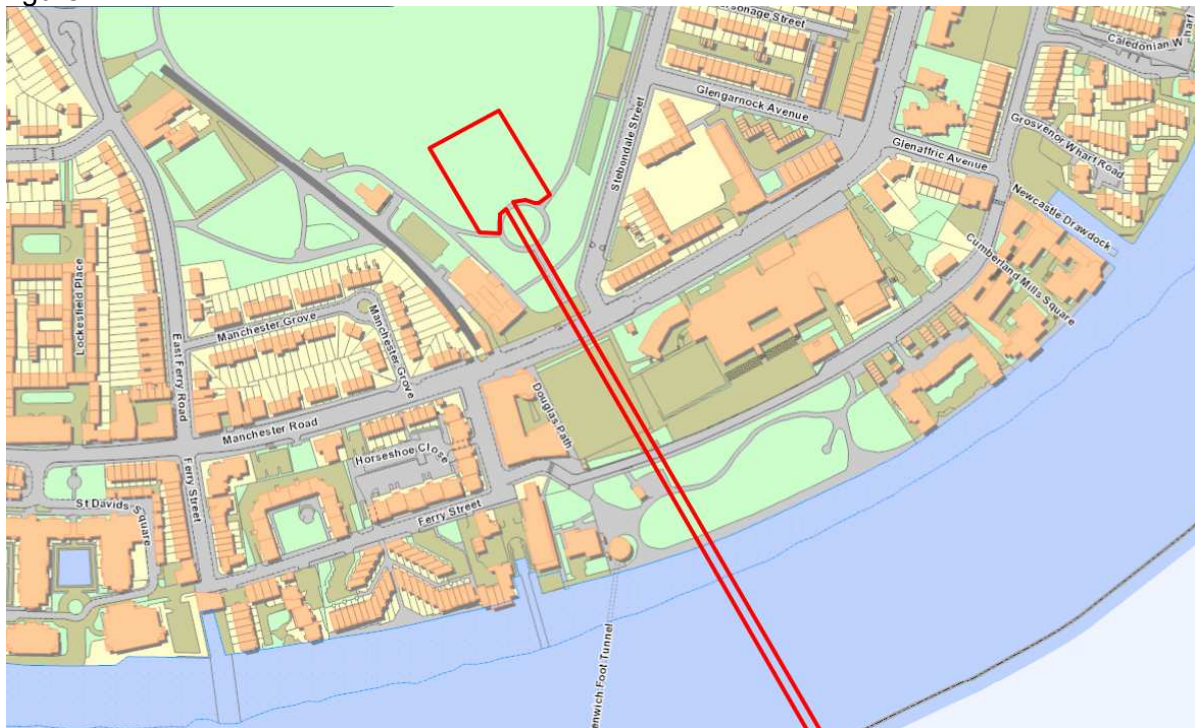
Site and Surroundings

- 4.4 The subject site is within the southern part of Millwall Park, on the Isle of Dogs. Millwall Park measures approximately 8.64 ha in area. This site area of 8.64 ha includes the Mudchute Park and Farm and the area as a whole is designated as Metropolitan Open Land.

- 4.5 There are no Listed buildings on the subject site however the cable itself extends over the Island Gardens Conservation Area.

4.6 Site Location Plan

Figure 1



Relevant Planning History

- 4.7 No relevant planning history.

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)

Policies:	2.4	The 2012 Games and their Legacy
	2.9	Inner London
	5.12	Flood Risk Management

6.3	Assessing the Effects of Development on Transport Capacity
7.8	Heritage Assets
7.9	Heritage-led Regeneration
7.10	World Heritage Sites
7.11	London View Management framework
7.17	Metropolitan Open Land

Unitary Development Plan 1998 (as saved September 2007)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV12	Provision Of Landscaping in Development
	T16	Traffic Priorities for New Development
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

Interim Planning Guidance for the purposes of Development Control

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV4	Safety and Security
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV21	Flood Risk Management
	OSN2	Open Space

Supplementary Planning Guidance/Documents

N/A

Core Strategy Development Plan Document (Adopted September 2010)

Policies:	S02	Maximising the Olympic Legacy
	SP02	Urban living for everyone
	SP04	Creating a green and blue grid
	SP08	Making connected places
	SP10	Creating distinct and durable places
	SP12	Delivering Placemaking – Place of Cubitt Town

Managing Development, Development Plan Document (DPD) Submission Version May 2012

Policies:	DM10	Delivering Open Space
	DM24	Place-Sensitive Design
	DM25	Amenity
	DM27	Heritage and the Historic Environment
	DM28	World Heritage Sites

The National Planning Policy Framework (2012)

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 No comments

LBTH Arboricultural Officer

6.4 No objection in principle, however an arboricultural survey in respect of the proposed cables and wind sway, the relative height and width clearance in Millwall and Island Gardens.

(Officer comment: The applicants have confirmed that the cable will clear the trees significantly, and there will be no conflict. The tree canopies do not exceed 30 metres in height, and the cable will be over 50 metres from high tide level (at its lowest point). Arboricultural survey therefore not required.)

LBTH CLC

6.5 Any issues specific to park reinstatement, insurance, security, health and safety, site management and remedial landscaping will be taken care of via the licence agreement negotiations that the applicant will need to undertake with the Council as land owner in order to access the site.

English Heritage

6.6 No objections.

Greater London Authority – Mayor of London

6.7 The Stage 1 report advises that the proposal does not raise any strategic planning issues. The impact on the LVMF panorama and setting of the World Heritage Site will be minimal and is only for a temporary period. The GLA have advised that due to the nature of the proposal, no further consultation is required on the application (Stage 2) and the Local Authority should proceed to determine the application.

LBTH Highways and Strategic Transport

6.8 No objection.

London City Airport

6.9 No objection, subject to an informative

NATS

6.10 No objections.

Ministry of Defence

6.11 No objections.

Port of London Authority (PLA)

6.12 No in principle objections subject to an agreement between the applicant and the PLA regarding the impact on two-way radio systems.

(Officer Comment: The PLA and the applicants have now entered into an agreement and the PLA have no objection to the proposed works.)

Royal Borough of Greenwich

6.13 No comments received.

6.14 A full copy of all comments received will be available to view by Members prior to the committee meeting.

7. LOCAL REPRESENTATION

7.1 A total of 558 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:	7	Objecting:	7	Supporting:	0	Observation:	1
No of petitions received:	0						

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:

- Out of character with the surrounding area and Conservation Area;
(Officer comment: Whilst such a structure would not be considered acceptable on a permanent basis, given the use is temporary for the Olympics, the proposal is considered acceptable in this instance)
- Loss of privacy – potential for the camera to look into private residences;
(Officer comment: The applicant has confirmed that the camera will be used for recording images of Greenwich Park and wider London panoramic only. It will not be used for security purposes, nor for looking into private premises)
- Safety – possibility of the structure falling over;
(Officer comment: The applications documents include a draft method statement for the erection of the mast. This statement clarifies that the proposed structure will include a ballast and guy lines with ground anchors to ensure the structure is stable. Prior to works commencing, the application will be required to submit an application to the Council's Building Control section to ensure the structural integrity of the mast)
- Impact upon air traffic;
(Officer comment: NATS and London City Airport have reviewed the proposal, and no objection is raised to the proposal)
- Impact on highway network/access during construction;
(Officer comment: The Councils Strategic Transport section reviewed the planning application, and raised no objection regarding impacts on the highway network during construction)
- Damage to the park;

(Officer comment: A condition of the application being approved would be the making good of any affected areas of the park. A reinstatement proposal has been submitted by the applicant, which details their methodology to ensure re-seeding of the grass and ongoing maintenance to ensure the growth of grass. This proposal requires the submission of site surveys, which can be secured by condition as set out in paragraph 3.2 of this report)

- Other methods of filming (such as blimp);

(Officer comment: Each planning application is considered on its own merits. As the tower and cable are temporary, they are considered acceptable in this instance)

- Concern regarding navigation of the Thames (HMS Ocean for helicopter operations);
(Officer comment: The Ministry of Defence and Port of London Authority have considered the application and do not raise objections)

- Loss of use of the park, including football pitches;
(Officer comment: Given this application is for a temporary period, and the site will be returned to its former state, the loss of use of some of the part during this period is considered acceptable in this instance)

- Lack of consultation with Millwall Park and Island Gardens User Group;
(Officer comment: The applicant did not consult this group directly. Nevertheless, the Council carried out consultation in the form of site notices, letters and advertisement in East End Life. 7 responses from the public have been received, indicating that the consultation exercise was effective)

- Security.

(Officer comment: The applicant confirmed that there will be 24 hour security patrols onsite)

7.3 A full copy of all comments received will be available to view by Members prior to the committee meeting.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design
3. Amenity
4. Transport

Land Use

8.2 The existing site comprises a park, which is designated as Metropolitan Open Land. Policy 7.17 of the London Plan (2011) seeks to protect Metropolitan Open Land. Policy SP04 of the Core Strategy (2010) seeks to protect and safeguard all existing open space such that there is no net loss.

8.3 The scheme does not propose a permanent change in land use of the site, but a temporary structure for filming purposes during the Olympic Games for July and August of 2012. The mast will facilitate filming of the Equestrian events in Greenwich Park, as well as wider shots of London.

8.4 Policy 2.4 of London Plan 2011 requires the borough to encourage the promotion of the Olympic Park and venues as an international visitor destination. Strategic Objective SO2 of the Core Strategy 2010 seeks to ensure that Tower Hamlets supports the activities and sporting events and opportunities associated with the London Olympic Games. The

provision of this temporary mast seeks to promote and support the sporting activities during the duration of the Olympic and Paralympics Games.

- 8.5 As the proposal will not result in the permanent loss of Metropolitan Open Land, and the site will be restored to its former condition, in this case it is considered acceptable in land use terms.

Design

- 8.6 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that compliment the local character, quality adaptable space, optimising the potential of the site.
- 8.7 Saved UDP policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials. Core Strategy Policy SP10 and Policy DM23 and DM24 of the Managing Development DPD (Submission Version 2012) seek 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.
- 8.8 **As** the proposal is temporary, no permanent adverse impacts are envisaged to the Island Gardens Conservation Area, nor to the General Wolfe statue or World Heritage site within the Royal Borough of Greenwich.
- 8.9 Policy 7.11 of the London Plan sets out considerations with the London View Management Framework. Assessment points 5.1 and 5.2 of this framework are from Greenwich Park looking towards the Docklands and towards St Pauls. The proposed mast is located within these viewpoints. Given the slender form of the mast, it is not considered that it will have a detrimental impact upon this viewpoint.

Heritage

- 8.10 Policy 7.8 of the London Plan (2011) considered alongside Policies SP10 of the Council's Core Strategy (2010) and DM27 of the Managing Development DPD (Submission Version 2012) seek to protect and enhance heritage assets and ensure development affecting heritage assets and their setting will conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 8.11 Policy DM26 (Part 2e) of the Managing Development DPD (Submission Version 2012) also seeks to ensure that tall buildings do not adversely impact on heritage assets, including their setting and backdrops.
- 8.12 The site of the mast does not lie within a Conservation Area. However the cable which runs between the proposed mast and that within Greenwich Park, extends over the Island Gardens Conservation Area. English Heritage and the Councils Design and Conservation officer have considered the proposal, and raised no objection on the grounds of historic importance.
- 8.13 Whilst the design, scale and treatment of the mast would not normally be suitable in the Island Gardens Conservation Area, due to the temporary nature of the proposal, on balance the development is considered to be acceptable

Design Conclusions

- 8.14 In terms of height and massing, the proposed development is considered acceptable on the basis that it is temporary, for the period of the 2012 Olympics only. A condition will be attached if planning permission is granted to ensure that the park is made good after the structure is removed.

Amenity

Temporary Loss of Open Space

- 8.15 The proposed structure will be on site for the duration of the 2012 Olympics.
- 8.16 During this time it will have a detrimental impact upon the enjoyment of the Millwall Park, due to its location.
- 8.17 However, the structure is temporary and will take up just 5% of the area of the park, allowing for filming of the equestrian events during the Olympics, as well wider panoramic shots of the Borough and London as a whole. Accordingly, on balance the proposal is considered to be acceptable given the short-term consent period and benefits to London as a tourist destination. It will also showcase views of the Isle of Dogs towards the Olympic Park.

Noise Impacts

- 8.18 Saved policy DEV2 of the UDP (1998), policy DM25 of the Managing Development DPD (Submission Version 2012) and policy DEV1 of the Interim Planning Guidance (2007) seek to preserve residents' amenity in particular and the surrounding area in general.
- 8.19 It is anticipated that the operation of the camera itself will produce minimal noise, being a camera running along a cable.
- 8.20 With regards to the objections received on the grounds of impacts during demolition and construction, the typical hours of work would be 08:00 – 18:00 weekdays; 08:00 – 13:00 Saturdays; and no working on Sundays or Bank Holidays.

Daylight and Sunlight

- 8.21 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. This is further carried through to policy DM25 of the Managing Development DPD (Submission Version 2012).
- 8.22 The structure is narrow and latticed in design, and therefore would not result in an unduly detrimental impact upon the enjoyment of daylight and sunlight for residential occupants, or Millwall Park.

Conclusion

- 8.23 On balance, it is considered that as the proposal is temporary in nature, it will not result in an unduly detrimental loss of amenity for residents or visitors to the Borough.

Transport

- 8.24 Saved UDP policies T16, T18, T19 and T21, Core Strategy Policy SP08 & SP09 and Policy DM20 of the Managing Development DPD (Submission Version 2012) together seek to

deliver accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on the safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.

- 8.25 The proposal does not lie within the public highway, nor will it have an impact upon the local highway network.
- 8.26 The Council's Highways section have requested that a condition be attached to ensure there will be no unloading on the public highway during construction, as well as an informative advising the applicant that an over-sailing license will be necessary for the cable.
- 8.27 As the proposal will not have a detrimental impact upon the local highway network, it is considered that the scheme is acceptable in highway terms.

Other Planning Issues

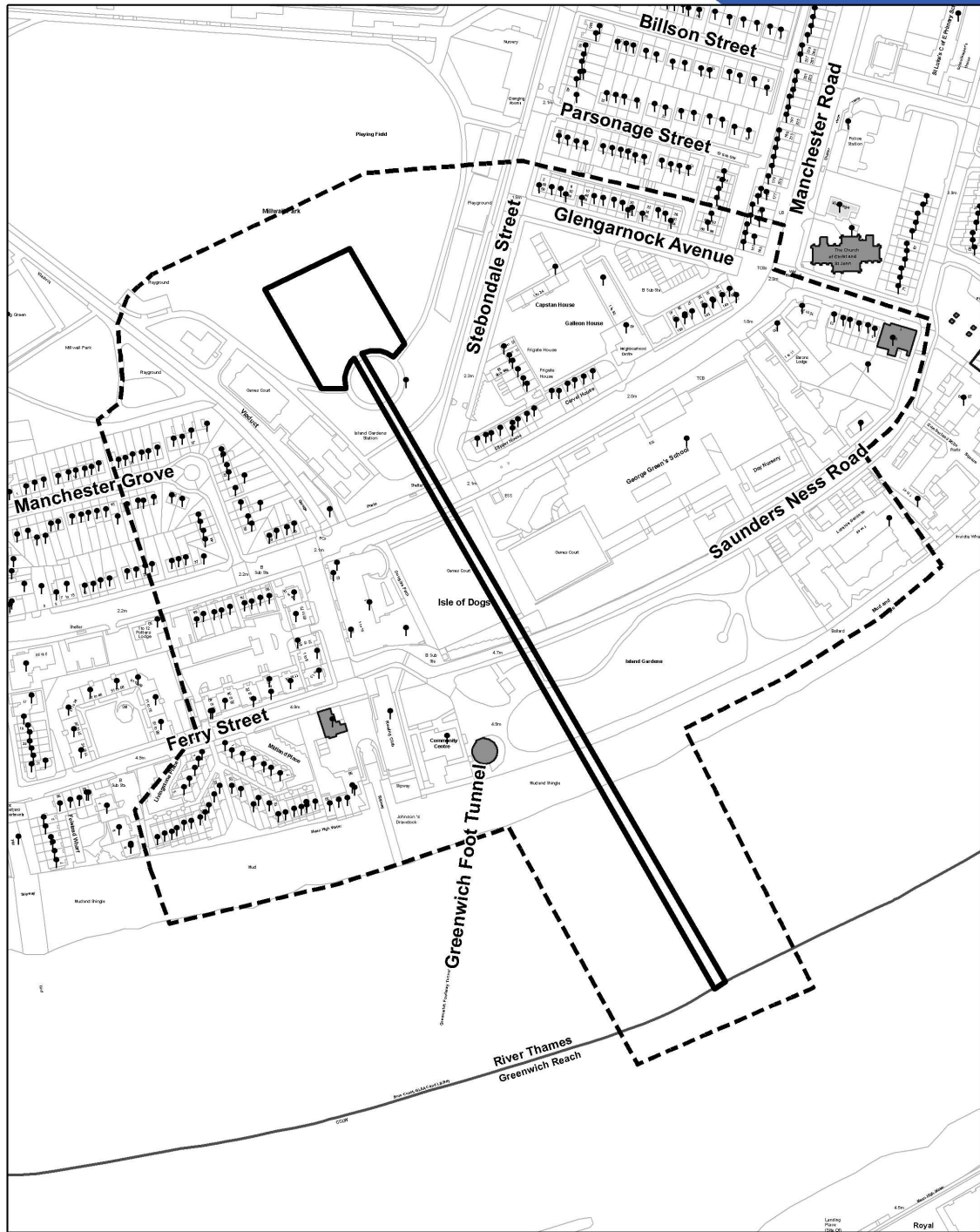
Flood Risk

- 8.28 The application site lies within Flood Risk Zone 2. The application is temporary and does not comprise a vulnerable type of development. Accordingly, the application does not raise flood risk issues.

Conclusions

- 9.0 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.

Planning Application Site Map



- Planning Application Site Boundary
- Consultation Area

- Locally Listed Buildings
- Statutory Listed Buildings

Land Parcel Address



1:3,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

© Crown copyright and database rights 2011 Ordnance Survey, London Borough of Tower Hamlets 100019288

