

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 18 April 2013 at 7.30 p.m.

A G E N D A

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

Members:

Chair: Councillor Helal Abbas
Vice-Chair: Councillor Bill Turner

Councillor Shahed Ali
Councillor Zara Davis
Councillor Stephanie Eaton
Councillor Judith Gardiner
Councillor Carlo Gibbs
Councillor Dr. Emma Jones
Councillor Helal Uddin

Deputies (if any):

Councillor Tim Archer, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
Councillor Craig Aston, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
Councillor Peter Golds, (Designated Deputy representing Councillors Dr. Emma Jones and Zara Davis)
Councillor Denise Jones, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
Councillor Shiria Khatun, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)
Councillor Kosru Uddin, (Designated Deputy representing Councillors Helal Abbas, Carlo Gibbs, Bill Turner, Helal Uddin and Judith Gardiner)

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

Committee Services Contact::

Zoe Folley, Democratic Services,
Tel: 020 7364 4877, E-mail: zoe.folley@towerhamlets.gov.uk

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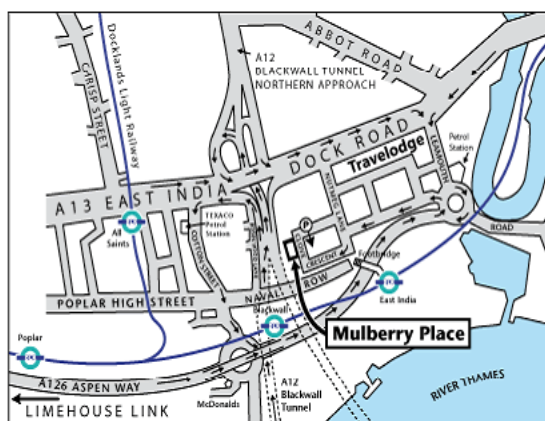
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5. PROCEDURE FOR HEARING OBJECTIONS

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

The deadline for registering to speak at this meeting is 4pm Tuesday 16th April 2013.

6. DEFERRED ITEMS **17 - 18**

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/12/03318) **19 - 70** **Blackwall & Cubitt Town**

7. PLANNING APPLICATIONS FOR DECISION **71 - 74**

7 .1 27 Commercial Road and 29-37 Whitechurch Lane London E1 1LD (PA/12/02703) **75 - 104** **Whitechapel**

7 .2 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14 (PA/12/02923) **105 - 152** **Blackwall & Cubitt Town**

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON WEDNESDAY, 6 MARCH 2013

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Bill Turner (Vice-Chair)
Councillor Stephanie Eaton (Items 7.1-
7.2 only)
Councillor Judith Gardiner (Item 6.1 only)
Councillor Carlo Gibbs
Councillor Dr. Emma Jones
Councillor Helal Uddin (Items 7.1-7.2
only)
Councillor Peter Golds (Items 7.1-7.2
only)

Other Councillors Present:

None

Officers Present:

Jerry Bell	– (Applications Team Leader, Development and Renewal)
Megan Nugent	– (Legal Services Team Leader, Planning, Chief Executive's)
Pete Smith	– (Development Control Manager, Development & Renewal)
Amy Thompson	– (Deputy Team Leader, Development and Renewal)
Mary O'Shaughnessy	– (Planning Officer, Development and Renewal)
Andrew Hargreaves	– Borough Conservation Officer
Zoe Folley	– (Committee Officer, Democratic Services Chief Executive's)

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Zara Davis for which Councillor Peter Golds was deputising for items 7.1 and 7.2 only.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Stephanie Eaton declared a disclosable pecuniary interest in agenda item 6.1 (Skylines Village, Limeharbour, London (PA/11/3617))

The declaration was made on the basis that she had a beneficial interest in land close to the application site that had been recorded in the register of Members interests. She indicated that she would leave the meeting room for the consideration of this item.

Councillor Peter Golds left the meeting for item 6.1(Skylines Village, Limeharbour, London (PA/11/3617)) as he had spoken against the item at the last meeting on 24th January 2013 when it was considered.

3. UNRESTRICTED MINUTES

The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 24th January 2013 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS

The Committee **RESOLVED** that:

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

5. PROCEDURE FOR HEARING OBJECTIONS

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

6. DEFERRED ITEMS

6.1 Skylines Village, Limeharbour, London (PA/11/3617)

Update report tabled.

Councillors Stephanie Eaton and Peter Golds left the meeting for the consideration of this item only.

Councillor Helal Uddin did not vote on this item as he was not present at the last Committee meeting where it was last considered.

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding Skylines Village, Limeharbour, London.

Pete Smith (Development Control Manager) made a presentation of the committee report and tabled update, as circulated to Members. The application was previously considered by the committee on 24th January 2013 where Members were minded to refuse the recommendation to grant for six reasons. This report detailed the developments since then to address these issues. These are summarised below:

Child play /community space revisions. The applicant was proposing to provide 11-15 age play space on site whilst meeting the overall play space requirement. The community space still complied with policy. The applicant had been engaging in continuous discussions about the provision of a youth facility on site that could be used by older children. There was also a full contribution for open space and community facilities.

Impact on health services. The applicant and Officers had engaged with the health services on site. Two of which wished to remain on site. The applicant had devised plans for the relocation and retention of these services on site as set out in the report.

Daylight impacts. It was acknowledged that there would be a serious impact on daylight to surrounding properties. The extent of the losses were set out in the report as requested at the last meeting. However, officers found such impacts were typical for a major development of this scale. This was a balanced judgement but Officers found that the benefits outweighed the impacts.

Height and Density. It was noted that the density exceeded the London Plan maximum. However, it was necessary to take into account the local context and the overall merits of the scheme when assessing this issue (the Borough's housing targets, the site designation, the full S106, and community space). In the balance, Officers continued to find the scheme acceptable taking into account the wider issues.

Loss of employment floor space. It was likely that the proposed space (whilst under current levels) would provide greater flexibility for users and higher employment densities.

Another issue raised was the size of the retail units. The applicant was willing to accept a condition limiting the size of the retail units. It was expected that the majority of units would be occupied by smaller businesses according to the applicant.

The waste collection plans were clarified.

It was confirmed that the application may be called in by the Mayor of London should Members be minded to refuse the scheme.

On balance, Officers continued to find the application acceptable. However they had drafted two reasons for refusal should members be minded to refuse the scheme, based on the reasons given at the last meeting.

Members raised questions around the following issues:

- The drug and alcohol team on site. In particular, the compatibility of such services with a residential development for both service users and residents.
- The lack of child play space. It was commented that the changes in this area were very minor. There was still an under provision of such space.
- The impact on the surrounding properties due to the height and scale of the scheme.
- Continuing concern about the bulk and density that remained unchanged.

In response, Officers confirmed the views of the drug and alcohol team on site (DAAT). The applicant had offered to help them relocate given their desire to do so should the new development go ahead. A letter from the service confirming this was in the update report. The other two youth groups were willing to stay on the new development and saw no issues in terms of compatibility. Officers were satisfied with the scheme in terms of density. There were special circumstances justifying a deviation from the maximum in the London Plan as with other developments accepted in the area.

On a vote of 4 in favour 0 against and 1 abstention, the Committee **RESOLVED:**

That planning permission (PA/11/3617) at Skylines Village, Limeharbour, London be **REFUSED** for proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys for the reasons set out in the paragraph 7.4 and 7.6 of the committee report detailed below.

Reason 1

The proposal represents an overdevelopment of the site, in excess of the density ranges outlined by Policy 3.4 of the London Plan (July 2011) and the associated Supplementary Planning Guidance "Housing" and results in a scale, form and height of development which fails to adequately deal with the transition in built character between the Canary Wharf tall buildings cluster and the lower density development that lies outside the Canary Wharf Activity Area, fails to provide adequate play space for all age groups and leads to a material loss of daylight to neighbouring residential occupiers, contrary to

Policies 3.4, 3.6, 7.1, 7.4 and 7.7 of the London Plan (July 2011), saved Policy DEV1 of the adopted Unitary Development Plan (1998), Policies SP02 and SP10 of the Core Strategy (2010), Policies DM4, DM24 and DM25 of the Managing Development DPD (Submission Version May 2012) with modifications and Policies DEV1, DEV2, HSG1 and DEV27 of the Interim Planning Guidance (2007) and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

Reason 2

The proposed redevelopment of the existing Skylines Village will lead to a net loss of B1 (Business) floorspace, contrary to Site Allocation 20 "Marsh Wall East" as identified in the Managing Development DPD (Submission Version May 2012) with modifications which states that development should re-provide and intensify existing employment floorspace, saved Policies EMP1 and EMP3 of the Unitary Development Plan (1998), Policy SP06 of the Core Strategy 2010, Policy Ee2 of the Interim Planning Guidance (2007 and Policy DM15 of the Managing Development DPD (Submission Version May 2012) with modifications and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.

(The Members that voted on this item were Councillors Helal Abbas, Bill Turner, Carlo Gibbs, Dr Emma Jones and Judith Gardiner)

Councillor Judith Gardiner left the meeting after the consideration of this item (8.20pm).

7. PLANNING APPLICATIONS FOR DECISION

7.1 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/12/03318)

Update report tabled.

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding the Robin Hood Gardens Estate (PA/12/03318). The proposal was a reserved matters application for the replacement of Woolmore School following the outline planning consent granted by the committee for the wider scheme PA/12/00001.

The Chair invited registered speakers to address the Committee.

Tom Ridge spoke in objection to the proposal. He referred the applicant's 'justification for demolition document' that rejected option (b) due to the sewer works. (retaining the old building with a modern new school at the east). However, in the report, the option was dismissed as it divided year groups.

In the new building, a year group would be divided in several places at the upper level with an inadequate staircase.

The scheme would maximise disruption and place the sports and play area at the end of the site with the most pollution. The questionnaire was worded in favour of the plans – it asked do you agree with the plans that would increase school places? Mr Ridge questioned the accuracy of the heritage assessment commissioned by the applicant. It appeared that they were appointed to dispute the building's historic value. This application should be refused and consideration should be given to his option of retaining the old school with an extension to the east

In reply to Members, he stated that the building was not listed due such issues as the plastic windows that should be replaced. However, this did not mean it was not of value and should be demolished. The building was a pre war L.L.C building. One of 33 schools of such type. Each had unique features. This school was the only one with the unique chimney stacks and vents. He disputed the opinion that the building was an arts and craft school that changed into a neo Georgian school. This was incorrect. In fact, it was the opposite. The comparisons with the grammar school were inaccurate as they were not 'a like for like' in terms of type and location.

Hugo Nowell spoke in support of the proposal. He emphasised the lack of heritage value of the unprotected building that was not in a conservation area. The existing building did not meet modern standards and had experienced alterations and bomb damage leaving little historic features. The applicant had fully considered the option of retention. However none of the options were appropriate and would meet the needs of the school. The alternatives proposed would require extensive changes to the building that would heavily impact on its character anyway. These alternatives were presented to the schools and rejected. The scheme would supply much needed extra school places for the Borough. It was proposed to build the school at the eastern side, as opposed to the north. Bullivant Street was not available due to a separate planning consent. There would be a larger play space and screening to protect the building from noise from the Blackwall approach. It was expected that the new school would be ready for use by September 2014 with the existing school still in full use in the meantime. The school and governors fully supported the scheme and it should be granted.

In reply to Members, he reported that every effort had been made to try to retain the school but this was not possible. The heritage assessment took into account the Conservation Officer's expert advice and English Heritage views. The scheme would enable the school to meet moderns standards in terms of access etc. This was key.

Amy Thompson (Planning Officer, Development and Renewal) made a detailed presentation of the committee report and tabled update, as circulated to Members. She explained the site location and the plans. She explained the

outcome of the consultation with one letter in support and one objection. The concerns raised in this were addressed.

The current building was not fit for purpose on many fronts. The building was not protected. This needed to be given weight.

She explained the flaws with the alternative options, on investigation, that would result in less play space and substantial changes (as explained by the speaker in support). The proposal would also accommodate the additional school places. She explained the floor plans, noise insulation, noise buffer for the new play ground and the materials. In terms of amenity, the plans were found to be acceptable. Officers were satisfied with the level of detail submitted.

Also in attendance was the Borough's Conservation Officer, Andrew Hargreaves who reported his views in support of the recommendation.

Officers were supportive of the proposal and were recommending it for approval.

The Chair then invited questions from Members, which covered the following issues:

- The noise insulation for the building itself in view of the nearby Blackwall approach.
- The accuracy of the heritage assessment.
- The historic value of the building. Members noted the need for the extra school places and a new school. However were worried about demolishing the school to achieve this. The school was unique and there was only 33 of its type. It was questioned whether the option of improving the current school to achieve the aims had been fully explored. Full details of this should be provided.
- The decision to discount option (b) due to the sewage system. It was questioned whether the option had been fully investigated to see if it could be built with the sewage system.
- The school's views on the application.

Officers' responses included the following information:

The noise insulation for the building was of a high standard and complied with the relevant standards. The building would be mechanically ventilated. The measures would prevent any noise impact from the Blackwall Approach. Officers showed slides of the options assessed and rejected. Officers explained in detail why they unsuitable. This was due to a number of reasons such as: unacceptable layout, less room for play space and the unavailability of Bullivant street due to the nearby planning consent. Option (b) suggested by Mr Ridge was not suitable due to the site constraints as well as the position of the sewer system.

The school had submitted a letter in support. This was a reserved matter application so the principal of the proposal had already been accepted.

On a vote of 3 in favour and 4 against the Officer recommendation, the Committee **RESOLVED**:

1. That the Officer recommendation to grant reserved matters consent (PA/12/03318) at 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 be **NOT ACCEPTED** for submission of reserved matters for Woolmore School (Development Zone 1, Building Parcel R) relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30th March 2012, reference PA/12/00001.

The Committee were minded to refuse the application due to concerns over the loss of heritage value of the existing school building.

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

(The Members that voted on this item were Councillors Helal Abbas, Bill Turner, Carlo Gibbs, Stephanie Eaton, Peter Golds, Dr Emma Jones and Helal Uddin)

7.2 Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14 (PA/12/00637)

Update Report Tabled.

Jerry Bell (Application Team Leader, Development and Renewal) introduced the item regarding Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14 (PA/12/00637)

Mary O'Shaughnessy (Planning Officer) made a detailed presentation of the committee report and tabled update, as circulated to Members. She explained the site and the surrounding area including the nearby DLR station and District Town Centre. The site had been allocated for residential use in planning guidance. A similar development had previously been granted. Therefore, the land use had been established. She explained the density range that should read 1385, (correction from the report). The density exceed the London Plan maximum. However, given the lack of impact and the location, the scheme was acceptable on balance and supported in policy. She explained the outcome of the consultation and the issues raised.

There would be some loss of light to surrounding properties, as the site was now clear. However, the properties would still receive adequate levels of light (as supported in the sunlight assessment).

The proposal sought to provide 22% affordable housing. The tenure mix was explained. The viability of the scheme had been tested and the offer was considered acceptable following independent testing. Officers also explained the layout, amenity space, separation distances and car parking plans.

On balance, Officers considered that the scheme was acceptable and were recommending that the scheme should be granted.

The Chair then invited questions from Members, which covered the following issues:

- The design and its relationship with the surrounding buildings.
- The commercial space. There was some uncertainty about its eventual use given the large range of potential uses. Concern was expressed about this.
- The affordable housing, in particularly the social housing. It was noted that the offer fell short of policy. There was also an oversupply of small units and a lack of family units.
- The large number of small units and bedsits generally. Concern was expressed that they may be let out as short term lets to the detriment of community cohesion.
- The viability assessment.
- The scope of the consultation.
- The timescale for the contamination assessment.

Officers' responses included the following information

Officers were supportive of the contemporary design. Officers felt that it was of high quality and innovative with distinctive features. It would fit in with the surrounding buildings that were a mix designs. Various designs had been tested before choosing this one as the preferred option. There was a condition to ensure that the details of the design be submitted for approval. The site was not in the conservation area whilst near the Langdon Park conservation area.

The commercial space could be used for a range of uses. However this was found to be acceptable given the proximity to the District Town Centre. The consultation was carried out in line with the requirements with letters to households and site notice. The applicant also carried out a pre application consultation with the community.

There was a standard condition to require contamination testing prior to development to ensure any mitigation required. There were large family units at ground floor with a large public space. Officers were confident that the scheme would help create a sense of community.

The viability of the scheme was independently tested. A representative from the company that carried out that assessment was present to explain the testing. They explained that the scheme was robustly assessed taking into account such factors as property values for the area and market rents. Overall, it was found that the proposal was reasonable securing the best mix that could be provided. Officers listed average property prices for the area.

On a vote of 0 in favour and 5 against the officer recommendation and 2 abstentions, the Committee **RESOLVED**:

That the Officer recommendation to grant planning permission (PA/12/00637) at Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14 be **NOT ACCEPTED** for redevelopment of the site to provide a residential led mixed use development, comprising the erection of part 6 to 22 storey buildings to provide 223 dwellings and 129sqm of new commercial floorspace falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus car parking spaces, cycle parking, refuse/recycling facilities and access together with landscaping including public, communal and private amenity space.

The Committee were minded to refuse the application due to concerns over:

- Height, design in relation to its lack of coherence with the surrounding area, bulk and scale of the scheme.
- Housing mix in relation to the high number of 1-2 bed and studio units.
- Lack of affordable housing particularly social housing.
- Overdevelopment.
- Size of the shop unit.
- Relationship/ lack of cohesion with the adjoining Langdon Park Conservation Area.

Concern were also expressed about use of the commercial floor space given the large range of potential uses.

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

(The Members that voted on this item were Councillors Helal Abbas, Bill Turner, Carlo Gibbs, Stephanie Eaton, Peter Golds Dr Emma Jones and Helal Uddin)

The meeting ended at 10.00 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

Agenda Item 5

DEVELOPMENT COMMITTEE STRATEGIC DEVELOPMENT COMMITTEE

PROCEDURES FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

- 6.1 Where a planning application is reported on the "Planning Applications for Decision" part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2 When a planning application is reported to Committee for determination the provision for the applicant/supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3 All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4:00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4 Any Committee or non-Committee Member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5 For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6 For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7 After 4:00pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of his/her speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8 Where a planning application has been recommended for approval by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9 Where a planning application has been recommended for refusal by officers and the applicant or his/her supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and his/her supporter(s) can address the Committee for up to three minutes.
- 6.10 The order of public speaking shall be as stated in Rule 5.3.
- 6.11 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12 Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13 Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee Members may ask questions of a speaker on points of clarification only.
- 6.14 In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

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

Agenda Item 6

Committee: Strategic Development	Date: 18 th April 2013	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. DEFERRED ITEMS

- 2.1 The following items are in this category:

Date deferral/Application	Proposal	Reason for deferral
SDC meeting: 6 th March 2013 <u>Application: (PA/12/03318)</u> 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.	Submission of reserved matters for Woolmore School (Development Zone 1, Building Parcel R) relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30th March 2012, reference PA/12/00001.	Loss of heritage value of the existing school 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 are attached.

- 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/12/03318)

- 3.1 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

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

speaking. The only exception to this is where a fresh report has been prepared and presented in the “Planning Applications for Decision” part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Strategic Development Committee	Date: 18 th April 2013	Classification: Unrestricted	Agenda Item Number: 6.1
Report of: Director of Development and Renewal		Title: Town Planning Application	
Case Officer: Katie Cooke		Ref: PA/12/03318	
		Ward: Blackwall and CubittTown	

1 Application Details

Location:	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.
Existing Use:	Residential properties (Use Class C3), public house (Use Class A4), office, storage and light industrial units (Use Classes B1, B2 and B8), a faith building (Use Class D1) together with commercial car parking and a car washing facility (sui generis)
Proposal:	Submission of reserved matters for Woolmore School (Development Zone 1, Building Parcel R) relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30 th March 2012, reference PA/12/00001)

Submission Documents and Drawings

Architecture Initiative

- WOO-ARI-PLN-000002 Revision B - Location Plan & Existing Site Plan
- WOO-ARI-PLN-000003 Revision A - Demolition Plan
- WOO-ARI-PLN-000004 Revision B - Access Plan
- WOO-ARI-PLN-000010 Revision D - Ground floor plan
- WOO-ARI-PLN-000011 Revision D - First floor plan
- WOO-ARI-PLN-000012 Revision D - Second floor plan
- WOO-ARI-PLN-000013 Revision D - Third floor plan
- WOO-ARI-PLN-000014 Revision D - Roof plan
- WOO-ARI-PLN-000015 Revision A - Overall Build Scheme Dimensions
- WOO-ARI-ELE-400001 Revision B - North and West Elevations
- WOO-ARI-ELE-400002 Revision B - South and East Elevations
- WOO-ARI-ELE-400004 Revision B - North and West Elevations
- WOO-ARI-ELE-400005 Revision B - South and East Elevations
- WOO-ARI-SEC-500001 Revision D - Sections
- WOO-ARI-SEC-500002 Revision D - Sections
- WOO-ARI-ELE-400010 Revision A – Materials

Colour Urban Design Ltd.

- WOO-CUD-PLN-003 Revision D - Landscape Proposals – Interim

- WOO-CUD-PLN-004 Revision C - Landscape Proposals – Completed Parcel 'R'
- WOO-CUD-PLN-005 Revision C - Boundary Treatment Plan and Indicative landscape levels - Interim
- WOO-CUD-PLN-006 Revision C - Boundary Treatment Plan and Indicative landscape levels

Supporting Documents

- Planning Statement (Urban Initiatives Studio) , dated 19/12/12
- Design and Access Statement (Architecture Initiative) , dated 21/12/12, Document Version 1.1
- Transport Statement (Urban Movement) , dated December 2012, ref: 10074
- Transport Statement Appendices (Urban Movement)
- Transport Statement Addendum, Rev A, Issue 2 (Urban Initiatives Studio), dated February 2013
- BREEAM Pre-assessment (Bouygues UK) , dated December 2012
- Energy Strategy (Capita Symonds) , dated 14th December 2012. Ref: CS/060704
- Daylight and Sunlight Report (XCo2 Energy) , dated 17/12/12, ref: 8290
- Wind Microclimate Study (BMT) , dated 18/12/12, ref: 431412
- Ecological Appraisal (Encon Associates) , dated 14/12/12, ref:A1899-Rev A
- Arboricultural Report (Encon Associates) dated, 18/12/12, ref: A1899-Rev A
- Air Quality Assessment (Capita Symonds) , dated 14/12/12, ref: 001
- Environmental Noise Survey (Cole Jarman) , dated 14/12/12, ref: 12/3830/R1
- Land Quality Statement (Campbell Reith), project number 11126, dated December 2012
- Site Waste Management Plan (Bouygues UK) , dated December 2012, ref: WOO BTG WAS 000100 Rev A
- Statement of Community Involvement (Urban Initiatives Studio) , dated 19/12/12
- WoolmoreSchool: Justification for demolition (Urban Initiatives Studio), dated 18 December 2012;
- Glass Solutions Austria - Saint Gobain details, dated 05/12/13;
- Response to BB99 Guidelines (Urban Initiatives Studio), dated February 2013
- Clarification of School Dimensions Statement, Revised, Issue No.2 (Urban Initiatives Studio), dated February 2013

Applicant:	London Borough of Tower Hamlets Children's School and Families Directorate
Owner:	Various
Historic Building:	N/A
Conservation Area:	The Naval Row Conservation Area partly falls within the outline

application site (albeit not Building Parcel R). The All Saints Conservation Area is within close proximity of the application site

2. BACKGROUND

2.1 This application was reported to the Strategic Development Committee on the 6th of March 2013 with an Officers recommendation for **APPROVAL**. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the approval of reserved matters relating to WoolmoreSchool.

2.2 Officers recorded that Members were minded to refuse planning permission for the following reason:

2.3 1. Concerns over the loss of the existing school building, due to its heritage value.

2.4 During the preceding discussions relating to the proposal, Members requested further information regarding the other options for redevelopment of the site, which included the retention of the existing school building.

3.0 PROPOSED REASON FOR REFUSAL

3.1 Officers have drafted a reason for refusal below to cover the issue raised.

3.2 *By virtue of the loss of the existing school building, the proposed reserved matters application fails to conserve the heritage value of the subject site, and is therefore contrary to part 12 of the National Planning Policy Framework (2012).*

Consideration

3.3 It is the view of officers that a reason for refusal based upon the loss of the existing school building would not be successful at appeal, and in planning terms, is an inappropriate decision for Members to come to.

3.4 Within the NPPF a 'Designated Heritage Asset' is defined as: "A World heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefields or Conservation Area designated under the relevant legislation"

3.5 Similarly, a 'Heritage Asset' is defined as: "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".

3.6 The existing school building is neither statutorily nor locally Listed, and does not fall within a Conservation Area. Accordingly, it is not a 'Designated Heritage Asset' as defined in the National Planning Policy Framework 2012 (NPPF). Through the consideration of this application officers consider that this is a non-designated heritage asset. The NPPF sets out that the Council should consider the effect of an application on the significance of a non-designated heritage asset and that this should be taken into account in determining an application.

3.7 Built between 1912 and 1918 it is an example of a London County Council, simplified Neo Georgian school, with seven tall brick air vents, which have the appearance of chimneys along the southern elevation. The building suffered bomb damage in the second world war, and has a rear addition. The interior of the school has been altered and original window frames, an important feature of former London Board schools, have been removed and less sympathetic replacement windows installed.

3.8 Paragraph No. 135 of the NPPF notes:

“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”

3.9 Paragraph No. 169 of NPPF and the practice guide for PPS5 requires the Local Planning Authority to have up-to date evidence of the historic environment and use this to identify and then assess the significance of heritage assets.

3.10 Accordingly, in assessing the planning application being considered, the significance of the existing school in terms of its heritage value must be understood, and weighed up against the benefits of the proposed new school.

3.11 WoolmoreSchool is recorded in the Survey of London and has been inspected by the Borough Conservation Officer and measured against relevant national best practice. It is the Design and Conservation officer’s view that the building is not of sufficient heritage value to be recommended for inclusion on the Borough’s local list and is not of such significance that its retention would outweigh the merits of new development on the site. It is his view that sufficient consideration has been given to arguments for retention of the existing structure within the studies commissioned by the Council.

3.11 It is therefore considered that the loss of the existing building is outweighed by the substantial public benefit of providing a high quality new three form entry school.

3.12 The current school building does not meet the current Department for Education standards or performance requirements.

- Typical classroom sizes are too small;
- Access is not DDA compliant (indeed the Council’s access officer was unable to access the building at a recent site visit);
- The school dining hall is sub-standard with a number of columns breaking up the space;
- The means of escape does not meet modern day standards;
- Energy performance is poor and the building is naturally ventilated;
- Sound transmits through the building and from outside resulting in a noisy operating environment; and
- There are issues of glare, poor lighting and daylighting to some areas and the school provides a poor environment for IT.

3.13 In order to bring the existing building up to current standards, the majority of internal walls would need to be removed, together with some structural walls, and the building cores.

3.14 Members asked for further information regarding alternative options for the retention of the existing building, and further details of this are given in paragraphs 3.17 – 3.26 of this report.

3.15 However, outside of the consideration of alternative proposals, the scheme before Members should be considered on its own merits. The existing building does not have statutory protection, and accordingly, it could be demolished outside of this planning process at any time.

3.16 Accordingly, the public benefit of delivering a purpose-built high quality new school with modern facilities, designed with the support of the school and accommodating an additional 480 pupils, is considered by officers to outweigh the loss of the existing building.

Options Appraisal

3.17 As set out in the original report before Members in March, a ‘Justification for Demolition’ statement was produced by the applicants, which set out options which were explored for the retention of the existing school building.

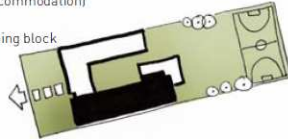
3.18 Six options were proposed which looked at alternative layouts. Three of which retained the existing building, and three involved the demolition of the existing building. These are set out in Diagram 1.

Diagram 1

EARLY OPTIONS THAT RETAIN EXISTING SCHOOL

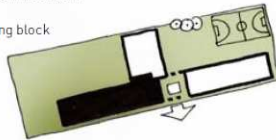
OPTION A

- Existing school building retained (subject to major remodelling internally to suit 3.F.E. teaching accommodation)
- New BB99 compliant sports hall
- New admin and three storey teaching block
- Main entrance off Bullivant Street



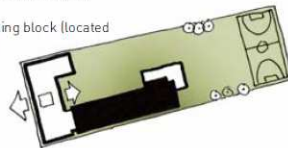
OPTION B

- Existing school building retained (subject to major remodelling internally to suit 3.F.E. teaching accommodation)
- New BB99 compliant sports hall
- New admin and three storey teaching block
- Main entrance off Woolmore Street



OPTION C

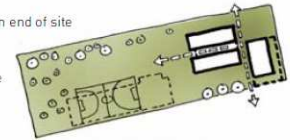
- Existing school building retained (subject to major remodelling internally to suit 3.F.E. teaching accommodation)
- New BB99 compliant sports hall
- New admin and three storey teaching block (located on Bullivant Street once closed)
- Main entrance directly off new community square



EARLY OPTIONS THAT PROVIDE A NEW SCHOOL

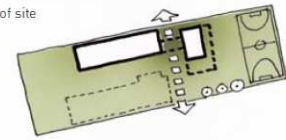
OPTION D

- Existing building demolished
- New four storey 3.F.E school to eastern end of site
- Maximises external play space
- Main entrance off Woolmore Street
- New building can be constructed while existing in use.



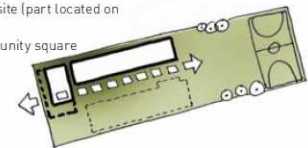
OPTION E

- Existing building demolished
- New three storey 3.F.E school to north of site
- Main entrance off Ashton Street



OPTION F

- Existing building demolished
- New 3 storey 3.F.E school to west of site (part located on Bullivant street once closed)
- Main entrance directly off new community square



Options A to D are discussed further within this report.

Option A

3.19 This first option proposed the retention of the existing school building, a new sports hall and three storey teaching block and main entrance of Bullivant Street, a sketch view of which is shown below.

Diagram 2



Option A - Sketch view

3.20 This option was discounted as viable for a number of reasons:

1. Combined footprint of the existing and proposed school buildings reduces the area of external space available, and does not meet the playspace requirements for a 3FE school as set out in Building Bulletin 99 (BB99). BB99 is a document prepared by the Department for Education and Skills, as briefing project for primary school projects. It sets out simple, realistic non-statutory area guidelines for primary school buildings.;
2. Primary access from Bullivant required, which would result in disruptive modification to access when the land to the west (Phase 1A of the wider Blackwall reach scheme) becomes available as an extension to the playground;
3. Orientation of the site is such that much of the resultant playspace would be in continuous shadow or in close proximity to the Blackwall Tunnell approach where noise and air quality issues are most pronounced;
4. The construction would need to be multi-phased, impacting on delivery of education, with an overall construction programme of 33 months. With limited available space during construction, the site would be congested with little available space for external play;
5. Extensive remodelling of existing building, as outlined in paragraph 3.12 of this report;
6. Extended construction period and significant remodelling works of the existing school building would have budgetary implications.

Option B

3.21 This option also retained the existing school building, and provides a new teaching wing aligned along Woolmore Street. A new hall is proposed in the centre of the site, linking the two teaching wings, as shown in the sketch below.

Diagram 3



3.22 This option was discounted as viable for a number of reasons:

1. This option would involve building over a sewer which runs through the centre of the site. The Isle of Dogs low level sewer was built in the early 1990's, and passes beneath the site at a depth of approximately 14 to 15 metres, and has a nominal diameter of 3 metres.

The sewer was tunnelled rather than excavated from above, meaning it imposes constraints on the sub-structure (foundation) designs. The factors which play a part in this are the load from the new building, ground conditions (ie, load bearing capacity) and depth of the sewer. In the case of the subject site, the prevailing ground is poor.

This means that unless the new building can be carried on shallow foundations with vibro stone piling or similar specialist ground improvement, full piling will be required.

Thames Water require piling to be set down to at least the level of the bottom of the sewer and kept well clear to each side. This means that whilst in theory it is possible to bridge over the sewer by piling on both sides and bridging over, the space to the east of the existing school building is inadequate to accommodate this, and some demolition of the eastern end of the building would be required.

The requisite costs associated with building over the sewer are likely to render the project unviable.

2. As with option A, the combined footprint of the existing and proposed school buildings reduces the area of external space available, and does not meet the playspace requirements for a 3FE school as set out in Buidling Bulletin 99. Furthermore the playspace would be split into two distinct sections by the central community hub;

3. Orientation of the site is such that much of the resultant playspace would be in continuous shadow or in close proximity to the Blackwall Tunnell approach where noise and air quality issues are most pronounced;

4. The linear plan is inefficient and difficult to manage:

- The plan involves extended extended travel distances;
- The movement of a large number of pupils around the linear corridor arrangements would be problematic;
- Common activities which need to be accessible are isolated;
- The linear form precludes the development of an integrated school.

4. The construction would need to be multi-phased, impacting on delivery of education, with an overall construction programme of 31 months. It would involve several disruptive decants of students and staff.

5. Extensive remodelling of existing building, as outlined in paragraph 3.12 of this report;

6. Extended construction period and significant remodelling works of the existing school building would have budgetary implications.

Option C

3.23 This option explored the potential for reworking Option A with the new build element positioned to the west of the existing building on land currently occupied by Bullivant Street and a part of the site immediately to the west of Bullivant Street.

3.24 This option was discounted at an early stage as not only does it exhibit similar issues to Option A, but it utilises the land at Bullivant Street which will not be available until 2016/2017. The uplift in school places is needed earlier than this, to provide for the growing demand for primary school places in the Borough, as well as the wider Blackwall Reach regeneration project.

Option D

3.25 This is the preferred option, which proposes a new school building to the eastern end of the site, and the demolition of the existing Woolmore School building.

Diagram 4



3.26 This option is considered the most suitable for the site for the following reasons:

1. The proposal is the only option which achieves Building Bulletin 99 standards.

2. The construction programme for this option is 26 months, with the new building completed in month 15, decant from the existing school by month 17 and demolition of the existing school in month 19. It would not involve several phases of decanting for students and teaching, and thus would have less of an impact upon continuity of education.

3. A new build solution offers considerably reduced life cycle costs both in terms of on-going maintenance, energy costs and facilities management, all of which are very important to the school ensuring their finances are focused on educational outcomes rather than building maintenance.

4. An amalgamated continuous play area which is shielded from the Blackwall Tunnel approach by the new school building which is designed to a high environmental standard and that can function to an excellent acoustic standard is proposed.

5. The proposed floor plans are compact and functional, with children progressing up through the building as they grow, from nursery on ground floor up to year 6 on the top floor. This also means that children of similar ages are grouped together appropriately.

4.0 ADDITIONAL REPRESENTATIONS

4.1 Since the decision of the Committee on the 6th of March 2013, the Council has received twenty six letters of support including with 15 proforma letters of support, and a letter from the school signed off by 38 staff and pupils. A petition in support of the proposal with 236 signatures (with local postcodes) has also been submitted. The reasons for support are as follows:

- The option will be the least disruptive to children
- The school will have modern technology
- Parents concerned that their child's education will suffer as a result of disruptions if the existing building is maintained
- Playground set away from Blackwall Tunnel approach
- Parents voted for the current option
- The current building is costly to heat and maintain and unsuitable for increasing number of children with disabilities
- Four floor building means a large playground area is achievable
- It will be easier to collect children from a single building as opposed to children in different years split into different buildings

4.2 One further letter of objection was received from an original objector as noted in the March officers report, requesting that the existing school building be Locally Listed by the Council , noting:

4.3 *"The principal elevation on Woolmore Street is distinguished by its eight sets of superimposed classrooms, served and delineated by seven massive upper-stage vent stacks. Each stack rising through the sprocketed slope of the range's long east-east roof slope. Its equally long overhanging eaves providing a horizontal contrast to the verticality of the vent stacks. And the regularly spaced convex eaves and gutter brackets delineating the three bays in each set of superimposed classrooms. The three bays also indicated by the semicircular relieving arches over the three ground-floor window openings, with the middle arch distinguished by a slightly recessed tympanum. The semicircular relieving arches are complemented by the convex brackets and both provide a contrast to the strong vertical and*

horizontal elements in this simple but impressive neo-Georgian elevation”

- 4.4 The Borough Conservation Officer has carefully considered the submission made on the matter and investigated the building, undertaking research including looking at the Survey of London and comparing it against other schools in the Borough (including those mentioned in the submission requesting local listing). He concludes that the school has only low historical, communal and aesthetic value and thus does not meet the required standard to be recommended as an addition to the local list.

5.0 IMPLICATIONS OF DECISION

Should Members decide to re-affirm their previous resolution and refuse planning permission there are a number of possibilities open to the Applicant. These would include (though not be limited to):-

- Resubmit an amended scheme to attempt to overcome the reasons for refusal.
- Lodge an appeal against the refusal of the scheme. Planning Inspectorate guidance on appeals sets out that:

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

There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”.

6.0 CONCLUSION

- 6.1 Officers consider that reason for refusal no. 1 is highly unlikely to be successfully defended at appeal, given that the existing building is not a designated heritage asset, has already been turned down for listing by English Heritage, and the Council’s Conservation officer supports the proposal.
- 6.2 With no statutory protection, the building could be demolished at any time.
- 6.3 Referring back to Paragraph 3.8 of this report, and Paragraph No. 135 of the NPPF, the existing building is not considered to be of such significance to warrant the refusal of the proposed planning application on the basis of heritage value.
- 6.4 The proposed new school has been designed to Building Bulletin 99 standards, as required by the Outline Planning Permission granted for the wider Blackwall Reach Regeneration project, and an options appraisal undertaken ascertained that a scheme retaining the school would fail to achieve these standards.
- 6.5 The public benefit of the proposed new building is considered to outweigh the loss of the existing building.
- 6.6 The onus is on the Council to deliver school places to meet the demand of new residential developments in the pipeline, and the Councils’ education department together with the school have confirmed that they are supportive of the proposal. Furthermore, the two most viable options to retain the existing school (Options A and B) fail to achieve the standards set out in Building Bulletin 99 due to the footprint required to deliver 3FE and lack of outdoor play space to accommodate the uplift in pupils.

7.0 OFFICER RECOMMENDATION

- 7.1 Officers have drafted one reason for refusal based on the resolution of Members at the meeting on the 6th of March 2013 and this is set out at paragraph 3.2 of this report.
- 7.2 Notwithstanding the above, there has been no change in circumstances of policy since the referral of the appended report to Members on the 6th of March 2013. Officers consider that on balance the proposal is acceptable for the reasons set out in paragraph 2 of the appended report and therefore the officer's recommendation for **APPROVAL** remains unchanged.

8.0 APPENDICES

- 8.1 Appendix One – Report to Strategic Development Committee 6th March 2013
- 8.2 Appendix Two – Update report to Strategic Development Committee 6th March 2013

Appendix One – Report to Strategic Development Committee 6th March 2013

Committee: Strategic Development	Date: 7 th March 2012	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Katie Cooke		Ref No: PA/12/03318	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: 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

Existing Use: Residential properties (Use Class C3), public house (Use Class A4), office, storage and light industrial units (Use Classes B1, B2 and B8), a faith building (Use Class D1) together with commercial car parking and a car washing facility (sui generis)

Proposal: Submission of reserved matters for Woolmore School (Development Zone 1, Building Parcel R) relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30th March 2012, reference PA/12/00001.

Drawing Nos:

Architecture Initiative

- WOO-ARI-PLN-000002 Revision B - Location Plan & Existing Site Plan
- WOO-ARI-PLN-000003 Revision A - Demolition Plan
- WOO-ARI-PLN-000004 Revision B - Access Plan
- WOO-ARI-PLN-000010 Revision D - Ground floor plan
- WOO-ARI-PLN-000011 Revision D - First floor plan
- WOO-ARI-PLN-000012 Revision D - Second floor plan
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- WOO-ARI-ELE-400005 Revision B - South and East Elevations
- WOO-ARI-SEC-500001 Revision D - Sections
- WOO-ARI-SEC-500002 Revision D - Sections

- WOO-ARI-ELE-400010 Revision A– Materials

Colour Urban Design Ltd.

- WOO-CUD-PLN-003 Revision D - Landscape Proposals – Interim
- WOO-CUD-PLN-004 Revision C - Landscape Proposals – Completed Parcel ‘R’
- WOO-CUD-PLN-005 Revision C - Boundary Treatment Plan and Indicative landscape levels - Interim
- WOO-CUD-PLN-006 Revision C - Boundary Treatment Plan and Indicative landscape levels

Supporting Documents

- Planning Statement (Urban Initiatives Studio) , dated 19/12/12
- Design and Access Statement (Architecture Initiative) , dated 21/12/12, Document Version 1.1
- Transport Statement (Urban Movement) , dated December 2012, ref: 10074
- Transport Statement Appendices (Urban Movement)
- Transport Statement Addendum, Rev A, Issue 2 (Urban Initiatives Studio), dated February 2013
- BREEAM Pre-assessment (Bouygues UK) , dated December 2012
- Energy Strategy (Capita Symonds) , dated 14th December 2012. Ref: CS/060704
- Daylight and Sunlight Report (XCo2 Energy) , dated 17/12/12, ref: 8290
- Wind Microclimate Study (BMT) , dated 18/12/12, ref: 431412
- Ecological Appraisal (Encon Associates) , dated 14/12/12, ref:A1899-Rev A
- Arboricultural Report (Encon Associates) dated, 18/12/12, ref: A1899-Rev A
- Air Quality Assessment (Capita Symonds) , dated 14/12/12, ref: 001
- Environmental Noise Survey (Cole Jarman) , dated 14/12/12, ref: 12/3830/R1
- Land Quality Statement (Campbell Reith), project number 11126, dated December 2012
- Site Waste Management Plan (Bouygues UK) , dated December 2012, ref: WOO BTG WAS 000100 Rev A
- Statement of Community Involvement (Urban Initiatives Studio) , dated 19/12/12
- Woolmore School: Justification for demolition (Urban Initiatives Studio), dated 18 December 2012;
- Glass Solutions Austria - Saint Gobain details, dated 05/12/13;
- Response to BB99 Guidelines (Urban Initiatives Studio), dated February 2013
- Clarification of School Dimensions Statement, Revised, Issue No.2 (Urban Initiatives Studio), dated February 2013

Applicant: London Borough of Tower Hamlets Children’s Schools and Families Directorate
Owner: Various

Historic Building: N/A

Conservation Area: The Naval Row Conservation Area partly falls within the outline application site (albeit not Building Parcel R). The All Saints Conservation Area is within close proximity of the application site

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 and Modifications (2012); as well as the London Plan (2011) and the relevant Government Planning Policy Guidance, and has found that:

- It is considered that the proposed scale of the buildings would be in accordance with the scale parameters and accord with policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the Core Strategy 2010, policy DM25 of the Managing Development DPD Submission Version and Modifications (2012) and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure appropriate scale of developments in order to maintain the amenity, character and context.
- It is considered that the proposed appearance of the scheme would maintain a high quality environment and be in accordance with the Design Code and accord with policies 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan (2011), policies ST17 and DEV1 of the UDP (1998), policies DM24 of the Managing Development DPD Submission Version and Modifications (2012), policy SP10 of the Core Strategy (Adopted 2010) and DEV2 of the IPG (2007), which seek to ensure high quality design and appearance of developments.
- It is considered that the proposed landscaping associated with Building Parcel R would maintain a high quality environment and accord with policies DEV1 and DEV12 of the UDP (1998), policies SP09 and SP10 of the Core Strategy (Adopted 2011), policy DM25 of the Managing Development DPD Submission Version and Modifications (2012), policies DEV2 and DEV13 of the IPG (2007), which seek to ensure high quality design and appearance of landscaping in developments.
- It is considered that the access arrangements for Building Parcel R accord with policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policies T16 and T18 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy (2010), policies DM20 and DM22 of the Managing Development DPD Submission Version and Modifications (2012) and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options
- On balance the proposals indicate that the scheme can provide acceptable space standards and layout. As such, the scheme is in line with policy DM18 (d) part (ii) of the Managing Development DPD Submission Version and Modifications (2012) which requires schools to comply with the relevant standards.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** reserved matters consent.

3.2 That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.3 Conditions

- District Heat Network Connection
- BREEAM
- Bat Survey
- School Travel Plan
- Construction Logistics Plan
- Secure By Design statement
- S.278

Informatives

- 3.4
- To be read in line with PA/12/0001
 - S.278
 - Thames Water public sewer
 - Bats European Protected Species licence
 - Caretaker/site manager to control gates
- 3.5 Any other informative(s) considered necessary by the Corporate Director Development & Renewal

4.0 RESERVED MATTERS

4.1 Reserved matters applications are applications that follow approval of Outline planning permission where details have not been previously agreed.

4.2 A reserved matters application deals with some or all of the outstanding details of the outline application proposal, including:

- *Appearance* - aspects of a building or place which affect the way it looks, including the exterior of the development
- *Means of access* - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site
- *Landscaping* - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen
- *Layout* - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development
- *Scale* - includes information on the size of the development, including the height, width and length of each proposed building

4.3 The details of the reserved matters application must be in line with the outline approval, including any conditions attached to the permission.

4.4 In the case of Woolmore School, all matters were reserved as part of the outline consent, planning reference: PA/12/0001 (this is addressed in further detail in Section 5 of this committee report).

4.5 A copy of the Committee Report for PA/12/0001 has been appended to this report for background information.

4.6 The Reserved Matters application has been submitted in accordance with condition H2 of the

outline consent which states:

'For Building Parcel R, the details of reserved matters of the layout, scale, design and appearance of the buildings, the means of access thereto and the landscaping as well as details of vehicular and cycle parking provision and details pursuant to the approved Parking Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the Development within that Building Parcel.

Reason: To ensure that the Local Planning Authority has control of those matters that have been reserved from the grant of this outline planning permission and in accordance with DEV1 of the London Borough of Tower Hamlets Unitary Development Plan, Policy SP01 of the London Borough of Tower Hamlets Core Strategy and policies 7.6 and 7.7 of the London Plan 2011.'

5.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

The wider Blackwall Reach site

- 5.1 Blackwall Reach comprises an area of 7.7 hectares and comprises of the Robin Hood Gardens, together with land parcels to the north and south. The application site is bounded by East India Dock Road (A13) to the north, Blackwall Tunnel Approach Road (A12) to the east, Cotton Street (A1260) to the west and Preston's Road roundabout/Aspen Way (A1261) to the south. The southern boundary is also marked by the elevated DLR tracks and the Blackwall DLR station. The application site can be seen overleaf in Figure 1.
- 5.2 The site is located within the London Borough of Tower Hamlets.
- 5.3 The Robin Hood Gardens Estate is the largest land parcel within the development area and comprises an existing social housing estate containing 214 residential units set around a landscaped area known as the Millennium Green. The estate was built in 1972 and constructed in concrete, however has decayed over recent years. The buildings are not listed and have been exempt from listing for 5 years from May 2009 by the Secretary of State.
- 5.4 The northernmost part of site contains a further 22 maisonettes located in Anderson House and 16 terraced house and flats between Robin Hood Gardens and Woolmore Street. Poplar Mosque & Community Centre, Woolmore School and the All Saints NHS health centre building are located to the north of Woolmore Street, whilst the north-west are of the application site contains a small number of poor quality buildings.
- 5.5 The southern part of the site between Poplar High Street and Blackwall DLR station contains a number of light industrial units and temporary buildings, together with commercial car parking facilities. Some of the former industrial buildings are presently in use for community and non-residential institution purposes. Immediately adjacent to the DLR station is a TfL bus stand and turnaround.
- 5.6 The south-eastern area of the site also includes part of the Naval Row Conservation Area. This L-shaped conservation area wraps around the former East India Docks, whose perimeter dock walls, railings and steps are Grade II listed and immediately adjacent to the application site boundary. The bridge parapet above the entrance to the Blackwall Tunnel, together with the East India Dock pumping station are also Grade II listed.



Figure 1: The application site (as existing)

- 5.7 The scale of the buildings within the site varies from 3-storey town houses immediately to the north, whilst Robin Hood Gardens rise to 7 and 10 storeys. In the south it is generally single or 2 storey industrial units rising to 3 storeys for the Steamship public house and 4 storeys for the residential block adjacent to the site boundary.

Surroundings

- 5.8 The scale of buildings beyond the site boundary contrast with those within. Within East India Dock immediately to the east of the application site are 10 storey commercial buildings, whilst to the south residential buildings of 25-35 storeys in height exist at New Providence Wharf and Wharfedale Point South. On the opposite side of Prestons Road roundabout, there is an extant planning permission at 2 Trafalgar Way for two residential-led mixed use buildings of 29 and 35 storeys in height.
- 5.9 There are a number of conservation areas within close proximity of the application site. As mentioned above, the Naval Row Conservation Area is partially located within the site boundary. All Saints Conservation Area is located opposite the site to the west, on the opposite side of Cannon Street, the focus of which is the Grade II* listed All Saints Church, its churchyard and Grade II listed rectory on the opposite side of Newby Place. The St Mathias Church Poplar and Lansbury Conservation Areas are located further to the west. To the north of the application site to the north of East India Dock Road lie St Frideswide's and the Balfron Tower Conservation Areas.

Transport infrastructure and connectivity

- 5.10 The site has a good public transport accessibility level (PTAL) ranging from 3 to 5 with an average across the site of 4 (1 being poor and 6 being excellent). The A12, A13 and A1261 highways that surround the site area all part of the Transport for London Road Network (TLRN). Blackwall DLR station within the southern part of the application site provides services on the Beckton and Woolwich Arsenal branches. Furthermore, All Saints DLR is within reasonable walking distance of the site and provides services on the Stratford to

Lewisham branch. Seven bus routes are within walking distance from the site; D6, D7, D8, 15, 108, 115 and 277. The bus stand and turnaround presently located in Ditchburn Street adjacent to the DLR station acts as the terminus for the route 15 bus. Cycle superhighway route 3 (CS3) runs through the site along Poplar High Street to Naval Row. However, pedestrian connectivity is generally poor given that the site is surrounded by heavy traffic routes and poor permeability through the site.

Outline planning consent (PA/12/0001)

5.11 Outline planning permission was granted on 30th March 2012 for alterations to and demolition of existing buildings, site clearance and ground works and redevelopment to provide the following uses:

- Up to 1,575 residential units (up to 191,510sq.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 1,200sq.m - Use Class D1);
- An energy centre (up to 750 sq.m GEA); and
- Car parking (up to 340 spaces in designated surface, podium, semi-basement and basement areas and on-street)

5.12 All matters associated with details of appearance, landscaping, layout and scale and access are reserved for future determination, however, matters of detail have been submitted in respect of certain highway routes, works and/or improvements for the use by vehicles, cyclists and pedestrians.

5.13 Conservation Area Consent (Reference: PA/12/0002) was also granted which included the demolition of a warehouse building adjacent to and on the east side of the Steamship Public House, Naval Row. The building is located within the Naval Row Conservation Area.

Reserved Matters Application

5.14 The Woolmore School site is located in the London Borough of Tower Hamlets on a site surrounded by major roads: the A102 Blackwall Tunnel Northern Approach to the east, the A13 East India Dock Road to the north, the A1206 Cotton Street to the west, and the A1261 Aspen Way to the south. The block within which the existing and new school sits is bounded to the south by Woolmore Street, to the east by Robin Hood Lane, to the north by Ashton Street, and to the west by Bullivant Street.

5.15 The land uses surrounding the school site are characterised by largely residential development, although this is both of variable character, and in the process of change. Three-four storey accommodation on both Woolmore Street and Ashton Street is contrasted with the Robin Hood Gardens estate just to the south, which comprises two ten storey 'walls' of flats.

5.16 As detailed within the Outline Planning Permission, all proposals are to be managed through the use of the three control documents (in line with condition A4), as follows:

- **Parameter Plans:** These define the extent of the streets, spaces and buildings across the site against a series of minimum and maximum dimensions, which identifies each of the development blocks (A1 to R) within development zones (DZ 1-4) (see Outline Planning Application

Parameter Plans 512/7008/RevA, 512/7101/RevA and 512/7105/RevA). The parameter plans also control the broad arrangement of blocks, land uses, open spaces, transport routes and building heights and the respective limits of deviation.

- **The Development Specification:** This document sets out a written account of the parameter plans and details the description of the proposed development and the quantity of development that could arrive within each development parcel.
- **The Design Code:** This document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards and subdivides the site into 4 character areas/urban quarters. These are entirely consistent with the 4 development zones as detailed above.

5.17 This Reserved Matters application is part of Development Zone 1 (DZ1) and one of the first phases of development to come forward and comprises all land and buildings within 'Parcel R' (as shown in Figure 2) of the Outline Planning Application (as set out in the Parameter Plan – Development Zone 1 512/7101/RevA of the Outline Planning Application). This includes Woolmore School; land to the east of the existing school which currently houses a vacant Primary Care Trust building; and land westwards (encompassing a stopped up Bullivant Street and a strip of land immediately to the west). Reserved Matters consent was granted for Phase 1a on 24/12/12 which is to the west and northwest of the Woolmore School site.

5.18 Figure 2 shows one of the submitted parameter plans, which identifies each of the development blocks (A1 to R) within the development zones (D.Z 1-4). The parameter plans also control the broad arrangement of blocks, land uses, open spaces, transport routes and building heights and the respective limits of deviation

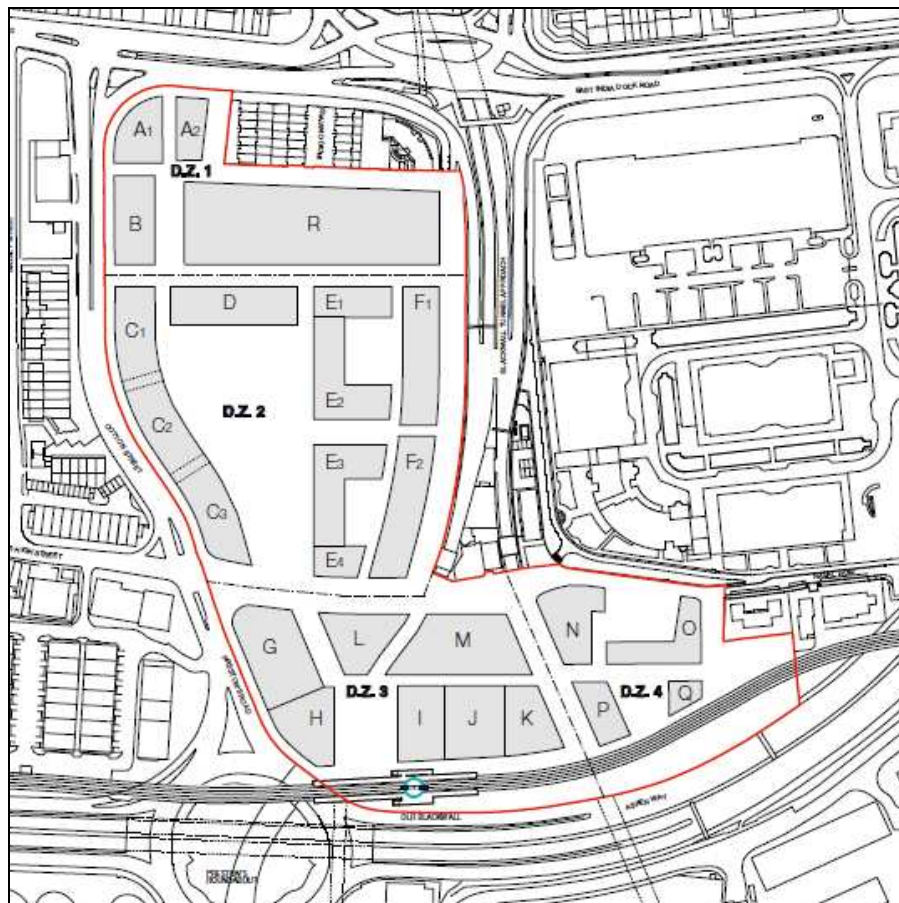


Figure 2: The Development Zones and blocks as presented in the parameter plans

- 5.19 Parcel R is greater in extent than the existing school grounds and encompasses the vacant health centre building to the east of the existing school playground and a stopped up Bullivant Street together with a strip of land to its west on the western boundary of the school. This extended school site covers an area of 6,055sqm. Immediately to the west is the Community Square (as identified in the Outline Planning Application).
- 5.20 The existing Woolmore School building is located in the southwest part of the block described above. This is due to be demolished, with the new main building located in the northeast part of the block. The land west of the new buildings will be reconfigured to provide a playground and other facilities for the school. The existing western boundary of the school site, Bullivant Street, is due to be closed and relocated further to the west, taking the form of a shared space street (as set out with the Swan Housing Group Reserved Matters application - reference: PA/12/02752).
- 5.21 In addition to this Reserved Matters Application, the remainder of DZ1 was approved submitted under a separate application which was made by Swan Housing for Phase 1A (Reference: PA/12/02752). It comprised:
- Community Square;
 - Three buildings;
 - Office floorspace;
 - Mosque
 - Residential (second floor and above within building A1 and within the whole of Building B); and
 - Associated and ancillary development including access, servicing, car parking, open space and landscaping.
- 5.22

In the short term, whilst the Swan Housing Group complete their construction the western most portion of Parcel R will not be available to the school as it will be utilised by the Swan Housing Group for their construction works. The school playground proposals have however been designed to allow the playground to be extended to take in this land once Swan Housing Group have completed their construction works (post 2015). Refer to ZonalMasterplan Completed Parcel R (drawing WOO-CUD-PLN-002 Rev D).

Reason for the School's Demolition

- 5.23 As part of the outline application, planning permission was granted for the expansion from a one-form entry to a three-form entry school which would assist with providing sufficient school places for the local community, including families living in new homes in the area. This is within the context of the Council needing to increase primary school places in the Borough overall, particularly in the south eastern area of the borough, to meet the needs of the rising population.
- 5.24 During the outline application process, various objections were received from the Twentieth Century Society and various residents regarding the loss of the building.
- 5.25 Whilst Woolmore School is not listed (nationally or locally) or located within a Conservation Area, a document has been prepared by Urban Initiatives Studio which explores the heritage value of the existing buildings on site and provides justification for their demolition, in line with Condition B1 of the Outline Planning Permission which has since been approved. This document has been submitted as part of this Reserved Matters Application in order to set out the background, reasons and justifications for the school's removal.

5.26 The heritage value of the existing school, building has also been assessed. Woolmore School is an example of an L.C.C. simplified Neo Georgian school that retains many of the Arts and Crafts elements inherited from the architect's housing traditions including simple stock brick, gaunt vent stacks, vernacular relieving arches and the cottage-like top floor windows expressed as dormers. However Woolmore School is not listed and the council's design and conservation officers consider it does not reach the required standard to be considered worthy of listing. It is not in a Conservation Area and the extensive alterations have deprived this relatively simple building of much of its original character. Furthermore significant modifications would be required to ensure that the building can meet the required standards including removal and replacement of staircases and a high proportion of the internal walls. The assessment outlines that there are no significant heritage issues in demolishing the existing school building to allow a new school to be built.

5.27 In addition to the above, the current school building provides approximately 1,300 sqm of accommodation but does not meet the current DfE standards or performance requirements:

- Typical classroom sizes are too small;
- Access is not DDA compliant (indeed the Council's access officer was unable to access the building at a recent site visit);
- The school dining hall is sub-standard with a number of columns breaking up the space;
- The means of escape does not meet modern day standards;
- Energy performance is poor and the building is naturally ventilated;
- Sound transmits through the building and from outside resulting in a noisy operating environment; and
- There are issues of glare, poor lighting and daylighting to some areas and the school provides a poor environment for IT.

5.28 Having reviewed the information submitted as part of this reserved matters application,
5.29 particularly the 'Justification for Demolition' Statement produced by Urban Initiatives Studio,.
Officer's consider the erection of a new school building at the eastern end of the site (as
Option Two) to be the best option for the following reasons:

- Ensures that the new school can be designed in accordance with best practice and to meet the recommendation of Building Bulletin 99: Briefing Framework for Primary School Projects (DfES);
- Ensures that the new school can be provided to meet the highest performance standards providing a more energy efficient building that reducing future costs to run and is 'sealed' to reduce noise (an important issue in this location);
- Allows for the new school building to be constructed whilst the existing school remains in operation.
- Results in a reduced footprint and therefore ensuring more playspace for children.

5.30 No details were available on how the school facility would be delivered at the outline stage. This was a reserved matter that would be decided during the reserved matters stage. In the minutes of the Committee Meeting, it was agreed that this reserved matters application would be taken back to Committee so that Members could be assured that their views on the matters were sought.

Relevant Planning History

5.31 **PA/12/0001-** Outline consent was granted on 30th March 2012 for: '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)

5.32 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.

5.33 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'

PA/12/0002- Conservation Area Consent was granted on 30th March 2012 for : 'Demolition of building adjacent to and on east side of Steamship Public House, Naval Row.'

5.34 **PA/12/2740** - Approval of details were permitted on 7th December 2012 in relation of Phase 1A for 'Conditions, C1, (Decentralisation), D1, (Parking management), D3, (Sitewide phasing), E1, (Zonalmasterplan), E2, (Affordable housing strategy), E3, (Play space), E4, (Micro wind climate) & E7, (Site wide phasing), of Planning Permission dated 30 March 2012, Ref: PA/12/00001.'

5.36 **PA/12/2752-** Reserved Matters consent was granted on 24th December 2012 for Submission of reserved matters pursuant to condition E5 of outline planning permission dated 30th March 2012, reference PA/12/00001 for 98 new homes; 500 sqm community centre; 838 sqm office space and a 954 sqm mosque (ie for building parcels A1, A2 and B within Development Zone 1, excluding Parcel R 'Phase 1A') comprising layout, scale and appearance of the buildings, the means of access thereto and the landscaping as well as approval of details of vehicular and cycle parking provision, servicing and refuse collection and associated ancillary development.

6. POLICY FRAMEWORK

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

Government Policy:

NPPF

London Plan 2011:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing

- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 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 Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 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
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

Adopted Core Strategy 2010:

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

Unitary Development Plan 1998 (saved policies):

- DEV1 Design Requirements
- DEV2 Environmental Requirements

DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV15	Tree Retention
DEV17	Siting and Design of Street Furniture
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Nature Conservation and Ecology
DEV63	Green Chains
DEV69	Efficient Use of Water
EMP1	Promoting Economic Growth & Employment Opportunities
EMP3	Change of use of office floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment & Employment Issues
EMP8	Encouraging Small Business Growth
EMP10	Development Elsewhere in the Borough
HSG4	Loss of Housing
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG15	Residential Amenity
HSG16	Housing Amenity Space
T7	Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
OS9	Children's Playspace
SCF8	Encouraging Shared Use of Community Facilities
SCF11	Meeting Places

Interim Planning Guidance (October 2007):

LS25	Blackwall Reach
LS26	St Mathias Centre
L1	Leaside spatial strategy
L2	Transport
L3	Connectivity
L5	Open Space
L6	Flooding
L9	Infrastructure and services
L10	Waste
L34	Employment uses in East India North sub-area
L35	Residential and retail uses in East India North sub-area
L36	Design and built form in East India North sub-area
L37	Site allocations in East India North sub-area

Interim Planning Guidance – Other

Blackwall Reach Project Development Framework 2008

Managing Development: Development Plan Document (Submission Version 2012) and Modifications:

DM3	Delivering Homes
DM4	Housing Standards and amenity space

DM8	Community Infrastructure
DM9	Improving Air Quality
DM10	Delivering Open space
DM11	Living Buildings and Biodiversity
DM13	Sustainable Drainage
DM14	Managing Waste
DM15	Local Job Creation and Investment
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 Historic Environment
DM28	World Heritage Sites
DM29	Zero-Carbon & Climate Change
DM30	Contaminated Land

London Plan Supplementary Planning Guidance/Documents

Lower Lea Valley Opportunity Area Planning Framework 2007
 London Housing Design Guide 2010
 Interim Housing SPG
 London View Management Framework 2010
 Housing
 Land for Transport Functions 2007
 East London Green Grid Framework 2008
 Sustainable Design & Construction 2006
 Accessible London: Achieving an Inclusive Environment 2004
 Providing for Children and Young People's Play and Informal Recreation 2008
 Draft All London Green Grid 2011
 Draft Housing 2011
 Draft London World Heritage Sites – Guidance on Settings 2011
 Draft London View Management Framework 2011
 Draft Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS5	Planning for the Historic Environment
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPG14	Transport
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Noise
PPS25	Flood Risk

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

7. CONSULTATION RESPONSE

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

7.2 The following were consulted regarding the application:

LBTH Biodiversity

7.3 The applicant's Ecological Appraisal identifies the existing school building as of medium potential to support roosting bats and recommends emergence and re-entry surveys, which have to be undertaken between May and September. The Council's Biodiversity Officer commented that as a pre-1914 (albeit only just pre-1914) building with a slate roof, there is potential for roosting bats. Guidance states that surveys for European protected species should be undertaken before planning permission is granted. However, in this case, outline planning permission has already been granted, and thus permission for the demolition already exists. The reserved matters do not directly affect the likelihood or nature of impacts on bats. Therefore it makes little difference whether the bat survey is undertaken before or after granting permission for the landscaping and other reserved matters, provided it is undertaken before demolition begins. Therefore a condition should be attached stating that, before demolition begins, precautionary bat surveys, consisting of 2 emergence surveys and one dawn re-entry survey, are undertaken. If bats are found, a European Protected Species licence will have to be secured before demolition begins to prevent a breach of the law.

The proposed landscaping includes a wildflower area and several mixed native hedges. This will ensure an overall gain in biodiversity, assuming no bats are present on the site. I note that no green roofs are proposed. Biodiverse green roofs would provide additional biodiversity benefits.

(OFFICER COMMENT: A condition will be attached regarding the bat survey)

LBTH Building Control

7.4 No comments received.

LBTH Access Officer

7.5 No comments received.

LBTH Education

7.6 No objection

LBTH Transportation and Highways

7.7 No objections subject to a condition being attached requiring the applicant to submit a School Travel Plan

LBTH Arboriculturalist

7.8 No objections.

LBTH Sustainability & Renewable Energy

7.9 The Council's Energy Officer has reviewed the information submitted and has stated the following:

'The proposals are considered in accordance with the consented outline energy strategy and it is recommended that the energy strategy is secured by Condition and the scheme is delivered in accordance with the outline consent. An appropriately worded Condition should be attached to any permission to include the submission of details of the connection to the district system.

In terms of sustainability, the submitted information commits to achieving a BREEAM Excellent and a pre-assessment has been submitted to demonstrate how this level is deliverable. It is recommended that achievement of the BREEAM Excellent rating is secured through an appropriately worded Condition with the final certificate submitted to the Council within 3 months of occupation. '

(OFFICER COMMENT: Conditions have been attached as requested)

LBTH Waste Management

7.10 No comments received

LBTH Secure by Design

7.11 No objections subject to a Secure by Design being attached

(OFFICER COMMENT: A suitably worded condition will be attached)

English Heritage (Statutory Consultee)

7.12 No objection

Transport for London (Statutory Consultee)

7.13 No objection

Environment Agency (Statutory Consultee)

7.14 No objection subject to the conditions which were requested were attached to the outline consent.

(OFFICER COMMENT: These conditions were attached to the outline consent, namely condition H6 and D18)

Greater London Authority (Statutory Consultee)

7.15 No comments received

(Officer Comment: The GLA do not get consulted on Reserved Matters applications)

Thames Water

7.16 No objections subject to an informative being attached.

(OFFICER COMMENT: This informative will be attached to the decision notice)

London Fire and Emergency Planning Authority

7.18 No Comments received

Crossrail Charging Zone

7.19 No comments received

SPLASH Residents Association

7.20 No comments received

Association of Island Communities

7.21 No comments received

Twentieth Century

7.22 No comments received

(OFFICER COMMENT: This organisation were consulted late in the process and any comments/objections received will be included within an Update Report)

8. LOCAL REPRESENTATION

8.1 A total of 4,878 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	3	Objecting:	1	Supporting:	1	Neither:	1
No of petitions received:	none						

8.2 One comment received related to a resident writing to the Council thanking them for the opportunity to view the applicant and the consultation process.

In Support

8.3 The letter of support was received from the Chair of Governors which accepted that the existing building has its own merits, however appreciates that it does not have capacity to meet the needs of the current demand.

8.4 The letter also stated that the project will be of great benefit to the students and surrounding community.

8.5 Furthermore the school is seen as an educational landmark.

In Objection

8.6 The objection received related to the following issues which are material to the determination of the application, and they are addressed below.

8.7 Due to the nature of the comments, various comments have been clustered together with an officer comment at the end of the points where they are considered to be related.

8.8 Design & Heritage

- The representations comprised several corrections (points 1- 5) to the architectural description of the school within the applicants 'Justification for Demolition' document.

(OFFICER COMMENT: This is not considered to be a material consideration. However, it is important to note that the objector's comments are based on the draft 'Justification for Demolition' document and some of the comments raised in respect of history and heritage value were amended in the version submitted to discharge the B1 condition and this reserved matters application. Equally this amended version includes further details of options that were considered by Architecture Initiative in arriving at the final proposal. It would appear that the objector has not had sight of these options.)

- The objection noted two reasons as to why the building is not listable and various design issues.
- The building is only one of 33 surviving examples of a 1912-1918 elementary school with highly visible and very distinctive line of seven massive upper- stage vent stacks.
- Unlike many of the other 13 surviving schools with white boxed eaves, the white boxed eaves at Woolmore retain their original lath and plaster soffits on particularly fine of original wrought- iron eaves and gutter brackets.
- Together with 5 of the schools in London Borough Tower Hamlets, Woolmore is a unique member of London's largest and most representative group of 1912-1928 Neo-Georgian LCC elementary and special school buildings.
- Although Woolmore School is not listable, it is nevertheless a historic school building which should be retained and refurbished in line with published advice from English Heritage and the Department for Children, Schools and Families.

(OFFICER RESPONSE: Woolmore School is not listed, nor is it is not located within a Conservation Area. The Council has however sought to carefully consider the value of the existing building in heritage terms as part of the development process. As required by Condition B1 of the Outline Planning Permission, a document has been submitted entitled 'Justification for Demolition to Support Discharge of Condition B1'. This document includes an assessment of the efforts made to retain the existing structure. Officers consider that the justification is correct in demonstrating that it has not proved possible to retain the building.

In summary, the Council has demonstrated that the loss of the building has been very carefully considered, especially, given that the building is not a heritage asset as defined in NPPF.)

- The objector stated that it is felt that all of the shortcomings listed in paragraph 3.2 in the 'Justification for Demolition' document could easily be overcome. Furthermore the post WW2 part of the building could be demolished and replaced by a linking block between the adopted and refurbished old school building and a modern new school building to the east (as set out in their letter January 2012). However it is felt that this has not been taken on board.

(OFFICER COMMENT: This option was considered (refer to Justification report page 16 – Option development – Option B) and was dismissed by the School community (including LBTH Department for Children, Schools and Families) because it divided the year groups and compromised the educational delivery. It is also worth noting that to ensure the building meets current statutory requirements (DDA / Part M access and movement in buildings) this option required extensive re-modelling of the existing building.

- Instead of drawing up an option based on this suggestion, the applicant's architect has produced an option which deliberately places a new school building on the north side of the old school building

(OFFICER COMMENT: The options worked up in more detail were collectively chosen by the School and LBTH Department for Children, Schools and Families as feasible solutions. These schemes were developed with the current educational, and future

educational demands in mind.)

- The objection indicates that rather than demolishing the building in its entirety, the applicant could have done the following:
 - Made large openings in some of the dividing walls (rather than demolish them between the existing classrooms;
 - Rather than demolish the 'existing hall/dining room' for a large double height multi-functional hall/sports hall and dining room, it would have been better to have an assembly hall/sports hall and a separate dining hall next to a new kitchen in a new school building.

(OFFICER COMMENT: Two hall options were considered however they were dismissed on the basis that the external play areas would not achieve the BB99 inner city school guidance and would not be acceptable by LBTH Department for Children, Schools and Families as a viable solution.

- The new school building could be to the east of the old school building. It could be a two-storey building along the eastern side of Woolmore Street. In doing so, the WW2 part of the building could be retained.

(OFFICER COMMENT: This option was reviewed with the Head of Woolmore School, the Governors and other teaching staff members and was not supported.)

- The architect has been obliged to plan and design a replacement school simply because a new school and a new mosque were promised as part of the demolition of Robin Hood Gardens. Given the demolition of these flats, school and adjacent former manual training centre, a retained and refurbished Woolmore Primary School is needed at the heart of the Blackwall Reach regeneration area (...) this historic school building would continue to serve its purpose for another hundred years.

(OFFICER COMMENT: The new build option on the eastern side of the site was chosen by the School, Governors and LBTH (Department for Children, Schools and Families). Furthermore the design has progressed with full engagement and support from the School community and local community.)

9. MATERIAL PLANNING CONSIDERATIONS

9.1 This is the second reserved matters application for the Blackwall Reach project which was granted outline consent (PA/12/0001) on 30th March 2012. It is imperative to note that the principle of development has been established and this application deals with the reserved matters set out in Condition H2 of the outline consent.

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

- Appearance
- Layout
- Scale
- Landscaping
- Access

9.3 Each issue is examined in more detail in the report below.

APPEARANCE

9.4 The outline planning permission established a series of design principles for the proposed development which were communicated in both the Design and Access

Statement and the Design Codes which accompanied the outline proposals.

- 9.5 As previously mentioned in this report, the heritage value of the existing school building has been assessed. Woolmore School is an example of an L.C.C. simplified Neo Georgian school that retains many of the Arts and Crafts elements inherited from the architect's housing traditions including simple stock brick, gaunt vent stacks, vernacular relieving arches and the cottage-like top floor windows expressed as dormers. However Woolmore School is not listed and the council's design and conservation officers consider it does not reach the required standard to be considered worthy of listing. It is not in a Conservation Area and the extensive alterations have deprived this relatively simple building of much of its original character. On this basis, it is considered that the existing school building should be demolished to allow a new school to be built. The main entrance into the proposed school is on the southern elevation facing Woolmore Street. The materials emphasise the solidity and strength of the building volume as a barrier to the Blackwall Tunnel approach, therefore a dark rough brick is proposed, adding density and weight to the form.
- 9.6 To provide the dynamic cut along the main atrium and to open up the building to its context, full height curtain walling has been employed to give a clean definition between the two main volumes of the building, each clad in their own individual brick. As the function changes, so does the brick and the teaching block employing a more muted buff colour. This tone of brick references the masonry of local industrial buildings and is much softer in appearance.
- 9.7 As part of the submission materials, the applicant submitted the following material samples:
- Ibstock Brick – Himley Ebony Black (0354);
 - Danehill Yellow Facing s Brick
 - Eternit Samples – Cool Grey (N292), Anthracite (N251) and Grey (N282)
- 9.8 Officers have since reviewed these samples and are happy with the proposals.
- 9.9 With regard to the teaching blocks, and the main atrium, curtain walling has been used to allow natural light in. On the west elevation it is used to create a clear visual link from the external play to the internal atrium link bridges.
- The main entrance curtain walling will be mainly glazed, with the occasional solid panel.
- 9.10 These panels will add different levels of reflectiveness and transparency to the extruded glazed atrium.
- 9.11 The applicant had originally proposed to use glazed bricks along the north elevation along Robin Hood Lane by way of introducing patternation to this frontage, however as the scheme has progressed, this is no longer proposed. Instead, the applicant proposes to create a patternation of bricks on the SE corner of this elevation to add some detail to the façade. In addition, the proposals comprise 4 of the larger windows to have coloured reveal trims set behind the outer leaf as shown on drawing ref:WOO-ARI-ELE-400010 Revision A– Materials
- 9.12 In light of the above, the proposed detailed design is considered acceptable within the context of the site and would preserve the character of the All Saints Church. As such the proposals are in accordance with policies 7.1, 7.6, 7.7, 7.10 and 7.11 of the London Plan (2011), policies DEV1 and DEV2 of the IPG (2007), DEV 1 and DEV2 of the UDP (1998), policy DM25 of the Managing Development DPD (Submission Version, 2012) and policy SP10 of the Core Strategy (Adopted 2010) which seek to ensure appropriate scale of developments in order to maintain the amenity, character and context.

SCALE

- 9.13 The detailed design set out within this reserved matters application would not extend beyond the upper limits in terms of footprint, height and bulk of the approved outline application PA/12/0001. The proposed detailed design and amount of development would not materially deviate from the approved outline application PA/12/0001.
- 9.14 As mentioned previously, the Parameters Plan which was submitted as part of the Outline application established the following parameters for Building Parcel R:

Building Parcel R	Height AOD (m)		Width (m)		Length (m)	
	Min	Max	Min	Max	Min	Max
	17	21	82	90	38	46

Figure 3: Parameter dimensions for Building Parcel R.

- 9.15 The documents submitted as part of this Reserved Matters application largely comply with the principles established in the outline permission.
- 9.16 The width of the proposed school building is below the minimum identified in the parameters plans, whilst the length and height are within the range identified. The school building indicated in the outline approval occupies approximately two thirds of the Parcel R site and assumes that the school site can be extended westwards to include land currently occupied by Bullivant Street.
- 9.17 The applicant has confirmed that the design team explored a number of options for the school (as set out in the B1 report) and the proposal submitted responds to the following important considerations:
- The requirement for continuity of education;
 - The location of a significant sewer that crosses the site in a north - south orientation (this makes a building of width 82m - the minimum dimension in the parameter plan - impossible to deliver without building across the sewer); and
 - The unavailability of the land to the west of the school occupied by Bulivant Street, in the short term.
- 9.18 The new school is located to the eastern end of the site where it can be built whilst the existing school continues to function. In this location it avoids the sewer and allows for the extension of the school playground to the west as a later phase. Importantly the new school building is within the parameters for height and the GEA of the proposed school is 3,973sqm which accords with the maximum floorspace of 4,500sqm, and the entire footprint of the building still remains within the school land parcel (Land Parcel R)
- 9.19 Given the changes above, this application is considered a 'subsequent application' under the EIA Regulations, and therefore officers have considered the requirements of Regulation 8 – '*Subsequent applications where environmental information previously provided*'.
- 9.20 This reserved matters application is in relation to a Schedule 1/ 2 development, and has not itself been the subject of a screening opinion and is not accompanied by an ES. Officers have considered the supporting environmental information submitted with the application and conducted a review of the Environmental Statement submitted with the outline application (PA/12/00001), and consider the information adequate.
- 9.21 The original outline permission is conditioned (Condition A4) such that detailed

schemes as a result of Reserved matters Applications have to comply with the parameter plans approved as part of the outline application. In this instance the proposal, if implemented, would be in breach of that condition, however, should this proposal be approved, it would render any enforcement action in relation to that breach not expedient to pursue for the reasons for approval set out in this report. It has been recommended to the applicants that a s.96a application is made to amend that condition prior to implementation of this proposal.

LAYOUT

- 9.22 This section deals with a number of issues which all work together to portray how the layout has been designed and how it is acceptable in planning terms.
- 9.23 The Parameter Plans establishes the maximum and minimum dimensions for the site in which this scheme complies with (as set out in the above 'Scale' section of this report).
- 9.24 The proposals comprise a 3- 4 storey building which is broken into three sections. The applicant has demonstrated that the height of the building is within the established parameters set.
- 9.25 Within the control documents, it specifies that the Woolmore School site must also accommodate a multi-use games area (MUGA), the indicative dimensions of which are 35m by 30m (Development Specification). Requirement R6-73 establishes that the MUGA and associated changing facilities must be accessible and available to the wider community after school hours. Requirement R6-72 also states that the MUGA should be provided at the eastern end of the site unless an alternative location is proven to be preferable within the parameters and design objectives of the scheme. The proposed scheme submitted as part of this Reserved Matters Application locates the MUGA at the western end of the site. The proposed MUGA is 33m x 18.5m. Whilst this is smaller than the MUGA suggested in the Development Specification it is sized based on the specific request of the school and with the support of LBTH Directorate for Children Schools and Families.
- 9.26 The outline planning application did not stipulate whether or not the existing school buildings should be retained. The exact location and layout of the school buildings and the MUGA were also not fixed. Whilst there was a recommendation that the school building should have a positive and active relationship with the new community square, with the MUGA located to the east, the design development process has resulted in an alternative proposal that has significant benefits for the school.
- 9.27 The layout of Parcel R is considered to be a well-designed space with good connection routes both north-south and east-west. Due to the site's constraints (the location of the existing properties on Ashton Street and a 132kV electricity cable running along Woolmore Street), it has not been possible to expand the site to the north or south.
- 9.28 The new building has been designed to take up minimum site area and release a maximum play area for the school and improved visual amenity for the surrounding

residential properties. The building is located at the eastern edge of the site and helps separate the site and surrounding landscape from the Blackwall Tunnel approach which runs adjacent to the development area, as required in the Design Code document.

9.29 The access to and servicing for the school are also located at the eastern edge of the site, away from the landscaped areas and pupil activity. The play spaces have been designed to provide the appropriate requirement for each year group, with entrances linked to the separate spaces. A MUGA is located along the southern boundary adjacent to Woolmore Street, where it can also be easily accessed by the local community as a shared facility, as required within R6-73 of the Outline Planning Design Code.

9.30 In terms of the buildings on site, the building form is broken into three sectors to maximise flexibility within the spaces, create an attractive teaching environment, provide a positive relationship with outdoor spaces and to ensure that certain areas of the building can be utilised out of hours for community use securely. The three spaces include:

- The hall/community hub/admin and staff functions: are grouped in the large form;
- The main teaching accommodation is located in a linked four storey form around a central atrium space; and
- Public entrance and link, via a glazed atrium spine.

9.31 Additional external teaching space is provided at roof level above the social hub facilities, which will be used by the older children and specialist functions located on the higher building levels.

9.32 A major feature stair located at the end of the teaching wing provides the main channel for pupil circulation from the higher building levels into the landscaped areas at site level.

9.33 Notably the site is constrained by the different levels, the architects have designed a successful area at the base of the stair which has facilitated structured arrangements of play spaces both immediately around the building and within the broader site landscape.

9.34 Discussed below are other issues which relate to the layout of Phase 1.

i) Building Bulletin 99

9.35 The Council does not have any policies to control the size and layout of school spaces. However, in this instance, Building Bulletin 99 was used by the applicant as for guidance for recommended areas.

9.36 Building Bulletin 99 (BB 99) provides simple, realistic, non-statutory area guidelines for primary school buildings, by providing minimum areas for all types of space in primary schools. It also offers area ranges over and above this minimum to allow schools flexibility in the design of their buildings and the way in which they use them.

9.37 The applicant has submitted a document as part of the reserved matters application showing how the proposed areas respond to the BB99 Guidelines.

9.38 Officers are happy with the quantum of play space provided as well as the quantum of internal spaces given that the proposed areas meet the requirements of the school.

9.39 In this instance, it is considered that that the proposals comply with policy DM18 (d) part

(ii) of the Managing Development DPD Submission Version and Modifications (2012) which requires schools to comply with the relevant standards.

ii) **Substation**

9.40

The sub-station indicated in the north-east corner of the Woolmore School site is to be provided in response to a request by UK Power Networks to provide power for the new school.

iii) **Secure by Design**

9.41

There has been regular dialogue between the applicants and the Crime Prevention Officer (CPO) to ensure an acceptable scheme is delivered at both the outline and this reserved matters phase.

9.42

Below are the comments raised the CPO and the response in light of a meeting between the applicant and CPO to address these issues:

- The CPO sought a minimum of 3M high perimeter fencing to all boundaries.

Response: In response to the comment made for 3m high fencing throughout, the applicant observed that LBTH PFI schools utilise a 2.8m min height. The CPO agreed to this subject to the fencing not being climbable, both in the spec of the mesh and the details such as flush to any dwarf walling and with no gaps within the 2.8m height.

The perimeter varies according to location and the following points were discussed.

- Weld mesh fencing, typically on Woolmore Street frontage.
 - Railings on dwarf walls adjacent to the (west of the) front entrance and the majority of the Robin Hood Lane frontage and (beyond the new substation and bin store) the service yard onto Ashton Street.
 - The school building will form the secure perimeter from the railing adjacent to the front entrance doors the staff cycle store area.
 - Weld mesh Fencing on Aston Street from the Service Yard through to the existing masonry wall on Ashton Street.
 - Retained existing Masonry Wall for approx the western half of Ashton Street and round the corner to continue for the majority of Bullivant Street.
 - Weld mesh fencing starts at the south end of the masonry wall and meets that on Woolmore Street.
- The CPO sought for the secure cycle store to be moved to within the school, so that it is more central and therefore more visible.

Response: The Staff cycle parking is accessed via a controlled gate (same system as the building entrances) and within the 2.8m high perimeter. The area is over looked by staff offices and thus the passive surveillance at early and late times of the school day is improved. On balance it was agreed that the provision is adequate but that it would be better if a closure detail could be provided (in the fencing) to reduce the gap to the overhanging building so that no opportunity to scale over the fence is available. The overhang provides natural shelter for the cycle parking .

Visitor cycle parking is adjacent to the staff cycle parking (same overhang and passive surveillance, but outside the secure perimeter fencing. It was agreed that this is adequate.

- The CPO sought details of how the applicants plan to secure each area, as it will be essential to keep each zone separate and secure.

Response: The 'zones' within the school grounds, as submitted, were there for educational reasons in terms of space and pupil management, however the on-going dialogue has now lead the team to the conclusion that less constrained

treatment is required. It was agreed that this would not be an issue for SBD concern

- The car park has separate access and egress gates. The CPO would prefer ONE access/egress gate please.

Response: As a result of the design and site's constraints, this has to the need to entrance and egress gates as there is not sufficient area available to provide adequate vehicle turning space to meet the Highways requirement of using a forward gear for both entering and leaving the site.

The specification and type of gate has been discussed with the CPO since his comments. As a result of on-going dialogue with the school since the application, the applicant is expecting to bring forward a proposal for an electrically operated sliding gate at both locations. This type of gate is preferred by the CPO, and it was observed that the suggestion that the exit gates will probably be operated by induction loop in the paving should be reconsidered, as it is vulnerable to interference. The alternative of remote control to match that of the entrance gate was strongly promoted. This was accepted by the applicant.

- Requests that Full SBD achievement be a planning condition for this proposal due to the location of the school.

Response: This shall be conditioned to the consent.

- Concerns are had regarding the overhang

Response: In the light of the significant cantilevered overhang on to the Robin Hood Lane frontage, the CPO concern raised are about the temptation that the shelter may offer to individuals to hang around on evening and weekends. To some extent this is offset by the existing passive surveillance from the residences on the south side of Woolmore Street. It was agreed that upon the subsequent phase(s) of the Blackwall Reach Regeneration being completed that this is not likely to be a concern. However it was raised that the construction period of the development on the south side of Woolmore Street is likely to be the most vulnerable time for the front entrance of the school. This is understood to be at approximately late 2015 or later. From a design point of view the overhang is a result of the size of the school hall which would not fit at ground floor.

Also the nature of the stepped and ramped access in combination with the overhang presents an impossible challenge to provide subtle perimeter fencing. On balance it was recognised that given the positive experience with similar designs for school entrances in Tower Hamlets that it will be subject to a watching brief. The CPO has agreed that this should be looked at in the long term to see if it works and agree that should there be any crime/ASB issues in the future an agreed protocol should be to create a secure perimeter to the external part of this overhang, using security railings/fencing at 2.8M.

The CPO will require clear white (low energy lighting) with good colour rendering to be used on the area as this in conjunction with the school cctv coverage will be a deterrent.

- The applicant is to forward details what gates, fencing, doors, windows, lighting, cctv etc prior to purchase for the CPO's comments as part of the Secure by Design statement.

9.43 In conclusion it is considered that the proposed development complies with Strategic policy SP10 of the CS and DM23 and DM24 of the MD-DPD, which 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. Saved UDP policies DEV1 and DEV2 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.

LANDSCAPING

- 9.44 The Landscape Zonal Masterplan sets out the different areas of external space.
- 9.45 The positioning of the school has created a natural divide between the car park and service yard, ensuring that the pupil circulation is safely segregated from any vehicle movement within the site.
- 9.46 External space has been divided into a range of different types and scales to provide the opportunity for large and small group teaching and social activities, which includes:
- Nursery and Reception Play: including a dedicated entrance, ground floor classrooms providing direct access to their outdoor spaces, including covered outdoor play areas, areas of soft flooring;
 - Key Stage 1 and 2 Play Areas: drop off and pick up zone and facilities for cycle and scooter parking, joint direct access to the MUGA (meeting Design Code requirement R6-73), terraced landscape and split level play; and
 - 3rd Floor External Terrace: A controlled environment to provide a shared kitchen garden resource to encourage connections with nature and understanding of domestic crops with health and nutrition which can also be used as an extended teaching space and quiet reading area.
- 9.47 Bullivant Street presents an opportunity to extend the school's external facilities and provide a larger area for adventure play and a natural resource for flexible role play. The proposals include a planted edge providing a green connection between the school and the Swan Housing Group proposals including the community square.
- 9.48 As part of the submission documents, a Biodiversity Statement was submitted. The council's biodiversity officer reviewed this document and noted that the report identifies the existing school building as of medium potential to support roosting bats and recommends emergence and re-entry surveys, which have to be undertaken between May and September.
- 9.49 As a pre-1914 (albeit only just pre-1914) building with a slate roof, the biodiversity officer agrees there is potential for roosting bats. Guidance states that surveys for European protected species should be undertaken before planning permission is granted. However, in this case, outline planning permission has already been granted, and thus permission for the demolition already exists. Therefore the bat surveys must be carried out before demolition begins. A condition will be attached to the consent to regulate this.
- 9.50 If bats are found, a European Protected Species licence will have to be secured before demolition begins to prevent a breach of the law.
- 9.51 In addition to the above, an arboricultural report was submitted as part of the reserved matters application. It identifies 12 existing trees on site, of which 9 are to be removed. The Council's arboricultural officer has reviewed the application documents and has no objections to the proposals given that none have a Tree Protection Order on them and

that the proposed replanting and wider landscaping enhancements outweigh the loss.

- 9.52 It is noted that there are no green roofs for the proposals; however the applicant has confirmed that this is a result of the roof area being largely devoted to the teaching roof terrace, the PV array or the mechanical ventilation equipment, either the air handling units or their associated ductwork. Consequently the opportunity to introduce a useful area of green roof does not arise.
- 9.53 Furthermore, the roof area as a proportion of the building GIA is relatively low for a primary school (due to the number of storeys) combines with the unusual amount of ventilation provision in a way which means the roof area is a busy area.
- 9.54 Given the high quality landscape which is proposed elsewhere on the site, including wildflower area and several mixed native hedges. This will ensure an overall gain in biodiversity, and officers consider this outweighs the lack of green roofs.

ACCESS

- **Access**

- 9.55 Consideration has been given to the accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.
- 9.56 As part of the submitted documents, the applicant submitted a Transport Statement which was produced by Urban Movement.
- 9.57 With regard to walking, basic arrangements will remain unchanged and the key issues are therefore to ensure continuing safe and convenient pedestrian access both across and along Woolmore Street, and also across Cotton Street via the signalised facility linking to Bazely Street. The applicant proposed that 'School Keep Clear' markings should be located against the northern kerb of Woolmore Street in a continuous stretch across the two main pupil entrance points (KS1/KS2 and Reception/Nursery) and possibly extended to cover the main school entrance further to the east.
- 9.58 However having reviewed the proposals, the Council's highways officer does not support this notion as the borough's experience of school keep clear zones is that rather than creating a vehicle free buffer between the school and the carriageway, they offer clear kerbside space for vehicle drop off and pickups. While officers do not object to the loss of parking spaces, Highways is concerned that extending the zone will simply create a larger area of pick up/ drop off parking and encourage car trips to the site. Thus officers do not support increasing the school keep clear zone at this point and this element of the proposal has been omitted.

- 9.59 Below is a review of the highway information submitted as part of this application.

- **Servicing and delivery**

- 9.60 Site access by large vehicles for deliveries and servicing will be provided to ensure that, as far as possible, such activity takes place off the public highway.
- 9.61 It is proposed that vehicles will enter the site from Robin Hood Lane, turn left onto Ashton Street and then left into the site. In order to exit the site, vehicles will turn right out onto Robin Hood Lane.
- 9.62 As part of the highway officer's original comments, they sought confirmation that that the vehicle to pedestrian visibility splay of 1.5m x 1.5m must be achieved at the vehicular access points to the car park. The applicant has since demonstrated that this

will be provided.

9.63 Whilst officers are happy with these proposals in principle, further details will be provided at a later stage. For example, condition D2 of the outline consent requires details of a detailed Estate Management Plan to be submitted. This includes details of servicing and deliveries. In addition transport and traffic management improvement measures will be submitted as part of the discharge of conditions D1 and D10.

9.64 The highways officer has requested that a Construction Logistics Plan be attached to this consent. This will be conditioned.

- **Vehicle and cycle parking**

9.65 In order to encourage cycling by both staff and children cycle parking facilities will be provided as follows:

- Staff: 5 stands for 10 bikes
- Pupils: 16 stands for 32 bikes
- Visitor: 3 stands for 6 bikes

9.66 Whilst the proposed staff spaces are welcomed, it is noted that the proposed student spaces equate to 1 space per 20 students, short of the 1 in 10 cycle spaces per pupil as set out in the London Plan and London Borough of Tower Hamlets. However, as part of pre-application discussions, this short fall was agreed between the applicant and officers on the basis that provision would increase to 1 in 10 cycle spaces per pupil should demand require it. Should this be the case, additional space on-site is reserved specifically for this purpose and this will be monitored through the school travel plan which has been conditioned to be provided.

9.67 An area of the school playground has been safeguarded for additional cycle parking provision should this be required in the future. This allows for a further 20 cycle stands providing 40 cycle parking spaces. This provides for an overall provision of 72 spaces (ie allowing for 10% of the 720 school pupils to arrive by cycle).

9.68 The majority of safeguarded spaces are located in the KS1/KS2 playground (adjacent to the entrance On Woolmore Street (19 stands / 38 spaces) with one additional stand (2spaces) proposed in the Reception Playground. Further to the highways original comments, the applicant has marked these additional

9.69 spaces on the submitted plans WOO---ARI---PLN---000004 Rev B – Access Plan and

WOO---CUD---PLN---000003Rev C – Landscape Proposals Interim.

9.70 Sustainable modes of transport have been adopted in this scheme by virtue that the existing nine on-site parking spaces will be replaced by just six new spaces, two of which are for 'blue badge' holders only. This parking is intended for use by members of staff only, and car sharing will be encouraged. This is compliant with IPG Policy CP40 and Managing Development Policy DM20, the use of cars for travel to and from the school will be discouraged. As part of this approach.

9.71 Furthermore, the existing bus and DLR services provide the school with a good level of

public transport accessibility. The likely increase in demand for travel by public transport to and from the new school will not be sufficient, in itself, to justify improvements in bus or DLR services, or directly associated infrastructure. However, the quality of walk routes to and from the DLR stations and the nearest bus stops will be kept under review as part of the process of improving conditions for pedestrians generally.

9.72

The Council's Highways Officer has requested that a s.278 agreement is entered into in connection with this permission to ensure the works respect the highways land. This will be dealt with through a condition.

9.73

- **Trip Generation**

The expansion of Woolmore School to provide three form entry will increase trips to and from the site. An analysis of the number and mode split of trips for the expanded school is not provided in the Transport Statement. However, information on trips for the existing school on the site is given, showing 18% of pupils currently access the site by car.

9.74

Applying this proportion to the expanded school, c.130 car trips would be made daily to the school. If this were the case, the roads approaching the school would likely become congested during the school 'peak' periods (the start and end of the school day).

9.75

Although it is expected that car travel to the school will be suppressed by the limited vehicle access to the site and the proximity of the new intake to site (thus encouraging walking), robust measures must be implemented by the school to minimise the level of additional car trips to the site. To achieve this, the highways officer has requested a School Travel Plan to be conditioned to the consent should it be approved.

The highway's officer has also requested that the School Travel Plan includes details on how the two access points will be managed (i.e KS1/ KS2 and Reception/Nursery).

9.76

It is considered that, subject to the submission and approval of a school travel plan, the proposed parking, servicing and access arrangements are in accordance with policies 6.3, 6.8 to 10, 6.12 and 6.13 of the London Plan (2011), policies T16, T18, T19 and T21 of the UDP (1998), policies DEV17 and DEV19 of the IPG (2007), policies SP08 and SP09 of the Core Strategy (2010) and policies DM20 and DM22 of the Managing Development DPD (Submission Version and Modifications, 2012) which seek to ensure that sustainable transport networks are provided in addition to appropriate parking provision.

9.77

OTHER ISSUES

Whilst not forming part of the required reserved matters topics, the applicant has also provided details in relation to energy and amenity. Officers have considered these in order to assess the full details of the proposals. These are set out below.

Energy

9.78

At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

9.79

The London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

9.80

The Managing Development 'Development Plan Document' emerging 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. Emerging Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. The current requirement of the policy is for BREEAM Excellent development.

9.81

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 reduction of carbon dioxide emissions through on-site renewable energy generation.

9.82

In addition to the policy requirements, the outline application permitted energy strategy set the parameters for all developments to link into the district heating system proposed for the site and for all schemes to meet the BREEAM excellent rating.

9.83

The submitted Energy Strategy for Woolmore School sets out the proposals to maximise CO2 emission reductions through energy efficiency measures and renewable energy technologies (9kW PV array). The anticipated CO2 savings are a 26% compared to building regulation 2010 requirements. This exceeds the London Plan CO2 emission reduction requirements but falls significantly short of DM29 policy requirements.

9.84

However, these emission reductions are considered acceptable as the proposals include the installation of a temporary energy system to supply the space heating and hot water requirements prior to the delivery of the Blackwall district heating system. Once the connection to the district system is realised the CO2 emissions of the scheme will be further reduced due to the carbon intensity factor of the district CHP compared to the temporary gas system.

9.85

Connectivity to the wider district system is a requirement of the outline permission and it is anticipated that this will occur when phase 3 has been completed and the CHP commissioned. The proposals are considered in accordance with the consented outline energy strategy and it is recommended that the energy strategy is secured by Condition and the scheme is delivered in accordance with the outline consent. A condition will be attached to any permission to include the submission of details of the connection to the district system.

9.86

In terms of sustainability, the submitted information commits to achieving a BREEAM Excellent and a pre-assessment has been submitted to demonstrate how this level is deliverable. The Council's energy officer has recommended that achievement of the BREEAM Excellent rating is secured through an appropriately worded Condition with the final certificate submitted to the Council within 3 months of occupation. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Draft Managing Development DPD. As such, should reserved matters be granted, a condition will be attached.

Amenity

9.87

Details of private amenity have been considered as part of the decision. The applicant has submitted a number of documents addressing various amenity aspects, including a wind and microclimate reports, daylight/sunlight, and air quality reports which are examined in further detail below.

9.88

(i) Daylight Sunlight

9.89

Officers are satisfied that the proposed development would not have an unduly detrimental effect on the adjoining properties daylight and sunlight amenity.

9.90

Daylight Assessment

The daylight analysis indicates that the impact on existing surrounding properties arising from the proposed development will be well within acceptable limits.

Out of the 28 windows, 4 windows passed the 25 degree line test. All the remaining existing windows had VSC levels of greater than 27%.

Impact on daylighting levels for the proposed buildings as part of a masterplan south of the Woolmore Primary School site were also found to be acceptable:

9.91

- VSC assessment was carried out for two facades on buildings within the masterplan proposed for the south of the site.
- Assessment results indicate that VSC levels for majority of the area on these two facades will be greater than 27%.
- The slight loss in daylight at the ground and first floors are not considered to be of concern as VSC levels are still above 20%.

9.92

Sunlight Assessment

A total of 28 south facing windows (within 90 degrees of south) were assessed for annual and winter sunlight hours. Only 4 of the 28 windows passed the 25 degree line test; all of the remaining windows received at least 25% of annual probable sunlight hours and 5% of winter probable sunlight hours under the proposed condition.

9.93

In summary, all of the assessed existing windows pass the relevant BRE tests for daylight and sunlight access. Two facades on the proposed building to the south of the site will experience a slight loss on daylight access, but this is not considered to be of significant concern in an urban environment.

9.94

The report confirms that the proposed Woolmore Primary School building will not result in significant negative impact to daylight and sunlight access for surrounding properties.

9.95

(ii) Wind Microclimate

The wind study which was produced by BMT Fluid Mechanics Ltd demonstrates that the wind conditions within and around the proposed site are expected to be suitable, in terms of pedestrian comfort and safety, for all users throughout the year.

9.96

Condition H4 of the outline consent deals with the microclimate strategy. This information was submitted and approved under separate cover (PA/12/3317).

9.97

(iii) Air Quality

An Air Quality report, produced by Capita Symonds was submitted as part of this application. The report notes that the proposed scheme has adopted a suitable approach to reduce the exposure of users within the design. The proposed school buildings will be sealed and the air drawn into them by mechanical ventilation via inlets on the roof.

9.98

9.99

The document states that at the detailed planning stage of the school, emissions from the proposed boilers should be assessed to ensure that emissions will be drawn into proposed ventilation inlets.

9.100 Overall, subject to detailed assessment of the boilers, the scheme is expected to comply with the Environmental Statement.

9.101

This document is necessary to discharge condition D16 of the outline consent and should be formally submitted to the planning department under separate cover.

(iv) Noise

This was considered as part of the outline consent which was subsequently approved.

9.102 The outline application was accompanied by a noise and vibration assessment and it was concluded that the proposals were acceptable subject to the imposition of conditions restricting construction hours and noise emissions and requesting the submission and a Construction Management Plan. The applicants have submitted an Environmental Noise survey in relation to this proposal that has not attracted any objections from the Councils Environmental Health officers. The information contained within the survey will require formal discharge in relation to condition A15 of the outline permission.

9.103

In summary, the proposals are considered to be consistent with policy SP10 of the Core Strategy (2010), Policy DEV2 of the UDP (1998), Policy DEV1 of the IPG (2007) and Policy DM25 of the Managing Development DPD (Submission Version, 2012) which seek to protect the amenity of local residents and the environment in general.

9.104

(v) Land Contamination

9.105 A Land Quality Statement was produced by Campbell Reth and submitted as part of this application. However this was dealt with as part of the outline consent through the assessment of the Environmental Statement.

This detail is not relevant to this reserved matters application and is required to be submitted under separate cover to discharge condition D11 which deals specially with land contamination.

(vi) Waste

A waste management strategy was submitted as part of the application documents, however this will be assessed as part of the approval of details for the outline consent via condition D9.

Section 106 Agreement

9.106 Section 106 contributions were secured as part of the outline scheme (these can be viewed in the attached committee report for PA/12/0001 and PA/12/0002).

9.107 In summary the requested contribution was approximately **£14.48million**.

9.108 The outline application approved the principle of development, including all relevant planning obligations necessary to make the development acceptable and it is not considered necessary to seek, any further S106 contributions.

Equalities Act Considerations

9.109 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.

9.110 The contributions towards various community assets/improvements and infrastructure improvements (such as access to playspace and contributions to transport improvements and education) 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 community wellbeing, improving the quality of education facilities within the Borough and social cohesion.

9.111 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

9.112 The recreation and leisure related uses and contributions (which will be accessible by all), such as the improved public open spaces and play areas, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

9.113 The contributions to affordable housing along with commitments to re-house existing residents support community wellbeing and social cohesion.

10.0 Conclusions

10.1 All other relevant policies and considerations have been taken into account. Reserved matters approval 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.

Appendix Two – Update report to Strategic Development Committee 6th March 2013

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

6th March 2013

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

INDEX

Agenda item no	Reference no	Location	Proposal
6.1	PA/11/03617	Skylines Village, Marsh Wall	<p>Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys in height, comprising of the following:</p> <ul style="list-style-type: none">• 764 residential units (Use Class C3);• 1,982 sq.m (GIA) of flexible retail floor space (Use Class A1-A5/B1);• 4,480 sq.m (GIA) of office floor space (Use Class B1)• 2,250sq.m (GIA) of community floor space (Use Class D1);• A two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities <p>The application also proposes new public open space, associated hard and soft landscaping.</p>

7.1	PA/12/3318	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	Submission of reserved matters relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30th March 2012, reference PA/12/00001.
7.2	PA/12/00637	Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London	Redevelopment of the site to provide a residential led mixed use development, comprising the erection of part 6 to 22 storey buildings to provide 223 dwellings and 129 sqm of new commercial floorspace falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus car parking spaces, cycle parking, refuse/recycling facilities and access together with landscaping including public, communal and private amenity space.

Agenda Item number:	6.1
Reference number:	PA/11/03617
Location:	Skylines Village, Marsh Wall
Proposal:	<p>Proposed demolition of all existing buildings within Skylines Village and the erection of buildings with heights varying from 2 to 50 storeys in height, comprising of the following:</p> <ul style="list-style-type: none"> • 764 residential units (Use Class C3); • 1,982 sq.m (GIA) of flexible retail floor space (Use Class A1-A5/B1); • 4,480 sq.m (GIA) of office floor space (Use Class B1) • 2,250sq.m (GIA) of community floor space (Use Class D1); • A two-level basement containing associated car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and refuse facilities <p>The application also proposes new public open space, associated hard and soft landscaping.</p>

1.0 CLARIFICATION AND CORRECTIONS

- 1.1 The Strategic Development Committee is requested to note the following clarifications and corrections to the report circulated with the agenda.
- 1.2 The following amendments to the submission documents reference numbers are required.

Submission Documents

- ~~SKY2_PA_05_15A Proposed Landscape Plan~~
- SKY2_PA_05_15B Proposed Landscape Plan
- 130207 Summary of Open Space Functions - Skylines Landscape Strategy Diagram (NTS) February 2013

2.0 CONSULTATION RESPONSES

Drug & Alcohol Action Team (DAAT)

- 2.1 The DAAT have confirmed in writing (see Appendix 1 below) that an offer from the developer has been received that specifies the applicant's proposal to assist and rehouse existing drug and alcohol service currently residing at Skylines Village. The DAAT have agreed to the proposal and consider it to be equitable in ensuring continuity of service delivery, whilst also supporting future service delivery aspirations. The agreed terms of this offer will be secured as additional financial and non-financial planning obligations.

3.0 RECOMMENDATION

- 3.1 Officer's recommendation remains as per the original subject to the amendments set out in Section 1 of this Update Report.

Appendix 1



Communities, Localities & Culture

Tim Ross
Planning and Building Control
Mulberry Place
Clove Crescent
London
E14 2BG

Drug & Alcohol Action Team
Tower Hamlets Town Hall
6th Floor, Mulberry Place
5 Clove Crescent
London E14 2BG
Enquiries to:

Tel: 020 7364 4755
Email: ali.akhtar@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Your ref: PA/11/03617
Date: 6th March 2013

Dear Tim,

RE: DAAT Response to Applicant's offer for drug and alcohol services located at Skylines

I am writing to inform you the Drug and Alcohol Action Team (DAAT) has received an offer from the developer (26th February) that specifies the applicant's proposal to assist and rehouse existing drug and alcohol service currently residing at Skylines Village.

Within this offer, the applicant has agreed to:

- Confirm that community support services (or replacement services) can remain on the site until the start of the site redevelopment;
- Assist in relocating the services (or replacement services) by paying for move costs and any uplift in rent over and above existing levels during the build period;
- Reserve replacement floor space within the community element of the new Skylines development and pay relocation costs for the services (or replacement services) to return back into the development;
- Identify alternative and suitable accommodation for the Community Alcohol Team and pay for move costs and rental uplifts during the interim period (which may include existing properties from the applicant's portfolio for use for the interim period);
- Provide each service two years rent free in the new scheme
- Ensure rent pay levels (within new development) remain equivalent to rent currently paid at Skylines (+CPI), which is secured for 20 years (with appropriate break clauses included);
- Agree to transfer the arrangement to any new provider commissioned by the DAAT;
- Provide an additional discrete space within the community facility (at no cost) to enable external providers (including Alcoholics and Narcotics Anonymous and Al-Anon UK) to deliver services

Please note the DAAT welcome and agree the proposal and consider it to be equitable in ensuring continuity of service deliver, whilst also supporting future service delivery aspirations (identified at this time).

Yours sincerely,

Ali Akhtar
DAAT Business Manager

Agenda Item number:	7.1
Reference number:	PA/12/3318
Location:	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
Proposal:	Submission of reserved matters relating to access, appearance, landscaping, layout and scale of replacement school following outline planning permission dated 30th March 2012, reference PA/12/00001.

1.0 FURTHER CLARIFICATIONS

- 1.1 The committee report stated that 6 car parking spaces were to be provided; this should read as 5 spaces (3 no. standard spaces and 2 no. disabled spaces).

2.0 FURTHER REPRESENTATIONS

- 2.1 Since the time of publishing the committee report, a further letter of objection was received from Twentieth Century Society. The objections are discussed below:

- 2.2 The organisation maintain their objection to the demolition of this historic school building as it is felt that it is a positive contributor to the local townscape.

(OFFICER COMMENT: Woolmore School is not listed, nor is it is not located within a Conservation Area. The Council has however sought to carefully consider the value of the existing building in heritage terms as part of the development process.)

- 2.3 Despite the replacement fenestration, it is considered that the main neo-Georgian part of this building makes a positive contribution to the townscape. It is argued that it is the only example of neo-Georgian architecture in this part of Tower Hamlets – particularly relevant as the associated former Woolmore Street Infants School (1914) which has been derelict for some time, is also due to be demolished.

(OFFICER COMMENT: The applicant submitted a 'Justification for Demolition' document as part of the submission which includes an assessment of the efforts made to retain the existing structure. Officers consider that the justification is acceptable in demonstrating that it has not proved logistically viable to retain the building.)

In summary officers are of the view that given that the building is not a heritage asset, the loss of the building has been very carefully considered and justified.

- 2.4 The organisation are disappointed that the applicant has rejected options to retain the primary school building, and they are not convinced that more imaginative solutions to preserve it have been explored.

(OFFICER COMMENT: Officers are satisfied that the design team has explored all the possible options to maintain the building. This is further support by the fact that the site is not listed or in a conservation area. The new build option was chosen by the School, Governors and LBTH (Department for Children, Schools and Families). Furthermore the design has progressed with full engagement and support from the School community and local community.)

3 RECOMMENDATION

- 3.1 Officers recommendations remain unchanged.

Agenda Item number:	7.2
Reference number:	PA/12/00637
Location:	Land adjacent to Langdon Park Station, corner of Cording Street and Chrisp Street, 134-156 Chrisp Street, London E14
Proposal:	Redevelopment of the site to provide a residential led mixed use development, comprising the erection of part 6 to 22 storey buildings to provide 223 dwellings and 129 sqm of new commercial floorspace falling within use classes A1, A2, A3, A4, B1, D1 and/or D2, plus car parking spaces, cycle parking, refuse/recycling facilities and access together with landscaping including public, communal and private amenity space.

1.0 TYPOGRAPHICAL ERRORS

1.2 The committee report at paragraph 8.43 states:

*As detailed in table 1 below, the overall indicative proposal includes 22.2% affordable housing provision by habitable room, **or 223 units.***

This should read:

*As detailed in table 1 below, the overall indicative proposal includes 22.2% affordable housing provision by habitable room, **or 34 units.***

1.2 Table 4 at paragraph 8.56 contains an error in the proposed POD rent levels for the 2 bed units (£151.00 as opposed to £168.17). A revised table is shown below with the correction underlined in italics.

	1 bed (pw)	2 bed (pw)	3 bed (pw)	4 bed (pw)
Proposed development POD levels/E4 POD rent levels	£151.00 (inc service charge)	<u>£168.17</u> (inc service charge)	£187.00 (inc service charge)	£229.00 (inc service charge)
Social Target Rents (for comparison Only)	£157.57 (including estimated £30 service charges)	£165.06 (including estimated £30 service charges)	£172.57 (including estimated £30 service charges)	£180.07 (including estimated £30 service charges)

1.3 The committee report at paragraph 8.6 states:

*The application proposes the provision of 129 (NIA) square metres of ground floor commercial space fronting **Mile End Road.** This could be used for uses falling within Classes A1 – Retail Shops; A2 – Financial and Professional services; A3 – Restaurants/Cafes; A4 – Drinking Establishments; B1 – Offices; D1 – Non-Residential Institutions and/ or D2 – Assembly and Leisure.*

This should read:

*The application proposes the provision of 129 (NIA) square metres of ground floor commercial space fronting **Carmen Street.** This could be used for uses falling*

within Classes A1 – Retail Shops; A2 – Financial and Professional services; A3 – Restaurants/Cafes; A4 – Drinking Establishments; B1 – Offices; D1 – Non-Residential Institutions and/ or D2 – Assembly and Leisure.

1.4 The committee report at paragraph 8.85 states:

*This site is located directly to the south of the application site and comprises a **16** storey residential led development with a commercial unit located at ground floor level. The development presently receives very good levels of natural daylight, well above the BRE recommendations.*

This should read:

*This site is located directly to the south of the application site and comprises a **15** storey residential led development with a commercial unit located at ground floor level. The development presently receives very good levels of natural daylight, well above the BRE recommendations.*

2.0 RECOMMENDATION

2.1 Officers recommendation remains unchanged.

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Agenda Item 7

Committee: Strategic Development	Date: 18 th April 2013	Classification: Unrestricted	Agenda Item No: 7
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. ADVICE OF ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

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

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

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

Tick if copy supplied for register:

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

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

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

4. PUBLIC SPEAKING

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

5. RECOMMENDATION

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

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Agenda Item 7.1

Committee: Strategic Development Committee	Date: 18 th April 2013	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Pete Smith		Ref No: PA/12/02703	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

1.1 **Location:** 27 Commercial Road and 29-37 Whitechurch Lane London E1 1LD

Existing Use: Mix of uses including retail, offices, research and development and storage uses.

Proposal: Development of a 25 storey hotel comprising 328 bedrooms and associated bar and restaurant facilities with one disable parking space(on site), 28 cycle parking spaces at basement and ground floor level and a service/drop off bay off Whitechurch Lane.

Drawing Nos / Documents: GA/01 (Site Location Plan), GA/100, GA/101, GA/200, GA/201, GA/202, GA/203, GA/204, GA/205, GA/206, GA/207, GA/300, GA/301, GA/302, GA/303, GA/304, GA/305

Submission Documents

Design and Access Statement
 Planning Statement
 Transport Statement
 Framework Travel Plan
 Heritage, Townscape and Visual Impact Assessment including
 World Heritage Site Self-Assessment and Heritage Impact
 Assessment
 Visual Impact Study prepared by Miller Hare
 Archaeological Assessment
 Hotel Need and Economic Statement
 Energy Statement
 Sustainability Statement
 Daylight and Sunlight Assessment
 Noise assessment
 Air Quality Assessment
 Microclimate Assessment
 Phase 1 Environmental Audit Report
 Community Involvement Statement

Applicant: Reef Estates (Aldgate) Ltd

Owners: Reef Estates (Aldgate) Ltd

Historic Building: N/A

Conservation Area: N/A

2. RECOMMENDATION

2.1 That the Committee resolve to **REFUSE** planning permission for the following reasons:

1. The proposed development, in view of its scale, height, bulk and mass, would represent an incongruous and inappropriate form of development and would fail to respect the finer grained character and local townscape found within this transitional area between the Aldgate tall buildings cluster and the lower scale development forms to the east and north-east and would fail to preserve or enhance the character and appearance of the adjacent Whitechapel High Street Conservation Area and the setting of neighbouring listed buildings, contrary to Policies 7.1, 7.4, 7.6, 7.7 and 7.8 of the London Plan (July 2011), saved Policy DEV1 of the adopted Unitary Development Plan (1998), Policy SP10 of the Core Strategy (2010), Policies DM1, DM24, DM26 and DM27 of the Managing Development DPD (Submission Version, May 2012) with modifications, Policies DEV2, DEV27, CON1 and CON2 of the Interim Planning Guidance (2007) and the Aldgate Master Plan 2007 and as a result, would not provide a sustainable form of development in accordance with the National Planning Policy Framework.
2. The proposal would represent overdevelopment of this constrained site, resulting in material losses of sunlight and daylight received by adjacent residential properties, contrary to Policies 7.4 and 7.7 of the London Plan (July 2011), saved Policy DEV2 of the adopted Unitary Development Plan (1998), Policies SP10 of the Core Strategy (2010), Policies DM7 and DM25 of the Managing Development DPD (Submission Version, May 2012) with modifications and Policies DEV1 and DEV27 of the Interim Planning Guidance (2007) and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework. Any benefits associated with the provision of further overnight guest accommodation within the Aldgate/City Fringe areas of the Borough and any associated hotel employment opportunities are not considered sufficient to outweigh the harm caused as a consequence of this proposed development.

3. SITE AND SURROUNDINGS

- 3.1 The application site is 0.0536 hectares in area and is located on the north side of Commercial Road, at its junction with Whitechurch Lane. It comprises a mixture of 2, 3 and 4 storey Victorian and inter-war buildings (1,905 sq. metres of accommodation) which appear to be generally under-utilised and have history of being used for a variety of commercial uses (including light industrial, storage, retail and office uses).
- 3.2 In terms of immediate neighbours, to the north of the site is a small yard with vehicular access onto Whitechurch Lane, which serves a three storey fire station situated to the west of the application site. Fire tenders etc. exit the fire station onto Commercial Road. To the west on the opposite side of Whitechurch Lane, is a range of 3, 4 and 5 storey buildings with commercial uses on ground floor and residential uses above. Either side of properties, identified as 16-24 and 34 Whitechurch Lane, is Assam Street, which provides vehicular and pedestrian access to a new student accommodation block which is currently under construction, albeit nearing completion (see paragraph 3.4 below for further details).
- 3.3 To the north of the existing fire station yard (highlighted in 3.2 above) is Manningtree Street, which is lined on its north side by 4 storey buildings. 7-8 Manningtree Street is currently being enlarged in the form of a third floor extension (pursuant to planning permission LBTH Ref PA/11/00710). Once this work has been completed, this property will accommodate 12 residential units, 8 of which have been in situ since 1996. The ground floor of 9 Manningtree Street is in commercial use with planning permission granted in 1993 for live-work units on the first floor and a two bedroom maisonette on the second and third floors (LBTH Ref ST/96/00093). At the junction of Manningtree Street (north-side) and Whitechurch Lane is a

three storey public house with ancillary residential use of upper floors.

- 3.4 The site is not located within a conservation area, although the boundary of the Whitechapel High Street Conservation Area is situated around 50 metres to the north of the application site. Important views of the site from within the Whitechapel High Street Conservation Area can be gained from Altab Ali Park, which is situated on the south side of Whitechapel High Street and at the junction of Whitechapel High Street and Whitechurch Lane (looking north). To the south west of the site on the opposite side of Commercial Road (32-34 Commercial Road) is a Grade II listed building and to the south east is the Gunmakers Proof House which is also Grade II listed. To the east of the site, on the north side of Commercial Road is a Grade II listed building known as the Brewery Building (35 Commercial Road) which is currently being refurbished and partially redeveloped, in the form of a 17 storey building, situated to the north of the listed building, to provide student accommodation pursuant to planning permission and listed building consent granted in July 2010. To the north of the site is the Grade II* listed Whitechapel Art Gallery and the Grade II listed Whitechapel Public Library.
- 3.5 The site is within the setting of the Tower of London World Heritage Site and is in an area of Archaeological Priority
- 3.6 The site is located in an area of high levels of public transport accessibility with public transport options available in the form of Aldgate East (Underground) and Whitechapel Stations (Underground and Over-ground), with Crossrail coming on line around 2017/18. Tower Gateway DLR is within relatively close walking distance from the site and 12 bus services are available in close proximity including 5 night bus services. Consequently, the PTAL for the site is 6b) which indicates “excellent” levels of public transport accessibility.
- 3.7 In terms of policy designations, the site is located within the City Fringe Opportunity Area and the Central Activities Area as identified by the London Plan (2011) and is located within the City Fringe Activity Area as identified by the Tower Hamlets Core Strategy (2010). The site is also included in the boundary of the Aldgate Master Plan, which was published by the Council in 2007.
- 3.8 The area covered by the Aldgate Masterplan has and will continue to undergo significant regeneration in the form of both commercial and residential redevelopment opportunities (especially a mixture of both commercial and residential development) and there are a number of previous/extant planning permissions and current planning applications that are of relevance, which will be further highlighted in this report. It is therefore worthwhile referring to these schemes at this stage.

Goodman's Fields

- 3.9 In March 2012, planning permission was granted for a hybrid application (outline and detailed) for the redevelopment of the site to provide 4 courtyard buildings of between 5-10 storeys incorporating 6 buildings of 19-23 storeys and the erection of 4 storey dwellings, to provide a mixture of residential apartments, a hotel, student accommodation and commercial floorspace alongside the provision of accessible open spaces and pedestrian routes through the site (LBTH Ref PA/11/01981). This development is now underway with the refurbishment of 75 Leman Street and the approved student accommodation due to be completed in the next few months. The hotel and associated residential apartments (known as the NW Block) due to start on site in the next few weeks.

Aldgate Union/ Aldgate Place

- 3.10 Outline planning permission was granted in 2007 for the demolition of existing buildings and the redevelopment of the site involving three buildings ranging from between 4 – 22 storeys to provide 84,305 sq. metres of offices and 2,805 sq. metres of retail accommodation with a

new pedestrian route leading to Drum Street and providing a new entrance to Aldgate East station (LBTH Ref PA/06/00510). Whilst previous buildings on the site have been demolished no further works have taken place.

- 3.11 The Council has recently received an application for alternative development in the form of the redevelopment of Aldgate Place involving the erection of 22,25 and 26 storey towers and a range of lower buildings (between 6-9 storeys) to provide 463 residential apartments, offices, hotel, retail and the introduction of public routes and public open spaces (LBTH Ref PA/13/00218). This application is currently being considered by officers and will be referred to the Strategic Development Committee in due course.

61-75 Alie Street and 16-17 Plough Street and 20 Buckle Street

- 3.12 In March 2008, planning permission was granted for the demolition of the existing buildings and the erection of two buildings (7 and 28 storeys) to provide 235 residential units and retail, restaurant and business accommodation (LBTH Ref PA/07/01201). This was amended by reference of an planning application for minor material amendments in August 2010 (LBTH Ref PA/10/01096) and the scheme is now been implemented by Barratt Homes and is progressing towards completion (due later this year).

Former Beagle House

- 3.13 In August 2010, planning permission was granted for the demolition of the existing building and the erection of an 18 storey building comprising ground for retail with office use of the upper floors. This planning permission remains unimplemented and the Council has recently received an alternative proposal for the site involving the demolition of the existing building and the erection a 23 storey building comprising ground and first floor retail accommodation and 291 residential apartments (LBTH Ref PA/13/00305). As with Aldgate Place, this case is still being considered by officers and will be referred to the Strategic Development Committee in due course.

15-17 Leman Street and 1A Buckle Street

- 3.14 This site lies between the Aldgate Place site and the Allie Street residential tower (as highlighted in paragraph 3.12 above) and planning permission was granted June last year for redevelopment of the site comprising the construction of a 23 storey, 251 bed hotel including ancillary cafe, bar and restaurant with associated servicing and access (LBTH Ref PA/11/03693). This site remains undeveloped but the planning permission remains extant.
- 3.15 The purpose of referring to these various planning permissions (a number of which have started on site or are nearing completion) is to indicate that the Aldgate area is attractive to redevelopment. As directed by both the London Plan and the Council's Core Strategy, Aldgate is a location where taller buildings are considered acceptable, subject to consideration of other criteria and associated planning policy issues and it is significant to note in relation to this particular case, that apart from the near completed student housing scheme at 35 Commercial Road (highlighted in paragraph 3.4 above), these scheme are more centrally located within the Aldgate area, as directed by the Aldgate Masterplan, the Core Strategy and the emerging MDDPD, or focused towards areas to the south (Goodman's Fields, Allie Street and Buckle Street). Areas/sites located to the east and north-east of the Aldgate taller buildings cluster are characterised by lower scale development and a finer-grained built form.

4. Relevant Planning History

- 4.1 There is no recent planning history associated with the application site apart from a grant of planning permission in May 2002 which proposed a change of use of the ground floor of 27C Commercial Road from retail to a hot food take-away (LBTH Ref PA/02/00286). The history

associated with relevant neighbouring sites have been outlined above, when referring to the site and its surroundings

5. The Planning Proposal

- 5.1 This application seeks full planning permission for the demolition of the existing building and the redevelopment of the site involving the erection of a 25 storey hotel comprising 328 rooms and ancillary bar and restaurant facilities (10,372 sq. metres GIA). The application documentation advises that the hotel operator would be Motel One, which is a German based international hotel which provides contemporary accommodation at the upper end of the economy market. According to the application documentation, the hotel chain has hotels in Berlin, Dusseldorf, Frankfurt, Hamburg and Munich and is seeking to expand into the UK hotel market, with three hotels planned.
- 5.2 The proposed hotel would rise to an overall height of approximately 79 metres, taken from existing ground level, with the building, comprising three elevational elements; a five storey shoulder element (ground plus 4 floors) comprising a stone and masonry frame with bronzed anodised aluminium glazing panels and curtain walling glazing at ground floor level in an attempt to reflect the scale and external appearance of neighbouring properties; an 18 storey element comprising a silver anodised aluminium frame with bronze anodised window system and an upper element utilising similar materials as the lower 18 floors but with greater use of glazing.
- 5.3 The primary entrance to the hotel would be at the junction of Commercial Road and Whitechurch Lane, with secondary access and service access located towards the northern end of the ground floor/Whitechurch Lane frontage. A further entrance into the building (specifically to facilitate disabled access) is proposed fronting Commercial Road.
- 5.4 The service entrance would lead to a small off street parking area which could be used for service delivery and for guests with disabilities (within the building envelope) although the scheme could be generally car free. The car parking space would be operated through use of a turntable mechanism, to enable a vehicle to enter and leave the parking area in forward gear. A small on site drop off/coach drop off area would be provided with an undercroft area (parallel with Whitechurch Lane) with vehicles entering the drop off area from the south, in accordance with the Whitechurch Lane one-way working (northbound). The proposed building would be set back from Whitechurch Lane to preserve the pavement width in the vicinity of the service bay/drop off zone.
- 5.5 The ground floor would be primarily used to provide reception facilities with the proposed restaurant and bar (with related kitchen facilities) provided at first floor. The basement would be used for storage, refuse storage and a centralised CHP boiler plant. Floors 2 to 4 would each accommodate 16 bedrooms along with linen and store rooms with the remaining floors each accommodating 14 bedrooms. It is proposed to make 10% of the rooms accessible to guests with disabilities (33 in all).
- 5.6 The application advises that the proposed hotel would employ 30 staff (including kitchen staff, managerial grades, room service, bar staff etc.) as well as outsourced jobs in the cleaning and maintenance services.
- 5.7 Finally, it is proposed that the proposed development would achieve 35% reduction in carbon reduction through energy measures including a CHP system and renewable energy technologies in the form of roof top photo-voltaic cells, along with a BREAM "Excellent" rating.

6. POLICY FRAMEWORK

- 6.1 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:

6.2 Government Planning Policy Guidance/Statements

National Policy Planning Framework (2012)

6.3 Spatial Development Strategy for Greater London (London Plan) 2011

Proposals: Central Activities Zone
City Fringe Opportunity Area

Policies:	Policy No.	Title
	2.10	Central Activities Zone (Strategic Priorities)
	2.11	Central Activities Zone (Strategic Functions)
	4.2	Offices
	4.5	London’s Visitor Infrastructure
	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
	5.9	Overheating and Cooling
	5.13	Sustainable Drainage
	5.15	Water Use and Supplies
	5.17	Waste Capacity
	5.21	Contaminated Land
	6.3	Assessing Effects of Development on Transport Capacity
	6.8	Coaches
	6.9	Cycling
	6.10	Walking
	6.12	Road Network Capacity
	6.13	Parking
	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
	7.13	Safety, Security and Resilience to Emergency
	7.14	Improving Air Quality
	7.15	Reducing Noise and Enhancing Soundscapes
	8.2	Planning Obligations

6.4 Core Strategy Development Plan Document 2025 (adopted September 2010)

Spatial Policies:	Policy No.	Title
	SP01	Refocusing on our Town Centres
	SP03	Creating Healthy and Liveable Neighbourhoods
	SP04	Creating a Green and Blue Grid
	SP05	Dealing with Waste
	SP06	Delivering Successful Employment Hubs
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP11	Working Towards a Zero-carbon Borough
	SP13	Delivering and Implementation

6.5 Unitary Development Plan 1998 (as saved September 2007)

Proposals: Area of Archaeological Importance or Potential

Policies:	Policy No.	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Waste from New Development
	DEV56	Waste Recycling
	EMP1	Promoting Employment Growth
	EMP3	Change of Use of Redevelopment of Office Floorspace
	EMP8	Encouraging Small Business Growth
	T7	The Road Hierarchy
	T10	Strategic Traffic Management
	T16	Transport and Development
	T18	Pedestrians

6.6 Managing Development Development Plan Document (Submission Version May 2012) with modifications(MD DPD)

Development Policy No. Title

Management

Policies:

DM1	Development Within the Town Centre Hierarchy
DM7	Short Stay Accommodation
DM13	Sustainable Drainage
DM14	Managing Waste
DM15	Local Job Creation and Investment
DM16	Office Locations
DM20	Supporting a Sustainable Transport Network
DM21	Sustainable Transportation of Freight
DM22	Parking
DM23	Streets and Public Realm
DM24	Place-sensitive Design
DM25	Amenity
DM27	Heritage and the Historic Environment
DM29	Achieving a Zero-carbon Borough and Addressing Climate Change
DM30	Contaminated Land

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

Policies	Policy No.	Title
	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
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction

DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment/Change of Use of Employment Sites
CON1	Listed Buildings
CON2	Conservation Areas
CON4	Archaeology and Ancient Monuments

IPG City Fringe Area Action Plan (2007)

6.8 Supplementary Planning Guidance/ Other Relevant Documents

LBTH

LBTH Planning Obligations Supplementary Planning Document (2012)

LBTH Aldgate Masterplan (2007)

LBTH Designing Out Crime Supplementary Planning Guidance (2002)

LBTH Air Quality Action Plan (2003)

LBTH Clear Zone Plan 2010-2025 (2010)

Mayor of London

Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance (2010)

Accessible Hotels in London (2010)

SPG - London World Heritage Guidance on Settings (2012)

7. CONSULTATION RESPONSE

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

7.2 The following were consulted regarding the application:

LBTH Cleansing Officer

7.3 As this is a commercial development, there is no objection with the proposed waste storage arrangements. Refuse collection would need to be arranged with a private contractor and frequency of collection should be determined based on the holding capacity and the amount of generated waste.

Officer Comment: these matters could be dealt with by the imposition of a condition requiring details of a delivery and servicing management plan, should Members be minded to grant planning permission.

LBTH Environmental Health (Noise & Vibration)

7.4 There are some concerns regarding the proposed development on the existing location and the sensitive receptors. A degree of noise may be generated by the commercial activities of the hotel including the bar, restaurant as well as noise generated by the air conditioning plant taxis HGV deliveries, waste disposal and collections

Environmental Health considers that the report has not covered all of the salient noise impacts. A "Good" standard should, be provided in respect of hotel bedrooms (a similar standard as residential bedrooms). Bedroom noise standards should be LAeq 30 dB, 8 hours at night-time and not regularly exceed LAmx 45 dB.

Whilst Environmental Health does not object to the proposed development the applicant should address outstanding concerns.

Officer Comments: *If planning permission were to be granted it is recommended that a detailed Plant Noise Assessment(including ventilation arrangements) are secured by condition, along with details of sound insulation of hotel bedrooms.*

LBTH Environmental Health (Contaminated Land)

- 7.5 The Phase I Environmental Audit Report for the site presents the results of a historic information review and details of the environmental setting of the site. The information obtained from the desktop assessment, site walkover and Council records confirms that the site and the surrounding area have been subjected to industrial uses which have the potential to contaminate the area. It is understood that ground works and soft landscaping is proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine the associated risks. Environmental health recommend the imposition of a standard staged contaminated land conditions which requires the submission of a scheme to identify and mitigate any contaminants, requiring the remediation to be undertaken before occupation takes place and the submission of a verification report for written approval by the local planning authority.

Officer Comments: *If planning permission were to be granted it is recommended that a condition be included to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.*

LBTH Environmental Health (Commercial - Food Safety)

- 7.6 General information and specifications are required in relation to kitchen arrangements are required prior to the food business being registered with Environmental Health.

Officer Comments: *These are matters that can be covered by separate Environmental Health legislation.*

LBTH Environmental Health (Commercial Health and Safety)

- 7.7 The development should comply with the Construction Regulations 2007 in relation to Health and Safety and dealing with asbestos during the construction phase. The end user would also need to be made aware of their responsibilities in relation to legislation such as the Workplace Health safety and Welfare Regulations 1992.

Officer Comments: *All these matters would be the subject of an informative, should planning permission be forthcoming.*

LBTH Transportation & Highways

- 7.8 The proposals are acceptable in Highways terms, subject to the following conditions:
- The provision of a servicing bay/coach/taxi in-out bay entirely on the applicants land would be acceptable. This would be operated by the applicant in conjunction with a Servicing Management Plan. The latter should be conditioned and contain details of how the arrival of large vehicles will be staggered (through a booking system preferably) so that queuing on the highway is minimised. A layby on the public highway was not acceptable as it would have caused obstruction to vehicles at the junction of Assam Street and Whitechapel Lane.
 - Auto-tracks supplied are acceptable. Submission of a plan showing the location of a second on-site disabled space is required, with and the applicant should contact highways to prepare and agree a S.278 Agreement (to provide public highway realm improvements in the vicinity of the site).
 - Refuse storage and collection arrangements from the basement – collected via a good lift would be acceptable.
 - The provision of a single disabled parking bay is to be welcomed which should be

bookable for the use of staff or patrons. A car-free permit free agreement would not be required in this instance. The turntable solution is also welcomed but would require a convex mirror on the north side of its exit to assist in providing inter-visibility. This turntable would need to be maintained and retained for the purposes of disabled parking only. Cycle parking arrangements are also acceptable and should be conditioned to ensure delivery.

- Submission for Travel Plan to encourage more sustainable forms of travel should be required by condition.

Officer Comments:*The above conditions and informative be included if planning permission were to be granted.*

LBTH Energy Efficiency

- 7.9 The current proposals for delivering the space heating and hot water are considered acceptable – although an appropriate worded condition should be applied to any permission to ensure development is supplied by the CHP (~80kWe) following completion and prior to occupation.
- 7.10 The PV array would result in a 0.7% carbon saving over the regulated energy baseline. Overall, the level of energy saved overall would be 20% and it is acknowledged that the full level of energy reduction can sometimes be technically challenging and not feasible in all developments. Whilst the energy savings would not be sufficient to comply with Policy DM29, the approach is supported as long as the strategy is secured through the imposition of a condition.
- 7.11 In terms of the scheme's sustainability credentials, the scheme commits to achieving a BREEAM "Excellent" rating and a pre-assessment demonstrating that this level is deliverable has been submitted. A condition should be imposed to ensure that the "Excellent" rating is secured, with the final Certificate being submitted to the Council prior to occupation of the hotel.

LBTH Housing

- 7.12 As the application is for a hotel, there are no affordable housing implications associated with this proposed development.

Crime Prevention Officer

- 7.13 No objections to the proposal. Any concerns were resolved following the meeting with the applicant's agent after a site meeting in August.

LBTH Enterprise & Employment

- 7.14 No comments received at the time of writing.

LBTH Communities, Localities & Culture (Strategy)

- 7.15 The following financial contributions are required to mitigate the impacts of the development in accordance with the Council's Planning Obligations Supplementary Planning Document (2012): £2,213 is required towards Idea Stores, Libraries and Archives; £6,978 is required towards Leisure Facilities; £540,496 is required towards Public Open Space, and; £44,034 is required towards public realm improvements.

Officer Comments:*These contributions would need to be negotiated should planning permission be forthcoming.*

Transport for London

- 7.16 The multi modal trip assessment has been reviewed and TfL considers that the application would not have a detrimental impact on the highway or public transport network
- 7.17 The applicant should undertake an assessment of the bus stop P and Q located on

Commercial Road and identify a schedule of works required to improve them in line with TfL's accessible Bus Stop Design Guidance.

- 7.18 In terms of the Mayor's Cycle Hire scheme, mitigation measures towards the future phase of intensification and extension of the scheme will be sought.
- 7.19 According to London Plan standards, the development should provide 1 coach parking space per 50 rooms. The development would therefore generate a requirement for 6 coach parking spaces. However, as the site is constrained and it is recognised that such a provision would not be possible In view of design constraints, it is accepted that with an of street coach drop off area, there is sufficient room to cater for the quantum of coach trips likely to be generated, adopting a pragmatic approach.
- 7.20 A contribution of £15,000 towards the legible London initiative should be sought as part of this development. It is recognised that the drop off bay could be utilised for servicing and a delivery servicing plan would be required in order to minimise the likelihood of multiple contractors requiring access at one time. This should be secured by condition.
- 7.21 A Travel Plan should be sought by condition and it is expected that a travel plan will be secured through the S.106 Agreement. The development would be liable for London mayoral Community Infrastructure Levy.

English Heritage

- 7.22 Any development of this scale will have some impact on a wide range of heritage assets, including local conservation areas and listed buildingsThe main concern is the impact of the proposed tower on the Tower of London World Heritage Site, reflecting its "outstanding universal value" and its significance is further indicated by the number of listed buildings within its precincts. The Townscape and Visual Impact Assessment submitted with the application shows that the development would appear to the right of the White Tower and would therefore have an impact on its setting. There is already concern that whilst this view has already been affected by development, the proposal would be higher than anything that has been approved and would therefore cause further harm to the setting of the White Tower. This would be contrary to paragraph 132 of the National Planning Policy Framework. Certainly a reduction in the height would remove the proposed tower from these views.
- 7.23 English Heritage has therefore encouraged that applicant to consider reducing the height of the tower.

***Officer Comment:** Officers are satisfied that the proposed development would not cause harm to the setting of the White Tower or the wider World Heritage Site. This aspect has the support of the London Mayor.*

English Heritage Archaeology

- 7.24 No comments at the time of writing.

London Fire and Emergency Planning Authority

- 7.25 The documentation provided would indicate that, if the existing water supplies are maintained, the provision of water supplies for use by the Fire Service should be adequate. Moreover, it would indicate that Brigade access would not be problematic.

Environment Agency

- 7.26 No comments at the time of writing

London City Airport

- 7.27 Based on a maximum structure of 85 metres (AOD) the proposal would not conflict with criteria. According, London City Airport has no safeguarding objection to the proposal, subject to conditions as regards the agreement of crane heights and landscaping (to render

them more unattractive to birds, so as to limit adverse effects on the safety operations of the airport.

Officer Comments: *These aspects would need to be dealt with by way of planning conditions, should planning permission be forthcoming.*

London Mayor (Stage 1 Response)

7.28 The Planning Decisions Unit Stage 1 Report was considered by the London Mayor on the 12 December 2013. The officers report into the scheme was relatively positive and reached the following conclusions:

- The proposed hotel is supported in strategic planning terms, in accordance with London Plan Policy 4.5;
- The design of the scheme is broadly supported although a condition is sought with respect to architectural quality, to ensure accordance with London Plan Policy 7.7
- The development would be sub-ordinate to the Tower of London, would respect the historic significance of the World Heritage Site and would preserve the viewers' ability to recognise the landmark and appreciate its outstanding universal value.
- The 10% wheelchair accessible rooms are supported in line with London Plan Policy 4.5 and the design of the development accords with the principles of London Plan Policy 7.2.
- The proposed energy strategy is broadly supported in line with London Plan Policy 5.2, although further work is required in respect of district heating networks to ensure accordance with London Plan Policy 5.6. Planning conditions are also sought in respect of green roofs and renewable energy technologies
- Clarifications and commitments are sought in respect of car parking, cycling, buses, coach facilities, walking and travel planning to ensure accordance with London Plan policies.

7.29 Of significance to this application, whilst the London Mayor accepted his officers' views that the proposed development did not comply with the London Plan for the reasons outlined above, he did not share all the views of his officers on urban design and the heritage analysis. The Stage 1 letter expressed particular concern on behalf of the London Mayor with the loss of the existing 19th Century buildings on the site and expressed the view that whilst the buildings are not designated heritage assets, they positively contribute to the fine grain nature of the townscape and represent a valuable historic component of the City Fringe area and complement the setting of adjacent listed buildings. The London Mayor expressed a view that the building should be retained and refurbished.

Officer Comment: *The impact of this tall building on the character and appearance of the adjacent conservation areas as well as the setting of listed buildings and the fine grained nature of the immediate townscape will be covered in later sections of this report.*

8. LOCAL REPRESENTATION

8.1 A total of 2,886 planning notification letters were sent to nearby properties as detailed on the attached site plan. Site Notices were also displayed and the application was advertised in East End Life.

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

No of individual responses: 2	Objecting: 5 – 1 of which was signed by 7 small business operating in the area	Supporting: 20(19 of which were signed proforma letters)
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No of petitions received: 0 objecting containing 0 signatories
 0 supporting containing 0 signatories

8.3 The following issues were raised in objection to the scheme.

- The proposed hotel is not the proposed usage for this site, as identified by the Aldgate Masterplan and the City Fringe Area Action Plan. The focus is very much centred on educational uses. The site also lies within the Preferred Office Location as outlined by the City Fringe Area Action Plan;
- It is important to note that an identical 23 storey hotel has been approved and is currently under construction within 200m metres of the proposed site. To approve another similar hotel that is inconsistent with the preferred usage which reduces the sites which development could be undertaken in accordance with the development framework;
- Considering the existing cluster of hotels in close proximity (and those previously approved or under construction) the supposed demand for another is questionable. Hotels within Tower Hamlets are disproportionately located in the Aldgate area and with the possibility of a surplus of rooms by 2016, it is not certain that this justifies constructing another hotel on this site. There are currently seven large budget hotels with two more under construction;
- The building is too tall and insensitive to the height and character of all other architecture on Whitechurch Lane as well as the various heritage listed buildings alongside. It is also located outside the preferred zone for tall buildings within the Aldgate sub region;
- Whitechurch Lane has a unique character which makes it a great place to live and work. It is one of the few remaining streets of its type. The Aldgate Masterplan makes reference to its more intimate feel with lower building heights;
- The height of the tower will dwarf all other buildings as well as the adjacent fire station. Its design and materials are also out of context;
- The proposed building will tower over the various heritage listed buildings;
- The tall building will have an overbearing impact on Altab Ali Park. The park is currently the only plot of open green space in Aldgate and the building will fill in the gap and the views south will be dominated by a wall of tall buildings which will reduce the amenities of the park and will affect the amount of sunlight from reaching the park, especially during the spring, winter and autumn;
- The building will result in loss of daylight and sunlight levels for some residents;
- Loss of light has already been suffered as a consequence of the development of 33-35 Commercial Road, with significant disruption during the construction of that building;
- Loss of privacy and none of the plans represent the adjacent Naylor Building correctly;
- The development will dislocate a variety of small to medium sized enterprises that make a significant contribution to the local economy and the character of the area. The application deliberately underplays the level of activity that currently takes place on the site. The 18th and 19th Century buildings contribute greatly to the charm of this junction and also house a variety of small creative enterprises which will be dislocated by this development;
- Local businesses in Whitechurch Lane rely on the ability of customers to easily access the retail units and for the business to drop off and pick up merchandise. The street has suffered from traffic disruptions associated with development taking place nearby;
- Whitechurch Lane will serve as the only service point for the construction of the building which will restrict access to Whitechurch Lane during extended periods;
- Concern over the level of consultation and little thought has been afforded to the disruption that will be caused to existing local business as a consequence of the construction works;
- The pre application consultation was poorly advertised with only three visitors and no feedback received;
- This area has extremely little green space so the opportunity to plant trees should be exploited;

8.4 The following points were made in support to the scheme.

- The 19 proforma letter from various local businesses, raising no objection to the proposal. These letters referred to the public exhibition dated 26th July 2012 and states that they supersede previous objections (letter previously signed by seven local businesses).
- Motel 1 offers a great product and the location is a perfect match for them;
- Opening a hotel provides employment opportunities for local people living in the area and will attract other redevelopment opportunities and businesses to the area.

Officer Comments: *The above points relate to the land use, design and impact of the proposed development, which are discussed in detail in Section 8 of this report.*

9. MATERIAL PLANNING CONSIDERATIONS

- 9.1 The relevant material considerations associated with this development proposal can be grouped under the following headings:
1. The loss of existing B type employment generating floorspace;
 2. The principle of the proposed hotel use;
 3. Design considerations, including the impact of the proposed development on the outstanding universal value of the Tower of London World Heritage Site and the impact on neighbouring heritage assets and more localised views;
 4. The varied amenity considerations, including daylight/sunlight impacts and potential noise effects;
 5. Highway/transportation considerations
 6. Sustainability credentials

Loss of Existing (B type) Employment Generating Floorspace

- 9.2 Government guidance, set out in paragraph 22 of the National Planning Policy Framework (2012), states where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Policy 4.2(A) of the London Plan (2011) encourages the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility.
- 9.3 Whilst there are a number of Aldgate sites (including Aldgate Place and Beagle House) located within the designated Preferred Office Location (POL), the application site is located outside this designated area and is also not included within a Local Office Location (LOL), Strategic Industrial Location (SIA) or a Local Industrial Location (LIL) as identified by the Council's adopted Core Strategy (2010) and defined by the MDDPD (Submission Version May 2012 with modifications). Policy DM15 of the MDDPD (Submission Version May 2012 with modifications) seeks to resist the loss of active and viable employment uses on sites located outside of the POL and LOL, unless it can be shown that the site has been actively marketed (for approximately 12 months) and that the site is unsuitable for continued employment use due to its location, accessibility, size and condition. This policy is further supported by Policy EMP3 of the Unitary Development Plan (1998) and Policy EE2 of the Interim Planning Guidance (2007), which seeks to resist the loss of employment floorspace, unless it can be demonstrated that it is no longer viable for continued employment use.
- 9.4 It is accepted that whilst the existing wholesale, storage and office space is fully let with no evidence submitted to suggest that any marketing has taken place to facilitate continued B1-B8 and retail employment, it is accepted that the existing floorspace currently provides relatively low quality employment floorspace. Officers have been advised that rental levels achieved are relatively low, with only short term let and licenses available to incoming businesses. Furthermore, evidence suggests that there is a general over-supply of B1 accommodation currently within the Borough and consequently, your officers are satisfied in

this particular case, that the loss of this limited supply of existing B type accommodation to alternative employment generating uses would be acceptable and would not significantly reduce the supply of available B1 and B8 floorspace within the Aldgate/City Fringe area. The premises exhibit poor layout configuration, accommodating a mixture of showroom space, storage, offices and retail space with very poor parking and loading-unloading opportunities. Similarly, officers are content that there is alternative second hand business/commercial floorspace available in the immediate vicinity where existing businesses could be relocated to. Consequently, it is considered that refusal of planning permission on grounds of the loss of existing B type employment generating floorspace would not be sustainable in this particular case, especially when one considers the potential for alternative employment opportunities associated with an incoming hotel development.

Principle of Hotel Use

- 9.5 Policy 4.5 of the London Plan (2011) and Policy SP06(4) of the Council's adopted Core Strategy (2010) seek to ensure that new hotel developments are sited in appropriate locations within the Borough, including the CAZ and City Fringe Activity Area and benefit from good access to public transport. In addition, the Policy requires a minimum of 10% of guest bedrooms to be wheelchair accessible. Policy 4.5 of the London Plan (2011) also includes London Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 9.6 Policy DM7(1) of the Council's MDDPD (Submission Version May 2012 with modifications) provides further detailed policy guidance for hotel developments, requiring hotels to be appropriate in size relative to their location, to serve a need for such accommodation, not to compromise the supply of land for new homes, not to create an over-concentration of hotels in a given area or harm residential amenity and to benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements. The Inspector's Report into the MDDPD Examination In Public which took place last year, recognised Tower Hamlet's role in providing for London's strategic supply of overnight guest accommodation.
- 9.7 The application site is located within the City Fringe Activity Area and the Central Activities Zone and is situated within an area characterised by excellent transportation links and high levels of accessibility by all modes of transport (including cycling and walking). These are locations where the principle of hotel development should be encouraged. 10 per cent of the proposed guest bedrooms are designed to be wheelchair accessible in accordance with Policy 4.5 of the London Plan (2011) which is to be welcomed.
- 9.8 In terms of the potential for the scheme to compromise the supply of land for housing, whilst it would be possible to convert existing accommodation or redevelop the site for residential purposes, there are significant design constraints associated with major redevelopment of this site and consequently, it is unlikely that this site could contribute significantly to housing growth in the Borough, especially as the existing floorspace is currently in employment generating use. The site is not designated for housing purposes and in terms of the projected delivery of new housing over the Plan period (up to 2025) and irrespective of existing recessionary pressures, it is anticipated that the Borough's housing targets will not only be met, but will be exceeded by 2025.
- 9.9 Evidence has also been produced which indicates that employment across the restaurant and hotel sectors over the last decade has increased by 75%. Tower Hamlets Local Economic Assessment (2010) advises that the hotel and restaurant sectors employ 9,700 people in Tower Hamlets (just under 5% of employment within the Borough) and supports around 600 separate enterprises the workforce.
- 9.10 The applicants have indicated that the hotel would directly employ around 30 staff (FTE) as well as further outsourced jobs in cleaning and maintenance, which would considerably

exceed the likely level of employment currently taking place on site. This indicates that incoming employment benefits might well outweigh the harm caused by the loss of the existing B type employment floorspace. It is also more likely that jobs in the catering and hotel/hospitality sector will be attractive to the local labour market and with other similar hotel proposals, incoming hotel operators have been prepared to work alongside the Council's Skillsmatch service to ensure maximisation of job opportunities for local people.

- 9.11 Submitted as part of the application was a Hotel Need and Economic Statement which provides evidence of the scale of need for additional hotel overnight guest accommodation within Tower Hamlets. The City of London Hotel Study 2009 indicated that some 760 additional hotel bedrooms could be accommodated within adjoining Boroughs such as Tower Hamlets, to serve the City's business community.
- 9.12 The GLA Hotel Demand Study (2006) forecasted a requirement for a further 2,800 hotel rooms to be provided in Tower Hamlets (2007-26). At that time, Tower Hamlets had some 2,200 overnight guest bedrooms (2% of the London total). Between 2007 and 2011, evidence indicates that a further 675 guest bedrooms were provided within the Borough and there is clear continuing development interest in locating new hotels in the Aldgate and the City Fringe area. As Members may be aware, the Citizen M hotel above Tower Hill tube station and the Premier Hotel, included as part of the Goodman Fields forthcoming NW Block are both soon to commence on site, with other hotels with planning permission or at planning application stage, including the Buckle Street hotel development (see paragraphs 3.14 and 3.15 above) and the Aldgate Place site (see paragraph 3.11 above). Evidence also indicates that the strongest area of growth is focused around the budget hotel sector with high levels of hotel occupancy within Tower Hamlets (across all hotel sectors). The applicant has argued that this level of demand for over-night guest accommodation, especially centred on the well located City Fringe area and close to tourist destinations, provides a clear indication for the need for further overnight guest bedrooms.
- 9.13 The pipeline hotels highlighted above (Goodmans Fields, Tower House and Buckle Street), assuming they all come forward, would deliver a further 871 additional overnight guest bedrooms in the immediate vicinity and the current Aldgate Place application proposes a further 160 guest bedrooms. With other hotels recently completed in Tower Hamlets, including the Holiday Inn Express in Commercial Road, a range of hotel schemes coming forward/potentially coming forward on the Isle of Dogs and the general rate of increase of guest bedrooms being delivered year on year, it is probable that the Borough will exceed forecast requirements by 2026, accommodating a range of overnight accommodation (budget through to high-end hotel rooms). However, existing occupancy rates and the growth forecasts in terms of tourism and corporate demand for overnight guest accommodation suggests that the targets outlined in the GLA Hotel Demand Study should be considered alongside other indicators.
- 9.14 To conclude this section of the report, it is considered that the principle of the hotel use would be acceptable, in accordance with the requirements of Policy SP06(4) of the Council's adopted Core Strategy (2010), Policy DM7(1) of the MDDPD (Submission Version May 2012 with modifications) in part and Policy 4.5 of the London Plan (2011), subject to consideration of other planning merits associated with this form of redevelopment. Whilst there is significant hotel activity in and around Aldgate and the City Fringe, although not yet overly concentrated to cause harm in itself, this scale of activity and the benefits of this further hotel proposal would need to be considered in the balance, alongside any harm caused as a consequence of the proposal.
- 8.15 Taking into account the above, it is considered that the proposed hotel is an appropriate use within this location and would accord with policies seek to ensure that new hotel developments are appropriately located within the town centre hierarchy in areas with good access to public transport, with at least 10 per cent of rooms being wheelchair accessible, and not resulting in an overconcentration of hotel uses on the surrounding area, nor

compromising the supply of land for new housing.

Design Considerations

Design and Principle of Tall Buildings

- 9.16 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 complement the local character, quality adaptable space and optimisation of the potential of the site.
- 9.17 Policy SP10 of the Core Strategy and Policies DM23 and DM24 of the MDDPD Submission Version May 2012 – with modifications) 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 surroundings. Saved Unitary Development Plan 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.
- 9.18 Policy 7.7 of the London Plan deals with tall and large buildings, setting out criteria including appropriate locations such as the Central Activities Zone and Opportunity Areas with good access to public transport, that such buildings do not affect the character of the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; as a group of buildings improve the legibility of an area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets and makes a significant contribution to local regeneration.
- 9.19 Policy SP10 (5) of the Core Strategy seeks to manage the location of tall buildings and considers that CanaryWharf and Aldgate are appropriate locations. Policy DM26 of the MD DPD provides further guidance in respect of the management of building heights across the Borough. Proposals for tall buildings will be required to satisfy the criteria listed below:
- Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
 - Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
 - Achieve high quality architectural quality and innovation in design through demonstration of consideration of a range of criteria;
 - Provide a positive contribution to the skyline;
 - Not adversely affect heritage assets or views;
 - Present a human scale at street level;
 - For residential uses include a high quality hierarchy of private, communal and open space;
 - Not adversely affect microclimate;
 - Not adversely affect biodiversity;
 - Provide positive social and economic benefits;
 - Comply with aviation requirements; and
 - Demonstrate consideration of public safety.
- 9.20 The application was accompanied by a detailed Design and Access Statement and a Heritage, Townscape and Visual Impact Assessment, with rendered views of the proposed 25 storey tower, taken from 11 local and longer distance viewpoints as well as from the London View Management Framework Viewpoints (LVMF 25.1, 25.2 and 25.3).

Tall Building Assessment

- 9.21 Notwithstanding the in principle and positive policy approach to tall buildings in the Central Activities Area and Aldgate in particular, a crucial aspect in this particular case is the transitional nature of the area in the immediate vicinity of the application site, compared to areas located to the west and south-west and the contrasting area characteristics between the tall building cluster centred around the former gyratory system and large floor plate office developments and the more finer grain and intimate building forms and street patterns common to areas between Commercial Road and Whitechapel High Street.
- 9.22 MDDPD Policy DM26 states that tall buildings need to be sensitive to their context> Following assessment of some of the more localised views of the development and notwithstanding the efforts made to relate the scale of the lower “shoulder” element to neighbouring 4-5 storey properties located on the opposite side of Whitechurch Lane and Manningtree Street, your officers have concluded that the overall height of the tower and its relationship with the lower scale buildings found in the immediate vicinity and further north towards Whitechapel High Street, represents an incongruous and over dominant built form which would not relate satisfactorily to the finer grain common to the streets and buildings present within the immediate vicinity of the site.
- 9.23 It is acknowledged that there are tall buildings located close-by (either in situ, under construction or with planning permission). However, these buildings are mostly centred around the former Aldgate gyratory or on sites to the south of the former Aldgate gyratory (including Allie Street, Buckle Street and Goodman’s Fields). Those areas have historically exhibited a very different character, compared to sites located between Commercial Road and Whitechapel High Street. For example, the Goodman’s Fields site was previously occupied by the bulky and somewhat ugly former RBS back-office building and the opening up of the site and the provision of generous and high quality public realm as part of the 2012 Goodman’s Fields planning permission helped justify the introduction of tall but slender tower elements. These buildings now form part of an emerging southern cluster alongside the Allie Street tower.
- 9.24 It is worth noting that the Council originally refused planning permission for the Buckle Street tower (see paragraph 3.14-3.15) on grounds of excessive height, failing to respect the general requirement to reduce scale of development and building heights as one moves away from the tall building cluster and the setting of listed buildings (as identified by the Aldgate Masterplan). Whilst the Planning Inspector dismissed the subsequent planning appeal (on grounds of inadequate site servicing arrangements) he was satisfied that the Buckle Street tower related satisfactorily to the height of adjacent buildings and did not further harm the setting of listed buildings (in view of the presence of the consented/under construction towers in the immediate vicinity). Crucially, the same cannot be said for the current proposal.

Views Assessment

- 9.25 In view of the narrow width of Whitechurch Lane and Manningtree Street, the area and the application site itself has maintained a somewhat intimate fine grain character. Views of the emerging tall building cluster located to the south and east of the application site do not dominate the character of Whitechurch Lane or Manningtree Street or the immediate areas. The immediate finer grain represents a logical progression from the character and appearance of the neighbouring Whitechapel High Street Conservation Area to the north. Whilst the Council has granted planning permission for a taller building relatively close to the application site (the 17 storey student building to the rear of 35 Commercial Road which is now nearing completion) this building is not visible from a number of key locations, especially when viewing the application site from the north side of Whitechapel High Street close to its junction with Commercial Street and when approaching the site from the north along Whitechurch Lane.

- 9.26 The submitted Townscape and Visual Impact Assessment graphically illustrates the transitional nature of the application site and its immediate surroundings, contrasted by the Aldgate cluster and the remaining elements of the City Fringe.
- 9.27 Viewing the site, looking west along Commercial Road, the proposed tower would relate satisfactorily in relation to the scale of the Aldgate Union/Place and would help signpost the arrival at the City Fringe and the Aldgate tall buildings cluster. However, when viewing the site from the opposite direction looking east along Commercial Road, the proposed building would fail to relate to the existing scale and form of development in the immediate vicinity. Again, the 17 storey student block would be visible from this view but your officers are of the view that this building blends more into the background view and does not introduce as much as a stark contrast, compared to the proposed hotel development.
- 9.28 The view looking north along Whitechurch Lane is also sensitive, with the existing view illustrating the intimate character of the street. It is most likely that this view will not be impacted by previously consented tall buildings (especially Goodman's Fields and Allie Street) and should maintain its intimate character, irrespective of the scale of development taking place around it. The proposed view, illustrates the stark contrast of scale and built form, following the introduction of the hotel. It is important to note that this view is taken from within the Whitechapel High Street Conservation Area, adjacent to the entrance of Altab Ali Park.
- 9.29 The Aldgate Masterplan 2007 makes specific reference to views out of Altab Ali Park, which represents a crucial open space adjacent to Whitechapel High Street and an important constituent of existing conservation area character. Whilst existing consented tall buildings (Goodmans Fields and Aldgate Union) will have some prominence when seen from Altab Ali Park (as indicated by view AVR2) these buildings will form part of the background view whereas the current hotel proposal would appear much closer into the foreground and would over-dominate the setting of the park especially when looking towards the south-west. It is considered important to conservation area character that there are sky views in between taller built elements, with tall buildings not over-dominating these views.
- 9.30 The London Mayor in his Stage 1 letter made specific reference to the fine grain nature of the townscape in the vicinity of the application site as well as the value of existing buildings present on site. He considered that this fine grain character represented a valuable historic component of the City Fringe area, complementing the setting of adjacent listed buildings. The various heritage issues will now be considered.

Heritage Considerations

- 9.31 The statutory requirement to consider the effect of the proposed development on designated and non-designated heritage assets is contained within the National Planning Policy Framework, the London Plan (Policy 7.8), the Council's Core Strategy SP10 and the MDDPD (Submission Version May 2012 – with modifications) Policy DM27. Policy DM27 advises that development will be required to protect and enhance the Boroughs heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive "Places".
- 9.32 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 development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.33 Designated heritage assets considered relevant in the context of this proposal include the

adjacent Whitechapel High Street Conservation Area, as well as the following neighbouring listed buildings, (including the Gunmakers Proof House located on the opposite side of Commercial Road, 32-34 Commercial Road situated on the south side of Commercial Road, Whitechapel Art Gallery and Whitechapel Public Library situated on the north side of Whitechapel High Street and the locally listed 17 Whitechurch Lane.

- 9.34 Whilst the buildings on site are not listed, nor are they included within the Whitechapel High Street Conservation Area and have no statutory protection, they form a relatively attractive group of late 19th Century early 20th Century buildings in keeping with the finer grain and character of the immediate vicinity and the adjacent Whitechapel High Street Conservation Area. The Borough's conservation officer has reviewed the buildings and feels that they represent important grouping of late Victorian buildings, in keeping with the finer townscape of the immediate vicinity. Your officers are therefore of the opinion that they could reasonably be classified as non-designated heritage assets.
- 9.35 Referring back to the London Mayor's Stage 1 letter, he raised particular concern about the loss of the existing buildings on the site and expressed the view that whilst the buildings are not designated heritage assets, they positively contribute to the fine grain nature of the townscape and represent a valuable historic component of the City Fringe area and complement the setting of adjacent listed buildings. The London Mayor expressed a view that the buildings should be retained and refurbished.
- 9.36 Whilst your officers do not necessarily agree with the London Mayor's view that these non-designated heritage assets should be retained and/or refurbished, his comments appear to align with those of your officers in terms of how the existing scale of development on the site positively contributes to the fine grain nature of the townscape, complementing the setting of adjacent listed buildings. Your officers would argue that this fine grain nature also complements the character and appearance of the adjacent Whitechapel High Street Conservation Area.
- 9.37 Whilst it is acknowledged that the setting of neighbouring listed buildings, especially the Whitechapel Art Gallery, the Whitechapel Public Library, the Gunmakers Proof House and 32-34 Commercial Road are affected by the presence of tall buildings, your officers are of the view that variety in the built form and the presence of lower scaled development contributes positively to existing setting of these listed buildings in this particular instance. Similarly, the character of the neighbouring Whitechapel High Street Conservation Area is very different from that of the central Aldgate tall buildings cluster and it is important to ensure that the taller built elements do not encroach unreasonably into these finer-grained, more intimate transitional character areas.
- 9.38 The views of the development from within the Whitechapel High Street Conservation Area (as outlined in paragraphs 8.24-8.29 above) are critical and your officers feel that that the hotel development, in view of its overall height, mass, bulk and scale would detract from the character and appearance of the adjacent Whitechapel High Street Conservation Area. Similarly, your officers are of the opinion that the location of further tall buildings away from the main tall building cluster, encroaching unreasonably into finer grained transitional character areas would harm the setting of the key listed buildings outlined in paragraph 8.33 above.

Strategic Views Assessment and World Heritage Site

- 9.39 The proposed development site is located within the setting of the Tower of London World Heritage Site and within a strategic view as identified by the London Mayor's London View Management Framework. Circular 07/2009 provides guidance on the protection of World Heritage Sites (WHS) and establishes the Government's objective to protect each heritage site through conservation and preservation of its "outstanding universal value" (OUV). It advises that the WHS and their setting, including any buffer zone should be protected from

inappropriate development.

- 9.40 The London Plan also has a number of new and enhanced policies in relation to World Heritage sites. In particular, Policy 7.10 states that

“Development should not cause adverse impacts on World Heritage Sites or their setting (including any buffer zone). In particular, it should not compromise a viewer’s ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans.”

- 9.41 Policy 7.11 of the London Plan establishes a list of strategic views which include significant buildings or urban landscapes that help to define London at a Strategic level and states that the London Mayor will seek to protect these strategically important vistas from inappropriate development.
- 9.42 The three LVMF views (from outside City Hall) have all been assessed as part of the submitted Townscape and Visual Impact Assessment. The proposed development would result in a very minor impact in respect of the LVMF views, with possible glimpses of the top of the south west corner of the proposed building through trees (LVMF 25A.1) during winter months with a minor change to LVMF 25A.3, with the building appearing slightly above the eastern inner wall, partly obscured by the Grange Hotel in Prescott Street. Overall, your officers are satisfied that these strategic views would be maintained and it is significant that the London Mayor found the impact of the building on these strategic LVMF views to be acceptable.
- 9.43 The Townscape and Visual Impact Assessment further concludes that the effects on the World Heritage Site and the Tower Hill Conservation Area would be acceptable, due to the limited inter-visibility when viewed against the backdrop of the Tower of London and the wider World Heritage Site. The Assessment concludes that the proposed development would appear as a minor element on the skyline, secondary to the general relationship between the Tower of London and the significant taller buildings located in the City of London. Your officers agree with this conclusion and are satisfied that the proposed development will have a neutral impact on the World Heritage site, maintaining its “outstanding universal value”.

Amenity Considerations

- 9.44 Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998), Policy DM25 of the MDDPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident’s access to daylight and sunlight, outlook, privacy and a lack of disturbance through noise and vibration.

Daylight and Sunlight Impacts

- 9.45 Daylight is normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be no less than 20% of the former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 20% of their former value.
- 9.45 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours

(APSH) which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March thereby ensuring that such windows are reasonably sunlit. In addition, any reduction in APSH greater than 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.

- 9.46 It is noted that some letters of objection have been received from neighbours, raising concern about loss of light from neighbouring residential apartments.
- 9.47 The application is accompanied by a Daylight and Sunlight Report which provides an assessment of the impacts of the proposed development on the daylight and sunlight conditions of nearby residential properties to the north, south and east of the application site. This daylight and sunlight report has been independently reviewed by GVA on behalf of the Council.
- 9.48 The properties most affected by the proposed development include, 34-38 Whitechurch Lane, 16-32 Whitechurch Lane, Bar Locks/21 Whitechurch Lane, 9 Manningtree Street, 7-8 Manningtree Street and 42 Commercial Road; basically those properties closest to the application site.

34-38 Whitechurch Lane

- 9.49 This property is located directly opposite the application site and under existing circumstances the building, viewed in an urban context, receives reasonable daylight, albeit below the 27% threshold. The analysis has indicated that all windows that face onto the site would experience very significant losses, up to 50% VSC. Even after utilising an alternative Average Daylight Factor (ADF) methodology, the analysis indicates that 4 out of the 8 living rooms would fall below the minimum ADF targets.
- 9.50 In terms of sunlight, 3 of the 8 living rooms facing out onto the application site would fail the annual APSH, by losing half of their present levels of sunlight. GVA has advised that in both daylight and sunlight factors, occupants of the relevant rooms will experience a material and significant loss of amenity.

16-32 Whitechurch Lane

- 9.51 As with 34-38 Whitechurch Lane, VCS losses in the case of this block would be up to as much as 50% (with five windows in excess of 50% daylight reduction, 4 in excess of 40% and 9 windows in excess of 30% reduction) and overall, 27 of the 49 windows tested would fail the VSC standards. Even using the ADF methodology, out of the 50 rooms measured, 31 would fail the minimum standard and the occupants would experience a significant loss of daylight amenity as a consequence of the development.
- 9.52 GVA has similarly advised that the loss of sunlight to this property would also be significant, especially as these windows fail APSH standards. Sunlight loss as a consequence of the proposed development would range from between 90% in the case of 1 window, 80% in the case of 4 windows, 70% in the case of 6 windows, 60% in the case of 6 windows down to a 20% reduction in the case of 6 windows.

21 Whitechurch Lane

- 9.53 The residential accommodation above the public house currently receives good standards of daylight and sunlight and all 6 windows that face onto the site would all experience losses in excess of 40%. However, the levels of residual sunlight within these rooms would be fair, even with the development in place.

7-8 Manningtree Street

- 9.54 All 24 windows that face onto the site currently receive good standards of daylight and sunlight under existing conditions and as a consequence of the development, all 24 windows would fail VSC standards and 12 of the windows would experience more than 40% daylight reductions with the remaining 12 windows experiencing 30% reductions. In terms of sunlight, of the 24 windows 15 would fail the APSH test and 8 would fail the winter standard, even though the sun would pass around the tower.

9 Manningtree Street

- 9.55 As with 7-8 Manningtree Street, existing windows facing onto the application site receive good levels of daylight, in the mid to high 20% bracket and the 6 windows would all experience losses in excess of 40%. The rooms affected are all living, kitchen-diners which are classified as primary rooms within each dwelling. Similarly, all windows would fail the APSH standards and 5 of the 6 windows would fail the winter standards. Loss of sunlight to this property would be in excess of 50%, which GVA has advised would not be acceptable.

42 Commercial Road

- 9.56 Located on the opposite side of Commercial Road, of the 4 windows tested all would fail the VSC standards with two windows experiencing in excess of 50% of existing daylight with the development in place.
- 9.57 In reaching conclusions in relation to daylight and sunlight impacts, it is inevitable that in an urbanised borough such as Tower Hamlets and with such pressure being placed on the local planning authority to maximise the full potential of development sites, daylight and sunlight infringement is a regular occurrence. Due to the nature of buildings and street patterns, the current levels of daylight and sunlight enjoyed by existing residential occupiers is generally below the absolute targets set out in the BRE Guidelines. It is therefore fair and appropriate for the Council to apply a certain amount of flexibility when applying the recommendations, as set out in the BRE Guidelines. This degree of flexibility is utilised on a regular basis. However, as Members will be aware, one needs to make judgements as to the acceptability of daylight and sunlight infringements on a case by case basis, when balanced against other material planning considerations.
- 9.58 As a general measure, your officers have been advised by daylight/sunlight experts that reductions in daylight in excess of 40%, especially where daylight is already below standard, would represent a serious loss of daylight and corresponding amenity. That said, there have been situations where the Council has accepted reductions in daylight in excess of 40% in the balance, especially where development delivered specific regenerative benefits which were considered to outweigh the harm caused by the reductions in daylight/sunlight, where the development was considered acceptable in relation to other policy considerations and a reason for refusal on grounds of daylight infringements was not, on its own, sustainable or where a scheme delivered other significant benefits that outweighed the harm caused, such as additional open space and/or enhanced public realm as part of the development. Officers do not believe these exceptional circumstances apply in this particular case.
- 9.59 Consequently, it is considered that the daylight and sunlight impacts on neighbouring properties fronting Manningtree Street and Whitechurch Lane and the daylight impacts in respect of 42 Commercial Road are serious and unacceptable and would result in a material and detrimental impact on the amenities of those residential occupiers, contrary to Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998), Policy DM25 of the MDDPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007).

Noise Disturbance (Impact on Neighbouring Residents)

- 9.60 The proposals include the installation of kitchen extraction on the flat roof of the 5 storey podium level and the placement of air-conditioning condensers on the flat roof of the 25 storey element along with air intake fans and filters, all of which would generate some noise when in operation. The submitted Noise Report indicates that the application site lies in NEC'C' during day time hours, with the southern extremes of the site falling within NEC'D' during the night-time period. The application site lies immediately to the south and west of a number of residential properties, including properties fronting Whitechurch Lane and Manningtree Street.
- 9.61 It is noted that the technical specifications for the proposed plant have not yet been finalised and as such the application and submitted Noise Assessment do not include any data on the projected noise emissions from the plant. However, given that the plant would be located at roof level at a height significantly above nearby sensitive receptors (i.e. residential windows) and given the prevailing environmental noise levels at the site (NEC 'C'/D') it is considered that the potential noise impacts of the development on neighbouring residents could be adequately mitigated by condition. Such a condition should require the submission for approval of a detailed Plant Noise Assessment to demonstrate that the noise generated by the development would be at least 10 decibels [dB(A)] below the lowest background noise level [LA90] when received at the nearest sensitive residential façade.
- 9.62 There has been dialogue between the applicant and environmental health colleagues about the appropriate level of sound insulation applicable to hotel guest accommodation and whether the proposed development should assume a sound insulation standard required in respect of proposed residential accommodation. The applicant has advocated a lesser standard. Whatever the outcome of these discussions, details of sound insulation could be controlled through the use of planning conditions, should Members be minded to grant planning permission.

Highways

Coach Parking and Servicing

- 9.63 The application site is located at the junction of Commercial Road and Whitechurch Lane, with Whitechurch Lane operating one-way northbound. The current proposal seeks to provide a dedicated coach drop off area within the curtilage of the site in the form of an under-croft area (with a 4.2 metre height clearance) suitably sized to accommodate a single coach or a 18 tonne Scania truck. It is proposed that the coach would enter the site from the south (entry only) and would exit the site via a southbound exit only. Works to the Whitechurch Lane footway would allow for two crossovers. The proposed drop off bay would be used both for servicing and coach drop off as well as taxis. The Transport Assessment advises that the space will not be used for coach parking and it will be the responsibility of the coach operator to arrange suitable legal coach parking elsewhere.
- 9.64 The applicant has advised that the management of the servicing and drop off arrangements will be controlled through the use of a Service and Delivery Plan. The applicant has advised that they would be prepared to accept a condition to this effect. Similarly, refuse would be collected via the off street servicing bay. Highways and Transportation colleagues are content with proposed servicing arrangements, subject to the agreement of a Servicing Delivery Plan.
- 9.65 In terms of construction traffic, the Transport Assessment advises that exact details of a Construction Logistics Plan has yet to be formulated, but will be put in place once a relevant contractor has been appointed. However, the document advises that daytime servicing would take place from Whitechurch Lane to ensure that traffic using the Commercial Road would not be inconvenienced. It is suggested that on-street servicing be facilitated through

the closure of the footway on the western side of the road in conjunction with a temporary hoarding licence which would allow construction service vehicles to load and unload without interfering with the through flow of traffic. The applicants have advised that a detailed Construction Logistics Plan could be drawn up and agreed through the imposition of a planning condition.

- 9.66 Transport for London state in their consultation response that the Policy 6.13 of the London Plan (2011) requires the provision of 1 coach parking space per 50 guest bedrooms for hotels. As such, the proposed hotel, which comprises 395 guest bedrooms, would require the provision of 7 or 8 coach parking spaces in order to meet the London Plan's parking standards. However, TfL further state that given the location of the site and the type of hotel proposed, it is accepted that such amount is excessive, bearing in mind the site constraints. It should be noted that the Council's parking standards in the MD DPD (Submission Version May 2012 with modifications) require a lesser provision of 1 coach parking space per 100 guest bedrooms.
- 9.67 Subject to conditions, it is considered that the proposed servicing arrangements for the hotel are satisfactory and would not significantly impact on the capacity or safety or the road network, which accords with the requirements of Policy SP09(3) of the Council's adopted Core Strategy (2010), saved Policy T16 of the Unitary Development Plan (1998), Policy DM20(2) of the MD DPD (Submission Version May 2012 with modifications) and Policy DEV17 of the Interim Planning Guidance (2007).

Car Parking

- 9.68 The hotel proposals indicate a single on site car parking space (for use by disabled guests) which would be located within the building envelope and accessed via the servicing bay. The space would utilise a 5 metre turntable to allow vehicles to enter and leave in forward gear.
- 9.69 Given the central location of the site, together with its excellent access to public transport, with a Public Transport Accessibility Level (PTAL) of 6b, Transport for London and Highway colleagues welcome the generally 'car free' nature of the proposed development. Data collected by the hotel operator advises that 93% of guests would travel to the hotel by either public transport, on foot or by taxi.

Cycle Parking

- 9.70 The Council's cycle parking standards are set out in Appendix 2(1) of the MD DPD (Submission Version May 2012 with modifications), which for Use Class C1 hotel use require the provision of 1 cycle space for every 10 staff and for every 15 guests.
- 9.71 The proposed hotel comprises 328 guest bedrooms and would employ 30 staff (FTE). The scheme proposes 24 long term cycle parking spaces in the basement and 4 further short term spaces within the hotel forecourt zone (total of 28 spaces). Whilst this provision would be in excess of the London Plan cycle parking standards for hotels of this size, it would fall short of the Boroughs cycle parking requirements (47 spaces). Notwithstanding this, highway colleagues are satisfied with the proposed provision, subject to a planning permission ensuring delivery of the proposed spaces.
- 9.72 Taking into account the above, subject to condition, it is considered that the proposal includes adequate secure cycle parking facilities and car parking facilities for disabled hotel guests, in accordance with Policy DM22(1) of the MD DPD (Submission Version May 2012 with modifications), Policy DEV16 of the Interim Planning Guidance (2007) and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of secure cycle parking facilities and limitations on on-site car parking, especially in areas characterised by high levels of public transport accessibility.

Waste and Recyclables Storage

- 9.73 The proposed hotel includes an integral refuse and recyclables storage room located within the basement with refuse transported to ground floor via a service lift and would be dispatched from the building via the space set aside for the disabled car parking bay. As raised above, it is the intention that refuse collection would take place from within the off street servicing bay.
- 9.74 If Members are minded to grant planning permission, a condition should be imposed requiring the submission of a Hotel Waste Management Plan for approval, to include details of the specific refuse and recyclables storage capacity at the site, together with confirmation that a contract has been entered into with a private waste management company/or Council along with details of collection frequency. Such details should be approved prior to first occupation of the hotel.
- 9.75 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05(1) of the Council's adopted Core Strategy (2010), saved Policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of the MD DPD (Submission Version May 2012 with modifications) and Policy DEV15 of the Interim Planning Guidance (2007). These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

Energy and Sustainability

- 9.76 The National Planning Policy Framework (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2011), together Strategic Objective SO24 and Policy SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's MD DPD (Submission Version May 2012 with modifications), require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.77 The London Plan (2011) sets out the Mayor's energy hierarchy, which is for development to be designed to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 9.78 Policy DM29 of the Council's MD DPD (Submission Version May 2012 with modifications) 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. Policy DM29 also 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 developments to achieve a minimum BREEAM Excellent rating.
- 9.79 Strategic Objective SO3 of the Council's adopted 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. Policy SP11 of the Core Strategy (2010) requires all new developments to provide a reduction of carbon dioxide emissions through on-site

renewable energy generation.

- 9.80 The current application is accompanied by an Energy Strategy and Renewable Energy Report, which follows the Mayor's energy hierarchy as detailed above. The strategy shows that the development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The proposed development also includes the integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine as the lead source of hot-water and space heating requirements, which accords with Policy 5.6 of the London Plan (2011) and will also reduce energy demand and associated CO2 emissions (Be Clean). The CHP boiler would be located within the hotel basement.
- 9.81 The current proposals for delivering the space heating and hot-water are considered to be acceptable. However, if Members are minded to grant planning permission, a condition would need to be imposed to ensure that the development is supplied with the CHP equipment and is operational prior to occupation.
- 9.82 60sq metres of 15% efficiency PV modules (12Wp) are proposed to be sited on the roof of the proposed hotel which would produce a further 0.6% savings in Co2. The size and shape of this site is particularly constrained which does limited the capacity of the proposal to accommodate significant levels of renewable energy options. Whilst the proposed development is not meeting the full requirements of Policy SP11 of the Council's adopted Core Strategy (2010), the Council's Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 9.83 The total anticipated CO2 savings from the development would be 37.2%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The CO2 savings exceed the London Plan (2011) and DMDPD requirements. If Members are minded to grant planning permission for this development, it is recommended that the strategy is secured by condition and delivered in accordance with the submitted Energy Statement.
- 9.84 In terms of sustainability, the submitted information commits to achieving a BREEAM "Excellent" rating and a pre-assessment has been submitted to demonstrate how this level is deliverable. If Members are minded to grant planning permission for this hotel proposal, such a planning permission should be made subject to an appropriately worded condition requiring delivery of BREEAM "Excellent" with the final certificate submitted to the Council within 3 months of occupation. This would facilitate the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan (2011) and Policy DM29 of the Council's MDD DPD (Submission Version May 2012 with modifications).
- 9.85 If planning permission were to be granted, it is recommended that a condition be included to require the submission for approval of an updated Air Quality Assessment, to include current data and modelling for all proposed plant.

Planning Obligations

- 9.86 Policy SP13 of the Council's adopted Core Strategy (2010), saved Policy DEV4 of the Unitary Development Plan (1998) and Policy IMP1 of the Interim Planning Guidance (2007) state that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 9.87 The Community Infrastructure Levy Regulations 2010 state in order for a planning obligation to constitute a reason to grant planning permission, the planning obligations must be:
- (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.

9.88 The general purpose of S106 obligations is to ensure that development is appropriately mitigated in terms of the impacts on existing social infrastructure such as education, community facilities and health care and that appropriate infrastructure to facilitate the development are secured. It is noted that objections to the proposed development have been received on the grounds that the uplift in residential population at the site will put a strain on local social infrastructure. However, it is considered that such impacts are mitigated through the contributions outlined below.

9.89 Notwithstanding the views of CLC colleagues, the S106 obligations for the scheme have been calculated using the formulae set out in the Council's adopted Planning Obligations Supplementary Planning Document (2012). The total financial contribution sought amounts to **£875,645** and details of the breakdown are provided below:

Employment and Training - £31,339 (including contributions towards construction and end user phases)

Library/Idea Stores	- £437
Leisure Uses	- £1,787
Public Open Space	- £529,189
CIL Offset Payment	- £244,375
Public Realm/Streetscene	- £40,609
Sustainable Transport	- £10,740
2% Monitoring Fee	- £17,169

9.90 The applicant has challenged a number of these figures (especially the proposed public open space figure) arguing that the likelihood of hotel guests utilising public open spaces in the Borough to the full extent would be most unlikely and therefore it is unreasonable to require such a contribution. They have argued that a lower figure should be required.

9.91 The applicants have made the following S.106 offer with an overall package of around **£410,000** (which equates to around £1,250 per hotel bedrooms) made up of the following financial heads

Employment and Enterprise Initiatives	- £45,000
Streetscene Improvements and open space contribution	- £90,000
Community facilities	- £25,000
Crossrail/Transport contributions (offset against CIL payment)	- £244,375
2% Monitoring	- £8,087

9.92 This development would also be chargeable under the London Mayors London wide Community Infrastructure Levy – with a CIL payment expected to be a further £269,345.

9.93 There is clearly a difference between the parties in terms of the levels of contributions considered appropriate to mitigate the impact of this development, especially in relation to the level of contribution to be directed towards open spaces in the Borough. Your officers have not progressed negotiations on the S.106 Agreement, in view of the recommendation to refuse planning permission. There has been no testing of viability as part of the planning application process although the applicant has clearly stated that in their opinion, the level offered reasonably deals with the requirements to fully mitigate the impact of the development.

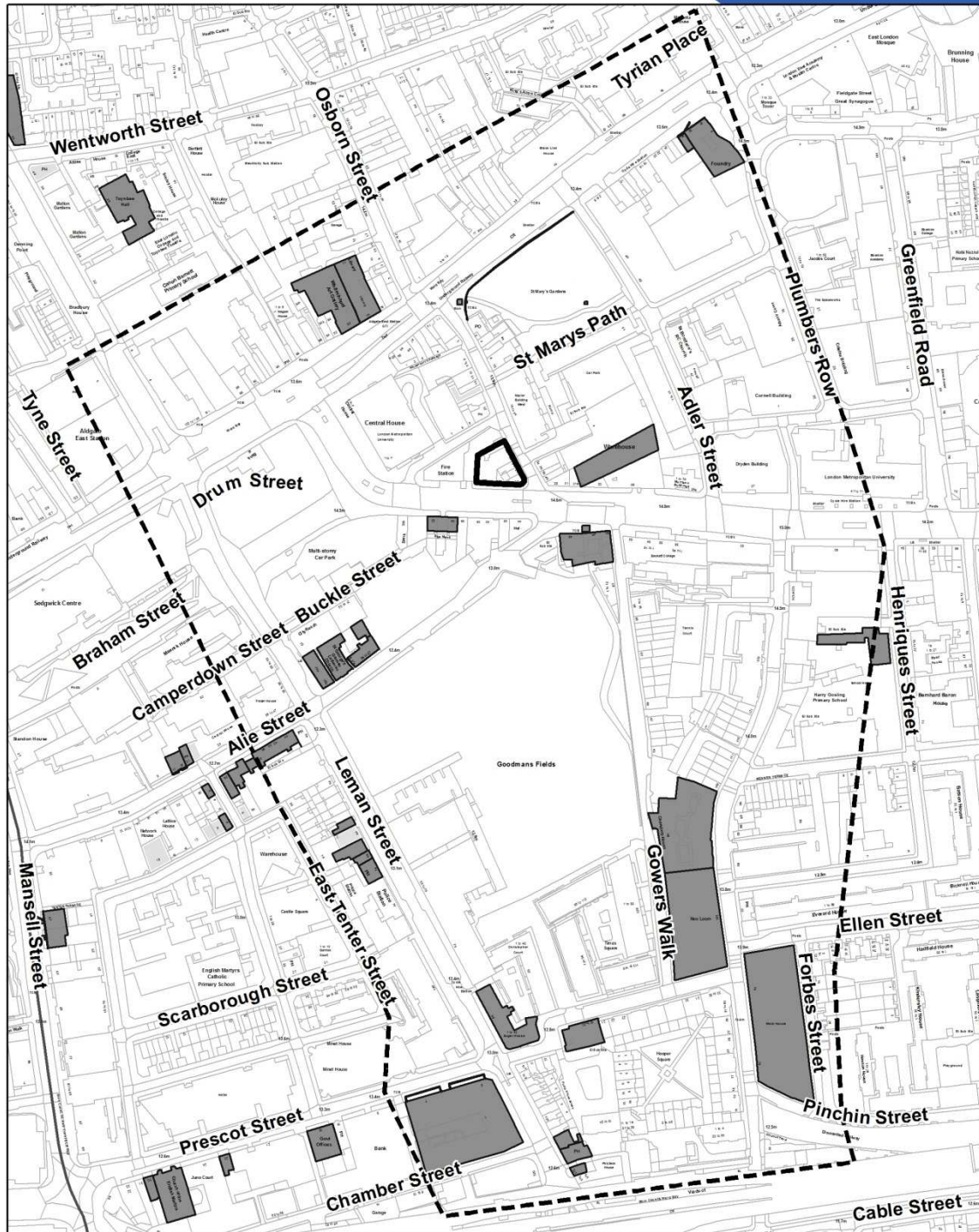
9.94 If Members are minded to overturn officer recommendation and grant planning permission, officers will need to further discuss the S.106 planning obligations with the applicant and any grant of planning permission would be subject to an agreed S.106 package.

10. CONCLUDING REMARKS AND CONSIDERATION OF THE PLANNING MERITS IN THE

BALANCE

- 10.1 This report has highlighted what officers believe to be a number of design shortcomings in respect of this proposed development. In view of its bulk, mass, height and form, the proposed 25 storey building would represent an overdevelopment of this constrained site, failing to respect the more intimate finer grain character of the area found between Commercial Road and Whitechapel High, whilst failing to preserve or enhance the character and appearance of the adjacent Whitechapel High Street Conservation and detracting from the setting of neighbouring listed buildings.
- 10.2 It is also of concern that the proposed development would result in serious reductions in daylight and sunlight to neighbouring residential properties. Whilst it is acknowledged that the incoming hotel use would bring with it employment opportunities, financial contributions to mitigate impact as well as further overnight guest accommodation within the City Fringe, your officers are of the view that these aspects of the proposal would not outweigh the harm cause as a consequence of the scale and form of development.
- 10.3 All other relevant policies and considerations have been taken into account. Planning Permission should be REFUSED for the reasons set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map PA/12/02703



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings



1:3,250

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

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Agenda Item 7.2

Committee: Strategic Development	Date: 18 th April 2013	Classification: Unrestricted	Agenda Item No: 7.2
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Tim Ross		Ref No: PA/12/02923	
		Ward(s): Blackwall and Cubitt Town	

1. APPLICATION DETAILS

Location: 1-3 Turnberry Quay and 1-5 Lanark Square, Crossharbour, London, E14

Existing Use: Office (Use Class B1)

Proposal: Mixed-use development comprising demolition of existing buildings and erection of a building of between 7 and 13 storeys providing 321sqm of commercial floorspace (use classes A1-A3, B1, D1 and D2) and 89 residential units (use class C3) plus cycle parking, amenity space, access and landscaping.

Drawing Nos: Submission Documents

Drawings

PL 001 Site location - aerial
PL 002 Location plan - existing/ boundary
PL 003 Proposed site plan
PL 004 Ground floor location plan
PL 005A Lower ground floor plan
PL 006 Ground floor plan
PL 007 1st-3rd floor
PL 008 4th-6th floor
PL 009A 7th floor
PL 010A 8th floor
PL 011A 9th floor
PL 012A 10th floor
PL 013 11th floor
PL 014 12th floor
PL 015 roof plan
PL 016A Tenure diagram
PL 017 Amenity provision
PL 018A Schedule of accommodation

Design and Access Statement
Planning Statement
Economic and Regeneration Statement
Daylight, Sunlight and Overshadowing Assessment
Townscape and Visual Impact
Archaeological Assessment
Flood Risk Assessment
Ecology Assessment
Tree Survey prepared
Landscape Statement
Noise Assessment
Convergence Statement
Wind/ Microclimate Statement
Transport Assessment

Statement of Community Involvement

Applicant: Lanark Square Ltd
Owner: Applicant and A & S Cooper
Historic Building: N/A
Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan 1998, (Saved policies); associated Supplementary Planning Guidance, the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development DPD(Submission Version May 2012) with Modifications; as well as the London Plan (2011) and the National Planning Policy Framework and has found that:
- 2.2 Through the provision of a new residential led mixed use development, the scheme will maximise the use of previously developed land and will significantly contribute towards creating a sustainable residential environment in accordance Policy 3.3 and 3.4 of the London Plan (2011); LAP 7 & 8 of the Core Strategy, Policies SP02 of Core Strategy (2010); and Policy DM3 of Managing Development DPD(Submission Version May 2012) with Modifications and objectives for the Central Sub Area of the Isle of Dogs Area Action Plan (IPG 2007).
- 2.3 The loss of the existing office floorspace is acceptable in this instance. The applicant has provided information to demonstrate that the existing floorspace is surplus to requirements. The loss of this floorspace would not undermine the supply of viable office accommodation within the immediate locality and is not contrary to Policy 4.12 of the London Plan (July 2011), Policies S025 and SP06 of the Core Strategy(2010), Policy DM15 of the Managing Development: Development Plan Document (Submission Version May 2012), Policies DEV3 and EMP3 of the Unitary Development Plan and Policy EE2 of the Interim Planning Guidance (2007).
- 2.4 The urban design, layout, building height, scale and bulk and detailed design of the scheme is considered acceptable and in accordance with Chapter 7 of the London Plan (2011); saved Policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policies DM23, DM24 and DM27 of the Managing Development DPD(Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to its context.
- 2.5 The density of the scheme would not result in significant adverse impacts typically associated with overdevelopment and is therefore acceptable in terms of Policy 3.4 of the London Plan (2011), Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policies DM24 and DM25 of the Managing Development DPD(Submission Version May 2012) with Modifications and Policies HSG1, DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development acknowledges site capacity and that it does not have an adverse impact on neighbouring amenity.
- 2.6 On balance, the impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental given the urban nature of the site. As such, the proposal accords with Policies DEV1 and DEV2 of the Council's Unitary Development Plan (1998), Policy SP10 of the Core Strategy (2010), Policy DM25 of the Managing Development DPD(Submission Version May 2012) with Modifications and Policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse

impact on neighbouring amenity.

- 2.7 On balance, the quantity and quality of housing amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with Policy 3.6 of the London Plan (2011), Policies DEV1, DEV12 and HSG16 of the Council's Unitary Development Plan (1998), Policy SP02 of the Core Strategy (2010), Policy DM4 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV2, DEV 3, DEV4 and HSG7 of the Council's Interim Planning Guidance (2007) which seek to improve amenity and liveability for residents.
- 2.8 The scheme would deliver improved permeability and accessibility through the scheme and wider area whilst being designed to provide a safe and secure environment for residents. The development accords with Policy DEV1 of the Council's Unitary Development Plan (1998), Policies SP09 and SP10 of the Core Strategy (2010), Policies DM23, DM24, DM27 and the site allocation of the Managing Development DPD (Submission Version May 2012) with Modifications and Policy DEV4 of the Council's Interim Planning Guidance (2007) which require all developments to consider the safety and security of development, without compromising the achievement of good design and inclusive environments.
- 2.9 Transport matters, including parking, access, and servicing are acceptable and accord with Policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), Policies T16 and T18 of the Council's Unitary Development Plan (1998), Policy SP09 of the Core Strategy (2010), Policies DM20 and DM22 of the Managing Development DPD (Submission Version May 2012) with Modifications and Policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.10 Sustainability matters including energy, are acceptable and accord with Policies 5.2 and 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) with Modifications and Policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) which seek to promote sustainable development practices.
- 2.11 The proposed development will provide appropriate contributions towards the provision of affordable housing, health facilities, open space, transportation improvements, education facilities and employment opportunities for residents, in line with the NPPF, Policy DEV4 of the Council's Unitary Development Plan (1998), Policy IMP1 of the Council's Interim Planning Guidance (2007) and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate proposed development subject to viability.

3. RECOMMENDATION

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

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

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

- 3.2 Financial contributions
Contribution of £ 636,007 towards:

- Primary education - £155,315
- Secondary education - £98,930
- Employment, training and enterprise - £19,961
- Public Open Space - £121,295

- Smarter Travel - £2,630
- Leisure Facilities - £58,537
- Idea Stores, Libraries and Archives - £19,045
- Primary Health Care - £89,000
- Docklands Light Railway, local bus services and TfL cycle hire scheme - £60,000
- Standard monitoring charge - £11,294

3.3

Non-Financial Obligations

- a) 32.1% affordable housing, as a minimum, by habitable room
 - 68% Affordable rent;
 - 32% Intermediate housing (shared ownership);
- b) Support for existing business relocation;
- c) Local training, procurement and access to employment strategy (20% local goods and services procurement; 20% local employment during construction and 20% target for jobs created within the development);
- d) On street parking permit free development;
- e) Travel plan;
- f) Code of Construction Practice;
- g) Commitment to dockside public realm improvement scheme including 24 hour public access.

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

3.5 That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.

3.6 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

3.7 Compliance Conditions –

1. Permission valid for 3yrs;
2. Development in accordance with approved plans;
3. Development in accordance with Lifetime Homes Standards;
4. Implementation of proposed disabled car parking;
5. Implementation of electric vehicle charging;
6. Provision of 10% wheelchair accessible homes in accordance with approved plans;
7. Submission of Code for Sustainable Homes Level 4 certification;
8. Submission of BREEAM Excellent certification;
9. Details in accordance with approved Flood Risk Assessment;
10. Control over hours of construction;
11. Limitation of maximum height of cranes during construction;
12. Implementation and compliance with energy efficiency strategy;
13. Opening hours of ground floor commercial units limited to 0700-2300;
14. Maintenance of existing access arrangements to dockside boat moorings.

3.8 Prior to Commencement conditions:

1. Submission of details of all proposed external facing materials;
2. Submission of ground contamination – investigation, remediation and verification;
3. Submission of landscape and public realm details (including boundary treatment, surface treatment, planting scheme, street furniture, external lighting and CCTV);
4. Submission of estate management and maintenance plan;
5. Submission of Construction Environment Management Plan;
6. Submission of Waste Management Plan;
7. Approval and implementation of archaeology investigation, recording and mitigation strategy;
8. Feasibility assessment of water transportation of construction materials and waste;
9. Submission of piling method statement, dock wall survey, risk assessment and repair works;
10. Submission of access arrangements for dockside moorings during construction and post completion;
11. Submission of details of green and brown roofs;
12. Submission of bike storage details;
13. Submission of noise insulation and ventilation measures for residential accommodation to meet “Good” standard of BS8233
14. Submission of details of noise insulation between ground floor commercial and first floor residential flats;
15. Submission of details of extract equipment for ground floor commercial uses;
16. Submission of delivery and servicing plan;

3.9 Prior to Occupation Conditions:

17. Submission of shop front and signage and security details;
18. Confirmation of secure by design accreditation;

3.10 Grampian condition

19. Submission of Lanark Square car park management plan.

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

Informatives

3.12 The following informatives be added to assist the applicant when implementing the development

- Thames Water Advice
- London City Airport Advice

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

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

4. APPLICATION SITE AND SURROUNDINGS

4.1 The application site is located on the south side of Pepper Street, adjacent to the east side of Millwall Dock, west of Crossharbour District Centre on the Isle of Dogs. The site comprises existing L-shaped existing part three and part four storey brick faced building comprising retail units at ground floor and self-contained offices above, dating from the 1980s, along with a smaller separate two storey restaurant at 2, Turnberry Quay plus intervening areas of public realm, vehicle circulation space and parking spaces. The total area of the application site is 0.24 ha.

- 4.2 The site forms the dock side element of a wider office and retail development known as Lanark Square, with a series of buildings ranging in height from 3-4 storeys facing Pepper Street to 10 storeys (Aegon House) facing East Ferry Road. The buildings are grouped around a central courtyard used for car parking with access from Selsdown Way to the south. Balmoral House, Aegon House and Marina Place (which are part of Lanark Square Estate) were converted to residential use in 1996 with the ground floor remaining as commercial space.
- 4.3 The former London Arena site lies immediately to the north and was redeveloped recently for a large scale residential and mixed use development, known as Baltimore Wharf. The new buildings facing the north side of Pepper Street are 8 storeys with 10-13 storey buildings fronting Millwall Dock. The nearest residential properties (outside of the Lanark Square Estate) are flats in a three storey development at 2-13 Pepper Street, adjacent to Glengall Bridge.
- 4.4 To the south of the site are larger scale office buildings (Woodchester House and the Northern and Shell Building) which are 7 and 9 storeys tall respectively.
- 4.5 Crossharbour Docklands Light Rail (DLR) station is located 100m to the east, with direct services to Bank, Canary Wharf and Lewisham. The nearest London Underground station is Canary Wharf, providing Jubilee line services, located 1.2km north of the site. Four bus routes operate in close proximity to the site, serving destinations in Central and East London transport hubs in east London. The public transport accessibility level (PTAL) of the site is 4 "Good", out of range of 1 to 6 where 6 is "Excellent".

5 RELEVANT PLANNING HISTORY

Application Site

- 5.1 There are two applications within the development site that are relevant:
- 5.2 22 April 2004 - 2 Lanark Square – permission granted for change of use of the whole building from office use (Class B1) to a computer/IT training centre (Class D1). (Ref PA/04/00268)
- 5.3 30 April 2002 - 2 Turnberry Quay – permission granted for change of use from B1 offices to A2 with internal associated alterations. (Ref: PA/02/00376)

Neighbouring Sites

- 5.4 There are two applications relating to neighbouring sites within the Lanark Square development that are relevant:
- 5.5 1 November 2012 - 9 Lanark Square – Permission granted for change of use of 1st, 2nd and 3rd floor of office accommodation (Class B1) to create 3 x 1 bedroom flats on floors 1-3. Permitted (Ref: PA/12/02339)
- 5.6 23 September 1996 - Permission granted for change of use of upper floor offices to 65 flats and use of ground floors for A1/A2 and A3 uses at Balmoral House, Aegon House and Marina Place (Ref: ID/96/00048)

6 DETAILS OF PROPOSAL

- 6.1 The application proposes to demolish the existing offices and shops at 1-3 Turnberry Quay and to redevelop the site with the erection of a building between 7 and 13 storeys providing 321sqm of commercial floor space (use class A1-A3, B1, D1 and D2) and 89 residential units (use class C3) plus cycle parking, amenity space, access and landscaping.

- 6.2 The footprint of the proposed building follows that of the existing building L-shaped building on site and can be described as two blocks. The element running east/west at the southern end of the site would tier from seven storeys facing Millwall Dock to nine storeys where it adjoins the north/south block.
- 6.3 The north/south block would be 11 storeys plus two further storeys (13 in total) set back from the main elevation along most of its length and would also step down to 9 storeys at the northern end where it would adjoin the existing (retained) buildings fronting Pepper Street. Flexible commercial space for retail, café, restaurant, bar, business and/or community use is proposed at ground floor, shown indicatively as three differently sized units. Two communal roof terraces with outdoor amenity space to serve the proposed residential accommodating are proposed on the ninth floor level of both blocks.
- 6.4 The elevations have been designed to emphasise a regular grid pattern with the main building frame elements, faced in brick with deep recessed window modules between and projecting balconies. Two contrasting brick types are proposed, one for each block. The set back storeys of the north-south block would be finished in light-weight materials and mainly glazed. The ground floor commercial units would be fully glazed from floor to ceiling to promote ground floor activity. Frameless glass balustrades are proposed to the balconies and roof terraces.
- 6.5 An existing vehicular and pedestrian route from Lanark Square car park to parking spaces adjacent to Pepper Street would be maintained passing through an under croft (similar to the existing arrangement).
- 6.6 The scheme proposes to re-model and improve the public realm and parking areas between the new building and the dock and dock side walk way and around 2 Pepper Street, by relocating 15 existing parking spaces into the adjacent Lanark Square surface and basement car parks to the rear of the development to make way for two new soft landscaped areas totalling 237 sqm, including children's play space and upgrading the existing public areas with new surface treatment and planting.
- 6.7 Four disabled parking spaces would be provided in Lanark Square and five disabled spaces on land within the site boundary between Turnberry Quay and Woodchester House. A total of 110 secured and covered cycle parking spaces are proposed in two basement cycle storage areas.
- 6.8 Affordable rent housing would be situated in the south eastern part of the development across the first to eighth floors, the intermediate housing would be provided across the first to third floors in the northern part of the building with some intermediate flats also proposed at the south eastern corner at 7th and 8th floor.



Figure 1: Proposed site layout



Figure 2: Proposed west elevation viewed from the dock

7. POLICY FRAMEWORK

7.1 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:

7.2 Unitary Development Plan 1998 (as saved September 2007) (UDP)

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works
	DEV12	Provision Of Landscaping in Development
	DEV15	Tree Retention
	DEV17	Siting and Design of Street Furniture
	DEV43	Archaeology
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Soil
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV57	Nature Conservation and Ecology
	DEV63	Green Chains
	DEV69	Efficient Use of Water
	EMP1	Promoting Economic Growth & Employment Opportunities
	EMP3	Change of use of office floorspace
	EMP6	Employing Local People
	EMP7	Enhancing the Work Environment & Employment Issues
	EMP8	Encouraging Small Business Growth
	EMP10	Development Elsewhere in the Borough
	HSG4	Loss of Housing
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG15	Residential Amenity
	HSG16	Housing Amenity Space
	T3	Extension of Bus Services
	T7	Road Hierarchy
	T10	Priorities for Strategic Management
	T16	Traffic Priorities for New Development
	T18	Pedestrians and the Road Network
	T21	Pedestrians Needs in New Development
	S4	Local Shopping Parades
	S10	Shopfronts
	OSN3	Blue Ribbon Network
	OS9	Children’s Playspace
	SCF8	Encouraging Shared Use of Community Facilities
	SCF11	Meeting Places
	U2	Development in Areas at Risk from Flooding
	U3	Flood Protection Measures

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

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation

DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE1	Industrial Land Adjoining Industrial Land
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Shopping Provision Outside of Town Centres
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON5	Protection and Management of Important Views

7.4 Isle of Dogs AAP Policies:

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD3	Health Provision
IOD4	Education Provision
IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD18	Employment Uses in the Central Sub-Area
IOD19	Residential Uses in the Central Sub-Area
IOD20	Retail and Leisure Uses in the Central Sub-Area
IOD21	Design and Built Form in the Central Sub-Area
IOD22	Site Allocations in the Central Sub-Area

7.5 LDF Core Strategy Development Plan Document 2010 (CS)

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

7.6 Managing Development Plan Document (Submission Version May 2012) with Modifications

Proposals:

Policies:	DM2	Protecting Local Shops
	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	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 Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

7.7 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

7.8 Spatial Development Strategy for Greater London (London Plan 2011)

- 2.1 London
- 2.9 Inner London
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and Social Care Facilities
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions

- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 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 Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.22 Hazardous Substances and Installations
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.6 Aviation
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 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
- 7.7 Location and Design of Tall and Large Buildings
- 7.9 Access to Nature and Biodiversity
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.17 Metropolitan Open Land
- 7.19 Biodiversity and Access to Nature

7.9 London Plan Supplementary Planning Guidance/Documents

- Housing 2012
- London View Management Framework 2012
- Land for Transport Functions 2007
- East London Green Grid Framework 2008
- Sustainable Design & Construction 2006
- Accessible London: Achieving an Inclusive Environment 2004
- Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012
- All London Green Grid 2012
- London World Heritage Sites – Guidance on Settings 2012

7.10 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)

7.11 Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

- A great place to live
- A healthy and supportive community
- A safe and cohesive community
- A prosperous community

7.12 As Members will be aware, the Council has received the Planning Inspector's Report in respect of the Development Management DPD, following on from the Examination in Public

which took place between 18th and 21st November 2013. This represents a material planning consideration that needs to be taken into account when determining planning applications. The Inspectors Report comments specifically on the Council's emerging affordable housing policy (Policy DM3), the emerging policy that deals with tall buildings and building heights generally across the Borough (Policy DM26) and site allocations which propose further education infrastructure.

8. CONSULTATION RESPONSE

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

8.2 The following were consulted and made comments regarding the application:

Internal consultee responses

LBTH Environmental Health

8.3 Contaminated Land: The site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Ground works and soft landscaping are proposed and therefore potential pathway for contaminants may exist and will need further assessment to determine associated risks. Conditions relating to site investigation and remediation are required.

8.4 Noise and Vibration: No objection in principle. The impact of proposed ground floor non-residential uses on the occupiers of future dwellings needs to be considered. The "good" design standard set out in BS8233 to be adopted in the design of all residential properties. Opening hours and servicing hours of ground floor non-residential uses to be controlled through conditions. Details of noise insulation between ground floor and upper floor residential to be provided and agreed prior to commencement.

8.5 Smell/Pollution: Details of the design and layout of any kitchen extract system for the proposed A3 uses to meet DEFRA guidance to mitigate odour nuisance on future residents will be required.

8.6 Daylight and sunlight: Confirmation received that some of the effected habitable rooms in properties nearest the site on Pepper Street have dual aspects, with secondary windows facing east, which will increase the daylight/sunlight conditions to these properties. The additional information and clarification provided by the applicant's daylight and sunlight consultant is now acceptable. No objection.

LBTH Communities Leisure and Culture (Strategy)

8.7 There will be an increase in permanent population generated by the development, estimated to be around 175 persons, which will increase demand on community, cultural and leisure facilities. The requests for s106 financial contributions are supported by the Planning Obligations Supplementary Planning Document (SPD). Appendix 1 of the Planning Obligations SPD outlines the Occupancy Rates and Employment Yields for new development.

- A total contribution of £19,045 is required towards Idea Stores, Libraries and Archives.
- A total contribution of £58,537 is required towards Leisure Facilities.
- A total contribution of £121,295 is required towards Public Open Space.
- A total contribution of £2,630 is required towards Smarter Travel.

(OFFICER COMMENT: Planning obligations have been negotiated in response to these requests).

LBTH Employment and Enterprise

- 8.8 The upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been actively marketed (for approximately 12 months) and that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.
- 8.9 Detailed information on marketing and efforts made to reduce vacancy rates requested. The Planning Statement mentions that 34 jobs are held at the site currently - it would be useful to know whether these are individuals working for one organisation or a number of organisations/businesses. Further information on how these businesses will be supported to relocate requested.
- 8.10 If planning permission is granted, 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.
- 8.11 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be supplied by businesses in Tower Hamlets. We will support the developer in achieving this target through inter-alia identifying suitable companies through East London Business Place. The Council will seek to secure a financial contribution of £16,083 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase.
- 8.12 The Council will seek a further financial contribution of £3,878 towards the training and development of unemployed residents in Tower Hamlets to access jobs in A1-A3, B1, and D2 uses within the end-user phase of the development or jobs or training within employment sectors related to the final development. Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

(OFFICER COMMENT: Further information relating to marketing, occupancy rates and the suitability of the site to provide modern office accommodation has been provided and is addressed in Section 10 of this report.)

LBTH Energy Efficiency Team

- 8.13 No objection. The development is proposing to minimise emissions through the energy hierarchy, with energy efficiency measures (11.5%), combined heat and power (23.3%), renewable energy technologies (13.1%).
- 8.14 The cumulative CO2 emission reductions from the proposed measures are >40% compared to building regulation 2010 requirements. This exceeds the London Plan requirements and also the emerging tower hamlets managing development policy DM29.
- 8.15 The proposals are for Code Level 4 and this is supported by the Sustainable development team.
- 8.16 It is recommended that the energy and sustainability proposals are secured through the following Conditions:
- Delivery of site wide space heating and hot water system incorporating a ~15kWe CHP engine
 - Delivery of a minimum of 145m² (26.1kWe) photovoltaic array
 - Submission of the final Code for sustainable homes certificates within 6 months of occupation of the development.

(OFFICER COMMENT: Conditions have been recommended as requested).

LBTH Housing

- 8.17 Support the application in principle. The applicant proposes to deliver a 32.1% affordable housing on this development. Whilst this falls short of the 35% requirement, the viability of the offer has been independently tested and it has been established that this is the maximum viable amount.
- 8.18 The tenure split within the affordable is 68:32 in favour of rented. This is broadly in line with the Council's 70:30 target and therefore acceptable.
- 8.19 The unit mix within the affordable rented is 13% one bed against a target of 30%, 44% two bed against a target of 25%, and a 44% provision of three beds against a target of 30%. There is an under provision of one bed and an overprovision of two beds, however the applicant has significantly improved their offer of rented family accommodation since the application was submitted (from 30% to 44%), the mix is therefore acceptable.
- 8.20 There is an over provision of intermediate one beds and no provision of intermediate 3 beds or larger. Whilst the intermediate mix does not match the targets, we appreciate the constraints of the site and the switch the applicant has needed to make to increase the level of family units in the rented tenure.
- 8.21 The applicant has not specified whether the rent units would come forward as Social Rent or Affordable Rent. Rental level assumptions are required so that we can establish whether they are in line with Council guidelines as set by the POD research.
- 8.22 The proposal is to deliver 9 wheelchair accessible units; this would meet the 10% requirement for such units. The applicant also proposes to provide 9 disabled parking spaces.
- 8.23 All units will be designed to the space standards set within the Mayor of London's Housing Design Guide. The London Housing Design Guide and Tower Hamlets policy also requires the family sized units to come forward with separate kitchens, the plans for this scheme show open plan kitchen / living rooms. The applicant should separate the kitchens in the larger units so that they comply with the requirement.

(OFFICER COMMENT: The applicant has confirmed that the affordable rented tenure will include rents capped at the Tower Hamlets preferred rents for E14 post code).

LBTH Transportation and highways

- 8.24 The application site is located in an area of good public transport accessibility (PTAL4) and in accordance with MANAGING DEVELOPMENT DPD policy DM22 should be subject to a residential on-street car parking permit free agreement. The applicant has indicated in the Transport Statement (TS) that they are willing to enter into such an agreement.
- 8.25 The development proposals would remove existing 15 spaces and provide 9 disabled spaces. This provision is acceptable.
- 8.26 The applicant has suggested in the application documents that residents and occupiers of the commercial space in the proposed development would be entitled to parking spaces (subject to availability) controlled by the freeholder at Lanark Square (adjoining). The current usage of the spaces is moderate and there would be significant capacity to provide parking for demand generated by the Turnberry Quay development significantly in excess of what would be permitted under the Council parking standards. Access to this available

parking could result in the mode share of car trips generated by the development being unacceptably high and would not comply with Core Strategy policies SO19 and SO20 and MANAGING DEVELOPMENT DPDDM20.

- 8.27 A “Grampian condition” is recommended requiring submission of a Car Parking Management Plan prior to occupation of the development. The plan must set out how demand for car parking under the control of the freeholder from occupants of the proposed Turnberry Quay development is restrained to ensure the development complies with LBTH’s sustainable transport policies and objectives.
- 8.28 The quantity, type and location of the proposed cycle parking for both blocks are acceptable. The servicing and waste collections arrangements are acceptable with operations taking place off the public highway.
- 8.29 Conditions for travel plan, Delivery Management Plan, Construction Management Plan are requested.
- 8.30 A financial contribution of £50,000 towards de-cluttering and rationalisation of the footways, improved street lighting and improved footway surfacing to the public highway on Limeharbour is requested.

(OFFICER COMMENTS: Conditions are recommended as requested. There is no designated public highway adjacent to the application site, however the application proposals include extensive public realm improvement works as part of the scheme, hence no financial contribution is proposed).

LBTH Waste Policy and Development

- 8.32 No comments received

External consultee responses

Canal and River Trust (formerly British Waterways)

- 8.33 The Canal & River Trust has no objection to the principle of the development, and is supportive of proposals to provide more activity on the waterside. There are long term moorings adjacent to the site, which we would not wish to see adversely affected by the proposals or works to construct them.
- 8.34 The dockside area (only partly owned by the Trust) should be incorporated into the scheme, to achieve a comprehensive approach to public realm with similar paving and landscaping treatment to ensure the quayside is not left looking tired and unwelcoming compared to the development site to support the increased footfall. If the Council is minded to grant planning permission, it is requested that the landscaping works to the quayside be secured, and the following conditions and informatives be attached to the decision notice.
- Submission of Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water
 - Full details of the proposed landscaping scheme, CCTV and lighting shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Canal & River Trust.
 - Feasibility study shall be carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables).
 - Survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning

Authority, in consultation with the Canal & River Trust.

- 8.35 The applicant/developer should refer to the current Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained. Any over-sail, encroachment or access onto land or water space belonging to the Canal & River Trust will require written consent.

(OFFICER COMMENT: Conditions recommended as requested. Public realm improvement works were proposed as part of the scheme. The Council will engage C&RT when detailed proposals are submitted.)

English Heritage (Archaeology)

- 8.36 The application site lies within an archaeological priority area connected with the deep sequence of alluvial deposits buried under the site that has potential to preserve remains of prehistoric human activity and environmental information. There is also potential for evidence of later activity to be preserved at the site.
- 8.37 The applicant has provided a desk-based archaeological assessment alongside the application. It would be helpful to have included geotechnical information in order to provide a better picture of below ground conditions.
- 8.38 Conditions recommended to secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority. No development or demolition shall take place other than in accordance with the Written Scheme of Investigation. 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.

(OFFICER COMMENT: Conditions attached as requested.)

Environment Agency

- 8.39 The Environment Agency has no objections, subject to the imposition of the following conditions:
- The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated October 2012.
 - Finished Floor Levels on the ground floor, commercial use, to be set no lower than 5.6 metres Above Ordnance Datum (mAOD). All entrances to basement areas (storage and plant) will be located above 5.6mAOD. Future occupants to register with the Environment Agency Floodline Warning Direct service
 - If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with.

8.40 Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. A Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.

8.41 (OFFICER COMMENTS: Conditions attached as recommended.)

Greater London Authority (GLA)

8.42 The principle of a mixed use development is acceptable and in accordance with the London Plan

8.43 The application makes a reasonable contribution to affordable housing provision; however, an independent assessment of the applicant's viability assessment will need to be carried out before the scheme can be acceptable and in line with policies 3.11 and 3.12. Further information and revision is also sought with respect to the residential quality (confirmation of single aspect units) before the scheme can be fully compliant with London Plan policies 3.8, 3.5 and 3.4. the residential density, whilst high and in excess of the guidance ratio, is acceptable in this instance given the quality of the development

8.44 The scheme complies with London Plan policy 3.6 with regard to Children's' play space and is acceptable.

8.45 The proposed design is generally supported in line with policies 7.4 and 7.6.

8.46 The approach to inclusive access is supported although further information with regard to the design of the public realm and landscaping will be required to demonstrate compliance with London Plan policies 3.8 and 7.2.

8.47 The proposal includes some sustainable development measures that will need to be secured through conditions.

8.48 The flood risk assessment carried out is in accordance with London Plan policy 5.12.

8.49 Issues relating to parking and contributions to DLR, London Buses, cycle hire along with other obligations need to be addressed before the development complies with the transport policies of the London Plan.

(OFFICER COMMENT: Conditions and obligations are recommended as requested. Issues relating to development viability are addressed in Section 10 of this report.)

London City Airport

8.50 The proposed development does not conflict with safeguarding criteria. No objection to the proposal subject to the following conditions:

- If construction cranes 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. We would advise that the attention of crane operators be brought to the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121: Part 1:1989 (as amended).
- All landscaping plans and all plantations should be considered in view of making them unattractive to birds so as not to have an adverse effect on the safety of operations at the Airport by encouraging bird feeding/roosting and thereby presenting a bird strike threat to aircraft operating at the Airport.

(OFFICER COMMENT: Appropriately worded conditions have been included with Section 3 of this report).

London Fire and Emergency Planning Authority

8.51 No comments received

National Air Traffic Services Ltd (NATS)

8.52 The proposed development has been examined from a technical safeguarding aspect and does not conflict with safeguarding criteria. No objection.

Natural England

8.53 Under section 40(1) of the *Natural Environment & Rural Communities Act 2006* a **duty** is placed on public authorities, including local planning authorities, to have regard to biodiversity in exercising their functions. This duty covers the protection, enhancement and restoration of habitats and species.

(OFFICER COMMENT These request will be captured through the imposition of suitably worded planning conditions)

Tower Hamlets Primary Care Trust (PCT)

8.54 Financial contributions requested to mitigate the impact of the occupants of the proposed development on primary health care facilities. PCT have confirmed the HUDU model requires a capital Planning Contribution £117,338 and a revenue Planning Contribution £449,201 - Total contribution sought for health £566,538

(OFFICER COMMENT: Planning obligations have been negotiated which partially meet the request for capital contributions)

Transport for London (TfL)

8.55 The proposal involves retaining the current car parking provision at Lanark Square and relocating 15 existing car parking spaces from Pepper Street to Lanark Square and the adjacent basement car park. This considered acceptable by TfL, particularly as it will result in improved amenity space and cycle parking.

8.56 The proposed provision of four disabled bays in Lanark Square is acceptable. TfL recommends that electric vehicle charging points (EVCP) be provided for the nine new spaces proposed in Lanark Square, two of which should allow for passive provision.

8.57 Current private parking permit arrangement in Lanark Square and associated building will continue to operate and supports the proposal to exempt future resident's eligibility from local council CPZ permits.

8.58 The 110 secured and covered cycle parking spaces proposed for the residential aspect of the scheme complies with the London Plan and is welcomed by TfL. However, further visitor spaces should also be provided. Staff shower and changing facilities should be provided for the two spaces which are proposed for commercial occupiers.

8.59 The trip generation methodology is deemed acceptable. TfL welcomes the submission of a pedestrian environment review system audit and recommends that Tower Hamlets Council secures the necessary footway improvements identified by the study.

- 8.60 Whilst the proposed development in itself is unlikely to have a significant impact on the capacity of the bus network, the cumulative impact of residential development on the Isle of Dogs does necessitate additional bus services. TfL requests a contribution of £53,400 to assist in mitigating the cumulative impact of development on the bus network. It is also suggested that the applicant conduct an audit of nearby bus stops to ensure that they meet accessibility standards in line with London Plan policy 6.7.
- 8.61 Cumulative development in the neighbourhood is increasing the patronage of the DLR on the Isle of Dogs. This will be particularly felt at Crossharbour Station due to the redevelopment of Crossharbour District Centre (Asda). That development has committed to enhancements of the station through planning obligations. TfL expects that this scheme would contribute to this pool of funding to enhance the station through the section 106 agreement. Further discussion with the applicant and Tower Hamlets council is welcomed in this respect.
- 8.69 TfL request that the developer is committed to installing real time departure screens in communal entrance ways to the residential units. TfL welcomes the submission of a workplace and residential travel plan. A Delivery & Servicing Plan (DSP) should be submitted for local authority and TfL's approval prior to the occupation of the site.
- 8.62 In accordance with London Plan policy 8.3, the Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that will be paid on commencement of most new development in Greater London. The required CIL should be confirmed by the applicant and Council, once the components of the development have been finalised.

(OFFICER COMMENTS: The applicant has offered a financial contribution of £60,000 towards improvements to DLR, bus services and cycle hire scheme.)

Design Council/CABE

- 8.63 No comments received

British Broadcasting Corporation (BBC)

- 8.64 No comments received.

Greenwich Maritime World Heritage Site

- 8.65 No comments received

Association of Island Communities

- 8.66 No comments received.

London Borough of Greenwich

- 8.67 No objection.

London Wildlife Trust

- 8.68 No comments received.

Metropolitan Police

- 8.69 Initial comments raised concern about dual access to lower ground cycle storage, dual entrances to one of the ground floor commercial units. Monitored CCTV will need to cover every part of the external aspect of the ground floor area. Detailed design, including public

realm must ensure that there are clear lines of site towards all aspects of the ground floor area. This includes using low growing shrubs. The design of the building should take into account the need to prevent features which aid scaling, or climbing, including boundary treatment and the design of balconies.

8.70 Public access to the residential entrances should, therefore, be restricted through use of either a managed concierge system, a Proximity Access Control (PAC) system and door entry phone system, or a combination of both. Details of external lighting, landscaping and CCTV required.

8.71 If permission is granted a condition should be attached requiring the proposed development has a planning condition to achieve full Secured By Design certification.

(OFFICER COMMENT: The applicant has submitted amended plans dividing the cycle storage area into two separate areas each with a dedicated entrance. Following submission of further information the Crime Prevention Officer has confirmed that remaining issues can be dealt with through the submission of details controlled by planning conditions.)

National Grid

8.72 No comments received

EDF Energy

8.73 No comments received.

Thames Water

8.74 It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or a suitable sewer. The applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

8.75 No objection with regard to sewerage infrastructure. If the developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required.

8.76 No objection with regard to water infrastructure. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

8.77 There is a Thames Water main crossing the development site which may have to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained.

8.78 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

(OFFICER COMMENT: Following further discussion concerning the details of the application and existing below ground infrastructure, Thames Water have confirmed that the use of conditions and informatives to control the implementation of the development, particularly any piling works, will be acceptable.)

9. LOCAL REPRESENTATION

9.1 A total of 1,096 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.

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

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

9.3 Occupiers of house boats moored in Millwall Dock

- Formal notification has not been sent to occupiers of adjacent house boats moored in Millwall Dock;
- No invitations were sent to any of the boats when the applicant carried out their own consultation exercise;
- The proposal does not indicate how our safe access to house boats is to be preserved. A condition is requested;
- Please impose a restriction in working hours of 8am to 5:30pm Monday to Friday and 8am to 1pm Saturday with no Sunday working;
- Conditions requested that there be no radios or other musical equipment on site, the workforce is properly clothed at all times and that a barrier be erected to protect the boats and their occupiers from falling debris, dust and dirt;
- Condition requested that the existing means of safe access to and from house boats is preserved and a restriction on heavy plant using the quayside;
- The quayside is also a public right of way and no application has yet been made to the owner of the quayside to allow it to be used in the construction.

9.4 Local residents and property owner:

- Oppose the principle of further residential development;
- There is massive overdevelopment on the Isle of Dogs and in the Crossharbour area;
- The population of the Isle of Dogs has increased in the past ten years but there have been no increase in health services or school provision;
- A large number of new flats at Turnberry Quay and Lanark Square will lead to considerable reductions in property prices in the Crossharbour area as supply exceeds demand;
- There is no economic justification in terms of demand for further flats;
- Proposed development will place pressure on local transport service, DLR, buses and the local road network;
- Consultation is inadequate as it does not include landlords of rented properties in the vicinity;
- Too many large scale, tall buildings are being permitted on the Isle of Dogs;
- Permissions have been granted with affordable housing provided on sites outside the Isle of Dogs which is not in the interests of mixed communities;
- No justification for demolition of existing building;
- Proposed development would be too tall and out of character with its surroundings;
- The proposed commercial space would be insufficient to accommodate existing traders if they wish to return to the development;
- Proposed construction will cause noise, disturbance and pollution affecting nearby residents.

9.5 Planning issues raised through neighbour consultation are addressed in Section 10 of the report.

- 9.6 With regard to points raised on statutory consultation processes, neighbour notification letters were sent to all adjoining occupiers, based on the Council's Land and Property Gazetteer (LPG) records. There is no statutory obligation to record moored houseboats as permanent addresses, although occupiers can apply to the Council to have their addresses added to the LPG, although in this case there have been no such applications. The Committee may wish to note that the Council has recently commenced an exercise to capture all residential moorings throughout the borough within the LPG.
- 9.7 It is clear that the occupiers were aware of the proposed development through statutory publicity (e.g. site notice), have made comments and these are included in this report. Furthermore, the applicant confirms that at least one occupier of an adjacent houseboat attended the pre-application exhibition.

10. MATERIAL PLANNING CONSIDERATIONS

- 10.1 The main planning issues raised by this application that the Committee are requested to consider are:
- Land use
 - Design
 - Housing
 - Open Space
 - Transport, connectivity and access
 - Amenity
 - Energy climate change and sustainability
 - Air Quality
 - Contamination
 - Flood Risk
 - Health considerations
 - Planning Obligations

Land Use

- 10.2 At National level, the National Planning Policy Framework 2012 (NPPF) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to achieve National housing targets
- 10.3 At a strategic level, the site is identified in the London Plan (2011) as falling within the Isle of Dogs Opportunity Area (Policy 2.13) which seeks to optimise residential and non-residential output and is identified as being capable of delivering 10,000 new homes.
- 10.4 The Council's Core Strategy 2010, identifies Cubitt Town as an area where there will be residential led growth as part of mixed use development. CS policy SP12 and Annexe 9 "Delivering Placemaking" sets out the vision for Cubitt Town as "a residential waterside place set around a thriving mixed use town centre at Crossharbour. Cubitt Town will continue to be a residential area, experiencing housing growth in the north. This growth will be supported by a revitalised and expanded Crossharbour town centre, which will see better integration with Pepper Street, Millwall and the Canary Wharf Activity Area..."
- 10.5 The site is not the subject of any specific site allocations and hence the development should be considered on its merits, having regard to the main land use consideration of loss of existing floorspace and the suitability of the site for housing led mixed use development.

Loss of employment floor space

- 10.6 The Core Strategy states that employment floor space needs to be managed in accordance with Spatial Policy 06 which seeks to ensure job opportunities are provided and maintained. Any loss/reduction of employment for space outside of specific employment designations, needs to be justified in accordance with saved UDP (1998) policy EMP3 and emerging policy DM15.1 of the Managing Development DPD (Submission version, May 2012) with Modifications.
- 10.7 Policy DM15 of the Managing Development DPD (Submission Version May 2012) with Modifications seeks to ensure that development should not result in the loss of active and viable employment uses. The policy (as amended by the EIP Inspector) requires evidence to be provided to demonstrate that where proposals seek to reduce the amount of existing employment floor space, the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, accessibility, viability, size and condition.
- 10.8 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floor space. The following factors are taken into account by the Council:
- The length of time that surplus office floor space has been vacant; and
 - The level of vacant floor space and unimplemented planning permissions for office floor space in the surrounding area.
- 10.9 The site is in a peripheral area of the overall Docklands office market where there is limited demand for commercial floor space. The site is typical of first generation Docklands office developments dating from the 1980s, which contain outdated accommodation by modern standards. Based on site inspections, the existing accommodation appears to have come to the end of its useable life and does not meet modern accessibility standards or energy/sustainability requirements.
- 10.10 Units 1-3 Turnberry Quay and 1-5 Lanark Square also suffer from limited footfall due to their secondary location away from the main pedestrian route along Pepper Street and across Glengall Bridge. This has affected the marketability of both the ground floor retail units and the upper floor offices at the site.
- 10.11 The applicant has submitted detailed information setting out difficulties in letting the office space and the need to provide substantial market incentives, e.g. reduction in rental levels of up to 50% of typical market rates and offering short term lets in order to attract tenants. The applicant has also provided detailed information with regard to current occupation and the number of employee at the application site, estimated to be 34 people across the 2,103sqm of office space.
- 10.12 The five ground floor units are occupied by three tenants (one has two units) and one is vacant. Two existing tenants are seeking to relocate elsewhere on the Isle of Dogs either to consolidate their existing business operations into one premises or in the case of a betting shop, to premises in a more central location. The remaining ground floor tenants are reported to have rent arrears but the applicant is willing to assist in their relocation to more suitable premises.
- 10.13 The upper floor offices are occupied by two firms, one of which is the applicant and the other is being offered assistance to find alternative accommodation locally. Finally, 2 Turnberry Quay is the stand alone restaurant premises which will be unaffected by the proposals.
- 10.14 Within the wider Lanark Square Estate, planning permission was granted in April 2012 to convert vacant office units at 9 Lanark Square to residential dwellings (reference

PA/12/2339). Planning consent for conversion of the more prominent large scale office blocks Balmoral House, Aegon House and Marina Place, which front East Ferry Road but are part of Lanark Square Estate, was granted for a change of use from office (B1) to residential (C3) in September 1996 (Ref: ID/96/48).

- 10.15 The submitted Economic and Regeneration Statement demonstrates that there are several available office units locally and there is a significant amount of office accommodation in the planning pipeline in the area. Furthermore it is estimated that the employment densities of the proposed commercial space could exceed the relatively low densities of the existing occupation.
- 10.16 The scheme could also create an estimated 60 jobs during the two year construction programme. The applicant has committed to using reasonable endeavours to secure 20% of construction employment for local residents and 20% local procurement. The contractor would also offer notification of new jobs during construction to the LBTH employment and enterprise team.
- 10.17 A financial contribution is proposed towards on-going employment and skills training initiatives. This could be targeted towards the existing Skillsmatch Centre within the Canary Wharf Recruitment and Training Centre nearby to ensure the contribution is used most effectively and yields direct local employment benefits.
- 10.18 In this instance, it is considered that the loss of the existing floor space has been justified in terms of the relevant tests in policy DM15, in that it would not result in the loss of a viable employment use and that the current premises are not suited to continued employment use given their location, size and quality. The applicant is willing to assist in the relocation of those tenants who are not already in the process of securing alternative locations. The development includes three new ground floor commercial spaces which could be used flexibly for retail, other Class A uses or offices or community space. The three units proposed would be between 61 and 147 sq.m. in size, which would meet the guidance in policy DM15.3 to provide flexible units.
- 10.19 In conclusion, officers are satisfied that the loss of the existing employment floor space would not compromise the supply of employment floor space across the borough as a whole and the existing provision is unlikely to be a viable proposition in this location over the long term. Sufficient information has been submitted to justify the loss with respect to the detailed requirements of policy DM15. Hence the redevelopment of the site would accord in principle with policies 4.1 and 4.2 of the London Plan (July 2011), Policies S025 and SP06 of the Core Strategy (2010), Policy DM15 of the Managing Development: Development Plan Document (Submission Version May 2012), Policies EMP3 and EMP8 of the Unitary Development Plan and Policy EE2 of the Interim Planning Guidance (2007).
- 10.20 The Managing Development DPD (Submission Version May 2012) with Modifications Policy DM8.3 states that the loss of a community facility will only be considered if it can be demonstrated that there is no longer a need for the facility and the building is no longer suitable. Planning permission was granted in 2004 (PA/04/00268) to convert 299sqm of office space, at 2 Lanark Square, to a computer/ IT training centre (use class D1). The existing building at 2 Lanark Square accommodates an International College; however following a site visit there is evidence to suggest this has operated significantly below capacity for some time. As such the loss of this floorspace is considered acceptable in accordance with DM8 as there is no longer a local need for an International College in this location and the existing building is not suitable due to the condition and outdated accommodation, by modern standards which does not meet disabled access standards and is inefficient when considered against current carbon reduction/sustainability requirements. The proposed development provides flexible retail, office and community uses allowing up to 321sqm of floorspace for future community uses which could accommodate an alternative community facility for the local community if required.

Appropriateness of residential led mixed use

- 10.21 Policy 3.3 of the London Plan (2011) seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners. By identifying the Isle of Dogs as an Opportunity Area, the London Plan envisages that in excess of 10,000 residential units will be forthcoming over the Plan period
- 10.22 Policy SP02 of the Core Strategy seeks to deliver 43,275 new homes (equating to 2,885 completions per year) from 2010 to 2025 in line with the housing targets set out in the London Plan. Appendix 2 of the Council's adopted Core Strategy reviews the delivery programme of new housing investment and seeks to provide within the Plan period (2010-2025) a new housing allocation of 4,190 new homes for Cubitt Town, 2,640 new homes for Canary Wharf and 6,150 new homes for Millwall; a total of 12,980 new units across all three "Places" as defined by the Core Strategy and exceeds the overall London Plan target for the Isle of Dogs Opportunity Area.
- 10.23 The site is located adjacent to Crossharbour town centre (as defined in the Managing Development DPD proposals map) and benefits from good transport accessibility. Significant residential development has taken place to the north on the former London Arena site and on the west side of Millwall Dock in the Millennium Quarter. Permission has also been granted for residential development a part of a wider comprehensive development.
- 10.24 In conclusion, the redevelopment of this site for residential development with ground floor commercial/community uses is considered appropriate in principle and in line with national, London wide and local policy objectives and furthermore would contribute towards Core Strategy housing delivery targets within the Cubitt Town area.

Design

- 10.25 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 10.26 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 10.27 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 local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 10.28 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 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.

Height and Massing

- 10.29 The general bulk, scale and mass of the proposed blocks are considered acceptable.

There is an overall reduction of massing and height from the taller buildings to the north at Canary Wharf, following an established pattern for new buildings set by developments such as Baltimore Wharf. The proposal would be thirteen storeys in height which would represent an increase in height compared to the existing buildings but would be similar in height to the neighbouring Baltimore Wharf block and the residential conversion of Balmoral House, Aegon House and Marina Place, which were granted planning permission for a change of use from office (B1) to residential (C3) in 1996 (Ref: ID/96/48). Currently building heights, in the immediate local context, range from 11-17 storeys to the north, along Pepper Street, and 4-10 storeys in Lanark Square.

- 10.30 The footprint of the proposed scheme closely replicates the existing building which is being demolished. The scheme acts as a transition between the scale of Baltimore Wharf and Woodchester House. As noted previously, it also anticipates the future development of parts of the Lanark Square Estate, notably that element fronting Pepper Street. The scheme would step down to the north and west, fronting the dock. The proposed development's height, scale and massing are considered to be appropriate to the scale of the dock and adjoining buildings.

Strategic Views

- 10.31 The development proposal falls within the strategic viewpoints 5A.1 and 5A.2, views from the General Wolfe statue in Greenwich Park as set out in the Mayor of London's 'London View Management Framework (LVMF) SPG. The applicant has submitted a townscape and visual impact assessment which demonstrates that the proposal should have no detrimental impact on the strategic viewpoints and there should be no detrimental impact on the character and setting of the Greenwich Maritime World Heritage Site or its outstanding universal value. The applicant has also demonstrated that although the proposed development will be seen from Mudchute Park (designated as Metropolitan Open Land) it will not detrimentally impact on its open character.

Layout and Disposition of Uses

- 10.32 The overall improvement to the site's permeability is welcomed, as this would greatly enhance connectivity and permeability through the site, providing step-free access through the site. The location of pedestrian routes, open spaces and play space is considered to be acceptable, with the proposed building layout and use allocation ensuring that they are legible and have good surveillance.
- 10.33 The site currently integrates poorly with surrounding buildings including neighbouring residential units to the north. It is inward-looking, focusing on its internal courtyard, which is dominated by car-parking. It relates poorly to the waterfront, which is similarly focused on the provision of car-parking. As a result, the public realm is weak and there is a limited sense of legibility, permeability and cohesion.
- 10.34 The proposed development seeks to create a coherent, legible, secure and permeable form of mixed-use development which reintegrates the site with its surroundings, particularly with the dockside. It incorporates active uses at ground level and commercial units have floor to ceiling glass frontages. The building addresses all surrounding spaces, having no 'back', in order to maximise security and legibility. The building should respect and incorporate its waterside location, with the amenity space and the westerly aspect taking full advantage of the dockside in line with the place making objectives for Cubitt Town in the Core Strategy, which seeks a strong relationship between development and the waterways.
- 10.35 The proposal is therefore considered to provide a high standard of urban design, having regard to the pattern and grain of the existing spaces and streets in the area. The proposal appears sensitive to the character of its surroundings in terms of overall layout, bulk, scale

and use of materials.

Detailed Design

- 10.36 The detailed design of the scheme and materials is well considered and appropriate to its surroundings. The development displays a commitment to high standards of design and is underpinned by high quality materials. The materials palette has been chosen to reflect the docklands vernacular of robust brick and a strong, simple form. It consists of contrasting brick and metal balconies with diagonal support bracing. This approach responds to Core Strategy Policy SP10 which seeks the enhancement of the historic environment in order to strengthen local distinctiveness. There is extensive use of glazing. The use of similar materials at the Baltimore Wharf development should create a strong sense of unity and identity. The public realm will be landscaped with high quality material and lighting to create an attractive environment and is considered to make a positive contribution to the area.
- 10.37 To conclude this section of the report, your officers are satisfied that the scheme accords with Chapter 7 of the London Plan (2011), saved policies DEV1, DEV2 and DEV3 of the Council's UDP (1998), Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development DPD (Submission Version May 2012) with Modifications which seek to ensure buildings and places are of a high quality of design and suitably located.

Housing

Residential Density

- 10.38 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 10.39 The London Plan (2011) seeks to introduce an annual average of 32,210 new homes across the Capital (Policy 3.3) with a minimum ten year target for Tower Hamlets of 28,850 to 2021 and an annual monitoring target of 2,885. Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character.
- 10.40 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location, as well as design and amenity considerations.
- 10.41 The site has a "Good" public transport accessibility level (PTAL 4). For urban locations with a PTAL 4, both London Plan (Policy 3.4, Table 3A.2) and LBTH Core Strategy indicate that a density of up to 700 habitable rooms per hectare is appropriate. The Mayor's Housing SPG makes it clear that the density matrix should be used as a guide rather than an absolute rule, and other policy objectives such as dwelling mix, environmental and social infrastructure as well as local circumstances, should be taken into account of when considering residential density. The proposed density is 1015 habitable rooms per hectare (or approximately 370 units per hectare). However, the intent of the London Plan and Council's Managing Development DPD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.

- 10.42 Density only serves as an indication of the likely impact of a development and as discussed in later sections of this report, the development does not present any serious concerns in respect of overdevelopment or harm to residential amenity. The proposals would deliver high standards of residential quality, design and place making. As such, a density which exceeds the recommended guidance would be acceptable in this location and assists in the delivery of housing targets outlined above.
- 10.43 On balance the high residential density is considered to be acceptable in this instance. This is because the scheme is located within an Opportunity Area, directly adjacent to Crossharbour District Centre and close to Canary Wharf major town centre. Furthermore the design is high quality and a good residential quality will be delivered. It is therefore considered that the proposal maximises the intensity of use on the site and is supported by national, regional and local planning policy, and complies with Policy 3.4 the London Plan (2011) and Policy SP02 of the Core Strategy (2010) which seek to ensure the use of land is appropriately optimised in order to create sustainable places.

Affordable Housing

- 10.44 Policy SP02 of Tower Hamlets Core Strategy (2010) and DM3 of the Managing Development DPD(2012) confirms the Council's approach to seek 35% to 50% affordable homes through a variety of sources, subject to viability, with a 70:30 split between social / affordable rent and intermediate tenures.
- 10.45 The proposed development would provide 26 affordable homes, equivalent to 32.1% affordable housing provision by habitable room. The tenure split between affordable rent and intermediate housing (shared ownership) would be 68% to 32% respectively. The proposed affordable housing component of the scheme is marginally below the 35% minimum target set out in the Core Strategy and Managing Development DPD although the split between affordable and intermediate tenures is very close to the policy requirement. Table 1 below sets out the proposed affordable housing offer and tenure mix in more detail.

	Units	% of units	Habitable rooms	% Habitable rooms
Affordable rent	16	17.98%	53	21.81%
Intermediate	10	11.24%	25	10.29%
Total affordable housing	26	29.2%	78	32.1%
Market Sale	63	70.8%	165	67.9%
Total	89	100%	243	100%

Table 1 – proposed affordable housing

- 10.46 The applicant has confirmed that the proposed rents would be significantly less than the national policy position of up to 80% of market rents and would not exceed Tower Hamlets preferred POD rents for the E14 post code (including service charges) as set out below:

1bed £210.35 (p/wk)
 2bed £235.25 (p/wk)
 3bed £249.00 (p/wk)

- 10.47 The current offer has been increased from 29% affordable housing (by habitable room) with a 62:38 tenure split when the application was submitted. The applicant has submitted a revised viability assessment that demonstrates that the amended affordable housing offer is the maximum amount that the scheme could sustain in terms of development viability.

- 10.48 The Council has appointed independent consultants to robustly test the scheme viability. Consultant advice has helped support officers negotiations to improve the level of affordable housing beyond that originally proposed by the applicant.
- 10.49 The Council's independent review of the viability assessment concludes that the applicant's affordable housing offer and other financial contributions are the optimum that this development could deliver (at the time of the assessment). The independent viability assessment review concludes that the provision of 32.1% affordable housing (based on affordable rent at Tower Hamlets preferred POD rent levels as set out in the Managing Development DPD (Submission Version) is the maximum that the scheme can achieve.
- 10.50 The Council's affordable housing team support the proposed offer as does the GLA's Stage 1 response (set out above) subject to confirmation of the viability position. In conclusion, the proposed affordable housing offer has been maximised in line with National, London Plan and Tower Hamlets policies.

Housing type

- 10.51 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Further to this, Saved Policy HSG7 of the UDP requires new housing to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms.
- 10.52 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new rented homes to be for families.
- 10.53 Policy DM3 (part 7) of the Managing Development DPD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 10.54 The application proposes a mix of one, two and three bed flats spread across the private sale and affordable tenures. Table 2 below outlines the proposed housing mix in the context of the Borough's preferred dwelling mix:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	10	0	0%	0%	0	0%	0%	10	15.9%	0%
1 bedroom	26	2	12.5%	30%	5	50%	25.0%	19	30.2%	50.0%
2 bedroom	32	7	43.75%	25%	5	50%	50.0%	20	31.7%	30.0%
3 bedroom	21	7	43.75%	30%	0	0%	25%	14	22.2%	20%
4 bedroom	0	0	0%	15%	0	0%		0	0%	
5 bedroom	0	0	0%	0%	0	0%		0	0%	
6 bedroom	0	0	0%		0	0%		0	0%	
TOTAL	89	16	100%	100%	10	100%	100%	63	100%	100%

Table 2: overall unit and tenure mix

- 10.55 The housing mix is considered to be in line with the Council's policies and includes the provision of much needed larger family accommodation. The proposal delivers 44% family accommodation in affordable rent tenure which, as set out above, is at Tower Hamlets preferred rent levels for the E14 post code (including service charges). There is also an acceptable level of family housing in the private tenure but a shortfall in the intermediate tenure. This equates to 23.6% family housing (3 bedroom and above) across all tenures which helps the borough meet its Core Strategy (Policy SP02) strategic target of 30% of all new housing across the borough to be of a size suitable for families.
- 10.56 The proposal would provide a broadly acceptable mix of housing and would contribute towards delivering mixed and balanced communities across the wider area. Furthermore, the emphasis on the provision of family housing within the affordable rented tenure is welcomed.
- 10.57 In conclusion the development would provide an acceptable mix in compliance with Policy 3.8 of the London Plan (2011), Policy SP02 of the CS and Policy DM3 of the Managing Development DPD which seek to ensure developments provide an appropriate housing mix to meet the needs of the Borough.

Residential quality

- 10.58 The submitted plans demonstrate that the applicant has met the internal space standards set out within both the Housing Design Guide and London Plan. The applicant has submitted further information to show that all proposed affordable family homes are capable of including a separate kitchen and dining room, although the recently published Inspector's Report following the Examination In Public into the Managing Development DPD states that separate kitchens should not be insisted upon and should be deleted from emerging policy (DM4.1b).
- 10.59 The London Plan Housing SPG notes that a home with opening windows on at least two sides has many inherent benefits such as better daylight, a greater chance of direct sunlight for longer periods, natural cross ventilation, and greater flexibility in the use of rooms including future adaptability. Where possible the provision of dual aspect dwellings should be maximised in a development proposal. The SPG states in its policy that north facing single aspect homes or three or more bedroom single aspect homes should be avoided.
- 10.60 The proposed floor plans show that 45 (or 52%) of the proposed flats would be dual aspect with 4 of these benefiting from aspects to three directions. Of the remainder, the single aspect flats have views to the east or west. There would be no north facing flats or single aspect family dwellings.
- 10.61 The east and west facing single aspect units mostly comprise the smaller units within the scheme and those facing west would benefit from a good outlook across the Millwall Dock. The proposals would be in line with the London Housing SPG guidance and policies.
- 10.62 In terms of daylight and sunlight received by occupiers of the proposed dwellings, the results of the Average Daylight Factor (ADF) calculations show that 226 of the 241 main rooms and bedrooms within the development's 89 units will achieve the respective BS/BRE guide levels (93.78%). The levels of internal daylight that will be experienced across the proposed residential accommodation in the development are considered to be high, particularly for a development within a relatively built up, high density urban location.
- 10.63 Overall officers are satisfied that the proposed development would offer a high quality of residential accommodation, in line with the NPPF, London Plan and Tower Hamlets LDF policies.

Wheelchair accessible housing and lifetime homes

- 10.64 Policy 3.8 of the London Plan and Policy SP02 of the LBTH Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 10.65 All of the dwellings would be designed to lifetime homes standards. A total of nine of the residential units have been identified as being suitable for conversion to provide wheelchair accessible accommodation. The dwellings would be located on the lower floors (first, second and third) and would meet the standards set out in the technical appendix to the London Housing SPG, including wheelchair turning spaces in main bedrooms, living rooms and dining rooms, kitchens and bathrooms; space for storage and charging for wheelchairs and provision for both a shower and bath in the bathrooms, with the shower to be wheelchair accessible.
- 10.66 The supporting text to Managing Development DPD Policy DM3 sets out that wheelchair accessible housing may be calculated as a proportion of habitable rooms in order to provide a mix of units more appropriate to local housing need. The scheme offers 2 and three bedroom wheelchair accessible housing across the private and affordable tenures, equivalent to 10% by units or 12% by habitable room.
- 10.67 Overall officers conclude that there is a satisfactory provision of wheelchair accessible housing which meets and exceeds London Plan and Tower Hamlets Core Strategy and Managing Development DPD policies. Any planning permission will be conditioned to ensure that the detailed design of units will accord with the above London Plan and LBTH requirements in terms of wheelchair accessibility and Lifetime Homes Standards.

Open space

Private and Communal Amenity Space

- 10.68 Policy DM4 of the Managing Development DPD sets out standards for new housing developments with relation to private and communal amenity space. These standards are in line with the Mayor's Housing Design Guide (2010) recommending that a minimum of 5 sqm of private outdoor space is provided for 1-2 person dwellings and an extra 1 sqm is provided for each additional occupant.
- 10.69 The proposals would provide private amenity space in the form of balconies and roof terraces. All balconies would meet the minimum space standards as set out in Managing Development DPD and London Housing Design Guide. Some 824.5sqm of private space in the form of balconies and terraces is proposed, which is an overprovision when measured against the policy requirement of 567sqm. In addition 67.5sqm of communal terrace space and a shared playspace catering to children under the age of 12yrs, measuring 272sqm is provided. The communal terraces are provided on the 9th floor; one overlooks the dockside in Turnberry Quay and can be accessed by private sale properties; the other terrace fronts Pepper Street and is accessible to both affordable and private sale residents.
- 10.70 The aggregate provision of private and communal amenity space the amenity space of different types compared to the standards detailed in the London Plan and the Managing Development DPD is set out in Table 3 below.

	Scheme proposals	LBTH and London Plan minimum requirement	Variance (+ or -)
Private Amenity Space	824.5sqm	567sqm	+257.5sqm
Communal Amenity Space (LBTH policy)	67.5sqm	129sqm	-61.5sqm
TOTAL	892sqm	696sqm	+196sqm

Table 3: Private and communal amenity Space Provision

10.71 The table shows that the provision of private spaces significantly exceeds the minimum requirements by 257sqm, whilst the communal space would be below the minimum requirements. However in aggregate future residents would benefit from 892sqm of private and communal amenity space exceeding the London Housing SPG and Managing Development DPD minimum requirements by 196 sqm, excluding children's play space described below.

Child Play Space

10.72 Policy 3.6 of the London Plan (2011), Saved Policy OS9 of Tower Hamlets UDP (1998), Policy SP02 of Tower Hamlets Core Strategy (2010) and Policy DM4 of the Managing Development DPD seeks to protect existing child play space and requires the provision of new appropriate play space within new residential development. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG on 'Providing for Children and Young People's Play and Informal Recreation', which sets a benchmark of 10 sqm of useable child play space per child.

10.73 Using LBTH child yield calculations and based on the overall submitted unit mix, the overall development is anticipated to accommodate 26 children and accordingly the development should provide a minimum of 260sq.m of play space in accordance with the London Plan and the emerging Managing Development DPD's standard of 10 sqm per child. Children's play space is provided for both 0-3 and 4-10 age groups on site at ground level, which results in the development delivering 243sq.m of dedicated child play space, resulting in under provision of 18sqm when the required 44sqm for 11-15 is taken into account as set out in table 4 below.

	Child Yield	Provided on site (sqm)	Policy requirement (sqm)	plus or minus
Under 3's provision	11.2	125	112	+13
4-10 years provision	10.5	118	105	+13
11-15 years provision	4.4	0	44	-44
TOTAL	26	243	261	-18

Table 4 – Proposed child play space on site

10.74 The proposed child playspace for under 10 year olds is considered to be high quality benefiting from outlook onto the waterside and the raised platform design resolve potential conflicts with vehicle, cycle and pedestrian movements. A range of play equipment is proposed including rubber stepping stones, a wobble dish, dance chimes, and a small spinner amongst others.

10.75 The general approach, in terms of the provision of play and informal recreation facilitated by new development, is informed by the London Plan Supplementary Planning Guidance entitled "Shaping Neighbourhoods: Play and Informal Recreation" (September 2012). In

this document it states that in cases where child yield exceeds 80 children, facilities for the over 10 years of age should be provided on site but the proposed development child yield is below this threshold.

- 10.76 Significantly, it states that possible variations could apply to reflect existing provision and it states that if the site is within 800 metres of existing facilities for the 11-15 year group, an off-site contribution may be considered if in accordance with a play strategy. The site is within 800 metres of St John's Park and Mudchute/Millwall Park, which both have facilities available for the 11-15 age group. The applicant has committed to a financial contribution of £121,295 towards public open space improvements in the local area.
- 10.77 As such, given the on-site provision of children's play space and adjacent playable soft landscaped area and availability of public play space within 800m of the site (i.e. Millwall Park, Sir John McDougal Park and St John's Park) your officers are satisfied that the proposed development will have a beneficial impact on play space in the local area.
- 10.78 A condition has been suggested requiring the submission of details of accessible play equipment. Maintenance of the child play space will be required through imposition of an Estate Management Plan which it is recommended to be secured by condition.

Biodiversity

- 10.79 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, Core Strategy Policy SP04 and Policy DM11 of the Managing Development DPD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the Managing Development DPD also requires elements of living buildings.
- 10.80 Through the provision of a landscaping scheme that includes planting at ground level such as trees, scrubs and ornamental planting, the proposed development would provide an ecological enhancement to the local area.
- 10.81 Through planning conditions any impact to the existing biodiversity and ecology value can be minimised and the proposed development is not considered to have adverse impacts in terms of biodiversity. The development should ultimately provide an enhancement for biodiversity for the local area in accordance with the above mentioned policies.

Transport, Connectivity and Accessibility

- 10.82 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 10.83 Saved UDP policies T16, T18, T19 and T21, CS Policy SP08 & SP09 and Policy DM20 of the Managing Development DPD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 10.84 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 4 (1 being poor and 6 being excellent).

Highways

- 10.85 A TRAVL trip generation assessment has been carried out to assess the change in trip

attraction of the site under the development proposals. The traffic impact of the development is expected to be minimal and insignificant on the adjoining highway.

Servicing and Refuse

- 10.86 Full details of the waste, refuse and recycling would also be managed and co-ordinated through a Delivery & Servicing Plan (DSP) to be prepared and submitted prior to occupation. The servicing and waste collections arrangements are acceptable with operations taking place off the public highway within the existing Lanark Square courtyard ensuring compliance with London Plan Policy 6.13 and Core Strategy Policy DEV17, which states that developments need to provide adequate servicing and appropriate circulation routes.

Car Parking

- 10.87 Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the Managing Development DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 10.88 Managing Development DPD Parking Standards sets specific parking levels for the Isle of Dogs. Following the Inspectors Report these levels are 0.1 parking for units of less than 3 bedrooms, and 0.2 for 3 bedrooms plus.
- 10.89 The development proposals would remove existing 15 spaces and provide 9 disabled spaces including one Electric Vehicle Charging Points. However, the applicant has suggested that residents and occupiers of the commercial space in the proposed development would be entitled to parking spaces (subject to availability) on the adjoining developments also controlled by the freeholder (Lanark Square). The submitted Transport Statement shows that the current usage of the spaces is moderate and there would be capacity to provide parking for demand generated by the Turnberry Quay development in excess of what would be permitted under the Council parking standards.
- 10.90 Whilst removing the existing 15 spaces and providing 9 disabled spaces is acceptable, the Council's Transportation and Highways department is concerned the available parking in an adjoining development which could serve the proposed development would result in the mode share of car trips generated by the development being unacceptably high and would not comply Core Strategy policies SO19 and SO20 and Managing Development DPD DM20.
- 10.91 Therefore, it is suggested that a Grampian condition is attached to any permission requiring submission of a Car Parking Management Plan prior to occupation of the development. The plan should set out how demand for car parking under the control of the freeholder from occupants of the proposed Turnberry Quay development is restrained to ensure the development complies with LBTH's sustainable transport policies and objectives. In addition new residents would not be eligible for on-street parking permits which will be secured through planning obligations.
- 10.92 Accordingly, it is the view of officers that subject to securing the provisions outlined above, the proposed car parking on site is considered acceptable. It will serve to meet the demands of the proposed development, whilst not causing detriment to the free flow of traffic on the surrounding highway network and accordingly complies with Policies 6.13 of the London Plan, Saved Policy T16 of the UDP, Policy SP09 of the Core Strategy and Policy DM22 of the Managing Development DPD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision

Provision for Cyclists

- 10.93 The proposal includes improvements to the local cycle network through improved cycle routes through the development. In addition, a total of 115 cycle parking spaces are proposed within the development for all land uses, which complies with London Plan Policy 6.13.

Public Transport Improvements

Crossrail

- 10.94 The development is required to make a contribution of around £156,590 towards the Mayor of London's Community Infrastructure Levy (CIL) which pools funds to help meet the cost of delivering Crossrail across London.

Docklands Light Railway

- 10.95 Whilst TfL has requested a 'pooled' financial contribution towards improvements at Crossharbour DLR, specific improvement works have not been identified the applicant is therefore offering a financial contribution of £60,000 towards local buses, the DLR and a cycle hire docking station at Crossharbour.
- 10.96 A condition to provide information display boards or appropriate alternative real time information displays within the reception areas of the proposed development should be secured. This will assist the delivery of the travel plan mode share targets.

Buses

- 10.97 Four bus routes operate in close proximity to the site, serving transport hubs in east London including Old Street, Hackney Central and Stratford. One night bus, N550, serves Canning Town and Trafalgar Square. The public transport accessibility level (PTAL) of the site is 4 (good), out of range of 1 to 6 where 6 is excellent
- 10.98 Whilst the proposed development in itself is unlikely to have a significant impact on the capacity of the bus network, the cumulative impact of residential development on the Isle of Dogs does necessitate additional bus service. For example, buses are at capacity on nearby Westferry Road and trips generated from this development which pass through Westferry Road will exacerbate this issue. Contributions have been sought from most developments within the Isle of Dogs (for example the Innovation Centre, Crossharbour District Centre and developments along Marsh Wall) for enhancements to bus services. Comparable to these, TfL have requested a contribution of £53,400 to assist in mitigating the cumulative impact of development on the bus network towards London Buses. This request has not been met in full by the applicant who is offering £60,000 to TfL a combined contribution for the DLR, local buses and cycle hire docking station.

Cycle Hire Docking Station at Crossharbour

- 10.99 TfL have also requested a contribution of £30,000 towards a cycle hire docking station at Crossharbour which is considered to directly benefit the proposed development and meet anticipated future demand.
- 10.100 As mentioned above the applicant is offering a combined contribution of £60,000 towards local buses, the DLR and cycle hire docking station at Crossharbour to be secured via the S106 Agreement

Pedestrian Environment

- 10.101 The development occupies an important walking route along the dockside which will be

significantly enhanced as a part of this proposal. Such enhancements are in line with those sought by the Canal and Rivers Trust in their representation.

- 10.102 Conditions are recommended seeking full details of the improvement works to be delivered in addition to financial planning obligations towards public realm improvements.

Inclusive Access

- 10.103 Policy 7.2 of the London Plan (2011), Saved UDP Policy DEV1, Policy SP10 of the Core Strategy and Policy DM23 of the Managing Development DPD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.104 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. It is considered that the proposed development has been designed with the principles of inclusive design in mind which is also the position of the GLA.
- 10.105 With high PTAL levels and the provision of step free access routes, the proposed development would be accessible, usable and permeable for all.

Amenity

- 10.106 Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998), Policy DM25 of the Managing Development DPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007) require development to protect and where possible improve the amenity of surrounding existing and future residents and building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, microclimate, outlook, privacy and a lack of disturbance through noise and vibration.

Daylight and Sunlight

- 10.107 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 10.108 Saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.
- 10.109 For calculating daylight to neighbouring properties affected by a proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 10.110 British Standard 8206 recommends ADF values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 10.111 The submitted daylight and sunlight report assesses the impact of the proposed

development upon neighbouring properties and the proposed development.

- 10.112 The BRE Report (2011) recommends that where possible all dwellings should have at least one living room which can receive a reasonable amount of sunlight. A reasonable amount of sunlight is defined in BS 8206:2008 as follows:

“Interiors in which the occupants have a reasonable expectation of direct sunlight should receive at least 25% of probable sunlight hours. At least 5% of probably sunlight hours should be received in the winter months, between 21 September and 21 March. The degree of satisfaction is related to the expectation of sunlight. If a room is necessarily north facing or if the building is in a densely built urban area, the absence of sunlight is more acceptable than when its exclusion seem arbitrary”

- 10.113 The Council’s Environmental Health Officer was specifically requested to carry out a detailed review of any daylight and sunlight impacts on neighbouring properties who has confirmed that the results of the daylight analyses show that the majority of windows assessed within the Alexia Square/Baltimore Wharf development, Aegon House and Nos. 2, 4, 6, 13 and 17 Pepper Street would comply with the BRE guide levels.
- 10.114 Whilst certain windows within these buildings and windows serving Balmoral House and Marina Point will experience VSC levels below the guide levels, these impacts are mostly marginal and are typical of higher density urban environments. Importantly, of the 62 windows receiving VSC levels below the guide levels, 57 of the windows will experience only marginal effects (i.e. 92% of the 62 windows in breach of the guide levels will experience VSC levels within 20% of the guidance. Only five of the 415 windows assessed would experience greater losses of daylight and all of these windows would retain more than 56% of their existing VSC levels.
- 10.115 The proportion of properties affected and the level of any losses in excess of BRE guidelines is considered to be relatively low particularly in an urban context, therefore the proposed development is considered to comply with saved Policies DEV1 and DEV2 of Tower Hamlets UDP (1998), Core Strategy Policy SP10 and Policy DM25 of the Managing Development DPD (Submission Version May 2012) with Modifications seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

Microclimate - wind

- 10.116 Wind microclimate is an important factor in achieving quality developments, with appropriate levels of comfort relative to the area being assessed.
- 10.117 The submitted Microclimate – Wind assessment found that the Proposed Development improves the wind condition on site and causes no adverse effects when compared to the baseline condition. The results show that the wind conditions on site, with the Proposed Development in place correspond to the intended use of all spaces tested. Planting incorporated around the child playspace would help improve wind conditions and ensure there are spaces suitable for seating. No other mitigation measures will be required.

Sense of enclosure, outlook and privacy

- 10.118 Policy SP10 of the Core Strategy seeks to protect residential amenity and Policy DM25 of the Managing Development DPD requires development to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook. These policies are further supported by policies DEV1 of the IPG and DEV2 of the UDP.

10.119 In terms of impacts upon neighbouring properties, the residential properties in Pepper Street and Lanark Square are well beyond the acceptable separation distance of 18 metres between directly facing habitable rooms windows required to ensure privacy is maintained in accordance with Policy DM25 of the MANAGING DEVELOPMENT DPD.

Noise and Vibration

10.120 Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of conditions, recognise that development will often create some noise and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

10.121 Environmental Health have raised concerns regarding the quality of residential accommodation proposed due to noise from ground floor commercial uses and the relatively close proximity of the DLR. The applicant has confirmed that the building is able to meet the requirements of BS8233 "Good Internal Noise Design Standard". Conditions are recommended to require reasonable levels of noise insulation, including glazing and adequate acoustic ventilation to meet our requirements, for a good internal living standard.

10.122 Conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management Plan which will further assist in ensuring noise reductions, and requiring the submission for approval of hours of operation for any A1-A5 uses.

10.123 Therefore subject to conditions it is considered that that proposed development would comply with Policy 7.15 of the London Plan, saved policies DEV2 and DEV50 of the UDP, Policies SP03 and SP10 of the CS and Policy DM25 of the Managing Development DPD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources, and the NPPF.

Energy, sustainability and climate change

10.124 At a National level, the NPPF encourages developments to incorporate renewable energy and to promote energy efficiency.

10.125 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green)

10.126 The London Plan 2011 also 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).

10.127 The information provided in the submitted energy strategy is principally in accordance with adopted climate change policies. 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 Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation. The Council's Sustainability & Renewable Energy Team have commented that the proposed development will need to ensure it complies with draft Policy DM29 of the Managing Development DPD (Submission Version May 2012) with Modifications which requires:

- 2011-2013 = 35% CO2 emissions reduction;
- 2013-2016 = 50% CO2 emissions reduction; and
- 2016-2031 = Zero Carbon

- 10.128 The emerging Managing Development DPD, 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. Policy DM 29 also 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 development to achieve a minimum of BREEAM Excellent.
- 10.129 The sustainable development team have no objections to the proposed energy strategy. The development is proposing to minimise emissions through the energy hierarchy:
- Energy efficiency 11.5%
 - CHP 23.3% (15kWe engine)
 - Renewable energy technologies 13.1% (145m2 (26.1kWp) PV)
- 10.130 The cumulative CO2 emission reductions from the proposed measures are >40% compared to building regulation 2010 requirements. This exceeds the London Plan requirements and also policy DM29 of the Managing Development DPD (Submission version May 2012) with Modifications.
- 10.131 The proposals are for Code Level 4 and this is supported by the Council's Sustainable Development team. It is recommended that the energy and sustainability proposals are secured through the following Conditions:
- Delivery of site wide space heating and hotwater system incorporating a ~15kWe CHP engine
 - Delivery of a minimum of 145m2 (26.1kWe) photovoltaic array
 - Submission of the final Code for sustainable homes certificates within 6 months of occupation of the development.

Air Quality

- 10.132 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP, Policy SP02 and SP10 of the CS and Policy DM9 of the Managing Development DPD seek to protect the Borough from the effects of air pollution.
- 10.133 The statutory review and assessment of local air quality within the LBTH resulted in the entire Borough being declared an Air Quality Management Area (AQMA).
- 10.134 The submitted air quality assessment demonstrates that air quality impacts arising from demolition and construction dust are predicted to be minor, lasting only for the duration of the demolition and construction phase. An Environmental Management Plan will be prepared for the site prior to the commencement of any onsite works and will be agreed with the Council, which will include a whole suite of measures to reduce dust emissions.
- 10.135 It is considered that the impacts on air quality are minor and any impacts are outweighed by the regeneration benefits that the development will bring to the area subject to conditions to ensure that dust monitoring during the demolition and construction phase are incorporated as part of the Construction Environmental Management Plan.
- 10.136 As such, the proposal is generally in keeping Policy 7.14 of the London Plan, Policy DEV2 of the UDP, Core Strategy Policy SP02, Policy DM9 of the Managing Development DPD and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Ground Contamination

- 10.137 In accordance with the requirements of the NPPF, saved UDP Policy DEV51 and Policy DM30 of the Managing Development DPD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 10.138 The Council's Environmental Health Officer has reviewed the documentation and noted that further characterisation of the risks are necessary via a detailed site investigation. A condition to secure further exploratory works and remediation has been requested.
- 10.139 Council records show that the site and surrounding area have been subjected to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated.

Flood Risk

- 10.140 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy relate to the need to consider flood risk at all stages in the planning process.
- 10.141 The application site lies within Flood Risk Zone 3, which is means land in "areas at risk of flooding" as stated within the Technical Guidance to the National Planning Policy Framework. With reference to Table 2 of the Technical Guidance to the National Planning Policy Framework an office use is classified as a 'less vulnerable' use whilst a residential use would be 'more vulnerable' use. However, it is noted that the residential users would be located above ground floor level. As such, it is considered that the proposal would not result in any significant increase in the incidence of flooding for occupiers, in accordance with policy SP04(5) of the Core Strategy(2010), saved Policy U2 in the Unitary Development Plan(1998) and policy DEV21 in the Interim Planning Guidance (2007). The above policies seek to minimise the impact of flooding.

Health Considerations

- 10.142 Policy 3.2 of the London Plan 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.
- 10.143 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles and enhance people's wider health and well-being.
- 10.144 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.
- 10.145 The applicant has agreed to a financial contribution of £89,000 to be pooled to allow for expenditure on health care provision within the Borough.

10.146

The application will also propose public open spaces within the site. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby. This new open space will complement the surrounding area by introducing a new public square and potential route through to existing open space.

- 10.147 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Planning Obligations

- 10.148 Planning Obligations Section 106 Head of Terms for the proposed development at the Turnberry Quay site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

- 10.149 The NPPF requires that planning obligations must be:

- 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.

- 10.150 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

- 10.151 Securing appropriate planning contributions is further supported by saved policy DEV4 of the UDP and Policy IMP1 of the Council's IPG and policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 10.152 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
- Environmental Sustainability

- 10.153 In order to ensure that the proposed development is deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council and through the course of negotiations the proportion of affordable housing has been secured at 32.1% affordable housing based on an affordable rent at Tower Hamlets preferred target rent levels (as set out in the Managing Development DPD (Submission Version)) to intermediate split of 61.5% and 38.4% respectively. In addition since the application was submitted the applicant has agreed to increase the contributions towards the priorities set out in the Tower Hamlets Planning Obligations SPD (2012) and TfL requests from £355,980 to £636,007. The independent advice agrees with the applicant's

viability assessment which has demonstrated that the scheme can provide 32.1% affordable housing with a 68:32 split between the affordable rented and intermediate accommodation through introducing minor adjustments to the internal layout. This is the maximum level of affordable rented accommodation the scheme can accommodate without a more significant overhaul of the internal layout.

10.154 If the priorities and standard calculations set out in the Planning Obligations SPD are applied to the proposed development the following contributions should be sought to mitigate the impact of the proposals. Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development DPD (Submission Version May 2012) with Modifications and Planning Obligations SPD (2012).

Tower Hamlets SPD priority and TfL requests	Standard SPD contribution and TfL request	Applicants Offer
Primary education	£155,315	£155,315
Secondary education	£98,930	£98,930
Employment, training and enterprise	£19,961	£19,961
Public Open Space	£121,295	£121,295
Smarter Travel	£2,630	£2,630
Leisure Facilities	£58,537	£58,537
Idea Stores, Libraries and Archives	£19,045	£19,045
Primary Health Care	£117,338	£89,000
Standard monitoring charge	£11,861	£11,294
TfL local bus services	£53,400	£60,000
Tfl Cycle Hire Docking Station	£30,000	
DLR Contribution	Proportionate contribution requested	
TOTAL	£688,312	£636,007

Table 5 – Proposed planning obligations

10.155 Also factored into this is financial contribution secured through planning obligations (s106) of £637,207 and in addition to this the proposed development would be liable for the Mayor of London's CIL charge of approximately £156,590.

10.156 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

Non-Financial Obligations

- a) 32.1% affordable housing, as a minimum, by habitable room

- 68% Affordable rent;
- 32% Intermediate housing (shared ownership);
- b) Support for existing business relocation;
- c) Local training, procurement and access to employment strategy (20% local goods and services procurement; 20% local employment during construction and 20% target for jobs created within the development);
- d) On street parking permit free development;
- e) Travel plan;
- f) Code of Construction Practice;
- g) Commitment to dockside public realm improvement scheme including 24 hour public access.

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

10.157 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:

10.158 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.

10.159 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.

10.160 In this context “grants” might include:

- a) New Homes Bonus;

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

10.162 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

10.163 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £156,590

10.164 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual Council Tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council Tax that each unit would generate over a rolling six year period.

10.165 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is

implemented/occupied without any variations or amendments, this development is likely to generate approximately £135,000 in the first year and a total payment £811,000 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

- 10.166 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.167 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:-
- 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;
 - 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".
- 10.168 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.
- 10.169 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.
- 10.170 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.
- 10.171 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.172 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.
- 10.173 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

10.174 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.

10.175 The contributions towards various community assets/improvements 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 community wellbeing and social cohesion.

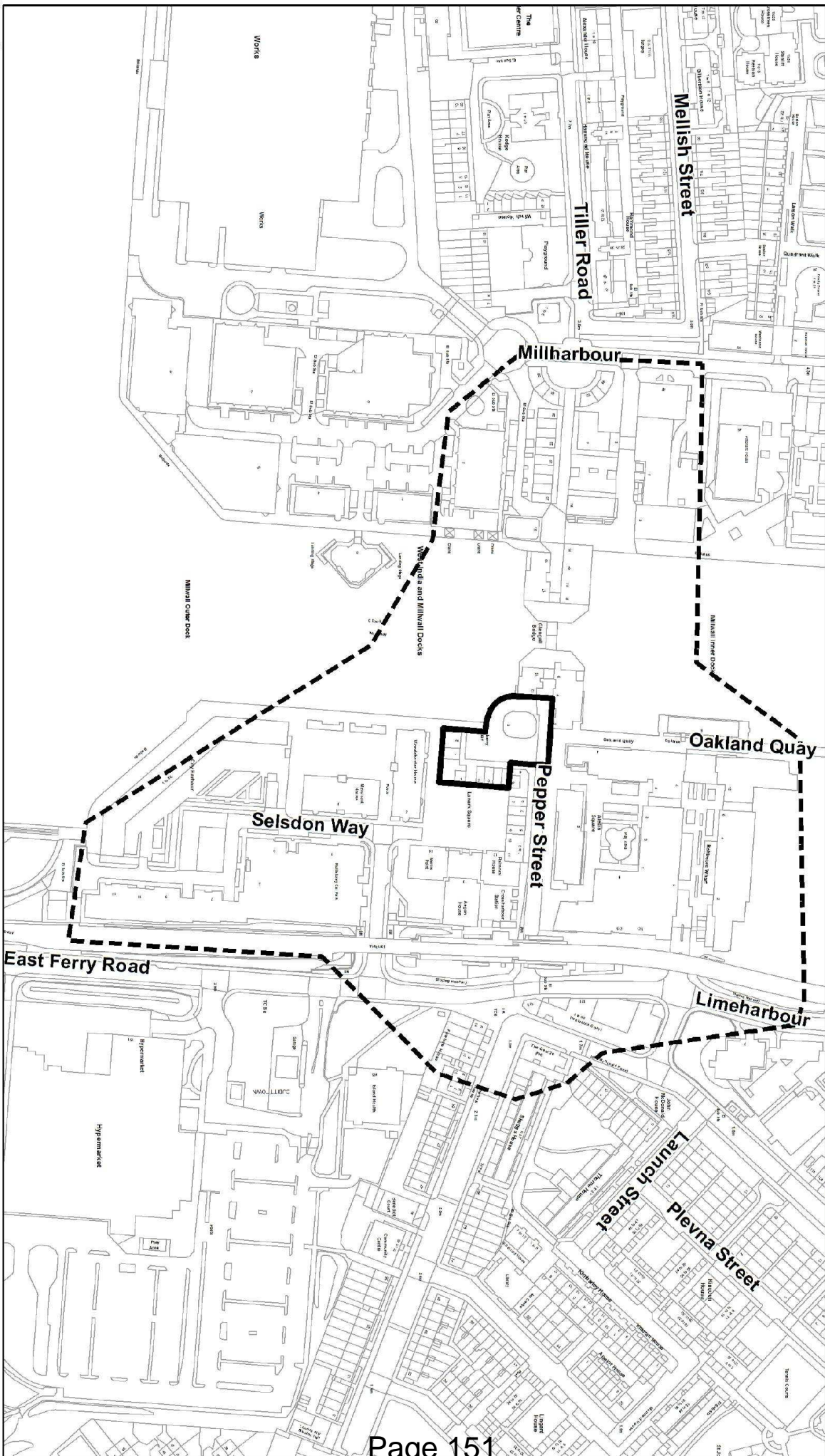
10.176 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

10.177 The community related uses and contributions (which will be accessible by all), such as the improved public open spaces, play areas and youth club, help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

10.178 The contributions to affordable housing support community wellbeing and social cohesion.


11 CONCLUSIONS


11.1 All 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.



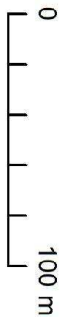
 Planning Application Site Boundary

 Locally Listed Buildings

 Consultation Area

 Statutory Listed Buildings

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 2013 Ordnance Survey, London Borough of Tower Hamlets 100019288



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