

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 15 May 2014 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Helal Abbas
Vice Chair : Councillor Marc Francis
Councillor Rajib Ahmed, Councillor Carli Harper-Penman, Councillor Denise Jones,
Councillor Zara Davis, Councillor Dr. Emma Jones, Councillor Kabir Ahmed and
Councillor Md. Maium Miah

Deputies:

Councillor Joshua Peck, Councillor Khaled Uddin Ahmed, Councillor Judith Gardiner,
Councillor Tim Archer, Councillor Peter Golds and Councillor Shahed Ali

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 13 May 2014**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Wednesday, 14 May 2014**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: Zoe.Folley@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

Scan this code for
electronic agenda:



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

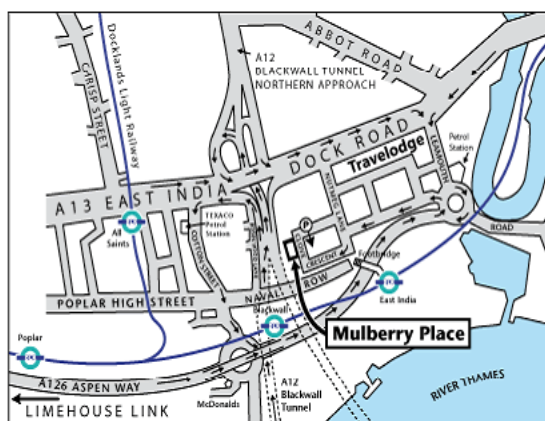
Audio/Visual recording of meetings.

No photography or recording without advanced permission.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: 15, 277, 108, D6, D7, D8 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf .

Car Parking: There is limited visitor pay and display parking at the Town Hall (free from 6pm)

If you are viewing this on line:(http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda.



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, Apple and Android apps.



QR code for smart phone users

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 14)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 10th April 2014.

4. RECOMMENDATIONS

To RESOLVE that:

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

5. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 15 - 16)

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee and meeting guidance.

**PAGE
NUMBER** **WARD(S)
AFFECTED**

6. DEFERRED ITEMS

Nil Items.

7. PLANNING APPLICATIONS FOR DECISION

17 - 18

7 .1 11 Westferry Circus, London E14 (PA/14/00465)

19 - 32

Millwall

Proposal: Change of use of the part ground, sixth and seventh floors from offices (Class B1) to Family law court (Class D1)

Recommendation: To GRANT planning permission subject to any direction by the London Mayor, prior completion of a legal agreement, conditions and informative(s).

Next Meeting of the Strategic Development Committee

Thursday, 3 July 2014 at 5.30 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

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>

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 10 APRIL 2014

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

Members Present:

Councillor Helal Abbas (Chair)
Councillor Marc Francis (Vice-Chair)
Councillor Rajib Ahmed
Councillor Zara Davis
Councillor Dr. Emma Jones
Councillor Kabir Ahmed
Councillor Md. Maium Miah
Councillor Khales Uddin Ahmed
(Substitute for Councillor Carli Harper-
Penman)
Councillor Judith Gardiner (Substitute for
Councillor Denise Jones)

Other Councillors Present:

Councillor Shahed Ali
Councillor Abdul Asad

Apologies:

Councillor Carli Harper-Penman and Councillor Denise Jones

Officers Present:

Jerry Bell	(Applications Team Leader, Development and Renewal)
Paul Buckenham	(Development Control Manager, Development and Renewal)
Jane Jin	(Planning Officer, Development and Renewal)
Katie Cooke	(Planning Officer, Development and Renewal)
Jen Pepper	(Affordable Housing Programme Manager, Development and Renewal)
Fleur Brunton	(Senior Lawyer - Planning, Directorate, Law Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillors Helal Abbas, Rajib Ahmed and Khales Uddin Ahmed declared an interest in agenda item 6.2, 100 Whitechapel road and land rear at Fieldgate Street & Vine Court (PA/13/3049). This was on the basis that the Councillors had received correspondence from interested parties in relation to the application.

Councillor Kabir Ahmed declared an interest in agenda item 6.2, 100 Whitechapel road and land rear at Fieldgate Street & Vine Court (PA/13/3049). This was on the basis that the Councillor was a Board Member of Tower Hamlets Community Housing.

Councillor Zara Davis declared an interest in agenda item 6.3 Heron Quays West, Heron Quay, London, E14 (PA/13/3159). This was on the basis that the Councillor had received hospitality from an interested party.

Councillor Md. Maium Miah declared an interest in agenda items 6.1 Suttons Wharf North, Palmers Road, London (PA/13/02938) and 6.3 Heron Quays West, Heron Quay, London, E14 (PA/13/3159). This was on the basis that the Councillor was a Board Member for the One Housing Group in respect of item 6.1 and had received hospitality from an interested party in respect of item 6.3.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Strategic Development Committee held on 25th February 2014 and the extraordinary meeting of the Strategic Development Committee held on 13th March 2014 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so,

provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. PROCEDURE FOR HEARING OBJECTIONS

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

5. DEFERRED ITEMS

Nil items.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Suttons Wharf North, Palmers Road, London (PA/13/02938)

Update Report tabled.

Jerry Bell (Applications Manager, Development and Renewal) introduced the application for a variation of the Planning Permission to seek minor material amendments to the approved Block A of the Suttons Wharf North development.

The Chair then invited registered speakers to address the Committee.

Dr Stephen Goldup spoke in objection to the proposal. He objected to the proposed increase in density of the development. The proposal exhibited signs of overdevelopment and would worsen anti social behaviour. The figures regarding density were inaccurate. He also questioned the impact on the proposed health care facility on site from the plans that was supposed to mitigate the increase in population. The survey of doctor covering the area was inaccurate. Some were not accepting new patients. The proposal would remove all retail space in Block A. However, this had not been given proper consideration.

Iain Rhind and Justine Elcombe (Applicant's Agents) spoke in support of the scheme (dividing the allocated three minutes). The speakers explained the nature of the amendment. The changes were minor in nature and there was adequate infrastructure to support the scheme (public transport, health facilities). The new units would be car free. The proposed health care facility would be re-provided in accordance with the NHS requirements. The population density figures were based on survey evidence.

There would only be a small increase in child yield. The affordable housing across the scheme exceeded policy. The applicant had increased the s106 to reflect the variation. In summary, the applicant had listened to the Committee views on the scheme. It was recommended that the scheme is approved. In response to the Committee, it was explained that the NHS were satisfied with

the plans regarding the health facility with responsibility for the lease of the unit.

Jane Jin (Planning Officer, Development and Renewal) presented the report and the update. She explained the nature of the plans relating to Block A, including the changes to the internal layout, the amenity space and the revised housing mix (taking into account the recent changes to the scheme). Overall, the percentage of affordable housing across the entire scheme continued to be acceptable totalling 45%. Members were also advised of the plans to rationalise the D1 use with the largest space reserved for NHS use in accordance with their requirements. The Committee were also informed of the planning obligations. Officers were recommending that the planning permission be granted.

In response, Members stressed the need for some type of barrier or landscaping around the canal side walkway for safety reasons. Officers agreed to explore this further and to secure a suitable barrier as part of the conditions with the Canal and River Trust and will review previous details secured through a planning condition.

In response to questions, it was confirmed that the units complied with the relevant standards. There would be sufficient car parking around the site to accommodate the need for the doctors surgery.

Officers also clarified the percentage of affordable housing secured at an earlier stage. The overall offer exceeded policy. The housing tenure of the overall development would be mixed and balanced.

On a unanimous vote the Committee **RESOLVED**

That Application under s.73 of the Town and Country Planning Act at Suttons Wharf North, Palmers Road, London (PA/13/02938) be **GRANTED** for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Block A of the Suttons Wharf North development comprising:

- Removal of one ground floor links between Block A2 and A3 and the creation of separate D1 Use Class units (390sq.m; 280sq.m; and 1035sq.m);
- Insertion of an additional internal floor level (no resulting increase of heights to the consented buildings);
- Alterations to the dwelling mix within Block A, resulting in a net increase of 41 residential units
- Other associated external changes

SUBJECT to the variation to the legal agreement to secure the additional planning obligations, conditions and informative(s) set out in the committee report.

6.2 100 Whitechapel road and land rear at Fieldgate Street & Vine Court (PA/13/3049)

Update Report tabled.

Jerry Bell (Applications Manager, Development and Renewal) introduced the application at 100 Whitechapel road and land rear at Fieldgate Street & Vine Court for a mixed used development.

The Chair then invited registered speakers to address the Committee.

Mr Mohammed Zabadne spoke in support of the application as the applicant. (Note: With the agreement of the Chair, Mr Zabadne addressed the Committee for six minutes (having been given an additional three minutes in view of language and hearing difficulties). He described the benefits of the scheme including high quality housing and improvements to the Mosque. He highlighted the strength of the local support and that there had been very few objections. The Greater London Authority considered that the scheme was acceptable in principle and complied with the London Plan. The plans also complied with the Council's planning policy for the area. The Council had approved similar developments in the area. The density and affordable housing offer was acceptable.

Mr Zabadne challenged each reason for refusal, drawing attention to the resubmitted information. He challenged the evidence supporting the suggested reasons and considered that the concerns could be dealt with by condition. In response to the Committee, he confirmed that Tower Hamlets Community Housing were supportive of the scheme given the level of new affordable housing.

Councillor Shahed Ali spoke in support of the scheme as a local ward Councillor. He considered that the plans would be in keeping with the area given it was mixed in nature. The current use was an eyesore. The scheme would improve the permeability of the site, provide local jobs, 29% affordable housing, much needed family housing and public realm improvements. The housing mix and amenity impacts were not uncommon for a development in this area. Councillor Ali highlighted the plans for the Mosque to support inclusive community events.

In response to questions, Councillor Ali further explained the benefits of the scheme to the local area. The scheme would generate local employment, vastly regenerate the site and encourage business. He noted the issues around the child play space. However, he considered that the offer should be sufficient given the expected child yield and the amount of play space and facilities nearby. Not all approved schemes met the requirements in this regard.

Councillor Abdul Asad also spoke in support of the application as the local ward Councillor. He also highlighted the potential benefits of the scheme to

the local area and that aspects accorded with the visions of the Council's area Masterplan. The applicant had played an active role in transforming the local community and supporting community projects. They were committed to serving the local community. He also welcomed the plans for the Mosque highlighting their work in the community. These proposal would facilitate such work. Councillor Asad recommended the application for approval.

Paul Buckenham (Development Manager, Development and Renewal) presented the application. Firstly he drew attention to the tabled update report which amongst other matters, reported the removal of the concerns about servicing following the submission of further information (Paragraph 3.6) as well as minor changes to the reason at Paragraph 3.3 and an additional reason relating to the contributions.

He explained the site location and surrounds, the outcome of the local consultation and gave a summary of the whole proposal. Officers had no objections to the development of the site in principle and the proposed Mosque extension.

He reminded Members of the reasons for refusal around: the housing mix, design, standard of residential accommodation, the amenity impact, amenity space, the waste plans, fire safety, the impact on noise and air quality. He also explained the concerns about the viability assessment given the lack of information to confirm the outputs. As a result, the viability of the proposed affordable housing could not be properly tested.

Officers were recommending that the planning permission be refused.

Questions.

Members asked questions about the following issues:

- The letters in support and the issues raised; whether any of the neighbours most affected by the proposal had raised objections.
- The impact of the proposal on the neighbouring buildings.
- The Police concerns about the proposed link road in terms of crime.
- The views of the Fire Authority in relation to access.
- The concerns about the height, bulk, design, the quality of the residential accommodation, the child play space and amenity space. Further clarification was sought on these concerns.
- Whether the affordable housing offer could be made a requirement of the application.
- The discussions with the applicant to overcome the concerns.
- Current land use.

Officers Response.

In response, Officers highlighted the concerns about the residential units given the number of single aspect units, the light failings, the privacy issues

and the separation distances. This would create a sense of enclosure and affect quality of life both for future occupants and the neighbours. It was felt that collectively the amenity impacts were a major issue.

Whilst there were a number of representations in support, the letters of objection were very detailed. No representations had been received from the neighbouring Tower House that would be most affected. Nevertheless, the impact on this development was still a material consideration.

Officers supported the plans to improve the permeability of the site in principle. If approved, further consideration would need to be given to addressing the concerns about anti-social behaviour as detailed in the report and update. Consideration had been given to the amended plans from the applicant regarding fire access. However, the Fire Authority considered that the proposals did not comply with building regulations in this regard as stated in the update.

There were concerns about the height, scale and the design of the development in relation to the setting of the area and the nearby Conservation Area. Officers explained the nature of these concerns. The advice from the Council's Design and Conservation Area Officer was that the development would fail to enhance the setting of these areas. It was also considered that the child play space was deficient in terms of quality and quantity.

There had been a number of meetings with the applicant to consider the issues. The application had been amended in view of this. Tower Hamlets Community Housing were supportive of the scheme having regard to the level of affordable housing. There were issues with both the quality of the affordable and private units. The requirements around the level of affordable housing would normally be dealt with through the s106 Agreement. However, there was insufficient information to assess whether the maximum amount of which had been secured.

Comments

Members then made a number of comments about the suitability of the design in relation to the surrounding area. The view was expressed that this very much depended on the view point and it could be seen as appropriate from certain angles. Members also expressed support for the redevelopment of the site as it was considered to be an 'eyesore'. It was also considered that the height of the development would be in keeping with the area given the number of similar high - rise developments in the area.

Members also stressed the need for developments of this type in the Borough given the housing demand and that the activities from the Mosque could decrease anti-social behaviour. The concerns of the Police could be addressed by condition. Furthermore, the option of roof top play space was a common feature of many approved schemes

On a vote of 4 in favour of the Officer recommendation to refuse planning permission and 5 against, the Committee **RESOLVED**:

That the Officer recommendation to refuse planning permission at 100 Whitechapel road and land rear at Fieldgate Street & Vine Court (PA/13/3049) be **NOT ACCEPTED** for the demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 223 dwellings (comprising 48 studios; 91 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.

The Committee were minded to approve the application due to the following reasons:

- That the proposal would provide additional affordable and private housing in the Borough and would meet the requirements in policy regarding inclusive access.
- That the concerns around the child play space could be mitigated by improving the quality of the amenity space provided elsewhere in the scheme recognising the site constraints.
- That the impact on daylight and sunlight was marginal recognising the site constraints and the Borough's density levels.

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 approval and conditions on the application.

The Councillors that voted on this item were Councillors Helal Abbas, Marc Francis, Rajib Ahmed, Khaled Uddin – Ahmed, Judith Gardiner, Zara Davis, Dr Emma Jones, Kabir Ahmed, Md Maium Miah.

6.3 Heron Quays West, Heron Quay, London, E14 (PA/13/3159)

Update Report tabled.

Councillor Md. Maium Miah left the meeting before the consideration of this item.

Jerry Bell (Applications Manager, Development and Renewal) introduced the application at Heron Quays West, Heron Quay, London, for outline planning permission for the demolition of existing building and the construction of a new office lead development.

Katie Cooke (Planning Officer, Development and Renewal) presented the report and the update. Ms Cooke explained the key features of the proposal including the site and surrounds, the planning history, the outcome of the local consultation, the height, floor plans and the controls documents to secure a high quality building at reserved matters stage including the detailed design. She highlighted the successful plans to relocate existing on site occupants near the site.

It was considered that the impact on amenity was acceptable. The Council's Highway Services and Transport for London had no concerns with the scheme subject to the mitigation.

Members also noted the proposed contributions (the s106 agreement and the Community Infrastructure Levy) pending finalisation when the final details of the scheme were known. The Council's Planning Contributions Panel were supportive of this approach. The application accorded with policy and was recommended for approval.

In response to Members, it was confirmed that Officers had met with National Grid to confirm that there were no hazardous installations near the site. Their comments in the report about this were generic. Officers also clarified the status of the listed dock.

Details of the contributions for the Borough were set out in the report.

On a vote of 6 in favour 1 against, and 1 abstention, the Committee **RESOLVED:**

1. That outline planning permission (all matters reserved) at Heron Quays West, Heron Quay, London, E14 (PA/13/3159) be **GRANTED** for the demolition of existing buildings and structures and erection of a new building with a maximum height of 191.5 metres AOD comprising a maximum of 129,857 square metres GIA of office floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floor space (Use Class A1, A2, A3, A4 and A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works SUBJECT to
2. Any direction by the Mayor
3. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated authority to recommend conditions and informatives on the planning permission to secure the matters set out in the Committee report.

The meeting ended at 9.40 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Agenda Item 7

Committee: Strategic Development	Date: 15 th May 2014	Classification: Unrestricted	Agenda Item No:
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. HEAD OF 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 London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 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 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.

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

- 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 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.
- 3.7 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.
- 3.8 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 an earlier Agenda Item.

5. RECOMMENDATION

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

Agenda Item 7.1

Committee: Strategic Development	Date: 15 th May 2014	Classification: Unrestricted	Agenda Item Number:
---	---	--	----------------------------

Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Iyabo Johnson	Ref No: PA/14/00465
	Ward: Millwall

1. APPLICATION DETAILS

Location:	11 Westferry Circus, London E14
Existing Use:	Office Use (Use Class B1)
Proposal:	Change of use of the part ground, sixth and seventh floors from offices (Class B1) to Family law court (Class D1)
Drawing and documents:	Site location plan; WFC-ATK-01-GF-A-DR-0001 Rev 01; WFC-ATK-01-06-A-DR-0002 Rev 01; WFC-ATK-01-07-A-DR-0003 Rev 01; Design and Access Statement prepared by Jones Lang LaSalle dated February 2014; Travel Plan prepared by AECOM dated April 2014; Planning Statement prepared by Jones Lang LaSalle dated February 2014 Letter from Ministry of Justice dated 20 February 2014
Applicant:	Ministry of Justice
Ownership:	Union Investment Real Estate GmbH Clearstream International UK
Historic Building:	N/A
Conservation Area:	N/A

2. EXECUTIVE SUMMARY

- 2.1. This application is reported to the Strategic Development Committee as the proposal is departure from the Development Plan.
- 2.2. This application is referable to the London Mayor under Category 3E of the Schedule to the London Mayor Order 2008: 'Development – a) which does not accord with one or more provisions of the development policies force in the area in which the application site is situated; and b) comprises or includes the provision of more than 2,500sq.m of floorspace for a use falling within any of the classes in the Use Classes Order – xi) class D1 (non-residential institutions).

- 2.3. The local planning authority has considered the particular circumstances of this application against the Development Plan and other material considerations as set out in this report and recommends approval of planning permission.
- 2.4. Officers consider, on balance, the proposed D1 use as a law court would maintain the employment levels and sustain an office environment to a degree which would not undermine the function and the role of the Canary Wharf Preferred Office Location.
- 2.5. The proposed specific D1 use as a law court would be an appropriate civic use within the Canary Wharf major town centre.
- 2.6. The proposal would provide work placement programmes to the local residents to increase access to employment in office roles in Canary Wharf.

3. **RECOMMENDATION**

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by the London Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:
 - a) Target of 20% local employment for construction phase (for the 18 week internal fit-out);
 - b) A minimum of one careers outreach event with local schools a year for a maximum period of 3 years and thereafter reviewed;
 - c) Two work experience placements during 18 week internal fit out working with the Council's Employment & Skills Service for the recruitment of local residents;
 - d) Eight un-paid work experience placements per year for 4-6 weeks for Tower Hamlets residents, aged 18-24, for first two years post occupation and then subject to review;
 - e) Commitment to agree school age local work experience programme, including two week work experience placements for students attending schools in Tower Hamlets in consultation with Tower Hamlets Education Business Partnership;
 - f) The Council's Employment and Skills Service to be notified of the direct entry vacancies as and when they are launched for it to be also advertised through Skillsmatch.
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:
- 3.6. **Conditions**
 - 1) Limit D1 use to law court only
 - 2) Compliance with approved plans
 - 3) Travel Plan (with cycle parking monitoring)
- 3.7. **Informatives**

- 1) Planning permission required for any external changes
- 2) Planning permission subject to Section 106 legal agreement

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The proposal is for a change of use of three floors in an existing B1 office building at 11 Westferry Circus to Use Class D1 as a law court.
- 4.2. The proposal will involve the conversion of existing 3103.5sq.m of B1 office space to D1 Use as a family law court.
- 4.3. The applicant is the Ministry of Justice. The applicant is seeking to use the application site for this D1 Use on a permanent basis.
- 4.4. There are no external changes proposed however internal re-configuration and alterations would be required to accommodate the D1 law court use.

Site and Surroundings

- 4.5. The application site comprises part of the ground floor, sixth and seventh floor levels of a nine storey office building which is bounded by a private piazza to the north, a private road at Columbus Court Yard to the east, a private road at West India Avenue to the south, and a private road at Westferry Circus to the west.
- 4.6. The building has a curved front façade owing to its frontage on to the Westferry Circus. The ground floor is currently occupied by a restaurant (use class A3) but has planning permission for retail (A1), restaurant (A3) and financial professional services (A2).
- 4.7. The site falls within the spatial policy designations Canary Wharf Preferred Office Location (POL) and Canary Wharf Major town centre identified within the London Plan 2011 and the Council's Core Strategy 2010.
- 4.8. The proposal site is not located within a Conservation Area and the site and surroundings include no Statutory Listed Buildings. The site lies within Flood Risk Zone 3.

Relevant Planning History

11 WestferryCircus

- 4.9. On 1 November 2004, the local planning authority **granted** planning permission for a *change of use relating to part of the ground floor, from office (B1 use) to financial and professional services (A2 use), and minor alterations to West India Avenue frontage to create a new pedestrian access door.*
- 4.10. On 15 March 2011, the local planning authority **granted** planning permission for a *change of use of part of the ground floor from Class B1 offices to mixed use comprising Class A3 restaurant use with associated outdoor seating area at the north side of the site and Class A1 retail or A2 financial and professional services use.*

Surrounding Area

- 4.11. *Exchange Tower, 1 Harbour Exchange Square*

On 5 September 2013, the local planning authority **granted** planning permission for a *change of use of B1 (Business) to D1 Non-residential institutions (law court) of the ground floor (Building 2) and first floor (Building 1 and 2)*. This application was also submitted on behalf of the Ministry of Justice. However the applicant has been unable to occupy building and implement their permission due to extenuating circumstances. The need for alternative premises has led to the submission of this application.

4.12 *Ground Floor, 1 Westferry Circus*

On 6th March 2014, the local planning authority **granted** planning permission for a change of use from office (B1) to private medical centre (D1).

5. POLICY FRAMEWORK

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

5.2. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)

5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) the Revised Early Minor Alterations to the London Plan published 11th October 2013; and Draft Further Alterations to the London Plan (consultation edition 2014)**

- 2.10 Central Activities Zone – Strategic Priorities
- 2.11 Central Activities Zone – Strategic Functions
- 2.13 Opportunity Areas and Intensification Areas
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 4.1 Developing London’s economy
- 4.7 Retail and town centre development
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 8.2 Planning obligations

5.4. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.5. **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM8 Community infrastructure
- DM15 Local job creation and investment
- DM16 Office locations

DM20 Supporting a sustainable transport network
DM22 Parking
DM25 Amenity

5.6. **Supplementary Planning Documents**
Planning Obligations SPD – LBTH – January 2012

5.7. **Tower Hamlets Community Plan**
The following Community Plan objectives relate to the application:

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

6. **CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

Greater London Authority (Stage 1 Response)

6.3. The proposal does not raise any strategic planning issues. Loss of office floorspace is acceptable in this instance as it is necessary to provide an essential civic function which will complement the Major Town Centre designation of Canary Wharf.

No requirement for a Stage 2 referral.

Transport for London

6.4. The proposal raises no strategic transport issues. Recommendation that a travel plan be secured.

6.5. *Officer Comment: A condition requiring the submission of a travel plan would be imposed if planning permission is granted.*

LBTH Economic Development

6.6. No objection in principle subject to local employment, training, work experience and outreach programmes and targets to be agreed and secured as planning obligations.

LBTH Transportation &Highways

6.7

- Request for further information on parking allocation and in particular provision for disabled car users.
- Request for further detail on cycle parking provision.
- Concern that alternative D1 use (i.e. education) could generate higher trip rates. Suggestion that D1 use be restricted to a law court if planning permission is granted.
- Query over use of specialised high security vans in connection with the law court use.

[Officer Comment: The applicant has provided further information on the car parking arrangements and has confirmed the dimensions of the disabled parking spaces. This has been reviewed by the Highways Officer and is considered acceptable. Similarly, further details of the cycle parking arrangement have been reviewed and are also satisfactory. In the interests of highway capacity and the protection of the viability of the town centre and POL, a condition restricting the D1 use to law courts would be imposed if planning permission is granted. Lastly, the proposed court is to be a family court where cases of a civil and not criminal nature will be heard. Therefore, there will be no requirement for high security vehicles and associated infrastructure.]

7. LOCAL REPRESENTATION

- 7.1. A total of 19 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 on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses 2 Objecting: 2 Supporting: 0
No of petitions received: 0

- 7.2 Both objections originate on behalf of the occupiers of 20 Columbus Courtyard which lies to the immediate east of the site. The concerns raised relate to the proposed public access from the rear of the site which would face a main entrance to the building at Columbus Courtyard. Specific concerns about the congregation of users of the law court under the sheltered entrance to 20 Columbus Courtyard are raised.

[Officer Comment: It is acknowledged that the siting of a public entrance to the rear may lead to an increase in the number of people congregating in the unsegregated space between the application premises and 20 Columbus Courtyard. However, it is not considered that this issue is serious enough to warrant a refusal of the application. The proposed D1 use will yield a lower employment density than the existing B1 use and therefore this combined with the level of visiting members of the public to the premise is likely to have minimal impact when compared with the existing activities. So, whilst the proposal seeks to create a public access from the rear, this is considered acceptable on balance. Additionally, a reasonable level of street activity is to be expected in a commercial environment in a major town centre. Officers do not consider that the proposed arrangement would impede vehicular and pedestrian movements along the public highway.]

8. MATERIAL PLANNING CONSIDERATIONS

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

- ⊗ Land Use
- ⊗ Transport, Connectivity and Accessibility
- ⊗ Amenity
- ⊗ Planning obligations
- ⊗ Human Rights
- ⊗ Equalities

Land Use

- 8.2. The proposal is to convert the existing 3,103.5 sq.m of office floor space to a law court in a D1 use. The proposal would see the loss of large quantum of office floor space within the Council's Preferred Office Location.

Loss of B1 use

- 8.3. Employment uses are managed in accordance with SP06 of the Core Strategy, which seeks to ensure job opportunities are provided and maintained. Policy SP06 in the adopted Core Strategy (2010) state that larger floor plate offices should be focussed in Preferred Office Locations (POLs).
- 8.4. This is further reiterated in the Managing Development Document (MDD) policy DM16, which states that 'developments resulting in the net loss of office floor space in POLs will not be supported'. This is in the interests of protecting the integrity of employment uses in the Borough and ensuring that land remains available to deliver both local and strategic economic aspirations.
- 8.5. In terms of strategic policy, 4.1 of the London Plan (2014) seeks to ensure the availability of a range of workspaces. Policy 4.2 seeks to ensure that the Mayor and Boroughs meet the distinct needs of the central London office market including the north of the Isle of Dogs. The policy also includes an aspiration to consolidate and extend the strengths of office markets throughout London by supporting managed conversion of surplus capacity to more viable complementary uses.
- 8.6. In the case of the application proposal, the applicant has sought to demonstrate why the proposal should qualify for an exemption from policy DM16 and why the loss of B1 office in the Canary Wharf POL is acceptable in this instance.
- 8.7. The applicant has submitted a supporting report which looks at the leasing issues in relation to the current use as an office. The report explains that the site has been vacant for over 24 months despite the Grade A quality of the office space and an exhaustive marketing campaign at competitive rates.
- 8.8. The applicant has sought to suggest that the difficulties in letting the space may be symptomatic of an existing over supply of office floor space in Tower Hamlets. The London Office Review (2012) forecasts a decrease in the demand for large floor plate office space and states that there is a current oversupply of office space in Tower Hamlets.
- 8.9. The National Planning Policy Framework (NPPF) (2012) states that a "*presumption in favour of sustainable development*" should be the golden thread running through all plan making and decision taking.
- 8.10. Paragraph 22 of the NPPF (2012) requires planning policies to "*avoid the long term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for the allocated employment uses, 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.*"
- 8.11. Officers consider that in presenting the case for the loss of office floorspace, the application has paid sufficient regard to prevailing market signals and in doing so provided a basis upon which to justify a change of use.

- 8.12. Whilst there may be marketing justification for an alternative use for this building, it is important that the proposed alternative use provides a supporting role and/or a specialised use that is acceptable in the POL, and therefore the acceptability of the alternative use is a key consideration in this instance. The acceptability of the proposed use is expanded below.

Change of use to Law Court (D1)

- 8.13. London Plan policy 7.1 states that development should be supportive of the local community, improving people's access to facilities and community infrastructure. The policy goes on to state that development should be designed so that the layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure.
- 8.14. The Council's own policy within the Core Strategy SP06 seeks to maximise investment and job creation in the Borough by encouraging employment uses.
- 8.15. Core Strategy policy SP01 states that civic uses will be concentrated in town centres of appropriate scales. Core Strategy policy SP03 states that the Council will provide high-quality social and community facilities by locating such facilities in accessible locations in order that local people can easily use them.
- 8.16. The Council's Managing Development Document policies DM1 and DM8 state that *"new health, leisure and social and community facilities should be located in or at the edge of town centres."*
- 8.17. The applicant is the Ministry of Justice. The applicant has explained that from April 2014, the Government will be implementing reforms to centralise the family court system. In response to these reforms, Her Majesty's Courts and Tribunals Service (HMCTS) have devised a strategy for the provision of a family court in east London.
- 8.18. The need for a dedicated east London court has arisen from significant rise in family justice caseloads within the seven boroughs that will feed work into the proposed court. The provision of a new court within the application site will reduce travelling costs and time for families involved in court proceedings whose cases are currently heard across London at a number of different courts.
- 8.19. The application site location is considered suitable for this type of civic use as the site is well connected with Public Transport providing an accessible location to all; and is within a major town centre which accords with policies DM1 and DM8 of the Managing Development Document (2013).
- 8.20. The proposed community/civic use is considered to be compatible in the POL designation as it would provide a supporting role in providing employment in an office type environment.
- 8.21. Whilst the proposed use would yield a lower employment density (103 D1 jobs versus 258 B1 jobs), officers support the return of vacant office space back to an active employment use which will help to sustain an office environment within the POL. The applicant is committed to working with the Council to provide work placements for Tower Hamlets residents which would be delivered through a Section 106 planning obligation. This will enable the Council mitigate the current underrepresentation of Tower Hamlets residents in office based jobs in Canary Wharf. As a result, the proposal is considered to be an appropriate alternative use within this spatial designation.

- 8.22. The proposal, whilst a departure from the Development Plan, can be supported in this instance, as the proposed use is acceptable in a major town centre and will provide an important community/civic use. On balance, due to the acceptability of the proposed use within the spatial designations, and having regard to the commercial viability of the office use and bringing the site back into a complementary use to the role of the POL and the Canary Wharf major town centre, the proposed D1 use is considered to be acceptable and would accord with employment and town centre policies within the London Plan and the Local Plan.

Transport, Connectivity and Accessibility

Car Parking

- 8.23. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) require development located in areas of good public transport accessibility and/or areas of existing on-street parking street to be secured as 'permit free'.
- 8.24. The proposal includes the provision of on-site car parking which comprises of two amalgamated spaces to provide adequate space for wheelchair users. This level of parking is considered acceptable as the application site is located in an area with good access to public transport, with a Public Transport Accessibility Level (PTAL) of 4.
- 8.25. In relation to securing a car-free agreement, given that the application site is within a private estate road, car-free agreement cannot apply in this instance. Nevertheless, it is considered that the proposal is unlikely to have significant impact to the borough road network.

Cycle Parking

- 8.26. Policy DM22(4) of the Council's adopted Managing Development Document (2013) requires development to meet, and preferably exceed, the Council's minimum standards for cycle parking as set out in Appendix 2 of the document.
- 8.27. The Managing Development Document (2013) contains no specific minimum standard for law courts; however the Council's highways officer has requested that the scheme provide 1 space for every 10 members of staff and one space per 20 peak time visitors. The scheme will provide 12 cycle spaces in the basement together with associated shower and changing facilities. The Council's highways officer considers this arrangement to be acceptable. In addition, any visitors travelling by bicycle will also have access to grade level cycle parking spaces nearby within the Canary Wharf Estate.

Servicing

- 8.28. Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013) seek to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.
- 8.29. The proposed law court would make use of the existing servicing route and be serviced at basement level via an access from West India Avenue. It is likely that the servicing activity for the proposed use would be similar to that of the existing office

use, and given that on-site facilities are available, it is unlikely to generate significant net additional impact to the highway network.

- 8.30. Taking into account the above it is considered that the proposed servicing arrangement for the proposed use is acceptable and would not have an unacceptable impact on the capacity and safety of the transport network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's Managing Development Document (2013).

Refuse and Recyclables Storage

- 8.31. Policy 5.17 of the London Plan (2011) requires all new developments to include suitable waste and recycling storage facilities. Policy SP05(1) of the Council's adopted Core Strategy (2010) and Policy DM14(2) of the Council's adopted Managing Development Document (2013) seek to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 8.32. The proposed development includes a designated refuse store within the site, which can be collected off the highway. Officers consider the proposed arrangement to be acceptable.

Planning Obligations

- 8.33. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- § Necessary to make the development acceptable in planning terms;
- § Directly related to the development; and
- § Are fairly and reasonably related in scale and kind to the development.

- 8.34. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

- 8.35. 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.

- 8.36. The document also set out the Borough's key priorities being:

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

- 8.37. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

- 8.38. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as

health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured. In the case of the proposed development, officers do not consider that the proposed change of use would place an additional demand on local infrastructure over and above the existing use which would in any case yield a higher employment density. This is why financial contributions have not been sought in this instance.

8.39. As improving access to employment is strategic priority for the Council, officers have sought to secure various in kind obligations to maximise the employment benefits of the scheme for Tower Hamlets residents. Tower Hamlets residents are disproportionately under represented among the Canary Wharf workforce, particularly in professional and office based roles. The obligations that have been agreed will seek to provide access to jobs and training associated with the proposed development for Tower Hamlets residents.

8.40. The heads of terms agreed are as follows:

- a) Target of 20% local employment for construction phase (for the 18 week internal fit-out);
- b) A minimum of one careers outreach event with local schools a year for a maximum period of 3 years and thereafter reviewed;
- c) Two work experience placements during 18 week internal fit out working with the Council's Employment & Skills Service for the recruitment of local residents;
- d) Eight un-paid work experience placements per year for 4-6 weeks for Tower Hamlets residents, aged 18-24, for first two years post occupation and then subject to review;
- e) Commitment to agree school age local work experience programme, including two week work experience placements for students attending schools in Tower Hamlets in consultation with Tower Hamlets Education Business Partnership;
- (f) The Council's Employment and Skills Service to be notified of the direct entry vacancies as and when they are launched for it to be also advertised through Skillsmatch

8.41. The above obligations have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

Local Finance Considerations

8.42. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

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

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

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

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

- 8.45. These issues are material planning considerations when determining planning applications or planning appeals.
- 8.46. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. 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.
- 8.47. There would be no CIL payment associated with this development as the proposal does not create any new additional floor space.

Human Rights

- 8.48. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-
- 8.49. 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".
- 8.50. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.51. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.52. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.53. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

- 8.54. 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 obligations to be entered into.

Equalities

- 8.55. 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.
- 8.56. 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.
- 8.57. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations. The Court will be open to all and provide appropriate access and parking for people with disability.

9. CONCLUSION

- 9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in **RECOMMENDATION** section of this report.

Appendix 1: Application site map

