

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 10 March 2016 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 Marc Francis
Vice Chair : Councillor Danny Hassell
Councillor Helal Uddin, Councillor Asma Begum, Councillor Andrew Cregan, Councillor Muhammad Ansar Mustaqim, Councillor Gulam Robbani and Councillor Julia Dockerill

Deputies:

Councillor Khaled Uddin Ahmed, Councillor John Pierce, Councillor Denise Jones, Councillor Oliur Rahman, Councillor Chris Chapman, Councillor Peter Golds, Councillor Andrew Wood, Councillor Dave Chesterton and Councillor Mahbub Alam

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 8 March 2016**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 9 March 2016**

Contact for further enquiries:

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

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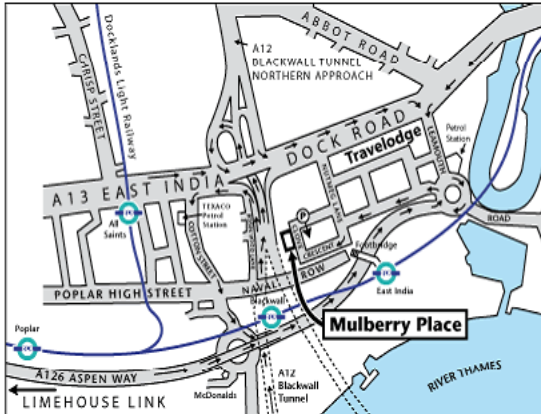
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APOLOGIES FOR ABSENCE

1. 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.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 18)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 18th February 2016.

3. 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.

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 19 - 20)

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

	PAGE NUMBER	WARD(S) AFFECTED
5. DEFERRED ITEMS		
No items.		
6. PLANNING APPLICATIONS FOR DECISION	21 - 22	
6 .1 6 to 8 Alie Street, London, E1 8DD (PA/15/02538)	23 - 50	Whitechapel
Proposal:		
Demolition of existing office building on the site and erection of a ground plus seven storey office building (Class B1) with reuse of existing basement together with provision of 4.no ancillary study bedrooms for private use by the college, 40.no cycle spaces, plant equipment and associated works.		
Recommendation:		
That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement, conditions and informatives as set out in the Committee report.		
6 .2 Jemstock 2, South Quay Square, 1 Marsh Wall, London, E14 (PA/15/02104)	51 - 100	Canary Wharf
Proposal:		
Erection of building facades to existing structure on site to create a mixed use development comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3).		
Recommendation:		
That the Committee resolve to GRANT planning permission subject to any direction by The Mayor of London, the prior completion of a legal agreement to secure obligations, conditions and informatives as set out in the Committee report.		

Proposal:

Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works.

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor and the prior completion of a Section 106 legal agreement, conditions and informatives as set out in the Committee report.

6 .4 Hercules Wharf, Castle Wharf and Union Wharf, Orchard Place, London E14 (PA/14/03594, PA/14/03595)

Blackwall & Cubitt Town

Proposal:

Full Planning Application – PA/14/03594

Demolition of existing buildings at Hercules Wharf, Union Wharf and Castle Wharf and erection of 16 blocks (A-M) ranging in height from three-storeys up to 30 storeys (100m) (plus basement) providing 804 residential units; 1,912sq.m GIA of Retail / Employment Space (Class A1 – A4, B1, D1); Management Offices (Class B1) and 223sq.m GIA of Education Space (Class D1); car parking spaces; bicycle parking spaces; hard and soft landscaping works including to Orchard Dry Dock and the repair and replacement of the river wall. The application is accompanied by an Environmental Impact Assessment

Listed Building Consent application - PA/14/03595

Works to listed structures including repairs to 19th century river wall in eastern section of Union Wharf; restoration of the caisson and brick piers, and alteration of the surface of the in filled Orchard Dry Dock in connection with the use of the dry docks as part of public landscaping. Works to curtilage structures including landscaping works around bollards; oil tank repaired and remodelled and section of 19th century wall on to Orchard Place to be demolished with bricks salvaged where possible to be reused in detailed landscape design.

Recommendations:

That the Committee resolve to GRANT planning permission subject to any direction by The London Mayor and the prior completion of a Section 106 legal agreement

That the Committee resolve to GRANT listed building consent subject to conditions

7. OTHER PLANNING MATTERS

143 - 144

7 .1 Planning Obligations - Allocation of Financial Contributions and Project Spend between 2010 and 2015.

145 - 156

All Wards

Recommendation:

That the Committee note the contents of the report.

Next Meeting of the Strategic Development Committee

Tuesday, 12 April 2016 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

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:-

Melanie Clay Director of Law Probity and Governance and 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>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 18 FEBRUARY 2016

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

Members Present:

Councillor Marc Francis (Chair)
Councillor Danny Hassell (Vice-Chair)
Councillor Helal Uddin
Councillor Asma Begum
Councillor Andrew Cregan
Councillor Muhammad Ansar Mustaqim
Councillor Gulam Robbani
Councillor Chris Chapman (Substitute for Councillor Julia Dockerill)

Other Councillors Present:

Councillor Dave Chesterton
Councillor Andrew Wood

Apologies:

Councillor Julia Dockerill

Officers Present:

Paul Buckenham	– (Development Control Manager, Development and Renewal)
Gillian Dawson	– (Team Leader, Legal Services, Law, Probity and Governance)
Piotr Lanoszka	– (Planning Officer, Development and Renewal)
Jermaine Thomas	– (Planning Officer, Development & Renewal)
Jerry Bell	– (East Area Manager, Planning Services, Development and Renewal)
Alison Thomas	– (Head of Housing Strategy, Partnerships and Affordable Housing, Development and Renewal)
Zoe Folley	– (Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared a personal interest in agenda items 5.1 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/15/00641), 6.1. 25-28 Dalgleish Street, London, E14 (PA/15/02674), 6.2 Hertsmere House, 2 Hertsmere Road, London (PA/15/02675, PA/15/02748) and 6.3 50 Marsh Wall, 63-69 And 68-70 Manilla Street London, E14 9TP (PA/15/02671). This was on the basis that he had received representation from interested parties on the applications.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Strategic Development Committee held on 19th November 2015 and the extraordinary meeting held on 10th December 2015 be agreed as a correct record

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 AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections and meeting guidance.

5. DEFERRED ITEMS

5.1 Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/15/00641)

Paul Buckenham (Development Control Manager, Development and Renewal) introduced and presented this application for the demolition of existing buildings on the site and erection of buildings ranging in height to

provide a residential led development. He advised of the site location near the Canal and Bartlett Park, comprising buildings of varying heights. Turning to the proposal, the Committee were advised of the key features of the application and noted images of the elevations and the surrounding area.

In terms of the history at Committee, Members resolved to defer the application at the 8 October 2015 meeting for a site visit where Members requested further information on the comparative heights and the daylight/sunlight impacts. The application was then brought back to the Committee with the requested information on 19 November 2015. The Committee were minded to refuse the application for the following reasons:

- Overdevelopment of the site.
- Height, build and massing.
- Impact on neighbouring amenity in terms of daylight and sunlight, particularly the properties at the north of the site.
- Impact on the towpath.
- Conflict with the Council's Core Strategy's Vision in respect of the area.

Officers had since assessed the Committee's suggested reasons, as set out in the new committee report. Officers considered that the development showed few physical signs of overdevelopment and that the height and massing would be appropriate in its context. However, it was recognised that there would be some conflict with policy.

The Officers recommendation remained to grant the application, but mindful of the Committee views, Officers had drafted suggested reasons for refusal for use by the Committee should they refuse the scheme.

In response, the Chair noted the reduction in height of the scheme to reduce the impact but did not feel that the changes went far enough to address the concerns.

On a vote of 0 in favour, 4 against and 0 abstentions the Committee did not agree the recommendation to grant planning permission.

Accordingly, Councillor Marc Francis proposed and Councillor Andrew Cregan seconded a motion that the planning permission be **REFUSED** (for the reasons set out in the Committee report dated 18th February 2016) and on a vote of 4 in favour, 0 against and 0 abstentions it was **RESOLVED**:

1. That planning permission be **REFUSED** at Land at corner of Broomfield Street and Upper North Street known as "Phoenix Works", London, E14 6BX (PA/15/01601) for the demolition of existing buildings on the site and erection of buildings that range in height from 3 to 14 storeys containing 153 units including 28 undercroft and surface car parking spaces and a central landscaped courtyard for the following reasons set out in paragraph 5.2 the Committee report dated 18th February 2016(PA/15/00641)

2. **Overdevelopment**
The proposed development would result in overdevelopment of the site, evidenced by the residential density which would substantially exceed the range set out in table 3.2 of the London Plan, without having demonstrated exceptional circumstances and in a location outside of the nearest town centre, not supported by Local Plan policies relating to density. The development would have an overall scale and bulk of development that would be harmful to the visual amenities of the area and harmful to residential amenity of neighbouring properties through loss of daylight and sunlight. The proposed development would therefore conflict with policies 3.4 and 7.4 of the London Plan (2015), the London Housing SPG (2012), policies SP02 and SP10 of the Core Strategy (Tower Hamlets Local Plan), DM24 and DM25 of the Managing Development Document (Tower Hamlets Local Plan).
3. **Design and relationship to the canal**
The proposed development would result in an unsatisfactory design relationship between the proposed buildings and the Limehouse Cut canal and its towpath, arising from the proliferation of projecting balconies, the proximity of ground floor private amenity terraces and an unbroken elevation that would dominate this section of the canal towpath. The relationship of ground floor residential terraces would not provide adequate separation to provide a suitable level of privacy for the occupiers of the proposed units. The proposals would therefore adversely affect the special character of the canal and its use and enjoyment by the public for leisure and recreation as part of the London and Tower Hamlets Blue Ribbon Network. The proposed development would conflict with policies 7.4, 7.6 and 7.24 of the London Plan 2015; policies SP04 and SP10 of the Core Strategy (Tower Hamlets Local Plan) and policies DM12 and DM24 of the Managing Development Document (Tower Hamlets Local Plan).
4. **Place-making vision for Poplar**
The proposed high density and high rise development would conflict with the place making vision for Poplar, included in Annex 9 to the Core Strategy (Tower Hamlets Local Plan), which seeks to focus higher density development in and around Chrisp Street town centre; provide lower and medium density, lower rise family housing around Bartlett Park and ensure new buildings are responsive and sensitive to the setting of Bartlett Park, Limehouse Cut and the conservation areas in Poplar.

6. PLANNING APPLICATIONS FOR DECISION

6.1 25-28 Dalgleish Street, London, E14 (PA/15/02674)

Update report tabled.

Paul Buckenham (Development Control Manager) introduced this application for the construction of a part four storey, part seven storey building to provide 60 flats with refuse and recycling facilities together with a 'Homezone' in Dalgleish Street. It was reported that whilst this application and item 6.2 (Hertsmere House, 2 Hertsmere Road, London (PA/15/02675, PA/15/02748)) were linked by virtue of the planning obligations, they should be considered on their own merits.

Piotr Lanoszka, (Planning Officer, Development and Renewal) presented the detailed report referring to the site and surrounds and the nearby new build developments, the Conservation Areas and listed buildings. The site itself carried no designations and had very good public transport connections. Consultation had been carried out and one objection had been received and the issues raised were noted.

It was considered that the site was suitable for new housing. The housing mix comprised 100% affordable housing and given the housing mix in the surrounding area, it was not considered that the application would result in an over concentration of one housing type in the area. The application could come forward as a donor site for the application at Hertsmere House or could be delivered as part of another market led application or possible by a Housing Association.

The site was within easy reach of local schools, parks and local facilities. The scheme ranged in height and included sets back to fit in with the area. Furthermore, it was of good quality design including a court yard and a roof terrace. Although there would be a high proportion of single aspect units, it was considered that this was largely unavoidable given the site constraints. The impact on the main school building would be minimal while the impact on neighbouring amenity would be minor. There were conditions to mitigate the construction impact. Planning contribution had been secured.

In view of the merits of the application, Officers were recommending that it be granted.

In response to questions, Officers highlighted the similarities and differences between this scheme and the extant scheme (in terms of the housing tenure, density, massing and location). This scheme was better designed than the previous scheme. The previous scheme could still be implemented so should be given some weight. It was noted that there were a number of scenarios for delivering the application in terms of the funding (as set out in the report) and that the condition requested by Thames Water was a standard condition and would be secured.

Officers also answered questions about the sunlight/daylight assessment for Iona Tower showing that there would be some reductions in daylight at the lower floors. Overall, given the character of the area and the constraints posed by the Tower, it was considered that this was acceptable. It was also confirmed that there would be no direct overlooking or loss of privacy due to the separation distances and orientation of the buildings.

Officers also answered questions about the services charges and rents for the units.

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

1. That planning permission be **GRANTED** at 25-28 Dalglish Street, London, E14 for the construction of a part four storey, part seven storey building to provide 60 flats with refuse and recycling facilities together with laying out of a 'Homezone' in Dalglish Street (PA/15/02674) subject to:
 2. Any direction by the London 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 delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
 5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report and the update report.
 6. Any other conditions or informatives as considered necessary by the Corporate Director for Development and Renewal

6.2 Hertsmere House, 2 Hertsmere Road, London (PA/15/02675, PA/15/02748)

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application for the demolition of remaining buildings and structures and erection of a 67 storey building comprising predominately a residential scheme.

The Chair then invited registered speakers to address the Committee.

Jocelyne Van Den Bossche and Ian Ritchie (local residents), and Councillor Andrew Wood spoke in objection to the application. They drew attention to the main differences between this application and the consented scheme. They then expressed concerns about the following issues in relation to the application:

- The impact on highway safety from unauthorised parking from the scheme. Should the application be approved, it would require the strict enforcement of the parking regulations to prevent this.
- Overshadowing from the development of the area.
- Undue pressure on local infrastructure given the number of other new developments in the area and the lack of a plan for the delivery of this.
- Height of the buildings in relation to the area.
- That the scheme would be a 'standalone monster' given the lack of tall building cluster in the area.
- Adverse impact on the nearby heritage assets.
- Suitability of the development for family sized accommodation, in particular, for older children given the distance to the nearest parks
- That the aviation light would be a health hazard
- Disturbance from the plant in terms of noise.
- Interference with TV reception.

In response to Members, the speakers clarified their concerns about parking pressure from the scheme, the pressure on local infrastructure, the design, height and massing of the scheme that was unsympathetic to the area. The speakers also clarified their concerns about the lack of any proper plans for allocating the contributions and overshadowing from the scheme.

Setareh Neshati and Julian Carter (Applicant's agents) spoke in support of the application drawing attention to Historic England's comments who felt the scheme was an improvement on the previous application and did not object to the current application. The development was of a similar scale to the previous scheme. However this new application (in contrast with the previous scheme) was predominately a residential scheme. They explained the qualities of the scheme generally (i.e. in terms of the affordable housing, public realm improvements, new jobs and financial contributions). There had been extensive public consultation including engagement with Registered Social Landlords regarding the affordable housing and the statutory bodies. The Greater London Authority considered that the proposal complied with the London Plan's tall building policy. The scheme had been amended to reduce the impact on amenity. Overall, it was a high quality scheme that bore no symptoms of overdevelopment.

In responding to questions about the comments of the Conservation and Design Panel, the speakers explained that the existing permission was for a tall building at the site. So although it would be a stand alone building, the principle of a tall building at the site had already been established. Care had been taken to ensure the scheme reflected the surrounding area and the relevant experts considered that the scheme would have a good relationship with the existing Canary Wharf tall buildings cluster. The speakers also considered that there would be less traffic on site due to the reduction in parking spaces and that there would be an overall reduction in trips on the underground during peak hours compared to the now demolished office building. They also referred to the parking management plans. All of the

issues had been carefully assessed in the transport assessment. Transport for London hadn't raised any objections.

They also answered questions about the construction management plan and the number of new jobs that would be created. They also explained that the scheme would be tenure blind in terms of the quality of the private and affordable units, including good quality entrances and lobbies with access to the amenity space. Other matters discussed were the management of the child play space, especially the arrangements for the private hire of the space by residents (free of charge) and the affordability of the service charges.

Piotr Lanoszka, (Planning Officer, Development and Renewal) gave a comprehensive presentation on the application describing the site location, the surrounding area in relation to heritage assets, the extant office led scheme and the outcome of the consultation and the issues raised.

The proposed land use was acceptable given the site's designation and the need for housing in the Borough. The housing mix comprised 30% affordable housing by habitable room (12% on site affordable properties at Borough Framework Rents with additional off-site provision at Dalgleish Street through a payment in lieu).

The Committee also noted the servicing and delivery arrangements, the landscaping improvements, the waste storage plans, the quantity and quality of the amenity space, the heritage assessment, the impact on neighbouring amenity (minor and broadly similar to the consented scheme) and the conditions to mitigate the impact on the micro climate.

Planning Contributions had been secured as well as a Community Infrastructure Levy contribution (CIL) and New Homes Bonus money.

There would also be a Play Space Management Strategy to amongst other things, ensure that play space was available free of charge to residents.

The Committee also noted details of the listed building application. Historic England and the Borough Conservation Officer had not raised objections to this application subject to the conditions.

In response to questions, it was reported that despite the differences some weight should be given to the consented scheme. The scheme satisfied the objectives in policy in that it would deliver the maximum level of affordable housing that the application could afford. Whilst the policy included guidance on off site affordable housing, it did not cover 'hybrid' affordable housing schemes where substantial on-site component was included. However, given the above, it was considered that the affordable housing offer was acceptable and complied with policy.

Steps had been taken to minimise the impact of the building for example through breaking up the massing. Given this and the similarities with the

previous scheme, Officers considered that the scheme would comfortably sit within the landscape

Careful consideration had been given to the impact on infrastructure including the transport network. Colleagues within the Council had estimated the contribution and a full CIL payment had been secured.

A travel assessment had been submitted that took into account the impact of parking on the wider area including Garford Street. Responsibility for preventing unauthorised parking in nearby streets rested with the Parking Enforcement Team. Therefore any incidences of which may be controlled by that regime. It was anticipated that many of the occupants would travel by CrossRail when opened in December 2018 and, as explained by the speakers, it was likely that the scheme would generate fewer trips on the underground compared to the old office use.

Officers also answered questions about the density assessment in the report and the reasons why, in this case, the density of scheme was considered acceptable in view of the qualities of the scheme highlighted above.

Officers also responded to questions about the impact on the micro climate on the surrounding area including the beer gardens subject to robust testing. The testing showed that, with the mitigation, the impact would be minor with acceptable conditions achieved.

Reassurances were also provided about the daylight and sunlight assessment.

In summary, the Chair expressed concerns about the application. He felt that in some ways, it was worse than the previous scheme approved by the Mayor of London given the wider foot plate and it was a bulkier building. However, he also felt that the application would make a significant contribution to the community in Tower Hamlets and it would be a significant enhancement on what was approved by the Mayor of London. So with a heavy heart, he felt obliged to vote for the application.

On a vote of 5 in favour and 3 against, the Committee **RESOLVED**:

1. That planning permission be **GRANTED** at Hertsmere House, 2 Hertsmere Road, London for the demolition of remaining buildings and structures and erection of a 67 storey building (240.545m AOD) with two basement levels, comprising 861 residential units (Use Class C3), 942sqm (GIA) flexible commercial floorspace (Use Class A1-A3 and D2), ancillary circulation space and plant, as well as associated infrastructure, public realm and parking. Accompanied by an Environmental Impact Statement. (PA/15/02675) subject to:
2. Any direction by the London Mayor.

3. The prior completion of a legal agreement to secure the planning obligations in the Committee report and the update report
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.
5. That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report and the update report
6. Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

On a vote 5 in favour and 3 against, the Committee **RESOLVED:**

7. That Listed Building Consent be **GRANTED** at Hertsmere House, 2 Hertsmere Road, London for Temporary dismantling of Grade II "Former West Entrance gate to West India Docks with Curved Walling" and re-installment in conjunction with redevelopment proposals (PA/15/02748) subject to the conditions set out in the Committee report.
8. Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

6.3 50 Marsh Wall, 63-69 And 68-70 Manilla Street London, E14 9TP (PA/15/02671)

Update report tabled.

Paul Buckenham (Development Control Manager) introduced the application for the demolition of all buildings on site at 50 Marsh Wall, 63-69 and 68-70 Manilla Street to enable redevelopment to provide a mixed used development.

The Chair then invited registered speakers to address the Committee.

Councillor Dave Chesterton spoke in objection to the application expressing concern about the height of the scheme, contrary the aspiration in policy to lower heights moving away from Canary Wharf. He also expressed concern about the quality of the affordable units and the child play space given the expected child yield from the scheme and the dual use arrangements with the school in terms of the play ground. This may restrict access at certain times to the play space. The scheme also would result in a loss of daylight and

sunlight to the surrounding properties and due to these issues, bore signs of overdevelopment and would be a 'bad neighbour'

John Connolly (Applicant's agent) and Councillor Andrew Wood, ward Councillor, spoke in support of the application. The scheme would deliver a much needed new medical centre, a school, affordable units, local jobs, a new public square, whilst retaining the North Pole public house. The applicants had listened carefully to the views of local people and the plans were very much informed by what they wanted and what was needed in the community. It was a tribute to the good consultation that no objections were received.

In response to questions, it was noted that the developer had engaged with the Barkentine Clinic (that was oversubscribed) and visited their residents forum about the plans to expand their services. They had also liaised with the NHS Clinical Commissioning Group who felt that, due to the layout and the configuration of the proposed health space, it would be unsuitable for their services. The applicant had also worked hard with the LBTH Education staff and all the issues regarding the use of play space had now by and large been resolved. A local college had also expressed an interest in the new school site.

They also answered questions about the heritage assessment, the local consultation including consultation with the residents of Bellamy Close and the measures to preserve the occupants amenity. The height and density of the scheme was very much influenced by the need to generate enough profit for the social infrastructure.

Jermaine Thomas (Planning Services, Development and Renewal) presented the detailed report, describing the site location and surrounds. A similar scheme was previously submitted to the Committee but withdrawn two days before the meeting. The application was then amended following consultation with Officers and the revised proposal was before Members. He explained the key features of the scheme including the housing mix and the social infrastructure and the outcome of the consultation. In terms of the assessment, the proposed land use was considered acceptable. Officers also considered that the housing mix was broadly acceptable in the context of policy. The child play space exceeded the policy requirements, however was reliant on the space within the school but this was acceptable.

Nevertheless, whilst mindful of the benefits of the scheme, Officers considered that it demonstrated negative impacts in terms of the quality of the public realm and the community space, excessive height and density, the impact on the surrounding area and the development potential of neighbouring sites and waste management issues. As a result, the application demonstrated signs of overdevelopment so Officers were recommending that it was refused for the reasons set out in the Committee report and the update report.

In response to the Committee, it was explained that the Council's Education Department recognised the need for additional school places in the Borough

and had a programme of new school buildings. It was also explained that there were a number of new schemes coming forward that would provide additional school places. In relation to the height, the South Quay Master Plan recommended that this particular area should comprise more mid – rise buildings. Should the Committee be minded to approve the application, a condition could be agreed with the school and imposed for dealing with dual use of the play area.

Officers also answered questions about the impact on neighbouring amenity, that, whilst not ideal, they did not believe was severe enough to form a reason for refusal. They also clarified the arrangements for providing the new school (the shell and core) with LBTH Children’s Services. In relation to the new school, it was confirmed that the costs of which, if approved, would be offset against the CIL payment.

As stated in the update report, there were proposals in place to expand the clinical capacity in the Borough in the short term and the NHS were engaging with the Council about the new Local Plan to ensure suitable sites for such services were safeguarded in the South Quay area in view of the number of new development coming forward .

In summary, the Chair felt that there was a lot of merit in this scheme. But there was too much being crowded on this site. He also noted the efforts to understand the infrastructure needs, but felt that these should have been prioritised according to what could reasonable be delivered on site. He considered that possible other scheme could contribute to the provisions of the additional social infrastructure in the area.

On a vote of 6 in favour, 0 against and 2 abstentions, the Committee **RESOLVED:**

1. That subject to any direction by the London Mayor planning permission be **REFUSED** at 50 Marsh Wall, 63-69 And 68-70 Manilla Street London, E14 9TP (PA/15/02671) for demolition of all buildings on site at 50 Marsh Wall, 63-69 and 68-70 Manilla Street to enable redevelopment to provide three buildings of 65 (217.5m AOD), 20 (79.63m AOD) and 34 (124.15m AOD) storeys above ground comprising 634 residential units (Class C3), 231 hotel rooms (Class C1), provision of ancillary amenity space, a new health centre (Class D1), a new school (Class D1), ground floor retail uses (Class A3), provision of a new landscaped piazza, public open space and vehicular access, car parking, cycle storage and plant. Retention of 74 Manilla Street as North Pole public house (Class A4) for the following reasons as set out in the Committee report and the update report:
2. The proposed development exhibits clear and demonstrable signs of overdevelopment which include but not limited to:
 - a limited and compromised public realm which would not provide a high-quality setting commensurate with buildings of such significant height and density;

- its impact to the setting of the Maritime Greenwich World Heritage Site and the Grand Axis
- an insensitive relationship of the western building with the surrounding properties of Byng Street and Bellamy Close which as a result would provide little visual relief, be overbearing and fail to provide a human scale of development at street level;
- a failure to interface with the surrounding land uses, which as a result would prejudice future development of neighbouring sites and fail to contribute positively to making places better for people;
- a failure to provide sufficient private amenity space, sense of ownership within the cores, an appropriate welcoming quantum of communal amenity space, and a significant number of sunlight and daylight failures would not provide high quality residential accommodation;
- a failure to implement the waste management hierarchy of reduce, reuse and recycle;

As a result the proposed development would not be sensitive to the context of its surroundings or successfully bridge the difference in scale between Canary Wharf and surrounding residential area.

The above demonstrable negative local impacts cannot be addressed through the appropriate use of planning conditions or obligations and as a consequence substantially outweigh the desirability of establishing a new school.

Accordingly, the proposal would fail to provide a sustainable form of development in accordance with the National Planning Policy Framework and is contrary to the Development Plan, in particular policies 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.10, 3.11, 3.12, 3.16, 3.18, 6.1, 6.3, 6.4, 6.9, 6.10, 6.11, 6.12, 6.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.7, 7.8, 7.10 and 7.11 of the London Plan (2015), policies SP02, SP03, SP05, SP07, SP08, SP09, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies DM4, DM10, DM14, DM18, DM20, DM22, DM23, DM24, DM25 and DM26 and Site Allocation 17 of the Tower Hamlets' Managing Development Document that taken as a whole, have an overarching objective of achieving place-making of the highest quality, ensuring that tall buildings are of outstanding design quality and optimise rather than maximise the housing output of the development site.

3. In the absence of a legal agreement to secure Affordable Housing and financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Sustainable Transport, Highways and Energy, the development fails to maximise the delivery of affordable

housing and fails to mitigate its impact on local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policy DM3 of the LBTH Managing Development Document and Policies 3.11, 3.12 and 8.2 of the London Plan and the Draft Planning Obligations SPD 2015.

- 4 Schedule 4 (Part 1 (3 and 4) and Part 2 (3)) of the EIA Regulations states, that the ES must describe and assess the proposed developments likely significant effects on the environment, which should cover cumulative effects. Schedule 4 (Part 1 (5) and Part 2 (2)) of the EIA Regulations also require a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

The ES does not include a cumulative wind assessment incorporating the Cuba Street planning application (PA/15/2528) - no information has been provided on the likely significant effects, nor what mitigation measures are envisaged. The ES therefore does not meet the requirements of Schedule 4 of the EIA Regulations.

Without this additional information the ES is not considered to be complete and therefore the only option available to the Council is to refuse the application.

This is in accordance with Regulation 3(4) of the EIA Regulations which states that a local authority cannot grant permission for a project covered by the EIA Regulations unless it takes 'environmental information' into consideration. Environmental information is defined in Regulation 2(1) and includes the ES. This is defined as a statement including information required by Schedule 4 of the EIA Regulations.

The meeting ended at 10.35 p.m.

Chair, Councillor Marc Francis
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>	 Scan this code to view the Committee webpages.
<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). 	 Council’s Constitution

Agenda Item 6

Committee: Strategic Development	Date: 10 March 2016	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. ADVICE OF 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:	Tick if copy supplied for register:	Name and telephone no. of holder:
See Individual reports	✓	See Individual reports

-
- 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 Agenda Item 4.

5. RECOMMENDATION

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

Agenda Item 6.1

Committee: Strategic Development Committee	Date: 10 th March 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Adam Hussain		Ref No: PA/15/02538	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location: 6 to 8 Alie Street, London, E1 8DD
Existing Use: Office (B1(a) Use Class)
Proposal: Demolition of existing office building on the site and erection of a ground plus seven storey office building (Class B1) with reuse of existing basement together with provision of 4.no ancillary study bedrooms for private use by the college, 40.no cycle spaces, plant equipment and associated works.

Drawing Nos: 1318_P_001, 1318_P_002, 1318_P_099; 1318_P_100, 1318_P_101, 1318_P_102, 1318_P_103, 1318_P_104, 1318_P_105, 1318_P_106, 1318_P_107, 1318_P_108, 1318_P_203, 1318_P_204, 1318_P_301, 1318_P_302, 1318_P_303, 1318_P_304, 1318_P_410, 1318_P_411, 1318_P_430, 1318_P_431, 1318_XP_099, 1318_XP_100, 1318_XP_101, 1318_XP_102, 1318_XP_103, 1318_XP_104, 1318_XP_105, 1318_XP_106, 1318_XP_107, 1318_XP_203, 1318_XP_204, 1318_XP_301, 1318_XP_303.

Documents

- Design and Access Statement, dated 4th September 2015
- Planning Statement, September 2015
- Transport Assessment, September 2015
- Daylight and Sunlight Assessment, August 2015.
- Planning Noise and Vibration Report, dated 2nd September 2015
- Sustainable Development Statement, 1st September 2015
- Energy Assessment and Strategy, August 2015
- BREEAM: Land Use and Ecology Assessment, September 2015
- Phase 1 Environmental Review, dated 20th August 2015
- Archaeological Desk Based Assessment, August 2015

Applicant: Royal College of Pathologists

Owner: Royal College of Pathologists

Conservation Area: N/A

Historic Building: N/A

2 SUMMARY OF MATERIAL CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against its adopted planning policies as set out in the Borough's Local Plan, specifically the Core Strategy (CS), Managing Development Document (MDD), it has also assessed the application against strategic development plan policies as set out in the consolidated London Plan (March 2015) and National Planning Policy Framework (NPPF) plus supplementary planning guidance including the Mayor of London's consultation draft *City Fringe Opportunity Area Planning Framework* (December 2014):-

- a) In land-use terms the scheme is entirely consistent with policy and strategic framework guidance documents for Aldgate and the City Fringe as an office redevelopment on an existing office site in an area designated as a Preferred Office Location within the Borough.
- b) In terms of scale, massing, overall appearance and layout, the proposal is considered to be broadly acceptable. The scheme's design, through high quality architectural treatment, materials and finishes will contribute to the architectural form and character of the Aldgate area, in a manner that is distinctive yet complimentary to the area's townscape.
- c) The proposal will preserve the character and setting of surrounding heritage assets, including listed and locally listed buildings.
- d) The scheme has been considered in terms of amenity impacts to existing neighbours and residential occupants of neighbouring consented schemes and found to have no significant adverse impacts.
- e) In respect of transportation, with the mitigation measures secured by legal agreement, no outstanding highway and transportation impacts are raised by the scheme. Sustainable forms of transport are facilitated by this scheme.
- f) In terms of energy use, carbon reduction, enhancements to biodiversity the scheme is considered to provide a sustainable form of development.

3 RECOMMENDATION

3.1 That the Committee resolve to grant planning permission subject to:

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

Financial Obligations:

- a) A contribution of £34,816 towards end user employment, skills, training
- b) A contribution of £18,000 towards construction phase skills and training
- c) A contribution of £16,789 towards Carbon Offsetting
- d) A contribution towards monitoring, in accordance with emerging Planning Obligations SPD.

Total Contribution financial contributions £69,605, plus monitoring contribution.

Non-financial contributions

- e) At least 7 apprenticeships to be delivered during the construction phase of the development
- f) Developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- g) 20% of goods/service during construction are procured from businesses in Tower Hamlets
- h) Employee & Visitor Travel Plan

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.

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

3.2 **Conditions**

Prior to Demolition

- Construction, Logistics & Environment Management Plan
- Archaeology

Prior to Construction

- Sustainable urban drainage system and water use efficiency
- Piling Impact Statement & Methodology
- Capacity to energy system connect to district heat network

Prior to Construction above ground level

- Details of Materials and treatment of elevations
- Details of cycle storage
- Details of Biodiverse roof
- Secure by Design accreditation

Prior to first occupation of building

- Delivery and Service Management Plan

Compliance Conditions

- Time limit for consent
- Accordance with the approved plans
- Demolition and Removal of roof
- Hours of building operations
- Provision of refuse stores
- Building achieving BREEAM excellence standards
- Energy measures implemented in accordance with the energy strategy
- Study Bedrooms to be ancillary
- In accordance with Planning Noise and Vibration Report
- Details of Photovoltaic Panels

- **Any additional conditions as directed by the Corporate Director Development and Renewal**

3.3 **Informatives**

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable
- 4) Thames Water

4. PROPOSAL, LOCATION DETAILS AND DESIGNATIONS

4.1 Site and Surroundings

- 4.2 The application site is occupied by a six-storey office building, dating to the late 1980s. To the north it fronts Alie Street, a one-way street connecting the A1210 in the west with Lemn Street to the east. To the south is North Tenter Street, a one-way street forming the north side of a square occupied by English Martyrs Roman Catholic Primary School.
- 4.3 Adjoining buildings to the east and west of the application site are 6 storeys, and a 7 storey development is opposite on the north side of Alie Street, all providing office accommodation. To the east the urban block consists of buildings ranging from 4 to 6 storeys including residential and office uses.
- 4.4 The square to the south is characterised by the low-scale Primary School in the centre, with playground and grounds. Forming the edges to the square are the predominantly commercial buildings to the north (including the application site) and west, and lower scale residential buildings to the south and east.
- 4.5 The application site lies within the London Plan's Central Activities Zone (CAZ) as well as the City Fringe Opportunity Area. The site falls within the designated Aldgate Preferred Office Location in the Borough's adopted Local Plan.
- 4.6 It is also within the Office to Residential Permitted Development Exception Zone. Offices within this location are excluded from implementing the General Permitted Development Order 2015 to change without planning permission from Office use to Residential use.
- 4.7 The site is in an area of archaeological importance or potential importance.
- 4.8 The site is not within a conservation area. It is not statutorily or locally listed. There are and no such designated buildings adjoining the site. The closest statutorily listed buildings are Grade II listed at 57-59 Mansell Street, to the west, and 2 & 8 St Mark Street, to the east. 18 Tenter Street is locally listed, located one building down, to the east.
- 4.9 The application site has a public transport accessibility level (PTAL) of 6b (category - excellent).

4.10 **Proposal**

- 4.11 The applicant for this proposal is the Royal College of Pathologists (RCP). The College is a professional membership organisation and a registered charity that advises on a large range of issues relating to Pathology, the study of diseases. The RCP intends to occupy the majority of the proposed accommodation themselves as their new offices and member facilities.
- 4.12 The application proposes redevelopment of the site consisting of demolition of the existing 6-storey office building and construction of a new 8-storey office building.
- 4.13 As with the existing building, the proposed will occupy the footprint of the site in this mid-terrace location.
- 4.14 The massing of the building would be a main 6-storey part, with the 7th and 8th storeys as a 'pavilion' type element set in from front and rear elevations.
- 4.15 The architecture of the building would be characterised by a use of brickwork, predominantly as vertical piers, with horizontal pre-cast concrete 'string courses'. The rooftop 7th and 8th storeys would be detailed with aluminium framed glazing in the form of vertical 'fins'.
- 4.16 The ground and first floor of the proposal would provide the reception, member's room and a conference room. The second floor would provide meeting rooms. The third, fourth and fifth floors would provide the office workspaces. The two-storey pavilion building at sixth and seventh floors provide meeting rooms and 4 study bedrooms, for use by college staff. Basement would provide plant room, kitchen and toilets.
- 4.17 Bicycle storage, refuse and recycling would be located at ground floor, with access from North Tenter Street.

5 RELEVANT PLANNING HISTORY

- 5.1 **PA/14/01721** Refurbishment of existing office building, including addition of a sixth floor, alterations to front and rear facades, flooring over central atrium, replacement of parking spaces with cyclists facilities. (Approved: 18/8/14).
- 5.2 **PA/14/01442** Refurbishment of existing office building, including alterations to front and rear facades, flooring over central atrium, replacement of parking spaces with cyclists facilities, re-cladding of roof-top plant enclosure and provision of disability compliant lavatories and other facilities. (Approved 25/7/14).
- 5.3 **PA/87/00039** Redevelopment to provide an office building at basement, ground floor and part four part five upper floors, basement and roof plant rooms and rear car parking. (Approved 26/1/88).

6.0 POLICY FRAMEWORK

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act')

requires that where regard is to be had to the development plan the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

6.3 **LBTH’s Core Strategy (CS) adopted 2010**

Policies:

- SPO1 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- 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

6.4 **LBTH’s Managing Development Document (MDD) adopted 2013**

Policies:

- DM0 Delivering Sustainable Development
- DM1 Development within the Town Centre Hierarchy
- DM9 Improving Air Quality
- DM10 Delivering Open space
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM16 Office Locations
- 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

6.5 **Supplementary Planning Guidance/Documents**

Revised draft *Planning Obligations Supplementary Planning Document*
Version for public consultation April 2015.

Consolidated London Plan, including Further Alterations to the London Plan (March 2015)

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 4.1 Developing London’s Economy
- 4.2 Offices
- 4.7 Retail and Town Centre Development
- 4.3 Mixed-use Developments and Offices
- 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
- 5.10 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
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 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
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, Security and Resilience to Emergency

- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.7 **London Plan Supplementary Planning Guidance/Opportunity Frameworks/ Best Practice Guidance documents**

- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (July 2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London World Heritage Sites SPG – Guidance on Settings (March 2012)
- Sustainable Design and Construction SPG (April 2014)(
 - City Fringe/Tech City Opportunity Area Planning Framework (Consultation draft. December 2014)
- Mayor’s Climate Change Adaptation Strategy
- Mayor’s Climate Change Mitigation and Energy Strategy
- Mayor’s Water Strategy;

6.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2012 (NPPF)
- The National Planning Policy Guidance (NPPG)

7.0 **CONSULTATION RESPONSES**

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

7.2 The following were consulted and made comments regarding the application, summarised below:

Internal LBTH Consultees

Sustainability Officer

7.3 For CO2 emission reductions, the scheme looks reasonable, with a carbon offset contribution of £16,789 required to make it acceptable in terms of policy DM29. The scheme is anticipated to achieve a BREEAM Excellent rating with a score of 72.8. So we are happy with the sustainability proposals for the scheme.
(Officer Comment: Noted and planning obligations and conditions will reflect these comments)

Biodiversity Officer

7.4 There is no significant existing biodiversity value. The flat roof of the building has the potential to support nesting birds. An appropriate condition controlling time and manner of demolition should be applied to avoid disturbance.

Proposal includes a green roof of approximately 138sq.m. If implemented in accordance with best practice guidance this will contribute to new habitats. Other biodiversity enhancements that could be considered are nest boxes for swifts and black redstarts. An appropriate condition should be applied to secure biodiversity enhancements.

(Officer Comment: Noted and the sought planning conditions will be imposed)

Employment & Enterprise Team

7.5 No objection. S106 subject to secure end user phase financial contributions toward training and a set of non-monetary obligations set out below:-

- to ensure the developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- 20% of goods/service during construction are procured from businesses in Tower Hamlets
- A minimum 7 apprenticeships are delivered during the construction phase of the development

(Officer Comment: Noted, the sought planning obligations (set out in section 3 of this report) will be imposed)

Environmental Health:

EH noise section

7.6 Have examined the acoustic report and accept its findings.

(Officer Comment: Noted. A condition to be imposed to secure the measures set out in the submitted report)

EH air quality section

7.7 No objection. Dust mitigation should be addressed within the Construction Management Plan.

(Officer Comment: Noted. Construction Management Plan to be secured by condition)

EH - land contamination section

7.8 No objection subject to a planning condition providing details of a scheme to identify the potential extent of contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed and an associated remediation strategy

(Officer Comment: Noted and the sought planning condition will be imposed)

Highways & Transportation

7.9 Car Parking

Cycle Parking

According to the Further Alteration to London Plan (FALP) the applicant is required to provide at least 61 cycle spaces for this development. The applicant has only provided 44 cycle spaces; this does not meet the London Plan requirement in quantity, please note our Local Plan requirement was superseded by updated London Plan. Therefore, the applicant is required to comply with FALP. Cycle and Waste storage should be separate.

(Officer comment: The provision of cycle parking is addressed under MATERIAL PLANNING CONSIDERATIONS in paragraphs 14.9 to 14.12)

Servicing

In absence of off-street loading bay we will require the applicant to carry out all servicing and deliveries from Alie Street instead. This should be secured through a condition.

(Officer comment: sought condition will be imposed).

Construction Management Plan

The use of North Tenter Street for construction vehicle access route will require timing restriction to avoid school opening and closing hours.

(Officer comment: Noted. Construction Management Plan to be secured by condition) .

Requested Informative:

Permission will be required from Streetworks for any road closures or carriageway space hire associated with, but not restricted to, loading/unloading operations. (Contact officer: David Pryce, Network Coordinator)

(Officer comment: informative to be included).

Waste & Recycling Team:

- 7.10 No objections. Adequate consideration has been given to the strategy and calculation of volumes of waste.

(Officer Comment: Noted. Condition to be applied to secure proposed waste provision)

External Consultees

Greater London Archaeology Advisory Service (GLAAS)

- 7.11 No objection. Recommended condition to secure field evaluation and mitigation prior to construction works.

(Officer Note: recommended condition to be imposed)

Greater London Authority (including Transport for London's comments) Stage 1 Response.

Recommendation:

- 7.12 *"That Tower Hamlets be advised that the application complies with the London Plan for the reasons set out...and does not need to be referred back to the [London] Mayor".*

Principle of development:

- 7.13 *"London Plan policies 2.10 and 4.2 strongly support the renewal of office space within the Central Activities Zone (CAZ), and the City Fringe Opportunity Area Planning Framework (OAPF) recognises Aldgate as having potential to provide workspace for a variety of sectors, particularly those with an affiliation to the City. Noting also the [Tower Hamlets] Local Plan designation of this site as a Preferred Office Location, GLA Officers strongly support the proposal in principle terms."*

Office employment:

- 7.14 *"The proposal comprises a mixture of general purpose office space, as well as some end user-specific facilities – including a conference hall and overnight accommodation/study bedrooms for visiting members. Overall the proposal would provide an uplift of Class B1 floorspace amounting to 371sq.m over what*

has recently been consented at the site. This uplift is in accordance with London Plan Policy 4.2 and the draft City Fringe OAPF.

- 7.15 *London Plan Policy 4.3 seeks to ensure that uplifts in office space provide for a mix of uses including housing. In this case the ground floor is required to serve the office and the proposal falls within a locally designated Preferred Office Location where housing is not regarded as an appropriate use”.*

Urban design:

- 7.16 *“The proposed design is supported in accordance with London Plan Policy 7.1. The scheme is well thought out, optimises the development potential of the site and remains sympathetic (in terms of scale and materials) to the context and neighbouring heritage assets.*

- 7.17 *GLA officers are satisfied that the proposal would not impact on strategic views of the Tower of London World Heritage Site.*

Inclusive Access:

- 7.18 *The principles of access and inclusion have been generally well considered and accord with London Plan policies 4.12 and 7.2.*

Sustainable development:

- 7.19 *The proposed approach comprises energy efficiency measures (including passive design measures, low energy lighting and heat recovery); and renewable energy technologies (comprising 100sq.m of roof mounted photovoltaic panels). On-site energy centre would be designed to be capable of district heat network connection in future.*

- 7.20 *The [London] Mayor now applies a 35% reduction target beyond Part L 2013 of Building Regulations. Based on submitted energy strategy scheme is expected to achieve a 36% reduction in carbon dioxide. This is supported and Council is encouraged to include a planning condition to secure implementation in line with the energy strategy.*

- 7.21 *The Council is encouraged to secure by condition details of proposed green roof and sustainable urban drainage measures.*

Transport :

- 7.22 *Tfl has reviewed the planning application and is satisfied that the scheme is acceptable in strategic planning terms.*

- 7.23 *The commitment to promote sustainable transport modes is particularly supported. Notwithstanding this, TfL is currently engaged in discussions with the applicant and the Council regarding the optimisation of on-site cycle parking provision. GLA and TfL officers are nevertheless satisfied that a reasonable outcome will be secured in this regard. (Subsequent to this comment TfL have commented as follows: If the applicants cannot supply cycle parking on site to standard (and that is reasonable based on our knowledge) - then they should monitor usage/demand and consider how to reach the standard/ cater for demand if it arises e.g. Lockers for folding bikes or spaces elsewhere (offsite or locations within the building). The aim is to mitigate the risk that lack of spaces deters cyclists.)*

7.24 *Tfl requests consultation on routing strategy and construction access in due course.*

7.25 *The site is within the Central London Charging Area where section 106 contributions for Crossrail are sought in accordance with London Plan Policy 6.5 and associated SPG. However, under the terms of the [London] Mayor's SPG, the charge would be waived where the development is to be used wholly or mainly for charitable purposes for more than seven years.*

London Underground Ltd.

7.26 No comment to make.

Crossrail Ltd.

7.27 No comment. The planning application site is outside the limits of land subject to consultation under the Safeguarding Direction.

Secure by Design Officer

7.28 No objection. The summary shown in 2.3.5 of the submitted Design and Access statement is an accurate reflection of the issues relevant to this proposal.

7.29 Due to the proposed use of the building, access control and management practices will be key to its security. Secured by Design standards and principles would assist in this.

(Officer comment: Noted. An appropriate condition is proposed for approval of measures, in consultation with the Secure by Design officer).

City of London Corporation

7.30 No comments received.

Thames Water (TW)

7.31 No objection. Informatives requested.

NATS

7.32 No comments received.

London City Airport

7.33 No comments received.

Environment Agency

7.34 No comment to make.

8.0 LOCAL REPRESENTATION

8.1 100 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and benefited from the display of a site notice.

8.2 No representations have been received.

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application that the committee must consider are set out below (with report section number in brackets):

- Land Use (10)
- Design (11)
- Heritage (12)
- Amenity (13)
- Highways & Transportation (14)
- Planning Obligations (15)

Other Considerations including

- Noise and Dust (16)
- Contaminated Land (17)
- Flood Risk & Water Resources (18)
- Energy and Sustainability (19)
- Biodiversity (20)
- Waste (21)
- Financial Considerations (22)
- Human Rights (23)
- Equalities (24)

10.0 Land Use

- 10.1 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.
- 10.2 The site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. Table A1.1 within the London Plan sets out that the City Fringe could accommodate a minimum of 7,000 new homes, and 70,000 new jobs. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock, and increases in floorspace, where there is demand - in order to meet the needs of a growing and changing economy
- 10.3 London Plan Policies 2.11 and 4.3 “*encourage mixed use office and residential development in the CAZ and Isle of Dogs*”. However this policy position is carefully qualified in Paragraph 4.17 which states exceptions to this mixed use approach are “*permitted where mixed uses might compromise broader objectives, such as sustaining important clusters of business activity*”. Policy 2.11 (CAZ Strategic Function) Paragraph 2.45 states “*policies favouring mixed use development should be applied flexibly on a local basis so as not to compromise the CAZ’s strategic function*”.
- 10.4 Set within the context of Paragraph 2.45 of the London Plan, a local plan ‘exceptions policy’ is justified and is indeed formulated in the Local Plan *Preferred Office Location* Policy, as set out Spatial Policy Objective 6 (SP06) of the adopted Core Strategy, DM16 (1) of the Borough’s adopted Managing Development Document and in Policy SP06 of the Core Strategy.
- 10.5 Supporting Paragraph 16.3 of policy DM16 states that ‘*within POLs, large floor plate offices are to be expected and in order to ensure the continued growth of these areas, the Council requires, under part (1) of the policy, that existing office floor space will be protected. Any development of sites currently used for office*

floor space will need to re-provide office floor space to meet the demand for offices within these areas’.

- 10.6 The Core Strategy sets out a vision for Aldgate as “*rediscovering its gateway role as a mixed use, high density area with a commercial centre acting as an area of transition between the City of London and the East End. Become an important place where large-scale office uses cluster around the transport interchange at Aldgate and the new green space at Braham Street*”.
- 10.7 Therefore, at the national, strategic (London) and local plan policy levels and informed by supplementary and interim planning guidance set out in the Mayor of London’s consultation draft City Fringe OAPF an office led scheme is consistent with the policy objectives for this location.
- 10.8 The subject proposal is for demolition of an existing office building, and replacement with a new office building. The site currently provides 3,478sq.m (GIA) of office floorspace. The proposed development provides 4,502sq.m (GIA) representing an uplift in office floorspace of 1,024sq.m.10.9 The internal layout reflects the needs of a modern office layout. Although in this case, as the RCP are both applicants and future occupants it has been designed with their specific preferences in mind. It includes the core office functions of open plan workspace, conference and meeting rooms. At ground floor, in addition to the reception area there is the RCP Member’s library. The top floor of the building includes 4 ‘study bedrooms’. These are for overnight use by guests to the RCP. These are proposed as ancillary to the B1 use. They represent a minor part of the proposed floorspace and are accessible only via the central access core of the building. Officers are satisfied this represents an ancillary feature to the building, the physical layout precluding their independent use. Notwithstanding, an appropriate condition is recommended to confirm that these rooms may only be used ancillary to the office use.
- 10.10 It is also noted that being new office accommodation it will be an opportunity to provide a modern workspace and facilities.
- 10.11 In this context the proposal is fully consistent with the policy objectives for this location set out in London Plan Policy 2.11 and policies DM16 and SP06 of the Local Plan for this location and designations.

11.0 Design

- 11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 11.2 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and 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 spaces and urban design that optimises the potential of the site.
- 11.3 SP10 and Policy DM23 and DM24 of the Local Plan 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.

- 11.4 The existing office building was constructed in the 1980s. In regards to its external appearance Officers consider it is relatively unremarkable in design terms, typical of this period
- 11.5 The existing building is 6-storeys high with an additional storey plant enclosure. To North Tenter Street the roofscape is formed by a number of set backs with different materials.
- 11.6 There are two extant applications for re-cladding this building. The most recent, PA/14/01721 includes a roof extension providing a total of 7-storeys of accommodation.
- 11.7 The proposed building would be 8-storeys in height, with the top two storeys part of a 'pavilion' like structure set in from front and rear elevations. Compared to its neighbours and the existing building this is 1 additional storey. There is an existing variation in storey heights along this terrace. At eight storeys this would be the tallest building in the terrace. However, it is considered to be part of a transition in height that sits comfortably in the streetscene. This transition is assisted by the set-back and reduced extent of the sixth and seventh floors. In this context the scale and height of the building is considered reasonable.
- 11.8 In terms of detailed design and architecture, the proposed building would use brick as the predominante material. It seeks to provide a defined base, middle and top. A degree of expression and visual interest is sought through the use of vertical brickwork piers and horizontal concrete banding. The glazing is recessed and arranged in size and proportions in a way that adds some character and interest to the design. The rooftop pavilion element is considered an effective way of defining the top of the building.
- 11.9 Overall, the detailed external design is a considered a successful and well-thought through response to the site context. It is considered a high quality design and meets the policy objectives in this respect.
- 11.10 As set out above, there are two extant consents for this site which include recladding and extension, rather than redevelopment. With either scheme the occupants would still be operating within the existing floorplates. The RCP have found this not to be feasible, partly because of their aim of accommodating a 200 capacity conference room. This is also intended as a long-term investment by the RCP so a new building, providing long-term flexibility of layout and facilities is the preferred option. The RCP also wanted to take the opportunity to have an attractive building in this location.
- 11.11 There is no obligation for an approved scheme to be implemented. Officers also consider the proposal now under consideration is an improvement in terms of design and appearance. It will offer modern facilities and meet current energy efficiency standards (addressed below in section 19).
- 11.12 In this context the proposal is considered acceptable in respect of scale, massing and design, in accordance with the objectives of the NPPF (2012), London Plan policies 7.4 & 7.6, Core Strategy Policy SP10 and Managing Development Document Policy DM23 & DM24.

12. Heritage

- 12.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect of Listed buildings, in considering whether to grant planning permission there shall be *'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
- 12.2 Managing Development Document policy DM27 (Heritage and the Historic Environment) states that *'development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places''*.
- 12.3 The closest statutorily listed buildings are Grade II listed at 57-59 Mansell Street, to the west, and 2 & 8 St Mark Street, to the east. The application site is not considered to represent part of the setting of these buildings, somewhat remote from their locations. Furthermore, given the acceptable scale, and well-considered design of the proposal this should not affect the Statutorily Listed buildings or their setting.
- 12.4 The Locally listed 18 North Tenter Street is one building along from the application site, to the east. The existing context of this building is modern developments on either side. The scale and design of the proposal, and that it is not an adjoining property mean there should not be any significant impact on its setting. The proposal is expected to provide some benefits to the wider streetscene by replacing a less attractive 1980s building. 18 North Tenter Street may benefit indirectly from this change.
- 12.5 In this context, the proposal is considered to be acceptable in heritage terms, in accordance with the obligations of Section 66, and in accordance with the objectives of MDD policy DM27.

13.0 Amenity

- 13.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) requires development to protect, and where possible improve, the amenity of surrounding neighbours, have a concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 13.2 Overall the proposal sits within the same footprint as the existing and is of a similar scale.

Neighbours Amenity

13.3 The application site is part of an urban block predominantly commercial. However, there are residential properties in the vicinity, and English Martyrs Primary School.

- 14-20 Alie Street, one building along to the east.
- 18 North Tenter Street
- 23 West Tenter Street, approx. 40m to the south-west.
- 1 to 143 Guinness Court, approx. 60m to the west, beyond Mansell Street, within City of London.
- English Martyrs Catholic Primary School, opposite the application site to its south, 0.57ha site with low level school buildings.

13.4 The results of daylight and sunlight assessment according to BRE guidelines as follows:

Daylight – VSC

13.5 The Vertical Sky Component (VSC) is a measure of the amount of visible sky available from a point on a vertical plane (the window). The VSC is the main test used to assess the impact of a development on neighbouring properties. Since the light measurements are taken on the external face of the window, access inside the neighbouring property is not required in order to perform the test. A window may be adversely affected if the VSC measured at the centre of the window is less than 27% and less than 0.8 times its former value.

Address	Total Number of Windows Tested	Number of Windows Meeting BRE Guidelines for VSC	Number of Rooms Experiencing Adverse Impacts
1-143 Guinness Court	43	42	1
23 West Tenter Street	29	29	0
14-20 Alie Street	35	35	0
English Martyrs School	99	99	0
Total	206	205	1

13.6 There is a high degree of compliance with all windows meeting BRE guidelines, except 1 in Guinness Court. This is a window with an existing VSC of 0.04%, effectively nil light, so proportionally any change would be substantial in VSC calculations.

Daylight – NSL/Daylight Distribution

13.7 The No-Sky Line (VSL)/Daylight Distribution is a measure of the amount of floorspace in a room (the 'working plane') that does not have a direct view of the sky.

13.8 The BRE guide states that if a significant part of the working plane (normally more than 20%) lies beyond the no sky line (receives no direct skylight), then the

distribution of daylight will be poor and supplementary electric lighting will be required. The BRE guide explains that the daylight distribution of a neighbouring property may be adversely affected if the area of the working plane which receives direct skylight is reduced to less than 0.8 times its former value.

Address	Total Number of Rooms Tested	Number of Rooms Meeting BRE Guidelines for NSL	Number of Rooms Experiencing Adverse Impacts
1-143 Guinness Court	43	43	0
23 West Tenter Street	24	24	0
14-20 Alie Street	34	33	1
English Martyrs School	30	30	0
Total	131	130	1

- 13.9 This is a high degree of compliance. Of the 131 rooms tested, 130 met the BRE guidelines. The room that did not would experience a 27% reduction in daylight distribution. This is over the 20% figure, which would not be noticeable to occupiers, however, this is not considered to be significantly detrimental

Sunlight - APSH

- 13.10 The Annual Probable Sunlight Hours (APSH) test is a measure of the availability of sunlight to properties. The BRE guide recommends that main living room windows should receive at least 25% of the total APSH. It also recommends that at least 5% of the APSH should be received during the winter.
- 13.11 The test should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important. The guide explains that sunlight availability may be adversely affected if the centre of the window:

Address	Total Number of Rooms Tested	Number of Rooms Meeting BRE Guidelines for APSH	Number of Rooms Experiencing Adverse Impacts
23 West Tenter Street	6	6	0
14-20 Alie Street	4	4	0
English Martyrs School	99	99	0
Total	109	109	0

- 13.12 The submitted report confirms full compliance with BRE standards.
- 13.13 18 North Tenter Street is also a neighbouring residential property, this has not been tested within the daylight assessment but due to its position in relation to the subject site and 14-20 Alie Street (which has been tested) it is possible to

discern that there would be no significant detrimental loss of daylight to these properties, given that there is no significant impact upon 14-20, which face directly towards the site.

- 13.13 Overall the impact on surrounding residential properties and English Martyrs School is acceptable in terms of daylight and sunlight, meeting BRE standards. Officers consider this is consistent with the nature of the development, sitting on the same footprint as the existing and of a similar scale.

Outlook, Privacy and Sense of Enclosure

- 13.11 There would be no flank elevation windows in the development. There would be two roof terraces at sixth floor, to north and south. There may be some opportunity for views in the direction of 14-20 Alie Street, to the east. However, this would be approximately 30m from the nearest facing residential properties. A substantial distance that ensures no significant impact in terms of privacy. Equally given this distance from the proposed development, and the scale of the proposed development, there should not be a substantial impact on residential amenity in terms of outlook or sense of enclosure.

Impact on Commercial Buildings

- 13.11 The emphasis of policy DM25 (Amenity) is on the protection of residential properties. Where a proposal is of sufficient scale, typically where an Environmental Impact Assessment (EIA) is required, and at the judgement of Officers, a detailed analysis of impacts on commercial properties may be appropriate. This is not considered necessary for this application.
- 13.12 This proposal follows the same footprint as the existing building, with the same building lines on Alie Street and North Tenter Street. It would be of a similar scale to the existing building, with one additional storey, which is reflective of the scale of surrounding commercial buildings. It is noted that neighbouring commercial buildings are predominantly purpose-built office accommodation, which typically enjoy large floorplates with multiple aspects.
- 13.13 The proposal would largely maintain the same relationship with neighbouring commercial buildings as is currently the case. In this context the proposal should not have a substantial impact in terms of daylight or sunlight. Privacy, outlook and sense of enclosure should be acceptable.

Overall – Neighbouring Amenity

- 13.14 The impact of the proposal on the amenity of surrounding properties is acceptable, in accordance with Managing Development Document (2013) policy DM25.

14.0 Highways and Transportation

- 14.1 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in MDD Policy DM20 which requires

Transport Assessments submitted with a development scheme to have adequate regard to servicing and for safe vehicular movements associated with this.

14.2 Core Strategy policies SP08, SP09 and Policy DM20 of the MDD 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.

14.3 The applicant has submitted a Transport Statement that contains details of servicing, a waste strategy, a draft travel plan and a draft construction management plan.

Servicing & Deliveries, Secure Cycle Parking Provision, and Construction Management

14.4 Servicing for deliveries is proposed from Alie Street. This is an amendment to the scheme. Following concerns from LBTH Highways and Transportation regarding capacity and potential pedestrian conflict on North Tenter Street, servicing for deliveries is now proposed from Alie Street only.

14.5 The predicted trip generation information for the proposed development has been considered by LBTH Highways & Transportation and Transport for London and is not disputed. The development is expected to generate 8 two-way servicing trip movements in a day. This is considered a modest level of vehicle movements, reflective of the office use proposed, and should be acceptably accommodated from Alie Street.

14.6 Waste collection would still be from North Tenter Street. This is unchanged from the existing scenario, and is more imperative with the location of waste storage at the south side of the building opening onto North Tenter Street. This should not be more than twice a week, and given this is an existing situation already in place, Planning officers consider this is an acceptable solution.

14.7 The site has a public transport accessibility of 6b, which is the highest possible. This reflects excellent connections, with Aldgate and Aldgate East Underground Stations to the north, Tower Gateway DLR and Tower Hill Underground station to the south-west. There are also numerous bus routes in the immediate vicinity. In this context, in accordance with policy SP09 the development is car-free.

14.8 Compared to the existing building the proposed development would create an uplift of 30 two-way person trips in the AM peak, and 21 two-way trips in the PM peak. This is not a substantial increase and given the PTAL rating in this location should be adequately accommodated.

14.9 Cycle parking provision is to be provided on the south side of the ground floor, accessed from North Tenter Street. The applicants propose spaces for 40 cycles. This complies with LBTH Managing Development Document (2013) policy which seeks a minimum of 36 cycle spaces. However, the latest London Plan (2015) cycle standards have a higher requirement, which for this development is 59 spaces.

14.10 Transport for London have reviewed the proposals. They are of the view that the applicants position is reasonable that additional conventional cycle spaces cannot be accommodated, given the constraints of the proposed design. In

response they advise that the applicants travel plan should include monitoring of cycle space uptake and allow for provision of lockers of folding bikes or spaces off-site if needed.

- 14.11 The applicants have carried out a study of existing cycle capacity in the vicinity during peak hours. Their own site visit to publically accessible sheffield stand locations in the vicinity found approximately 50% vacancy during peak hours. It is also noted that there are two Cycle hire docking stations within a 5 minute walk of this location.
- 14.12 It is noted that the level of cycle parking exceeds the Council's MDD standards (2013), of 36 spaces. However, it is the highest threshold that is expected to be met, that being the London Plan (2015) standards. Whilst this would not be met, subject to appropriate measures in the applicants Travel Plan, to be secured within the s106 agreement to monitor cycle parking uptake, on balance this is acceptable. It is also noted that the GLA, including TfL, support this proposal and do not require review of it again at 'Stage 2'.
- 14.13 A Construction management strategy is set out in the submitted Transport Assessment. This identifies that vehicles will use Alie Street as the main location for site access, given the smaller size of North Tenter Street and proximity to English Martyr's primary school. The applicants consultants recommend that construction servicing trips do not occur at times of peak traffic flows to avoid congestion. TfL have sought consultation on construction servicing routes in due course, and LBTH highways note that any access to North Tenter Street is controlled. Subject to this there are no objections to the construction servicing strategy. A complete Construction and Environmental Management Plan (CEMP) is recommended to be secured by condition.
- 14.14 Planning conditions and clauses within the s106 agreement will be imposed to secure production of detailed construction & environment management plan, an end-user servicing and delivery management plan, and a travel plan to ensure the scheme encourages use of sustainable modes of transportation, monitors cycle parking uptake and to safeguard that both construction phase and end-user servicing requirements minimise their impacts upon neighbours, the surroundings road network and safeguards pedestrian and other road users safety.
- 14.15 Subject to the above it is considered the proposal would be acceptable in terms of supporting sustainable modes of transport, it should have no significant impacts on the safety or capacity of the highways network, in accordance with NPPF (2012) policy 6.1, London Plan (2015) policy 6.3, Core Strategy (2010) policies SP08 & SP09, and Managing Development Document (2013) policies DM20 & DM22.

15. Planning Obligations

- 15.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 15.2 Regulation 122 of the 2010 Community Infrastructure regulations require that planning obligations can only constitute a reason for granting planning permission where they are:

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

15.3 These regulatory requirements are replicated in the relevant section of the NPPF

15.4 Securing appropriate planning contributions is further supported 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.

15.5 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations.

15.6 The SPD was approved for public consultation by Cabinet on the 8th of April 2015.

The Boroughs four main priorities remain:

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

The Boroughs other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

15.7 The development is predicted to generate a significant number of permanent jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and streetscene.

15.8 As outlined in the following section LBTH CIL is applicable to the development, which will help mitigate these impacts, where it applies. It should be noted that registered charities get charitable relief from CIL. The RCP is a registered charity and so may not be required to make a CIL payment, this will be determined at the time a CIL liability notice is issued by the Council.

15.9 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- Energy; and
- a monitoring contribution.

15.10 The developer has agreed to provide 7 construction phase apprenticeships. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs.

15.11 The financial contributions agreed applicant are summarised in the following table:

Heads of Terms	s.106 financial contribution
Employment, Skills, Construction Phase Skills and Training	£18,000
End User Skills and Training	£34,816
Carbon off-setting	£16,789
Monitoring	Exact monetary value to be confirmed but shall be met in full by applicant

- 15.12 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

OTHER MATERIAL CONSIDERATIONS

16.0 Noise and Dust

- 16.1 A Noise Impact Assessment has been submitted with the planning application. The assessment concludes that the demolition of the existing building and construction will result in negative impacts during these two phases. A set of mitigation measures are proposed and all construction and demolition works shall be carried out to provide the best practical means of noise control and in accordance with relevant British Standards.
- 16.2 Measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.
- 16.3 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration during demolition, construction and occupation phases will be acceptable, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted.

17.0 Contaminated Land

- 17.1 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site. It notes that the existing foundations will be re-used with no excavation below existing basement level, except for a lift pit.
- 17.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to a condition to ensure the measures in the submitted assessment are carried out and that appropriate mitigation measures are taken should contamination be found there are no objections to the scheme on grounds of contaminated land issues.

18. Flood Risk & Water Resources

- 18.1 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 18.2 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates Sustainable Drainage Measures in accordance with the London Plan's hierarchy the proposal is considered acceptable in accordance with adopted policy NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

19 Energy and Sustainability

- 19.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 19.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 19.3 From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 19.4 The scheme is designed to achieve a BREEAM Excellent rating with a score of 72.80%. The proposal is anticipated to deliver a 36.8% reduction in CO2 emissions which falls below the policy requirement set out in the Local Plan. To address this shortfall, in accordance with Policy DM29 a £16,789 offset payment is required to meet current policy requirements.
- 19.5 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the MDD subject to the imposition of planning conditions to (i) secure BREEAM Excellent rating, (ii) of the ability of the development to connect to any future planned district heating network (with the necessary plant room left free to allow that); (iii) an ability for all use class spaces within the development to connect to a common CHP system; (iv) a commitment from the applicant to meet necessary financial contribution towards carbon offset being secured by s106, were planning permission to be granted for the scheme.

20 Biodiversity

- 20.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD 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.

- 20.2 An ecology report was submitted with the application. The Borough's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and is not likely to support protected species. There will therefore be no significant adverse biodiversity impacts.
- 20.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate condition the completion of the proposed development will result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.

21 Waste

- 21.1 A Waste Management Strategy is submitted with the application. A waste storage room would be located to the south side of the development, accessed from North Tenter Street.
- 21.2 The Waste Management Strategy has been reviewed by the Borough's Waste Team and is considered satisfactory and to be consistent with the Borough's MDD Policy DM14 in regard to managing waste.

22 Financial considerations

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

- 22.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
 - Any local finance considerations, so far as material to the application; and,
 - Any other material consideration.
- 22.2 Section 70(4) defines "local finance consideration" as:
- 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
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 22.3 As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and is liable for this scheme.
- 22.4 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). These are material planning considerations when determining planning applications or planning appeals. In this case the Crossrail charge would be approximately £143,360.

- 22.5 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule.
- 22.6 As set out in paragraph 7.25, the CIL and Crossrail charges would be waived where the development is to be used wholly or mainly for charitable purposes for more than seven years.

23 Human Rights

- 23.1 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:-
- 23.2 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".
- 23.3 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.
- 23.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 23.5 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.
- 23.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

23.7 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.

24. Equality

24.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.

24.2 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:

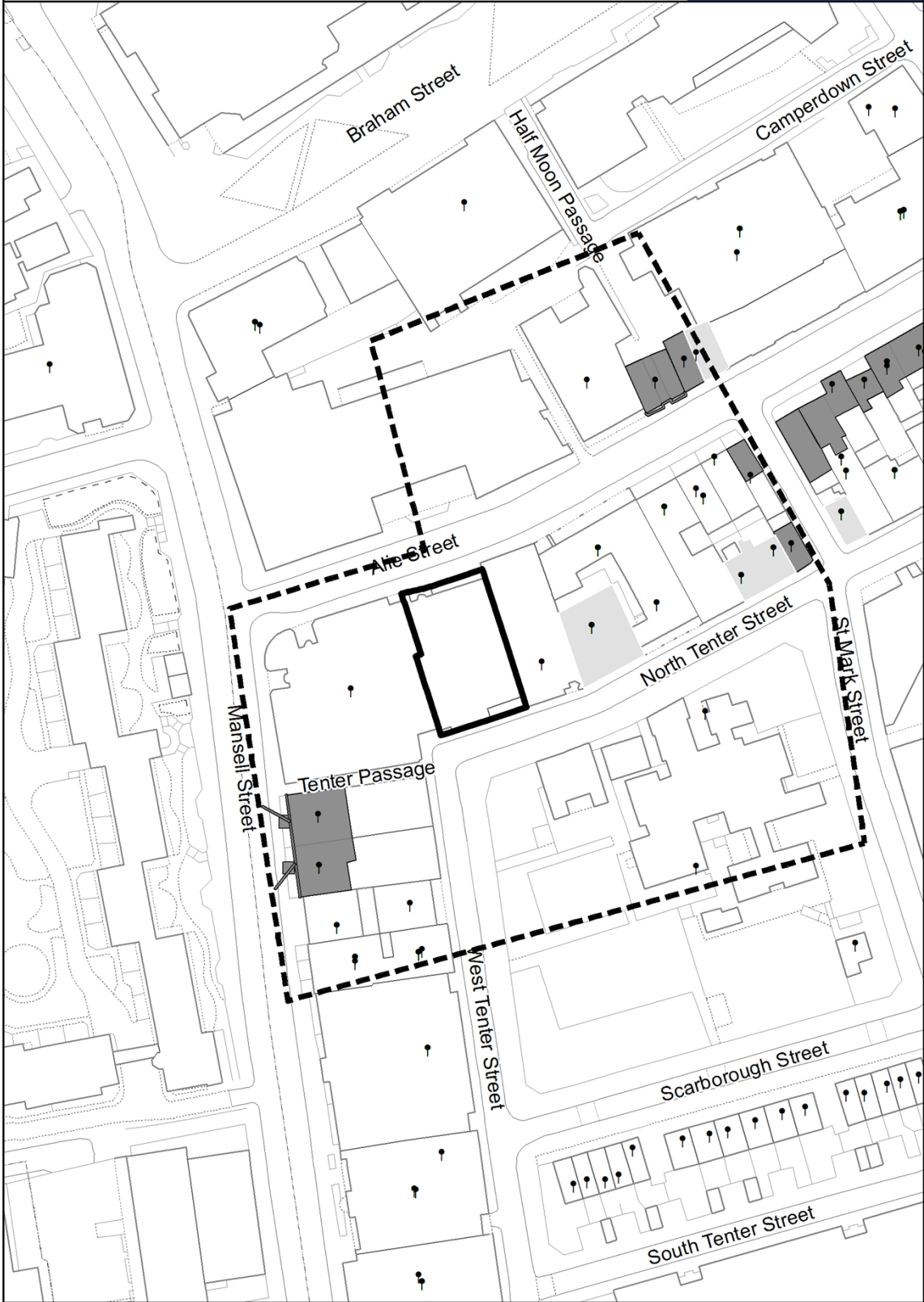
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

24.3 The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.

24.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development

25 Conclusion

25.1 All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	
Consultation Area	Statutory Listed Buildings	0 30 m	

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 6.2

Committee: Strategic Development	Date: 18 th February 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Kirsty Flevill	Ref No: PA/15/02104
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: Jemstock 2, South Quay Square, 1 Marsh Wall, London, E14

Existing Use: Vacant but extant permission for office with retail use

Proposal: Erection of building facades to existing structure on site to create a mixed use development comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3).

Drawings and documents: List of Plans:
10235-T-00-0101-Z00 Rev 02 site location plan
10235-T-02-0207-ZB2 Rev 02 Proposed lower basement plan
10235-T-02-0208-ZB1 Rev 02 Proposed upper basement plan
10235-T-02-0209-Z00 Rev 01 Proposed plans servicing and parking
10235-T-02-0210-Z00 Rev 01 Proposed ground floor plan
10235-T-02-0211-Z01 Rev 01 Proposed first floor plan
10235-T-02-0212-Z02 Rev 01 Proposed second floor plan
10235-T-02-0213-ZT3 Rev 01 Proposed typical floor plans
10235-T-02-0214-Z14 Rev 01 Proposed 14th floor plan
10235-T-02-0215-Z15 Rev 02 Proposed roof plan
10235-T-02-0401-ZEA Rev 01 Proposed elevation east
10235-T-02-0402-ZWE Rev 01 Proposed elevation west
10235-T-02-0403-ZSO Rev 02 Proposed elevation south
10235-T-02-0404-ZNO Rev 01 Proposed elevation north
10235-T-02-0405-ZEA Rev 01 Proposed elevation

entrance bay detail
10235-T-02-0406-ZEA Rev 01 Proposed elevation
typical serviced apartment bay detail
10235-T-02-0407-ZEA Rev 01 Proposed elevation
fourteenth floor bay detail
10235-T-00-0501-Z00 Rev 02 Proposed site plan
10235-T-00-0503-Z00 Rev 01 Entrance detail
10235-T-02-0601-ZAA Rev 01 Proposed sections –
section A-A
10235-S-02-0023-Z00 Rev 01 Secure Cycle Store
Sketch Ground Floor

Existing drawings:

9128/2/TP/01 Rev B site plan
9128/TP/10 Rev K Ground floor plan
9128/TP/11 Rev E First floor plan
9128/TP/12 Rev E Second floor plan
9128/TP/13 Rev C Third floor plan (typical floor plan 3rd
to 13th)
9128/TP/24 Rev E Fourteenth floor plan
9128/TP/25 Rev F Fifteenth floor plan
9128/TP/26 Rev B roof plan
9128/2/TP/30 Rev B North elevation
9128/2/TP/31 Rev C East elevation
9128/2/TP/32 Rev A South elevation
9128/2/TP/34 Rev A Section AA
9128/2/TP35 Rev A Section BB
9128/2/TP36 Rev A section CC
9128/2/INF/170 Rev A Boulevard plan office entrance
screen
9128/2/AS/2001 T3 typical cladding bay (east elevation)
9128/2/AS/2003 T2 north core east cladding - typ floor

Documents:

- Planning Statement prepared by CgMs Consulting dated July 2015
- Transport Statement prepared by WSP/Parsons Brinckerhoff dated July 2015
- Travel Plan prepared by WSP/Parsons Brinckerhoff dated November 2015
- WSP letter dated 23rd November 2015 in relation to TfL's comments
- Cycle parking letter dated 13th November 2015 prepared by EPR architects
- Technical note - travel by mode assessment prepared by WSP
- Letter of intent - shared parking arrangement dated

16th February 2016

- Crime prevention meeting file notes prepared by EPR architects dated 19th October 2015
- Air quality assessment Rev 01 prepared by Hilson Moran dated 11th June 2015
- Utility Report Rev 01 prepared by Hilson Moran dated 10th June 2015
- Design and Access Statement issue 01 prepared by EPR Architects dated May 2015
- Flood Risk Assessment Rev 01 prepared by Hilson Moran dated 23rd July 2015
- Flood Risk Assessment Addendum responding to EA comments prepared by Hilson Moran
- Hilson Moran Letter dated 13th November 2015 in response to GLA stage I consultation
- BREEAM 2014 - Pre-Assessment Report Planning – Offices Rev 01 dated 10th June 2015 prepared by Hilson Moran
- BREEAM 2014 - Pre-Assessment Report Planning - Other Building, Residential Institution Rev 01 dated 10th June 2015 prepared by Hilson Moran
- Energy Strategy Rev 01 dated 10th June 2015 prepared by Hilson Moran
- Waste Management Strategy Rev 01 dated 8th December 2015 prepared by Hilson Moran.
- Ecological Assessment letter dated 28th August 2015 prepared by Hilson Moran
- Ecology Appraisal dated 21st September 2015 prepared by Hilson Moran
- EPR Architects letter dated 11 November 2015 regarding GLA stage 1 – urban design and inclusive design
- Photograph sheet
- Sample board photograph

Applicant: Jemstock Properties Ltd.

Ownership: Fedamore Ltd, SCY Limited, Invel Real Estate Partners
Lennon 2 SARL, Mount Street Loan Solutions LLP

2. EXECUTIVE SUMMARY

- 2.1 Officers have considered the circumstances of this application against the relevant development plan policies in the Tower Hamlets Core Strategy 2010, the Tower Hamlets Managing Development Document 2013 and the London Plan 2015, the National Planning Policy Framework and National Planning Practice Guidance and other material considerations and have concluded:

- 2.2 The scheme would provide a mixed use development appropriate in this location as it falls within the Tower Hamlets Activity Area and allocation in the Isle of Dogs Opportunity Area. The proposal is primarily C1 (serviced apartment) led; however, the scheme also provides 1,844sqm of B1 (Office) space suitable for SME's and retail (A3) provision which accord with the aspirations of the Opportunity Area and will provide active frontages with South Quay Square.
- 2.3 The proposal is within the same height and massing of the previously implemented scheme and is appropriate in the context of the adjoining two buildings and surrounding developments within the local area.
- 2.4 The active ground floor uses would contribute to a vibrant development that would encourage visitors to the site in contrast to the vacant buildings which currently occupy the site and make the route through to the dockside more inviting for pedestrians.
- 2.5 Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.6 A strategy for minimising carbon dioxide emissions from the development has been proposed and a cash in lieu contribution has been agreed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.
- 2.7 The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

3. RECOMMENDATIONS

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

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

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

- 3.2 Financial Obligations:

- (a) A contribution of £144,200.80 towards providing employment & training skills for local residents.
- (b) A contribution of £130,140 towards carbon offsetting
- (c) A £3,000 contribution towards monitoring and implementation (based on a charge of £500 per principle clause).

Total: £274,340.80

- 3.3 Non-Financial Obligations:

- (a) Employment and Training Strategy including access to employment (20% Local Procurement; 20% Local Labour in Construction).
- (b) 9 apprenticeships and work placements (8 apprenticeships during the construction phase and 1 apprenticeship at the end user phase for first three years of full occupation)

- (c) On-street parking permit free development.
 - (d) Travel Plan
 - (e) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.
- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

CONDITIONS

Compliance conditions

- 1) Time limit
- 2) Compliance with plans
- 3) Hours of construction
- 4) Hours of operation for A3 unit
- 5) No external music to be played from commercial units
- 6) Use class restrictions to C1 hotel only
- 7) Maximum height of 65.924m AOD during construction and operation phase. No scaffolding or carnage higher than this.
- 8) Refuse stores to be provided prior to occupation
- 9) To be carried out in accordance with the energy strategy and PV panels
- 10) 10% of units to be wheelchair accessible/adaptable (5% each)
- 11) Development in accordance with the submitted sample panel
- 12) Drainage proposals from roof to dock (requested by GLA)
- 13) Lets of 90 days maximum

Pre-commencement

- 1) Phasing Plan
- 2) Construction Management Plan
- 3) Piling Method Statement
- 4) Water supply impact studies
- 5) Detailed drainage plan including groundwater discharge measures

Pre-superstructure works

- 1) Biodiversity enhancements including detail of green roof
- 2) Lighting scheme
- 3) Details of wheelchair units
- 4) Details of flues/ventilation for A3 unit
- 5) Secure by Design accreditation
- 6) Noise - Acoustic for lift and plant plus glazing specification
- 7) Cycle parking details
- 8) Public realm enhancements including surfacing details (as requested by GLA)

Prior to occupation

- 1) Delivery and Serving Plan
- 2) Waste Management Strategy
- 3) BREEAM excellent

- 4) Car parking management plan
- 3.7 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.8 **INFORMATIVES**

- To be read in conjunction with the s106 agreement
- Thames water informatives
- Canal and River Trust informatives

4. **SITE AND SURROUNDINGS**

- 4.1 The application site is approximately 0.015 ha in size. The site lies at number 2 South Quay Square to the south of South Dock and to the north of Marsh Wall. The application site is roughly rectangular in shape. The site faces onto South Quay Square.
- 4.2 The site is currently occupied by a partially completed building structure which is 15 storeys in height (ground floor and 14 storeys above). The building has remained unoccupied for over 10 years.
- 4.3 The application site adjoins two existing buildings including the 15 storey Hilton Hotel to the south (also known as Jemstock 1) and to the north, a 13 storey residential building 'Discovery Dock West' (Jemstock 3). The three buildings enclose a central landscaped courtyard area. Further to the east across South Quay Square lies Discovery Dock East which is a 23 storey residential building.
- 4.4 The site has a PTAL rating of 3 which is moderate accessibility. Despite this, the site is within close proximity to the South Quay DLR station. The closest bus stops to the site are located on Marsh Wall.
- 4.5 The site is located in Flood Zone 3.
- 4.6 The application is not a listed building and is not located close to a listed building. In addition, the site is not in or close to a conservation area.

5. **MATERIAL PLANNING HISTORY**

- 5.1 Below is the planning history for the application site. It is important to note that there has been several applications granted on the site and one of these permissions has been implemented (planning reference PA/07/01227).

Application site

- 5.2 PA/08/02090 - Change of use (14,303sqm floorspace) from Offices (B1) to Hotel (C1) incorporating 12 office suites (827sqm floorspace) together with alterations to the facade and an extension at first floor level.
- 5.3 This application was granted planning permission on 19.03.2009; however it was not implemented. This permission has now expired.
- 5.4 PA/07/01227 - Extension to east elevation to provide an additional 1,925 sq. m of floorspace for use as 1,749 sq. m of Class B1 offices and 176 sq. m of Class A1 (Shop) together with the construction of a landscaped boulevard (Variation of

planning permission PA/04/1825).

- 5.5 This application was granted planning permission on 07.09.2007. This permission was implemented and partially constructed (as per the existing situation on site currently).
- 5.6 PA/04/01825 - Extension to east elevation of building in course of construction to provide an additional 868 sq. m of Class B1 offices and 234 sq. m of Class A1 retail together with the construction of a landscaped boulevard.
- 5.7 This application was granted planning permission on 22.05.2006.

1-3 South Quay Plaza

- 5.8 PA/14/944. Planning permission granted on 31st March 2015 for the demolition of all existing buildings and structures on the site (except for the building known as South Quay Plaza 3) and erection of two residential led mixed use buildings of up to 73 storeys and up to 36 storeys comprising up to 947 residential (Class C3) units in total and retail (Class A1-A4) space together with basement, ancillary residential facilities, access, servicing, car parking, cycle storage, plant, open space and landscaping, plus alterations to the retained office building (South Quay Plaza 3) to provide retail (Class A1-A4) space at ground floor level, an altered ramp to basement level and a building of up to 6 storeys to the north of South Quay Plaza 3 to provide retail (Class A1-A4) space and office (Class B1) space.

South Quay Plaza 4 (Pending determination)

- 5.9 Several applications have been submitted for South Quay Plaza 4 which is located to the east of proposal. Whilst these applications are yet to be determined, they are a material consideration in the determination of the planning application under consideration.
- 5.10 PA/15/03412 - Erection of a single storey pavilion for the temporary use as a sales and marketing suite with ancillary storage space, access, parking and associated landscaping. *Pending decision.*
- 5.11 PA/15/03073 - Erection of a 56 storey building comprising up to 400 residential (Class C3) Units, Retail (Class A1-A4) Space, together with basement, ancillary residential facilities, access servicing, car parking, cycle storage, plant, open space and landscaping and other associated works.

This application is accompanied by an Environmental Impact Assessment.
Pending decision.

- 5.12 PA/15/03074 - Application for variation of condition 4 (Approved Drawings) of Planning Permission PA/14/00944, dated 30/03/2015 for the following:

Revised residential unit mix with 6x additional residential units (Class C3)
Amendments to internal layouts, elevations, landscaping and access arrangements
Incidental works

The application is accompanied by an Environmental Impact Assessment.

Pending decision.

6. PROPOSED DEVELOPMENT

- 6.1 The proposed development is for the erection of building facades to the existing structure on site to create a mixed use development comprising 206 serviced apartments (Class C1), 1,844 sqm of office floorspace (Class B1) and 218sqm of cafe floorspace (Class A3).
- 6.2 The Jemstock 2 site has remained vacant for several years as a structure covered in scaffolding. The site has extant planning permission for office with retail use (see PA/07/01277 detailed above).
- 6.3 The proposed development is within the same bulk and mass as the previous consents on the site. The maximum height of the proposed scheme is 65.924m AOD (including lift overrun).
- 6.4 In terms of the 206 serviced apartments, these will be located at third to fourteenth floor comprising a mix of studio, 1 bed and 2 bed units. At third to thirteenth floor, there will be 18 apartments per floor. The top floor will be set back from the main bulk of the building and will consist of 8 apartments which will each have the benefit of external amenity space. The serviced apartments will be managed as short stay accommodation for a period of up to 90 days.
- 6.5 A shared reception will be provided at ground floor level for the serviced apartments and offices toward the northern end of the application site.
- 6.6 In terms of the office element, this will measure a total of 1,844sqm and will be located at first and second floor level only. The submitted floorplans demonstrates eighteen individual offices measuring between 37 and 70sqm each and targets small to medium enterprises. Shared facilities are provided such as reception areas, kitchenettes, printing facilities and break out areas.
- 6.7 The A3 Café unit will be located at ground floor level and will front South Quay Square. The unit will measure 218sqm and will be open to the general public as well as residents of the serviced apartments and occupants of the offices.
- 6.8 In terms of delivery and servicing, this will utilise the existing service entrance for the Jemstock development at the rear of the building off Admiral's Way. There is an existing dedicated servicing area located here and shared with Jemstock 1 and Jemstock 3.
- 6.9 No car parking spaces are proposed; however, two disabled parking spaces are proposed in the basement level.
- 6.10 There are 38 cycle parking spaces proposed within a dedicated cycle store at ground floor level within the building for the building occupants and staff. A further 10 cycle parking spaces area proposed within the site's public realm, adjacent to the building reception. These will be accessible for the general public and visitors to the proposed café.

7. POLICY FRAMEWORK

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise.

- 7.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

The Development Plan

- 7.3 Consolidated London Plan, including Further Alterations to the London Plan (March 2015)

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.9 Inner London
- 2.10 Central Activities Zone (Strategic Priorities)
- 2.11 Central Activities Zone (Strategic Functions)
- 2.13 Opportunity Areas
- 2.15 Town centres
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.5 London’s Visitor Infrastructure
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 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
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 5.21 Contaminated Land
- 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 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
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and access to nature
- 7.24 Blue Ribbon Network

8.2 Planning obligations
8.3 Community Infrastructure Levy (CIL)

7.4 Tower Hamlets Core Strategy 2010

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

7.5 Tower Hamlets Managing Development Document 2013

DM1 Development within the Town Centre Hierarchy
DM7 Short Stay Accommodation
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 Transportation of Freight
DM22 Parking
DM23 Streets and Public Realm
DM24 Place-sensitive Design
DM25 Amenity
DM26 Building Heights
DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
DM30 Contaminated Land

Other Material Considerations

7.6 Government Planning Policy

NPPF - National Planning Policy Framework
NPPG- National Planning Policy Guidance

Other Planning Guidance

- Revised draft Planning Obligations Supplementary Planning Document Version for public consultation April 2015.
- Accessible London: Achieving an Inclusive Environment.
- London View Management Framework SPG
- London World Heritage Sites - Guidance on Settings SPG (March 2012)
- Shaping Neighbourhoods: Character and context SPG
- Sustainable design and construction SPG
- The Control of dust and emissions during construction and demolition
- South Quay Masterplan SPD (October 2015)

8.0 CONSULTATION

- 8.1 The following bodies have been consulted and representations are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report which addresses the material planning considerations but where appropriate comment is also made in response to specific issues raised as part of the consultation process.

External consultees

Mayor of London Stage 1 Response (Including TfL response):

Principle of development

- 8.2 The proposed serviced apartments would operate as an aparthotel, falling within the C1 Use class. London Plan policy 4.5 provides strategic support for the provision of hotel accommodation subject to it being located in town centres and opportunity and intensification areas with good public transport access. The site is located in the Isle of Dogs and Poplar Opportunity Area and close to Canary Wharf and the principle of hotel led development is supported.
- 8.3 The proposed provision of offices is supported in accordance with policy 2.13 of the London Plan. In addition, the provision of a small scale retail unit as part of developments such as this within Opportunity Areas can help to meet the needs of local residents and can assist in activating the ground floor. The café element is considered to be ancillary to the other main uses and is supported.

Urban design

Public realm

- 8.4 It is noted that the massing and siting of the building are established given the implementation of the previous proposal.
- 8.5 The ground floor frontage to the public realm on South Quay Square will be animated by the café use and shared entrance to the serviced apartments and offices. The two storey height colonnade and canopies which define the building entrances are supported.
- 8.6 The proposed lighting scheme is of high quality and details of this should be secured by condition.
- 8.7 There are concerns regarding the level difference between the public realm and ground floor level and the resultant raised area with steps, ramps and planters. The proposal would undermine the quality of the public realm as a thoroughfare. The applicant should consider how this area can be simplified.
- 8.8 Concerns are also raised in relation to the extent of the inactive frontage to South Quay Square. The applicant is requested to better animate the building frontage.

Height and strategic views

- 8.9 The building lies in a number of strategic views. Whilst the application is not accompanied by a visual impact assessment, it is noted that the existing structure on

site has been present for over a decade and the visual impact of the scale and massing would already be accounted for.

- 8.10 The proposal for external cladding to an existing fifteen storey building will therefore not detrimentally impact on protected views, would not harm the setting of the Maritime Greenwich World Heritage site and any listed buildings.
- 8.11 No wind and microclimate assessment has been submitted; however, as the structure of the building is in place and has been for some time it is considered that the impact of the proposal (in relation to the Lawson's Comfort criteria) would have a negligible impact on the public realm.

Architectural Treatment

- 8.12 The architectural treatment used does not raise concerns. The council is strongly encouraged to secure the retention of the architects during detailed design phases in addition to utilising appropriate conditions to secure design detail and materials.

Blue Ribbon Network and flooding

- 8.13 The applicant should follow good practice and enclose any essential building utilities within a flood-proof room or enclosure as well as implementing additional flood warning mechanisms for the basement.
- 8.14 The applicant's drainage strategy proposes direct discharge of run off from the roof area directly to South Dock. This is supported. The method of drainage should be secured by the council by an appropriate condition.

Inclusive design

- 8.15 11 accessible apartments are proposed of a total of 206 apartments. It should be ensured that 10% of the rooms should be wheelchair accessible to ensure compliance with policy 4.5 of the London Plan. More specifically, this requires 5% of all rooms to be wheelchair accessible and 5% should be wheelchair adaptable. This should be secured by way of a condition.
- 8.16 The current access arrangements are considered to be inconvenient for disabled users. The applicant should investigate how this can be improved.

Climate change adaptation

- 8.17 The proposal includes a number of measures that respond to strategic policies regarding climate change and this is welcome.

Climate change mitigation

Energy efficiency

- 8.18 The applicant has broadly followed the energy hierarchy as detailed in the London Plan to reduce carbon dioxide emissions. The applicant is required to provide details of the overheating analysis to support the proposed strategy.
- 8.19 The demand for cooling will be minimised through solar control glazing and openable windows in the serviced apartments. Mechanical cooling will be provided to the serviced apartments. Information is required from the applicant on the control strategy

for ensuring that any air conditioning system installed on site is only used when needed, for example comfort cooling should not be accessible when the windows are open.

District heating and renewables

- 8.20 The application is within the Barkentine district heating network and connection to the network should be prioritised in the first instance. Evidence of recent correspondence should be provided to demonstrate that a connection has been robustly investigated including whether there are plans for expansion. The applicant should also investigate whether there is an opportunity to connect to the heat networks of neighbouring developments in order to improve the carbon emission performance of the development. Evidence of correspondence with the network operator and relevant stakeholders should be provided.
- 8.21 The applicant should confirm that all apartments and non-domestic floorspace will be served by the site heat network. The applicant should also confirm that the network will be supplied from a single energy centre and will be designed to allow for a future connection to a district system. This connection should be secured by the Council through a condition. Further information on the floor area and the location of the energy centre should be provided.
- 8.22 The applicant is proposing to install Air Source Heat Pumps to provide space heating for the serviced apartments and office spaces. It should be confirmed that both space heating and domestic hot water systems will be compatible for future connection to a district heating network. It should be noted that variable refrigerant flow (VRF) systems are not considered as compatible systems to a future connection.
- 8.23 A sqm of photovoltaic is proposed on the roof of the development. The proposed system appears to be of low energy efficiency. The applicant should also investigate whether additional PV Panels can be accommodated on the roof. Renewable technology should be secured by condition.
- 8.24 A reduction in carbon dioxide emissions of 33 tonnes per annum (14%) will be achieved through the energy hierarchy. The applicant should note that only heating from the ASHP is considered renewable energy in the energy hierarchy. The applicant should therefore update the emission figures with the cooling savings of the ASHP to be included in the 'be lean' element of the energy hierarchy.

Transport

Vehicular parking

- 8.25 A car free scheme is proposed with the exception of 2 Blue Badge spaces. Whilst this is acceptable, all wheelchair accessible units should be designated a space. Whether these spaces can be accommodated on site or on street should be explored.
- 8.26 Vehicular access is proposed off Admiral's Way and is considered to be acceptable by TfL.

Cycle parking

- 8.27 A total of 48 cycle parking spaces are proposed for all uses. 38 of these are proposed within a ground floor room of the building and the remaining spaces within the public realm. The quantum and general approach is considered to be acceptable.

8.28 Clarity is required on where the cycle storage room will be located and in accordance with the London Cycle Design Standards.

8.29 Cycle parking within the public realm should be incorporated appropriately.

Impact Assessment

8.30 A multimodal impact assessment has been undertaken; however, this is based on the consented scheme and the building is currently vacant. Therefore, no trips are currently generated and this should be reflected in the baseline. The applicant has not disaggregated the public transport trips by mode and therefore TfL are unable to assess the impact on the local bus, DLR and underground network. The applicant must address this.

8.31 Subject to the outcome of this assessment, TfL may require funding to be allocated appropriately towards mitigating any site specific impacts on the cycle hire network and the overstretched bus network in the area.

Pedestrian Environment

8.32 It is requested that the Council allocate appropriate CIL funding towards the delivery of new pedestrian and cycle links across the dock. In addition TfL requests that the council allocate CIL funding toward Legible London signage to improve wayfinding and encourage a modal shift towards walking and cycling. This will then reduce the impact on the DLR network.

Coach trips

8.33 The trip generation assessment anticipates that there will be coach trips generated from the proposed development. The applicant is required to demonstrate how this will be accommodated on site or within the local area without creating conflict or causing delays.

Travel planning

8.34 The Framework Travel Plan submitted is not in accordance with the ATTrBuTE system as a baseline modal split (prior to occupation) has not been provided. A revised Travel Plan should be secured through the s106 and approved prior to occupation.

Freight

8.35 It is proposed that the deliveries and servicing will occur from a dedicated servicing area in the basement from Admiral's Way. TfL require a delivery and servicing plan and construction logistics plan to be secured by condition or s106 obligation.

Crossrail

8.36 Due to the uplift of 1844sqm of B1 office space, a Crossrail charge of £258,160 is required and should be secured through the s106 agreement.

Canal and River Trust

8.37 The proposed development will bring more people to the area, who will make use of the dockside walkways and amenity areas. A contribution should be secured towards improvements to the dockside.

8.38 The drainage plans suggest that an overflow discharge to the docks is proposed. An informative should be requested as follows:

“The applicant is advised that surface water discharge to the dock will require prior consent from the Canal & River Trust. Please contact Nick Pogson from the Canal & River Trust Utilities team (nick.pogson@canalrivertrust.org.uk).”

8.39 No objections to the proposed development

London Fire and Emergency Planning Authority:

8.40 No comments received.

Metropolitan Police Crime Prevention Officer:

8.41 Notes that the Design and Access Statement refers to discussions with the Crime Prevention Officer; however, this dialogue did not occur and no meeting was held.

8.42 The Crime Prevention officer would have anticipated contact from the Architects to discuss the plans at some point to ensure that the aspects had been incorporated where possible and to discuss any areas where there may have been concerns.

Environment Agency

8.43 Although this proposal is for a ‘more vulnerable’ development within Flood Zone 3, we have no objections as it is located within an area that has been identified as benefitting from defences.

8.44 The finished floor levels of the development are also above the 1 in 200 chance in any year, including an allowance for climate change, flood level. This means that floodwater is unlikely to enter the property during a 1 in 200 chance in any year, plus climate change, flood event.

8.45 Further information has been provided by the applicant to demonstrate that the proposal has a safe means of access and/or egress in the event of flooding from the new development to an area wholly outside of the floodplain (up to a 1 in 200 chance + climate change flood event).

London City Airport

8.46 The proposed development has been examined from an aerodrome safeguarding aspect and from the information given London City Airport has no safeguarding objection.

8.47 A condition is requested that the completed structures as specified in the planning application to a maximum height of 65.924m AOD. In the event that during construction, crane or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation.

National Air Traffic Services (NATS)

- 8.48 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.
- 8.49 Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

Sustainable Urban Drainage System (SUDS) Officer

- 8.50 The FRA assessment and proposed surface water strategy is accepted. The applicant will be discharging the roof drainage into the docks at rates agreeable to Canal and river trust which is welcomed. The runoff from associated external area of which there is 219m² will be discharged into combined sewers at a restricted rate in accordance with London Plan.
- 8.51 A lack of sustainable SuDs typologies implemented. Therefore a green roof will provide biodiversity benefits including reducing run off. The roof plans shows a potential green roof, yet the sustainability statement cites structural/limited space for such a proposal, however the applicant will consider it as the design progresses. We therefore request the applicant to endeavour to implement a green roof.
- 8.52 The sustainability statements cite decrease in impermeable area resulting in a reduction in run off. In contrast the FRA states that the site would maintain the building footprint or hard landscaping therefore no change in run off. Therefore a detailed drainage plan to be submitted to LPA prior to works commencing illustrating all details (levels, location of SuDs features) is requested. Conditions are also requested in relation to residual risks.

Thames Water

- 8.53 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 8.54 Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
- 8.55 Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
- 8.56 No impact piling shall take place until a piling method statement (detailing the depth and 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 sewerage 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. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

- 8.57 We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water request an informative regarding a Groundwater Risk Management Permit from Thames Water for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- 8.58 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Internal

Planning policy officer

- 8.59 The proposed development is within the boundary of the Millennium Quarter Masterplan Site Allocation, which requires a strategic housing development (500 or more homes), a district heating facility, open space, commercial floorspace and other compatible uses. Principles for development include stepping down in height and scale from Canary Wharf, stepping back from the waterside to enable activation, create and deliver two areas of open space and creating a legible, permeable and well-defined movement network centred on Millharbour and Marsh Wall.
- 8.60 The principle of serviced apartments at the location proposed is acceptable; Spatial Policy 06.4 directs such uses to areas of the borough including Activity Areas. The proposal appears to be in general accordance with Policy DM7.1, in particular the applicant has provided some demonstration of need within the accompanying Planning Statement. Additionally, details of the proposed operator and management arrangements have been provided which would satisfy part 2 of Policy DM7 (that serviced apartments will be managed appropriately as short-term accommodation with stays of up to 90 days).
- 8.61 Provision of employment floorspace at the lower levels of this site is welcomed in line with the design and landuse principles of the South Quay Masterplan. Commercial floorspace is also a requirement of the Millennium Quarter site allocation. A total of 1,844sqm is proposed, which appears to be split into a number of units which could be suitable for SMEs, thus addressing the requirements of Policy DM15.3.
- 8.62 The proposed ground floor cafe would activate the frontage of what could be an important access route to the dockside, thus according with the aspirations of the South Quay Masterplan and Site Allocation brief.
- 8.63 The proposed boulevard would be supported as it represents an opportunity to deliver an aspiration of the South Quay Masterplan which is to improve pedestrian connectivity and permeability.

- 8.64 The proposed land uses at the site are consistent with the requirements of the Site Allocation and the aspirations of the South Quay Masterplan, and information has been provided to demonstrate need for serviced apartments and that they would be managed appropriately

Environmental Health – Air Quality

- 8.65 The model used in the assessment has not been verified against local monitoring data and therefore could not be accepted originally. For the background data used in the model we would prefer that the 2015 Defra background map figure was used for the opening year assessment as well to give a conservative assessment.
- 8.66 Further information has subsequently been submitted in relation to the verification data and the objections has been removed.

Environmental Health – Noise and vibration

- 8.67 No comments received

Environmental Health – Contaminated land

- 8.68 No comments to make given that the existing structure is currently in place.

Energy officer

- 8.69 I have no objection to the proposals. The proposals are aiming to deliver an energy efficient building including high efficiency gas boilers for hotwater, and ASHP for cooling and heating loads. The proposals also include a 92m² PV array for on-site electricity generation.
- 8.70 In relation to sustainability it is noted that the scheme is designed to meet BREEAM excellent and this is supported.
- 8.71 The current proposals are achieving a 14.4% reduction in CO₂ emissions compared to a building regulation baseline scheme. Whilst this is below the requirements of Policy DM29 it is considered appropriate to seek the shortfall as a cash in lieu payment for carbon offsetting in this specific instance. The applicant has identified that the CO₂ emission shortfall for the scheme is 72.3 tonnes of CO₂.
- 8.72 Utilising the planning obligation for carbon offsetting, as detailed in LBTH Planning Obligations SPD, this shortfall equates to £130,140.
- 8.73 It is recommended that the carbon offsetting figure of £130,140 be secured through a S106 agreement with payment upon commencement on-site.
- 8.74 It is also recommended that planning conditions be used to secure the achievement of BREEAM Excellent and delivery of the Energy Strategy.

Biodiversity officer

- 8.75 The application site consists entirely of an existing derelict building, which does not have potential for bat roosts. There is not, therefore, any significant existing biodiversity value.

- 8.76 Policy DM11 requires major developments to provide net gains for biodiversity in line with the Local Biodiversity Action Plan (LBAP). A green roof is proposed. If designed and implemented in accordance with best practice guidance published by Buglife, this will contribute to the LBAP target for new open mosaic habitats. Other biodiversity enhancements which should be considered, as recommended in the ecology report, include incorporating nest boxes for swifts, house sparrows and black redstarts and bat boxes. Swifts are colonial nesters, so several swift boxes should be installed close together. Boxes for black redstarts should be associated with the biodiverse roof.
- 8.77 A condition should require full details of the biodiverse roof and any other biodiversity enhancements, to be agreed before work commences.

Design officer

- 8.78 The proposed materials are generally acceptable; however, there are some concerns regarding servicing/drop offs/access into the site.

Enterprise and employment officer

- 8.79 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.
- 8.80 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.
- 8.81 The Council will seek to secure a financial contribution of £329,792 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 8.82 In terms of the construction phase apprenticeships, the council seek 8 apprentices to be delivered during the construction phase which is based on the build cost provided. It is recommended that the apprenticeship level is no less than NVQ level 2.
- 8.83 Proposed employment/enterprise contributions at end-use phase: The council seeks a monetary contribution of £83,816.80 towards the training and development of unemployed residents in Tower Hamlets to access either: i) jobs within the A3, B1a and C1 uses of the development ii) jobs or training within employment sectors relating to the final development
- 8.84 Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.
- 8.85 During the end-use phase 1 apprenticeship is expected to be delivered over the first 3 years of full occupation. This was calculated based on the expected FTE employment for the commercial floorspace.

Access Officer

8.86 No comments received

Waste officer

8.87 No objections

Transportation & Highways

8.88 Highways have no objection to the application subject to the following conditions:

- A Construction Logistics Plan to be approved prior to commencement of the development
- A Car Parking Management Plan that commits the applicant to providing a minimum of two on site disabled space as well as exploring opportunities to increase the level of disabled parking available to users of the site to be approved prior to occupation of the development
- A Travel Plan for all elements of the development to be approved prior to occupation of the development
- A Deliveries and Servicing Plan to be approved prior to occupation of the development

Building control officer

8.89 No comments received

9. LOCAL REPRESENTATION

9.1 The application has been publicised by way of a site notice and by an advertisement in East End Life. A total of 348 neighbouring properties were individually notified and invited to comment.

9.2 No letters of representation were received in either objection or support.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by these two applications are:

1. Sustainable development
2. Land use
3. Design
4. Impact on neighbouring amenity
5. Transport and access
6. Energy
7. Air Quality
8. Noise and Vibration
9. Contaminated Land
10. Flood Risk
11. Biodiversity and ecology
12. Community Infrastructure Levy and Planning Obligations
13. Other Local Finance Considerations
14. Human Rights
15. Equality Act

Sustainable development

- 10.2 Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.
- 10.3 The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean *“ensuring that better lives for ourselves don't mean worse lives for future generations.”* The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 10.4 The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 10.5 NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 10.6 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (NPPF Paragraph 9).
- 10.7 NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 10.8 Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:

- be genuinely plan led;
- be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- encourage the effective use of land by reusing land that has been previously developed;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

10.9 This is reflected in the Council's Core Strategy 2010 at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

Land Use

10.10 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.

10.11 The scheme proposes three land uses including serviced apartments (short term let), offices and a restaurant/cafe. In terms of land use designations, the application site is located in the Canary Wharf Activity Area, the Millennium Quarter site allocation and the Isle of Dogs and Poplar Opportunity Area.

10.12 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised.

10.13 The Isle of Dogs is identified within the London Plan as an Opportunity Area (Policy 4.3 and Annex 1) which recognises it as a strategically significant part of London's world city offer for financial, media and business services. The designation identifies that by 2031 the area could accommodate an additional 110,000 jobs as well as a minimum of 10,000 new homes. The Isle of Dogs Opportunity Area also constitutes part of the Central Activities Zone for the purposes of office policies.

10.14 The site is also allocated within the Council's Local Plan as Site Allocation 17 (Millennium Quarter). The allocation envisages mixed-use development in the area to provide a 'strategic housing component' and seeks to ensure development includes commercial space, open space and other compatible uses. The development is within the Tower Hamlets Activity Area where a mix of uses is supported, with active uses on the ground floor.

Short Term Visitor Accommodation (C1 use)

- 10.15 Policy 4.5 of the London Plan (2015) 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 Central Activities Zone, City Fringe or Canary Wharf Activity Area as well as major or district centres) and benefit from good access to public transport. In addition, no less than 10 per cent of bedrooms are required to be wheelchair accessible.
- 10.16 Policy 4.5 of the London Plan (2015) also includes the Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2036.
- 10.17 Policy DM7 (1) of the Council's Managing Development Document provides further detailed policy guidance for hotel developments, requiring the following criteria to be met:
- a) The size is proportionate to its location within the town centre hierarchy;
 - b) There is a need for such accommodation to serve visitors and the borough's economy;
 - c) It does not compromise the supply of land for new homes and the Council's ability to meet its housing targets;
 - d) It does not create an over-concentration of such accommodation or cause harm to residential amenity; and
 - e) There is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.
- 10.18 Part 2 of Policy DM7 requires that apart hotels be occupied for a maximum of 90 days and that the management guidelines as set out in the supporting text (paragraph 7.4) be followed:
- management will ensure rooms will not be occupied for periods of 90 days or more;
 - management will provide twenty-four hour servicing;
 - telephone lines will be provided in the rooms with no opportunity for personal lines installed by the occupier;
 - management will ensure rooms will be charged out at a maximum at weekly rates;
 - the use will be secured in the form of a licence, not a lease;
 - the occupants of the room will not have exclusive possession of the room; and
 - management will have access to the room for the provision of substantial services, including room cleaning.
- 10.19 Serviced apartments are a new and emerging sector of the visitor accommodation sector and tend to attract longer stay guests compared with traditional hotels and are popular with businesses looking at providing accommodation to staff visiting the area. The proximity to Canary Wharf and good public transport links all appear to be features that make this location and its surrounds a popular location for visitor accommodation.
- 10.20 The proposed serviced apartment is in land use class C1 and is aimed at guests seeking to stay longer than a few nights. The Planning Statement advises that each apartment will be 30sqm in size with separate living and bedroom areas, bathroom and kitchen. 24 hour concierge will be provided and the property will be serviced on a daily basis with deliveries of fresh linen, soaps etc.

- 10.21 The Planning Statement notes that the client mix will generally consist of corporations with employees on extended stay for projects and other business and to a lesser extent leisure guests. There are 206 rooms proposed in the hotel.
- 10.22 In terms of meeting the criteria set within DM7(a), the site is considered to be a suitable location for serviced apartments given its location within the Canary Wharf Activity Area and close proximity to the Canary Wharf Major Town Centre. The number of rooms proposed is considered to be acceptable in scale by virtue of the sites position within the Activity Area. The site is also located adjacent to Jemstock 1 (Hilton Hotel) and has previously been granted on 19.03.2009 for a hotel use under PA/08/02090. It is noted that this consent has expired.
- 10.23 DM7(2) requires a demonstration of need for such accommodation to serve visitor's and the borough's economy. The submitted Planning Statement notes that given the site's proximity to the economic hub of Canary Wharf major centre and the opening of Crossrail Canary Wharf station in 2018, growth is anticipated in the Canary Wharf area. It is argued that there is a correlation between demand for hotel accommodation and levels of occupied office space and employment.
- 10.24 From the applicant's experience, Docklands service apartments and apart hotels operate with a high occupancy rate (90%). The high occupancy rates suggest an excess of demand over supply which in turn is putting pressure on the residential housing as it forces visitors into residential serviced apartments.
- 10.25 Therefore as employment and office floorspace are linked to serviced apartment and apart hotel demand, this forecast growth therefore implies future growth in the need for additional serviced apartment and apart hotel accommodation.
- 10.26 There are several potential corporate clients that are in very close proximity to the Jemstock 2 site. These blue-chip corporates include Merrill Lynch, KPMG, BNP Paribas, JP Morgan, Morgan Stanley and Deutsche Bank, all within 15 minutes walking distance of the Site.
- 10.27 In addition, it should be noted that the proposal will generate jobs for the local community. It is anticipated that the proposed scheme will generate 42 full time equivalent employees in management, maintenance, sales, and housekeeping.
- 10.28 In terms of DM7(3), the site has extant use for B1(a) office use as granted under PA/07/01227 on 07.09.2007 and consent has been granted (albeit expired) for hotel use (C1). The proposal's C1 use is broadly consistent with the Millennium Quarter Site Allocation 17 which supports a comprehensive mixed-use development. It is considered that the proposal would not comprise the supply of land for new homes.
- 10.29 DM7(4) requires development not to create an over-concentration of such accommodation or cause harm to residential amenity. Given that the use is serviced apartments, this is a different offer to other hotels within Canary Wharf. The adjoining site is a Hilton Hotel which offers a different type of letting arrangement than the proposed apart-hotel. It should also be reiterated that the London Plan (2015) sets a target of 40,000 additional hotel rooms by 2036 and the 206 additional rooms proposed would contribute to this figure. By virtue of the amount of rooms proposed, the sites position within the Activity Area and the type of accommodation proposed, it is not considered that the proposed apart-hotel would lead to an overconcentration of hotel uses in the Activity Area. In terms of impact on residential amenity, the proposal is considered to not have a detrimental impact on neighbouring amenity given the

structure currently exists and the implemented scheme. This matter is further discussed in the 'impact on neighbouring amenity' section of the report.

- 10.30 DM7 (5) requires adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements. The applicant has the right of way to the rear of the property which can be accessed from Admiral's Way. This will provide access to two dedicated accessible parking bays for visitors to the serviced apartments and will be where servicing and deliveries occurs from. A dedicated refuse area will also be provided in this location. In terms of the coach trips, given the nature of the proposed development (explained in further detail in the transportation section of the report) it is not anticipated that there will be coach trips to the site due to the proposal not being targeted at tourists and the leisure industry. The applicant has pointed out that in the unlikely event that there is a coach that arrives to the site, this can be accommodated within the coach parking bay on Lighterman's Road and a walk of approximately 300 metres to the site.
- 10.31 The Planning Statement confirms that the management guidelines as set out in Policy DM7 will be adopted.
- 10.32 Finally, in terms of London Plan policy 4.5, the applicant has submitted amended plans to demonstrate the 11 wheelchair accessible units (5%) and 11 wheelchair adaptable units (5%) on the third to thirteen floors. This plan demonstrates one wheelchair accessible and one wheelchair accessible room per floor. A total of 22 wheelchair accessible/adaptable rooms are proposed which is above the 10% threshold required by policy 4.5 of the London Plan.
- 10.33 For the reasons outlined above, the proposed serviced apartment use is considered acceptable

Provision of Serviced Offices B1(a)

- 10.34 London Plan Policy 2.13 'Opportunity Areas' sets out that there is scope to convert surplus business capacity south of Canary Wharf within the Opportunity Areas. More specifically, this policy states that development proposals within the OAs should:
- Support the strategic policy directions for OAs;
 - Seek to optimise residential and non-residential densities and where appropriate contain a mix of uses;
 - Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or employment capacity; and
 - Support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas.
- 10.35 DM15(3) of the MDD details that the development of new employment floorspace will need to provide a range of flexible units including units less than 250 sqm and less than 100 sqm to meet the needs of Small and Medium Enterprise (SME).
- 10.36 The site is located within the Canary Wharf Activity Area. The proposal will provide office floor space at first and second floor level. The submitted floorplans demonstrate eighteen individual offices measuring between 37 and 70sqm each and targets small to medium enterprises. Shared facilities are provided such as reception areas, kitchenettes, printing facilities and break out areas.

- 10.37 Provision of employment floorspace at the lower levels of this site is welcomed in line with the design and landuse principles of the South Quay Masterplan. Commercial floorspace is also a requirement of the Millennium Quarter site allocation. A total of 1,844sqm is proposed, which appears to be split into a number of units which could be suitable for SMEs, thus addressing the requirements of Policy DM15.3.
- 10.38 Furthermore, the principle of an office use on this site has been established under previous consents which also have extant permission on the site and therefore the re-provision of some office space with this proposal is considered to be acceptable.

Retail Provision (A3)

- 10.39 The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 10.40 London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
- the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
 - retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
- 10.41 Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 10.42 Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that 'within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and Canary Wharf major centre and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors. Key anchor uses, such as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.
- 10.43 Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:
- they do not result in an overconcentration of such uses; and
 - in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 10.44 Part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:

- adequate width and depth of floorspace has been provided
- for the town centre uses;
- a shop front has been implemented in the first phase of development; and
- appropriate servicing arrangements have been provided.

10.45 The proposed retail uses (Café / Restaurant) would be located within the Isle of Dogs Opportunity Area and Tower Hamlets Activity Area (which forms part of the Town Centre Hierarchy). The scale of the restaurant/ café use at 218qm would relate to the size, function and role of the THAA. The active use would be located at ground floor level as part of a wider mixed use development scheme. The proposed A3 use would also support the vitality and viability of the THAA and would activate the frontage of the pedestrian route through the square. It is noted that the principle of a small retail function on the site has been established under the previous consents including PA/04/01825 which gave consent for 234sqm of A1 retail space and PA/07/01227 which gave consent for a further 176sqm of A1 retail space.

10.46 As an end-user has not been identified for the retail element of the proposal, conditions are recommended in relation to any future extraction system and flues.

10.47 For the reasons outlined above, the principle of the proposed land uses is therefore supported by officers.

Design

10.48 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.

10.49 National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should exhibit:-

- be functional;
- support mixed uses and tenures;
- Include successful public spaces;
- be adaptable and resilient;
- have a distinctive character;
- be attractive; and
- encourage ease of movement

10.50 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and 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 spaces and urban design that optimises the potential of the site.

10.51 SP10 and Policy DM23 and DM24 of the Local Plan 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.

10.52 Policy DM26 of the Borough's Managing Development Document sets out that proposals for tall buildings should satisfy the following criteria:

- a. 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;

- b. 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.
- c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;
- d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
- e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
- f. Present a human scale of development at the street level;
- g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
- i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
- j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
- l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

10.53 Policy DM26 also seeks (where feasible) tall buildings to provide publicly accessible areas within the building including on the ground floor.

Proposal:

10.54 The development would include the introduction of facades to the existing structure on site to provide a mixed use development contained within one single building.

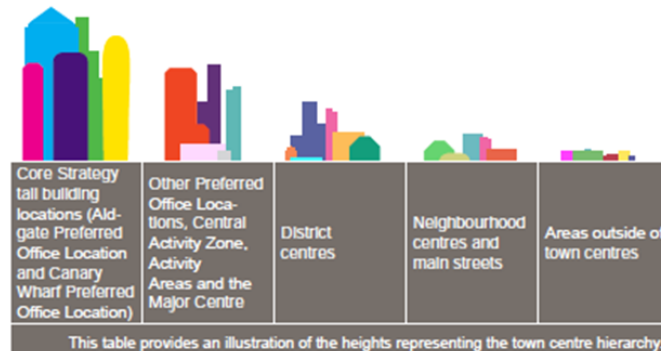
10.55 The maximum height for the proposed building is set at 65.924 metres above ordnance datum (AOD). This height is the equivalent of a 15 storey building. The consented scheme on site had a maximum height of 70.424 AOD. The previously implemented scheme was of a similar scale of development to that planning permission is currently being sought for.

10.56 At ground floor level the building seeks to address the building's relationship with South Quay Square by activating the buildings frontage and therefore the building's interaction with this space.

10.57 The Tower Hamlets Local Plan sets out a location-based approach to tall buildings in the borough focussed around the town centre hierarchy. The Core Strategy identifies Aldgate and Canary Wharf as two locations for tall building clusters within the borough; whilst policy DM26 sets out a hierarchy for tall buildings in the borough ranging from the two tall building clusters at Canary Wharf and Aldgate followed by the Tower Hamlets Activity area (in which the application site is located), district centres, neighbourhood centres and main streets, and areas outside town centres. It

is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.

- 10.58 For the Tower Hamlets Activity Area, the policy, inter alia, sets out the need to demonstrate how the building responds to the change in scale between the tall buildings in Canary Wharf cluster and the surrounding lower rise residential buildings.
- 10.59 The policy seeks a hierarchical approach for building heights, with the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones, Activity Areas and Major Centres. The heights are expected to fall further within neighbourhood centres. The lowest heights are expected in areas outside of town centres. This relationship is shown within figure 9 of the Managing development Document, which is located below and referenced within policy DM26 of the MDD.
- 10.60 The site sits in the Canary Wharf Activity Area which is located between the place of Canary Wharf and place of Millwall as detailed in the Core Strategy (2010). The Millwall vision requires a greater integration with Canary Wharf to the north and the areas to the south having a quieter feel. Therefore, taller buildings in the north should step down to the south and west to create an area of transition from the higher-rise commercial area of Canary Wharf and the low-rise predominantly residential area in the south.
- 10.61 The following is an assessment of the proposal against policy DM26.



This table provides an illustration of the heights representing the town centre hierarchy.
 Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Policy DM26(1) states Building heights will be considered in accordance with the town centre hierarchy (as illustrated in Figure 9) and the criteria stated in part 2.

Policy DM26(2)a states. 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;

- 10.62 In terms of the Town Centre Hierarchy, the site falls within the Canary Wharf Activity Area, where a transition in building heights is expected from Canary Wharf to the Activity Area and beyond this to the south.
- 10.63 In relation to the Activity Area, South Quay Plaza (1-3) and Arrowhead Quay located to the east and west of the site are consented at 238 and 220m high respectively.
- 10.64 The tallest buildings south of Marsh Wall consist of Pan Peninsula at 147m AOD and Baltimore Wharf, which is currently being constructed. Baltimore Wharf's height is

approved at 155m AOD. 2 Millharbour (PA/14/01246) was granted planning permission on 04.09.2015 and has two buildings at 129 and 148m high.

10.65 The proposal is also set adjacent to buildings which are of a very similar height and the proposal completes the central courtyard area created by the site itself as the eastern flank and the adjoining schemes to the south and north.

10.66 As such, when taking into account the heights within the CAZ and the activity area in which the site is located, the proposed development at 65.924m AOD is considered to reflect an acceptable transition.

DM26(2)b. 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.

10.67 As discussed previously, the scale and mass are within the parameters of the implemented scheme as per the structures currently on site. The proposal is also of a similar height to the adjoining schemes which have been built out including Discovery Dock to the north and the Hilton Hotel to the south.

DM26(2)c. Achieve high architectural quality and innovation in the design of the building,

10.68 The design merits of the proposal are considered to be of a good standard and include high quality materials which have been submitted as samples and assessed by the design officer. The architecture is discussed further within this report and the materials proposed will be secured by way of condition.

DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;

10.69 The existing building completes the perimeter of the central courtyard created by the site itself and the adjoining buildings at Discovery Dock and Hilton Hotel.

10.70 The application has been accompanied by a Design and Access Statement, which contains visualisations of the existing structure and the proposed facades. Officers are satisfied that the visual impact to the local skyline will be positive given its relationship with the adjoining buildings, the vast improvement on the site itself and as such is considered acceptable.

DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;

10.71 As the existing structures are currently in place, officers consider there not to be a detrimental impact on heritage assets and strategic or local views. This is further discussed in the heritage/strategic views section of the report.

DM26(2)f. Present a human scale of development at the street level;

10.72 The proposed development includes a retail unit measuring 218sqm at ground floor level which is appropriately located to activate the frontage with South Quay Square. In addition, the entrances to the offices and serviced apartments are located toward the public realm within the square. By activating the building frontage in this way, the

proposal will therefore provide animation to the ground floor level and provide a human scale to the development at street level. Further discussion on this is included within the public realm section of the report below.

DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;

10.73 No residential development is proposed.

DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;

10.74 This is discussed further within the amenity section of the report; however, given the existing structures are currently in place and the application is for facades only, the impact of the completed building on the surrounding microclimate is already established. Further discussion in relation to the proposal's impact on microclimate is detailed later in this report.

DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;

10.75 The proposed development improves the public realm and biodiversity of the existing site. As such, the proposed development is considered to comply with the requirements of this policy.

DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;

10.76 The proposal is for a hotel development and planning obligations have been requested in relation to providing social and economic benefits such as apprenticeships and training opportunities. In summary, it is considered that the proposed development results in a socially balanced and inclusive development.

DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and

10.77 The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements and responses from NATS and London City Airport have been received raising no objection to the proposal.

DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

10.78 The proposed design has taken into account the various safety requirements. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.

10.79 As such, taking the above into consideration the proposed development is considered to broadly comply with the requirements of policy DM26 of the Managing Development Document and policy 7.7 of the London Plan in relation to building heights.

Secure by Design

- 10.80 Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 10.81 Subsequent to the Crime Prevention Officer's concerns regarding the statement within the Design and Access Statement that discussions have occurred, a further letter of representation has been received from the Crime Prevention Officer. This letter states that further discussions have subsequently been held and that the measures proposed to help reduce the risk of crime and anti-social behaviour throughout the development are acceptable. A condition is recommended to ensure compliance with secure by design standards.
- 10.82 With such a condition imposed on the permission it is considered that the development would adequately provide a safe and secure environment and accord with policy 7.3 of the LP and policy DM23 of the MDD.

Architecture

- 10.83 It is considered the elevation treatment of the proposed building is of a high standard and will be in keeping with the approach used within the immediate context. The proposed materials provide a variety of tones and textures which help to maintain a connection to the surrounding buildings. At ground floor level, gold metal reveals will be used to mark the entrance, set around glazing and powder coated metal curtain wall capping. The entrance canopy will also be a dark grey coated metal panel. At the mid floor levels, glazed clay tiles which are red/orange in colour will be used on the vertical elements set adjacent to the double glazed units. In order to protect neighbouring amenity the lower half of each window will be white ceramic back painted glass. To provide the grid approach a textured concrete panel will be used in grey for the east elevation and white for the west elevation. Finally, at 14th floor level, a dark grey concrete cladding panel will be used with double glazed window units.
- 10.84 It is recommended that a condition is attached regarding compliance with the submitted materials.

Microclimate

- 10.85 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 10.86 As noted previously, the existing structures are in place and have been there for some time. No wind and microclimate assessment has been submitted given that the impact of the proposal would have a negligible impact on the public realm in terms of the Lawson's Comfort Criteria.

Heritage/Strategic views

- 10.87 Whilst the building lies within a number of strategic views identified in the Mayor's London View Management Framework, the application has not been accompanied by visual impact assessment. It should be noted that the existing structures are currently

in place and have been in existence for over a decade. Therefore, the visual impact of the scale and massing has been accounted for.

- 10.88 It is considered that the proposal for external cladding to the existing structure will not detrimentally impact on any protected views or River Prospects identified nor the wider setting of the Maritime Greenwich World Heritage Site.

Inclusive Design

- 10.89 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD 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.

- 10.90 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'. The proposed public realm will have level access and development has been designed with the principles of inclusive design in mind.

- 10.91 The proposed building is located close to public transport links including South Quay DLR which is approximately 140 metres away. The approach to the square is step free from Marsh Wall to the building frontage.

- 10.92 The building's ground floor level is set above the pavement level of South Quay Square due to the existing structures currently on site. Access to the building is via steps or a ramp which is positioned centrally for step-free access. It is noted that the GLA stage I response raised concerns regarding the ramp access which they consider to be convoluted and would make access to the building inconvenient for disabled users. The applicant has clarified in a response dated 11 November 2015 that the ramp is located in the same location as the steps and is arranged in such a way the top of the ramp is between the main entrance and the entrance to the café. Given the siting of the ramp it allows disabled users to approach the building in the same manner as other members of the public which grants access to the main entrances without hierarchy. This is considered to be an acceptable approach given the site constraints whereby the existing structures have been in place for considerable time.

- 10.93 The applicant has submitted amended plans to demonstrate the 11 wheelchair accessible units (5%) and 11 wheelchair adaptable units (5%) on the third to thirteen floors. This plan demonstrates one wheelchair accessible and one future wheelchair accessible room per floor. A total of 22 wheelchair accessible/adaptable rooms are proposed which is above the 10% threshold required by policy 4.5 of the London Plan. A condition is recommended that requests further detail on the wheelchair accessible rooms at a scale of 1:20.

- 10.94 The applicant has been in discussion with LBTH's highways officer regarding providing accessible spaces on street. LBTH Highways officers do not support the location of spaces on Marsh Wall for a number of reasons including the fact that these spaces are a considerable distance from the development. The applicant has submitted a statement of intent regarding the basement car parking arrangements. This matter is further discussed in the car parking section below. Given the additional comfort regarding car parking spaces in the basement area with a suitably worded condition attached regarding further details, the fact that the proposal provides two on-site disabled parking spaces (which is above the requirement), and

the constraining circumstances on the site, officers consider the level of provision to be acceptable.

- 10.95 It is considered that the development would be well connected with the surrounding area and would be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances in accordance to 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD.

Layout/public realm

- 10.96 The proposal will improve the public realm around the site South Quay Square and will assist in reactivating the building's frontage. The Square itself is a well-used pedestrian route with the existing landscaping forming a diagonal route across the square.
- 10.97 Whilst the ground floor level of the building is set above the pavement level due to the existing structure, the café use and shared entrance of the serviced apartments and offices will assist in animating the streetscene. Visitors and building users will access the building entrance via steps in a raised platform. A two storey height colonnade and canopy is provided to offer some protection and shelter and will add definition to the building entrances.
- 10.98 The GLA stage I response raised concerns regarding the approach taken in terms of the layout of the public realm given the level differences between public realm and ground floor, the resultant raised area with steps, ramps and planters forming a cluttered approach to the square. The GLA stage I response requested that the applicant investigate how this area can be simplified and decluttered.
- 10.99 As detailed above, the existing structure dictates the massing and siting of the building with the existing floorslabs set above ground floor level. The applicant has also clarified in a response dated 11th November 2015 that a large in situ concrete beam transfers the load of existing columns at the front of the building and as the top of the structure coincides with the slab levels, it prevents alterations internally and therefore the provision of a level access. As noted in the inclusive design section, the ramp is located in the same location as the steps giving access to the building for both disabled users and non-disabled users without hierarchy. In terms of the planters, it is considered that these add animation and colour to the largely manmade and hard landscaped environment. They also assist in reinforcing the building entrances. There are limited options for further improving the public realm to the front of the site given the limited site ownership at the front of the site. The GLA has further commented that the opportunity to de-clutter the public realm has been explored and there is merit in retaining the planters.
- 10.100 The GLA has raised concern regarding the landscaping materials in South Quay Square matching the existing hard landscaping up to the application site's building line. The GLA requires a better commitment from the applicant to meet the same standards of public realm and street furniture materials. The GLA note that there is currently an application submitted for South Quay Square and they would not want two separate schemes coming forward on adjoining sites with different public realm intervention. It is requested by the GLA that the ground surfacing treatment, balustrades and planter materials match those proposed at South Quay Square with a co-ordinated approach to delivery of this. Given this application is pending decision (PA/15/03073 and PA/15/03074), the pre-determination of this application by way of a condition relating to materials would not be appropriate. It is recommended by officers that a condition is attached requesting further detail on the proposed materiality within

the public realm and further discussions can be held at a later stage. It is suggested that this is a pre-commencement condition to avoid delays in the build out of the development.

- 10.101 The GLA's stage I response raises concerns regarding the extent of inactive frontage to South Quay Square, particularly the two plant access areas which occupy one and a half bays of the café unit. It should be noted that these have been carried over from previous designs and relate to a UKPN substation and ventilation from the car park. UKPN require substations to be located at ground floor and therefore under this application, a substation would be required at ground floor. The southern louvres on the east elevation comprise the ventilation shaft and basement smoke extract for the entire Jemstock development and a plant replacement route for Jemstock 1 (the Hilton Hotel). Changing the location of the shaft is not feasible as it would mean a replacement of the plant for the other Jemstock buildings which have been fully built out. Officers consider that the possibility of reducing the impact of the impact of the plant frontage areas has been fully explored.
- 10.102 Finally, there is some information on the proposed external lighting within the Design and Access Statement. It is recommended that the details of the lighting are secured by way of condition.

Impact on neighbouring amenity

- 10.103 Core Strategy Policy SP10 protects residential amenity and MDD Policy DM25 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 to adjoining properties.
- 10.104 The existing structures of the building are in place and have been for several years. The proposed scheme is within the same height and massing as the implemented scheme and the general structure of the proposed building is already in place on site. For this reason a daylight and sunlight assessment has not been undertaken as the impact on neighbouring amenity is negligible given the structure is nearly built out and the application is only for facades of the building.
- 10.105 As noted under PA/0802090, the proposal could give rise to some indirect views to neighbouring residential units within Discovery Dock due to the location of the proposed windows. However, as the building has been implemented for office use with similar floor heights and levels of glazing, it is considered that the site's use as a hotel and office will not worsen the situation given that there will not be direct habitable room to habitable room impacts. In order to protect neighbouring amenity as much as possible, the applicant proposes to use obscure glazing for the lower portion of the windows at third to thirteenth floor level. No balconies are proposed other than at fourteenth floor level which will have terrace areas for the individual serviced apartments. This will ensure the impact on Discovery Dock is minimised and will prevent direct overlooking issues given that Discovery Dock does not have external private amenity space provision.

Noise and disturbance / light pollution

- 10.106 MDD Policy DM25 also stipulates that residents should not be exposed to unacceptable levels of noise, vibration, artificial light, odour, fumes or dust pollution during the construction or life of the development. The construction process would be carefully managed by the submission of a construction management plan secured through condition.

- 10.107 An A3 (Restaurant) unit is proposed on the ground floor. A condition is recommended to secure details of the means of ventilation and odour control. Limitations on opening hours are also secured by condition. A condition is also recommended to ensure that no external music is played to further protect residential occupiers.
- 10.108 A condition is also recommended requiring details to be submitted demonstrating that the plant equipment would not exceed 10dB below background noise levels when measured 1 m. from the façade of the nearest noise sensitive property. In addition, the acoustic specification of the proposed windows and the lift will be requested by condition.
- 10.109 Given the existing structure on site has not been fully built out and the impact of lighting not being fully understood, it is considered reasonable to impose a condition providing details of lighting strategy. This would incorporate details of both external lighting and internal lighting, including measures to ensure lights automatically turn off when not in use.
- 10.110 On balance and subject to conditions, it is considered the development would comply with Core Strategy SP10 and MDD Policy DM25 in that a satisfactory standard of amenity would ensue for both surrounding existing residents and future occupiers of the development.

Transportation and access

- 10.111 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.112 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy 2010 states that the Council seeks to: *“Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.”* Policy SP09 provides detail on how the objective is to be met.
- 10.113 MDD Policy DM20 reinforces the need for developments to demonstrate that they would be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport.
- 10.114 The application site has moderate public transport connections with a public transport accessibility level of PTAL 3 which is taken from TfL’s WebCat website. It is noted that the applicant’s submitted documentation states the site has a PTAL rating of 4 and this is incorrect. Despite this, the application is in close proximity to several bus services (including D3, D7, D8 and 135) and the South Quay DLR station is located 320 metres to the east. In addition, Canary Wharf station (Jubilee line) is located 500 metres to the north across the South Dock bridge.

Trip rates and Impact

- 10.115 The submitted Transport Assessment (July 2105) undertakes a multi-modal assessment and estimates the development would generate a total of 125 two-way trips in the AM peak, and 125 two way trips in the PM peak. Of these, car trips are projected to constitute 8 two way and 10 two way trips for the AM and PM peaks respectively. This demonstrates that the development will be reliant on public transport as required by MDD Policy DM20 and the London Plan which prioritises public transport in central locations.
- 10.116 The net impact of the predicted number of trips have been compared to the extant development on the site and is demonstrated in Table 7.8 of the Transport Assessment. TfL has requested that as no trips are currently generated from the site this should be reflected in the baseline consent. It should be noted that this permission has been partially constructed.
- 10.117 A sensitivity test has been undertaken by the consultant to reflect the existing vacant site as a baseline scenario. In addition, as per the request of TfL the applicant has undertaken a revised Trip Generation using trip rates from the TRICS database with a mode share determined by census data. This has been deemed acceptable by TfL.
- 10.118 Given the revised trip generation TfL do not determine that the impact of the trip rates will require any mitigation towards bus network contributions. However, TfL's amended response expects CIL contributions to fund improvements towards the Cycle-hire network in the vicinity of the site.
- 10.119 The information submitted by the applicant demonstrates there will be a low number of cycle trips anticipated from the proposed development (1 trip in the AM peak and 1 trip in the PM peak). In addition, if considering the lawful consent of the site, there would in fact be a net reduction of two two-way trips in the AM peak and five two-way trips in the PM peak. Finally, a cycle hire docking station providing access to 54 docking points is located on Lighterman's Road, approximately 400 metres to the southwest of the site. A further cycle hire docking station is located at Heron Quays DLR station, approximately 600 metres to the northwest of the site which provides 27 docking points. It is considered that there is sufficient provision for cyclists to park either on site or nearby at one of the docking stations.
- 10.120 In terms of coach trips, the assessment suggests that the proposed development is anticipated to generate 1 coach trip in the AM peak and 1 coach trip in the PM peak. The applicant has pointed out that this was based on surveys provided within the TRICS database and sites provided within the TRICS database do not specifically relate to serviced apartments. Typical hotel developments attract more of a tourist/leisure traveller who are more likely to travel by coach than a business visitor staying for a longer period.
- 10.121 The site is currently constrained by the existing buildings both on the site and surrounding it. For this reason it is not feasible to provide a coach bay on site, nor considered appropriate in this instance. There is no specific coach parking requirements for serviced apartments included in policy documents; however, in the unlikely event that a coach travels to the site, it will be directed to the coach bay located on Lighterman's Road within approximately 300m of the site.
- 10.122 In this context the proposal should not have a detrimental impact on existing public transport facilities.

Car Parking

- 10.123 Core Strategy Policy SP09 (Creating Attractive Streets and Spaces) identifies the Council's priorities of providing safe, accessible and well-designed network of streets. Policy SP09.4 promotes car-free development and those that minimise car parking provision, particularly in areas with good access to public transport.
- 10.124 Whilst the proposal has two dedicated accessible car parking spaces within the basement, the rest of the proposal will be car free. The two Blue Badge spaces are within the applicant's red ownership (as indicated by the red line plan). These spaces will be allocated to the serviced apartments.
- 10.125 The London Plan and Appendix 2 of the MDD (2013) require one accessible parking space for development without off-street car-parking/non-residential development. The GLA/TfL's comments note that the proposal should therefore provide more accessible parking bays on site as 11 accessible units are proposed. The applicant has been in discussion with LBTH's highways officer regarding providing accessible spaces on street. Highways officers do not support the location of spaces on Marsh Wall for a number of reasons including the fact that these spaces are a considerable distance from the development.
- 10.126 To further address TfL and the highway's officers comments, a letter of intent (dated 16th February 2016) has been submitted in relation to the basement car parking and this is included within the submitted document list at the start of this report. The owner of Jemstock Development and PL Management Ltd (the property management agent for Discovery Dock West and the basement car park) have agreed to an arrangement to use the existing disabled parking allocated to the Discovery Dock West residential and retail uses for further disabled users requiring an accessible parking space at the Jemstock 2 site. Specific details of this arrangement and how it will work in practice will be detailed in a Car Parking Management Plan and it is recommended that this is secured as a pre-occupation condition.
- 10.127 Given this additional arrangement regarding car parking spaces in the basement area with a suitably worded condition attached regarding further details, the fact that the proposal provides two on-site disabled parking spaces (which is above the requirement), and the constraining circumstances on the site, officers consider the level of provision to be acceptable.

Cycle parking

- 10.128 The 2015 London Plan introduced new cycle parking requirements which are detailed in Table 6.3 of the London Plan 2015. The Table below shows the requirement for this development based on the floor area proposed.

Cycle parking requirements

Use	Long Stay	Short Stay
A3 / A4	1	3
B1	21	0
C1	10	4
Total	32	7

- 10.129 The applicant proposes a total of 48 cycle parking spaces. This includes 38 cycle parking spaces within a dedicated cycle store at ground floor level within the building for the building occupants and staff. A further 10 cycle parking spaces area proposed

within the site's public realm, adjacent to the building reception. These will be accessible for the general public and visitors to the proposed café.

- 10.130 TfL raised concerns regarding the access of the 38 cycle parking spaces and further information has been provided by the applicant to demonstrate how cyclists will access the ground floor level cycle parking area (EPR letter dated 13th November 2015). The submitted documentation demonstrates that cyclists will use the access to the rear of the site from Admiral's Way through access controlled doors. This will be controlled by keycard/fob or Intercom. The cycle store will only be accessible to the application site users and not the other users of the shared car park. The cycle store itself is internal to the building and is therefore sheltered and will be well lit. In addition, the internal door openings are a minimum width of 1200mm.
- 10.131 In terms of the cycle parking in the public realm, this has been located to be convenient to use and not interrupting the flow of pedestrians across the public square. Given the limited site ownership and constraints on the site, it is considered that these spaces just to the north of the main entrance are acceptable.
- 10.132 TfL are satisfied with the additional information and it is recommended that conditions are attached regarding these the lighting strategy and design of the cycle parking stands.
- 10.133 Showers, changing facilities, lockers and drying facilities are included within the proposals which are separate for the office and serviced apartments.
- 10.134 Overall the cycling provision for the development is considered acceptable.

Servicing and Deliveries

- 10.135 All servicing and deliveries for the development will remain unchanged from the previous consent associated with the site. Delivery vehicles will access the site from Admiral's Way using the existing service entrance and service bay at the rear of the building. No deliveries will be undertaken from the front of the site within South Quay Square.
- 10.136 A Delivery and Servicing plan and a Construction Logistics Plan would be secured via condition as per the requests of TfL/GLA.

Waste/Refuse Strategy

- 10.137 MDD Policy DM14 requires developments to provide adequate storage capacity in accordance with the Council's waste storage standards.
- 10.138 Waste and refuse collections will be undertaken as per the existing arrangements undertaken for the rest of the building. An existing servicing bay is located at the ground floor of the building which is accessed from Admiral's Way. The refuse and recycling store is located to the west of the main entrance and measures 77sqm.
- 10.139 The serviced apartments will have an integrated three compartment eco bin and the offices will have separate waste and recycling containers. There will be dedicated bins and shelving for different types of waste within the store.

Energy

- 10.140 The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 10.141 London Plan 2015 Chapter 5 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 (Policy 5.1).
- 10.142 London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 10.143 Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO2 emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.
- 10.144 Core Strategy Strategic objective SO3 of the Tower Hamlets 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. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 10.145 MDD Policy DM29 reiterates the London Plan targets except it increased the savings target for residential buildings to 50% above Building Regulations 2010 during years 2013-2016. This has been amended to mean 45% above Building Regulations 2013.
- 10.146 In April 2015, the GLA released new guidance 'Greater London Authority guidance on preparing energy assessments' which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 10.147 The Strategy anticipates achieving a 34.2% reduction in CO2 emissions above Building Regulations Part L and identifies that a residual amount of regulated CO2 emissions above the local targets (45% reduction over Part L 2013 for Tower Hamlets) will remain after reduction from passive design, energy efficiency and locally generated energy. The proposals within the Energy Strategy include high efficiency gas boilers for hot water, and Air Source Heat Pumps for cooling and heating. The proposals also include a PV array for on-site electricity generation.
- 10.148 In accordance with London Plan Policy 5.2 (E), Tower Hamlets Planning Obligations SPD requires any shortfall in CO2 reduction to be met through a cash in lieu contribution for carbon offsetting projects.
- 10.149 There would be a fall short against policy requirements of 14.4% that equals 72.3 tonnes of regulated CO2. It is proposed this is offset by a cash in lieu payment currently at a cost of £1,800 per tonne = £130,140. A Head of Agreement is recommend to secure such payment to LBTH should planning permission be granted.

- 10.150 A payment on commencement of the works has been assumed for all carbon offsetting contributions that the Council seeks. This enables resources to be mobilised on commencement of the works and carbon saving projects to be significantly progressed, and ideally delivered, before completion. The applicant has requested that given the site constraints and improving on the existing Energy Strategy, a split method of payment would be preferred. This has the benefit of encouraging the developer to improve the carbon emissions of the proposed development as final calculation and payment is on completion, which allows for improvements in the scheme to be acknowledged to reduce the total Carbon Offset payment. This approach will also seek to address the GLA's concerns regarding further increasing the carbon dioxide emissions savings.
- 10.151 The GLA has raised concerns within their Stage I response that the energy strategy does not accord with London Plan policies 5.2, 5.6 and 5.9. As requested in the GLA's Stage I response, the overheating analysis have been provided through the submission of Thermal comfort reports for the offices and serviced apartments in order to support the strategy proposed. These have been included within the document list for completeness.
- 10.152 The GLA stage I response also requested that the applicant provides information on the control strategy for ensuring that the air conditioning system installed on site is only used as required. For example, comfort cooling should not be accessible when the windows are open. The applicant has confirmed in a response dated 13th November 2015 that a centralised system will be provided to effectively control and monitor HVAC plant and equipment. This control system will include two features – seasonal temperature set points and temperature setbacks for periods when the apartment is unoccupied and will be achieved by linking the operation of the air conditioning to the booking and/or key card entry system. The apartment air conditioning will be designed that it will not operate when the apartment windows are open and will be achieving by linking windows to the air conditioning units within the apartment or providing locks on windows so that they are unopenable on a day to day basis for building occupants.
- 10.153 The GLA Stage I response also requested further information in relation to reducing the heating consumption. In terms of reducing heating demand, the most efficient insulation levels for the curtain walling system has been identified in light of the existing structures on site. It was considered ineffective and unfeasible to increase the insulation levels given the high cost for such a small improvement and it is considered that the air permeability has been optimised taking into consideration the constraints given by the existing structural frame.
- 10.154 The GLA stage I response has also requested that connection to the Barkantine district heating network should be robustly investigated including whether there are plans for expansion. The applicant has provided evidence of emails sent to Barkantine in November 2014 and this is not considered sufficient to demonstrate recent robust investigations. The applicant notes that investigation into the Lanark Square development and Crossharbour town centre heat networks was also undertaken; however, due to their distance from the site and associated high infrastructure costs these heat networks were disregarded during the early design stages. At the time of writing the committee report, the applicant continues to be in discussion with EDF energy (who maintain the Barkantine operation) and a further update on the feasibility of connecting in to a district heating network will be provided in due course.

- 10.155 The GLA's response requires further information on the site heat network and the floor area and location of the single energy centre. It should be clarified that the space heating of the hotel apartments and non-domestic floorspace will be served by air source heat pumps. The proposed central gas boiler system will heat the domestic hot water system. The applicant has confirmed in a letter dated 13th November 2015 that provision will be included for future connection to a district heating system, replacing the boiler system. The applicant notes that this system was considered the most efficient given that both the serviced apartments and office space require comfort cooling in addition to space heating. Air Source Heat Pumps allow this to be undertaken from the same system and avoid the need for two separate systems.
- 10.156 The GLA's response has also requested clarification on the PV panels proposed in terms of investigating whether high efficiency panels are feasible and whether additional PV panels can be accommodated. The applicant's letter of 13th November 2015 clarifies that an efficiency of 15% was assumed for the PV's in line with typical performance of current PV panels. This is considered to be acceptable to officers. The overshadowing potential of cumulative developments which have been granted planning consent in proximity to the site have been considered, in terms of the availability of roof space for PV panels. The gross area for PV panels was calculated at 96sqm, which will result in an active area of 43 sqm. There is restricted roof space due to the BMU tracker clearance in addition to allocated areas for utilities and plant, green roof and areas of the roof which are shaded. The approach taken by the applicant is considered to be acceptable to officers.
- 10.157 The GLA's stage I response sought updated emissions figures as that proposed within the Energy Strategy Rev 01 dated 10th June 2015 was incorrectly displayed. A revised table has been submitted in the letter dated 13th November 2015 which correctly demonstrates the cooling savings of the Air Source Heat Pumps included in the 'be lean' element of the energy hierarchy.
- 10.158 MDD Policy DM29 also requires sustainable design assessment tools to be used to ensure development maximises climate change mitigation measures. All non-residential development is required to achieve a BREEAM excellent rating.
- 10.159 The proposals are for BREEAM 'Excellent' for the office buildings and an ambition for BREEAM 'Excellent' for the retail buildings. It is recommended that planning conditions are attached to achieve BREEAM Excellent.
- 10.160 At present the scheme is considered to compliant with both London Plan Policy 5.2 and MDD Policy DM29 subject to further update on the Barkantine connection (to be detailed in the update report), conditions regarding the energy strategy and PV panels in addition to a contribution of £130,140 through the s106 legal agreement.

Air quality

- 10.161 Policy 7.14 of the LP seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 10.162 The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires

planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.

- 10.163 The Air Quality assessment did not originally include verification and the Air Quality officer initially objected to the submitted document on this basis. This matter has been clarified and verification did not occur due to a lack of data. It has been suggested by the applicant's consultants that verification of the results can occur when further monitoring data from the diffusion tubes is available and this could be included as a condition. However the consultant has provided further clarification that the model would need to be underestimating the results by a factor so high that it was very unlikely to occur, so it is extremely unlikely that the verification process would result in a change of conclusion and resulting in a significant impact. Therefore on this basis the air quality officer is happy to accept the assessment as it stands without the verification.
- 10.164 The Air Quality assessment suggests there will be a negligible impact in relation to air quality. The report advises that during construction good site practices such as cleaning of access roads with water, enclosing stockpiles and creating speed limits within the site all can mitigate against any impacts. Officers recommend a Construction & Environmental Management Plan to be secured via condition to ensure suitable measures are adopted to reduce any Air Quality impacts.
- 10.165 It is considered that the impacts on air quality are acceptable 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.
- 10.166 As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution.

Noise and vibration

- 10.167 NPPF paragraph 123 requires planning decisions to aim to avoid noise giving rise to significant adverse impacts, to mitigate and reduce to a minimum noise from new developments including through the use of conditions whilst recognising that development will often create some noise. London Plan Policy 7.15 says development proposals should seek to manage noise by avoiding significant adverse noise impacts, to mitigate and minimise existing and potential adverse impacts of noise and improve the acoustic environment. Core Strategy Policy SP03 supports healthy lifestyles including by addressing noise impact particularly by managing the night-time economy. MDD Policy DM25 says development to seek to protect and where possible improve the amenity of existing and future residents by not creating unacceptable levels of noise and vibration.
- 10.168 A Noise Survey Report has been submitted with the planning application. The proposed development will be exposed to noise and some vibration from noise traffic on Marsh Wall and from the DLR in close proximity to the development. The assessment concludes that the results of the noise survey are considered reasonable, considering the location of the measurement positions and the dominant nearby noise sources.
- 10.169 The external plant noise emission limits are proposed in accordance with the requirements set by Tower Hamlets Council and BREEAM credit Pol05. Detail of the plant specification to meet L90- 10 dB(A) of BS4142 will be controlled by condition.

- 10.170 In terms of the office and hotel element, detailed acoustic specifications for the glazing will need to be determined and this will be requested by condition.
- 10.171 Finally, the lifts will be designed to ensure that noise to all residential areas shall not exceed 25 dBA L_{max}(fast) in accordance with BS 8233: 2014 and this will be controlled by condition.
- 10.172 Demolition and construction works, are likely to include activities that would be likely to increase noise and vibration levels. Recommended conditions requiring the approval of Construction Management Plans would ensure that mitigation measures are in place.
- 10.173 Should planning permission be granted there would also be conditions controlling the hours of operation (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 10.174 It is considered that proposed arrangements would ensure that the development would be compliant with the NPPF and development plan policy.

Contaminated land

- 10.175 Given the existing structures on site and only facades are proposed, the Council's Environmental Health Officer has no comments on this application. The proposal is therefore in accordance with Policy DM30 of the Managing Development Document 2013.

Flood risk

- 10.176 The NPPF states that the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.15 'Flood Risk Management' and Core Strategy Policy SP04 5 within 'Creating a Green and Blue Grid.'
- 10.177 The Environment Agency Flood Map shows that the site is located in Flood Zone 3. The proposal is for a 'more vulnerable' development; however, this has not raised objections from the Environment Agency as the site is located in an area that has been identified as benefitting from defences.
- 10.178 The finished floor levels of the development are also above the 1 in 200 chance in any year, including an allowance for climate change, flood level. This means that floodwater is unlikely to enter the property during a 1 in 200 chance in any year, plus climate change, flood event.
- 10.179 The applicant has submitted further information that demonstrates that the ground floor level of the proposed development is 6.054m AOD and is raised 0.27 m above the modelled flood level. The Environment Agency has no objections and has commented that this information demonstrates that the proposed development does have a safe means of access and egress to an area wholly outside the flood plain. No further information in relation to safe means of access/egress in the event of flooding is required.
- 10.180 The GLA has requested that a flood proof room is provided which encloses any essential building utilities. It should be noted that the existing structure on site is

already built with the basement area in use by the Jemstock development. The site is already equipped with utilities at the basement level and the fitted details of which will have been previously been approved. Therefore there is no scope to amend the building utilities fit out.

- 10.181 In relation to surface water run-off, Sustainable Drainage system measures are proposed to reduce surface water discharge in accordance with relevant policy and guidance. Two areas for a green roof are demonstrated on the submitted roof plans as requested by the SUDS officer. A condition is recommended to secure the drainage measures.
- 10.182 Thames Water advises that conditions could also appropriately address water demand and wastewater capacity. The submitted Flood Risk Assessment appropriately demonstrates that the development would not increase the risk of tidal, fluvial, groundwater or surface water flooding.
- 10.183 In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity and ecology

- 10.184 Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 10.185 The site currently has limited ecological value given that it exists of a partially constructed building. The site does not have the potential for bats given there are no obvious opportunities for roosting within the building frame and the fact that the building is open on the eastern and western facades. Therefore the conditions within the building are unlikely to be suitable as temperatures will be variable due to wind and rain ingress, with conditions often very windy within the building.
- 10.186 The proposal will include a green roof and the Ecology Report recommends incorporating nest boxes for swifts, house sparrows and black redstarts and bat boxes.
- 10.187 The Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS and DM11 of the Managing Development Document.

Community Infrastructure Levy and Planning Obligations

- 10.188 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure. The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

10.189 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:

- (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

10.190 Regulation 122 of the 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.

10.191 On 25th February 2015, Full Council agreed to adopt the borough's Community Infrastructure Levy Charging Schedule. The CIL was introduced on 1st April 2015.

10.192 The introduction of the Council's CIL has necessitated a review of the Council's Planning Obligation SPD 2012 that provided guidance on the use of planning obligations in Tower Hamlets. The SPD was approved for public consultation by the Mayor in Cabinet on 8th April 2015 that was carried out between the 27th April 2015 and the 1st June 2015 in line with the Council's Statement of Community Involvement.

10.193 The boroughs four main priorities remain:

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

10.194 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.195 Tower Hamlets Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space
- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

* Except (inter alia): Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance

with the statutory requirements and site specific carbon reduction measures/initiatives.

10.196 The applicant has agreed to the following financial contributions to the borough:

- (a) £144,200.80 towards providing employment & training skills for local residents
- (b) £3,000 towards monitoring and implementation (based on a charge of £500 per principle clause)
- (c) A contribution of £130,140 towards carbon offsetting

10.197 It should be noted that the figure calculated by the Employment and Enterprise officer for construction phase skills and training (£329,792) is incorrect. The correct figure should be £60,384 (included within the above £144,200.80 financial contribution).

10.198 In addition, the Canal and River Trust requested contributions toward dock information boards and a further request of £20,000 towards repairs to the paving, safety ladders and safety chains which are located along the water's edge adjacent to the development. Whilst in close proximity to the site, the requests do not fully meet the planning obligations tests in terms of making the proposal acceptable in planning terms and being directly related to the scheme given their distance from the site.

10.199 The applicant has also agreed to providing 9 apprenticeships and work placements consisting of 8 apprenticeships during the construction phase and 1 apprenticeship at the end user phase for first three years of full occupation.

10.200 The applicant has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than the wheelchair accessible spaces) and a travel plan.

10.201 It is considered that the proposed legal meets the CIL Regulation 122 tests for being necessary to make the developments acceptable in planning terms, directly related to the schemes, fairly and reasonably related in scale and kind, compliant with the NPPF, local and regional planning policies and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.

Other Local Finance Considerations

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

10.202 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

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

- 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
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

10.204 As regards to the Community Infrastructure Levy, the London Mayoral CIL was introduced on 1st April 2012 and is estimated at £258,160 for this scheme.

10.205 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" April 2013.

10.206 In this case the Crossrail contribution would be £258,160. This would be secured through the section 106 agreement with the Mayoral CIL credited with this contribution.

10.207 The application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. In the North Docklands area only the C1 (hotel) element is subject to a charge under the borough's CIL. The estimated Borough CIL for this development is approximately £2,346,120.00.

Human Rights Act 1998

10.208 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. The following are highlighted to Members.

10.209 Section 6 of the Act prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights 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".

10.210 This report itemises the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the local planning authority.

10.211 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.

10.212 Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

10.213 Members must carefully consider the balance to be struck between individual rights and the wider public interest.

10.214 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.

10.215 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act 2010

10.216 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:

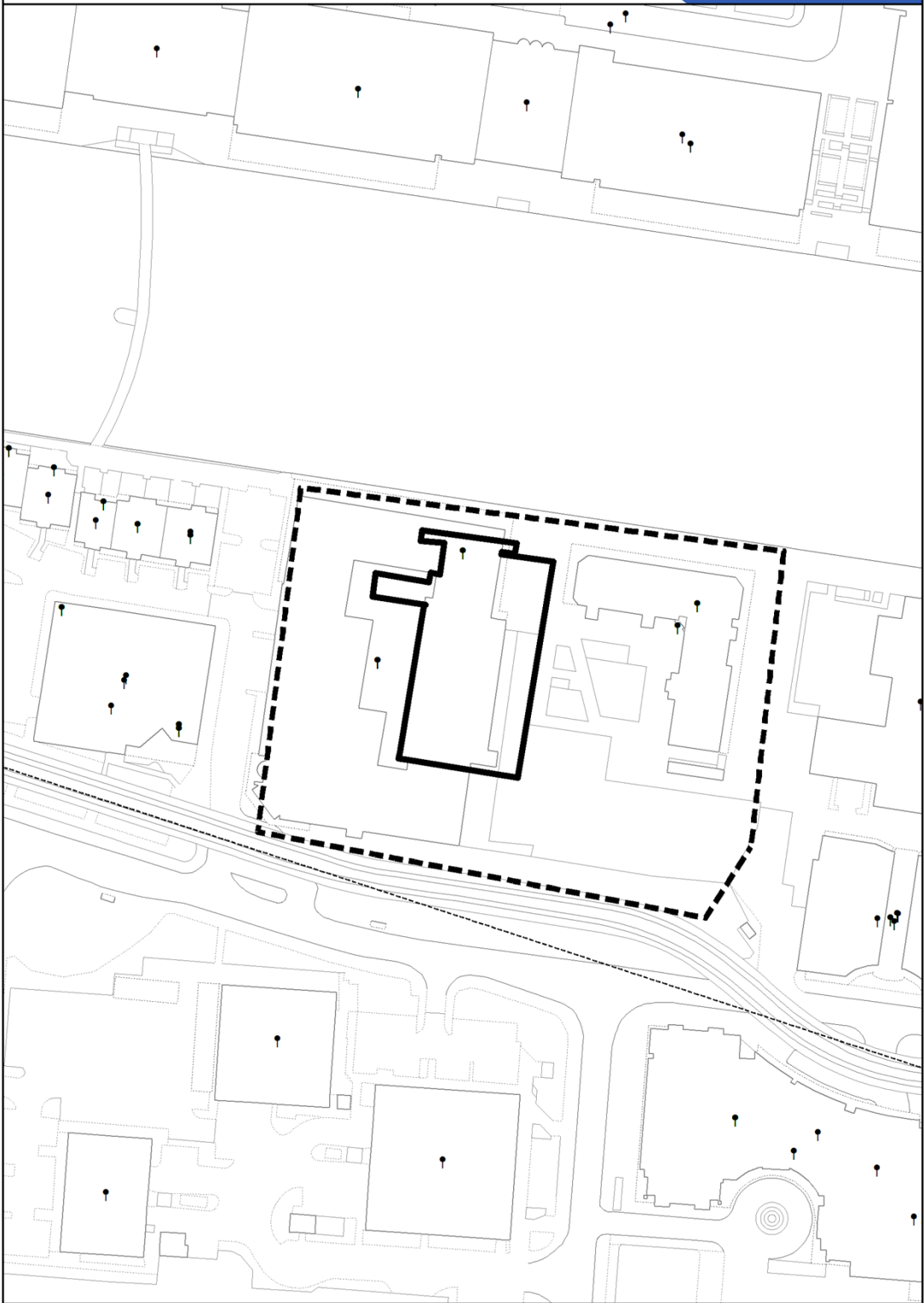
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.







10.217 The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.

10.218 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development

11 Conclusion

11.1 All other relevant policies and considerations have been taken into account. Planning Permission should be approved for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 m	

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 6.3

Committee: Strategic Development Committee	Date: 10 March 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development & Renewal		Title: Planning Application for Decision	
Case Officer: Gareth Gwynne		Ref No: PA/15/02527	
		Ward: Whitechapel	

1.0 APPLICATION DETAILS

Location: 34-40 White Church Lane and 29-31 Commercial Road, London, E1

Existing Use: Mixed Use – Residential use above ground floor with primarily A1 and A3 uses on ground floor

Proposal: Demolition of existing buildings at 34-40 White Church Lane and 29-31 Commercial Road and erection of a ground floor plus 18 upper storey building (75.5m AOD metre) with basement to provide 155sqm (NIA) of flexible use commercial space (B1/A1/A3 Use Class) at ground floor and 42 residential units (C3 Use Class) above with basement, new public realm, cycle parking and all associated works.

Drawing Numbers:

3316 PL 01 rev P1, 3316 PL 02 rev P1, 3316 PL 03 rev P1, 3316 PL 04 rev P1, 3316 PL 200 rev P1, 3316 PL 201 rev P3, 3316 PL 202 rev P4, 3316 PL 203 rev P4, 3316 PL 204 rev P4, 3316 PL 205 rev P2, 3316 PL 206 rev P2, 3316 PL 207 rev P2, 3316 PL 208 rev P2, 3316 PL 209 rev P3, 3316 PL 210 rev P1, 3316 PL 211 rev P1, 3316 PL 300 rev P3, 3316 PL 400 rev P3, 3316 PL 401 rev P2, 3316 PL 402 rev P4, 3316 PL 403 rev P3, 3316 PL 404 rev P2, 3316 PL 405 rev P1, 3316 PL 406 rev P3, 3316 PL 407 rev P2, 3316 PL 410 rev P1, 3316 PL 411 rev P1, 3316 PL 412 rev P1, 3316 PL 413 rev P1, 3316 PL 414 rev P1, 3316 PL 420 rev P2, 3316 PL 421 rev P1, 3316 PL 422 rev P1, PL 500 rev P1, PL 501 rev P1, PL 502 rev P1, PL 503 rev P1, PL 504 rev P1, PL 505 rev P1, PL 506 rev P1, PL 507 rev P1

Supporting Documents:

- Design and Access Statement
- Landscape Strategy
- Planning Statement
- Daylight and Sunlight Assessment
- Heritage, Townscape and Visual Impact Assessment
- Statement of Community Involvement
- Economic Statement
- Energy Assessment and Sustainability Assessment
- Air Quality Assessment
- Wind/Microclimate Assessment
- Acoustic Assessment
- Transport Assessment
- Financial Viability Assessment
- Archaeological Desk Based Assessment
- Soil Contamination Risk Assessment

- Indoor Play Space Plan, dated December 2015
- Landscape Masterplan (1426/002 Rev. E)

Applicant: David Abraham Partnership

2.0 Executive Summary

- 2.1 Owner/occupiers of 845 neighbouring properties were consulted on the scheme. Two representations were received, both objecting to the scheme raising concerns surrounding overlooking, overshadowing and the cumulative impacts of the scale of development in the area on infrastructure.
- 2.2 Officers have considered the particular circumstances of this application against the adopted policies in the London Plan 2015, Tower Hamlets Core Strategy 2010, the Council's Managing Development Document 2013, the National Planning Policy Framework (NPPF), and National Planning Practice Guidance (NPPG), and have found that:
- 2.3 The proposed height of the tall building would be consistent with the emerging built context for Aldgate and provide a suitable transition in the hierarchy of tall buildings from the tallest building centred around Aldgate Place (to the west), through a descending hierarchy of heights established in the consented scheme at No 27. Commercial Road and the built out schemes at No 35, No. 52-58 and No. 60 Commercial Road (set to the east of the application site).
- 2.4 In the context of a number of existing consented for tall building schemes the impact of the scheme on views and settings of nearby listed buildings, the Whitechapel High Street Conservation Area and the Altab Ali Park in particular are considered to be broadly neutral and any impacts there are are considered, on balance, to be acceptable.
- 2.5 The scheme's proposed creation of a small public realm space facing Commercial Road would help enhance the views and setting of the adjacent Grade II former St George's Brewery warehouse building.
- 2.6 The development would provide a range of residential unit sizes and tenures including a maximum quantum of affordable housing (26% by habitable room) given the viability constraints of the scheme, including the provision of 4x 3 bedroom affordable units at Borough framework rents (inclusive of service charges).
- 2.7 The housing would be of suitably high quality with over 75% of the units benefiting from triple aspect, with 8 of the remaining 9 units double aspect units indicative of a good standard of amenity for the future residents; notwithstanding the child play space constraints of the scheme.
- 2.8 The scheme does present some significant challenges in respect of daylight/sunlight. However this needs to be considered in the context of the site context and in particular the degree of impact the consented scheme at No. 27 Commercial Road would impose to neighbouring developments. Subject to conditions, it is considered that the development would not have an unacceptable impact on the amenity of adjoining residents in terms of daylight/sunlight impacts, sense of enclosure, privacy, overlooking, noise, and construction impacts.
- 2.9 Transport matters, including parking, access and servicing arrangement are acceptable.

2.10 A suitable strategy for minimising carbon dioxide emissions from the development has been proposed. Landscaping and biodiversity features are also proposed which seek to ensure the development is environmentally sustainable.

3.0 RECOMMENDATION

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

- Any direction by the London Mayor.
- The prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) £15,348 construction phase employment training
- b) £2,989 end-user phase employment training
- c) £27,615 carbon off-setting
- d) £85,000 for raised table works including kerbs adjustments and drainage provision
- e) Monitoring fee equivalent to £500 per each substantial Head of Terms

Total financial contribution: £45,952 plus monitoring contribution

3.3 Non-financial contributions:

- a) On-site affordable housing consisting of 4 x three bedroom units at Borough Framework Levels inclusive of service charges, with 1 of these three bedroom units delivered as a fully wheelchair accessible unit
- b) 2 x one bedroom and 2 x two bedroom intermediate units
- c) Access to employment
 - 20% local procurement
 - 20% local labour in construction
- (d) 6 apprenticeships delivered during the construction phase
- (e) Commuted sum to fund accessible bays 2 blue badge accessible car parking bays on-street
- (f) Public access to public realm
- (g) Meet the Transport for London Cycle-Hire annual membership key fee for each individual residential unit within the scheme for the first 3 years of occupation, as part of Travel Plan
- (h) Car Free Agreement (to remove future occupants from having access to the Borough's residents on street car parking permit scheme)

(i) LBTH Code of Construction Practice and Considerate Constructors

3.3 Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

3.6 Conditions:

Compliance

- 1) Compliance with plans
- 2) 3 year time limit for implementation
- 3) Land contamination
- 4) Balconies retained as outdoor private amenity space for the life of the development
- 5) Wind mitigation measures
- 6) Internal play space area maintained and actively managed for life of the development
- 7) Fob access to lifts maintained for wheelchair accessible unit affordable rented unit for the life of the development

Pre commencement

- 8) Archaeology - written scheme of investigation

Pre-commencement (other than demolition of the existing buildings)

- 9) Detailed drainage strategy
- 10) Details of cycle stand and storage areas
- 11) Impact on water supply infrastructure
- 12) Acoustic Mitigation Strategy
- 13) Piling method statement
- 14) Construction, Logistics and Environmental Management Plan
- 15) Method statement demonstrating how the development will safeguard the structural integrity of adjoining listed building
- 16) Use of construction cranes

Pre- 3rd floor slab level

- 17) Detailed drawings and samples of all external materials
- 18) Landscaping and public realm including details of:
 - a. Soft landscaping
 - b. Biodiversity improvement measures
 - c. Details of roof top based solar panels and capacity for scheme to allow future connection to a district heating network
 - d. Hard landscaping
 - e. Street furniture
 - f. Lighting to public realm including
 - g. CCTV and security measures
 - h. Visitor cycle parking

- i. Ground levels & thresholds – inclusive access
- 19) Wheelchair accessible units

Prior to Occupation

- 20) Secured by Design accreditation
- 21) Delivery & Servicing Plan (including a Waste Management Strategy)
- 22) Travel Plan
- 23) Scheme to maximise active glazing frontages to ground floor commercial use/s and a signage strategy
- 24) Detail of noise mitigation and odour control to any A3 unit/s
- 25) Details of opening hours for any A1/A3 unit/s
- 26) Interior design and management plan for internal play space

3.7 Informatives

- a) Thames Water
- b) Environmental Health – Noise & Vibration
- c) National Grid apparatus

- 3.8 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Site and Surroundings and Designations

- 4.1 The site is in Aldgate and occupies a street corner site, where the southern end of Whitechurch Lane meets Commercial Road (and turns east). The back of the pavement to these two streets serves as the western and southern site boundaries, Assam Street marks the northern edge of the development site and the eastern edge abuts the Grade II listed former St George's Brewery warehouse building.
- 4.2 The development plot occupies approximately 380sq.m and currently contains two buildings of three and four storeys in height respectively, with A1, B1 and A3 use at ground floor and with residential uses found across the upper floors.



Figure 1: Site location plan

- 4.3 White Church Lane is a relatively narrow street that links Commercial Road and Whitechapel High Street and the buildings fronting it are between two and six storeys in height with commercial uses at ground floor with typically residential use above. Planning consent has been granted for a 21 storey serviced apartment hotel at No. 27 Commercial Road that occupies the opposite corner site of where White Church Lane meets Commercial Road (and turns west). Assam Street is a cul-de-sac and provides vehicular access to the basement car park serving the Naylor Building (a large residential development) and vehicular access service area serving the 19 storey high student housing development at No. 35 Commercial Road
- 4.4 The application site is located approximately 55 metres to the south of the Whitechapel High Street Conservation Area. To the immediate east of the site is the grade II Listed John Walker & Sons Ltd Warehouse. The grade II Listed Gunmakers Company Hall & Proof House is located around 30 metres to the south of the site at No. 46-50 Commercial Road. The K2 Telephone Kiosk to the front of this building is also grade II listed. The grade II listed 32 and 34 Commercial Road are located around 60 metres to the south-west of the site. No. 17 White Church Lane is locally listed and is set approximately 55 metres to the north-west of the site.



Figure 2: No. 29-31 Commercial Road (with listed former St George's Brewery Road right hand side of photo and the student block at No. 35 Commercial Road set behind warehouse)

- 4.6 The site lies within the background consultation area of View 25A.1 of the GLA's London View Management Framework and in Area of Archaeological Priority.
- 4.7 The site falls within the:
- Borough's Aldgate Masterplan boundary;
 - London Plan Central Activity Zone
 - Core Growth Area to the City Fringe /'Tech City' Opportunity Area Planning Framework (OAPF).

Proposal

- 4.8 The proposal is for a residential led development consisting of 42 new residential units set over the 18 upper storeys in a tall building, rising to (75.5 AOD), with a flexible use commercial use space (155sq.m) at ground floor.



Figure 3: CGI of proposal (showing south and east facades)

- 4.9 The residential units would consist of 8x studio units, 16x 1 bedroom units, 12x 2 bedroom units, 6x 3 bedroom units. The ground floor would contain two residential lobby spaces and a waste and recycling room serving the residential units.
- 4.10 The entrance to the affordable housing accommodation would be from Assam Street and the private accommodation from Commercial Road.



Figure 4: proposed ground floor plan

- 4.11 The scheme would create a small new public realm space at the junction of Commercial Road and White Church Lane that would be finished (through a mix of hard and soft

landscaping) to a high quality. The scheme would reveal (for the first time in over a hundred years) the attractive base of the flank wall of the listed brewery building at No. 28 Commercial Road.

- 4.12 The affordable housing accommodation would be set upon the first three floors above ground floor with the private accommodation set on the upper floors above that, arranged in a mix of two and three units per floor with maisonette arrangement for the units on the top two floors set over the 17th and 18th storey. Each flat would benefit from an individual balcony (or roof private terrace space the maisonette units). The child play space for the scheme would be provided through an internal space located on a section of the first upper floor.
- 4.13 The basement would contain the commercial waste store that is serviced by two lifts in addition to providing a plant room and residential cycle store. The scheme would provide four wheelchair adaptable or accessible units (10%). The scheme would provide no on-site car parking spaces.

5.0 **Relevant Planning History**

Application Site

- 5.1 None relevant to this application

Neighbouring Sites

27 Commercial Road

- 5.2 PA/14/02315 - planning permission granted 3/10/2014 for the demolition of existing buildings and creation of a development, of a part 19 / part 21 storey hotel (81.420m AOD) comprising 211 apart-hotel suites with a service/drop off bay off White Church Lane.
- 5.3 PA/13/2338 - planning permission granted 15/8/14 for demolition of existing buildings and creation of a development, of a part 19 / part 21 storey hotel, (comprising 269 bedrooms) with a service/drop off bay off White Church Lane.
- 5.4 The centre of Aldgate has been subject to major redevelopment in recent years with planning permission been granted for a number of tall buildings.
- 5.5 These consents have been in line with the design principles set out in vision statement for Aldgate. in the Borough's Core Strategy and the earlier (2007) Aldgate Masterplan interim framework document. The following sites and the consents granted upon them are of relevance to this application:
- Aldgate Tower, B1 use office space rising to 17 storeys (93.6m AOD) – complete.
 - Aldgate Place: Major residential-led mixed use development including three towers of up to 26 storeys (95.98m AOD) – under construction.
 - No. 15-17 Leman Street and No. 1 Buckle Street: Serviced Apartment Hotel development of 23 storeys (86.2m AOD) – under construction.

- Beagle House site: Office led scheme rising to 19 storeys (88.15m AOD) – consent granted.
- No. 1 Commercial Street Mixed Use 86m - Mixed use (AOD) development rising to 23 storeys (86, AOD) – completed.
- Nos 61-75 Alie Street (Altitude) – Residential scheme 27 storeys (91.10m AOD) – completed.
- Goodman's Fields: Six towers of 19-23 storeys (73.18m-86.75m AOD) – under construction, part occupied.
- No. 35 Commercial Road – student accommodation rising to 18 storeys (70m AOD) - completed.
- No. 52-58 Commercial Road - residential led scheme rising to 13 and 17 storeys (55.6m and 67m AOD) – nearing completion.
- No. 60 Commercial Road - student accommodation rising to 19 storeys (69m AOD) – completed.

6.0 POLICY FRAMEWORK

6.1 The Council in determining this application has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- In considering whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990);
- Pay special attention to the desirability of preserving or enhancing the character or appearance of the adjoining Whitechapel High Street Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

6.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies, however it contains some of the most relevant policies to the application:

6.3 Core Strategy Development Plan Document (CS)

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	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

6.4 Managing Development Document (MDD)

- Policies:
- DM0 Delivering Sustainable Development
 - 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
 - DM12 Water spaces
 - DM13 Sustainable Drainage
 - DM14 Managing Waste
 - DM15 Local Job Creation and Investment
 - DM20 Supporting a Sustainable Transport Network
 - DM21 Sustainable Transport of Freight
 - DM22 Parking
 - DM23 Streets and Public Realm
 - DM24 Place Sensitive Design
 - DM25 Amenity
 - DM26 Building Heights
 - DM27 Heritage and Historic Environment
 - DM28 World Heritage Sites
 - DM29 Zero-Carbon & Climate Change
 - DM30 Contaminated Land

6.5 Supplementary Planning Guidance/Documents

- Revised draft Planning Obligations Supplementary Planning Document (Version for public consultation April 2015).
- Aldgate Masterplan Interim Guidance (2007)

6.6 Consolidated London Plan (2015)

Policies

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone
- 2.11 Central Activity Zone - strategic
- 2.12 Central Activities Zone - local
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 2.18 Green infrastructure
- 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
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 4.5 London's visitor infrastructure
- 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
- 5.8 Innovative energy technologies
- 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
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 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
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space

- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

6.8 London Plan Supplementary Planning Guidance/Documents

- Housing Supplementary Planning Guidance Nov 2012
- Shaping Neighbourhoods: Play and Informal Recreation SPG September 2012
- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (2014)
- London World Heritage Sites SPG – Guidance on Settings (2012)
- Sustainable Design and Construction SPG (2014)
- City Fringe/Tech City Opportunity Area Planning Framework (adopted December 2015)
- Mayor’s Climate Change Adaptation Strategy
- Mayor’s Climate Change Mitigation and Energy Strategy

6.9 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- Technical Guide to NPPF
- The National Planning Policy Guide (NPPG)
- National Housing Standards (October 2015)

6.10 Other documents

- Tower Hamlets Local Biodiversity Action Plan (2009)
- Tower Hamlets *Aldgate Connections* study (May 2011)
- English Heritage & Design Council draft Tall Buildings guidance (2014)

7.0 **CONSULTATION RESPONSES**

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted and made comments regarding the application, summarised below:

Internal Consultees

Affordable Housing

7.2 The proposed mix is considered acceptable including the higher proportion of smaller intermediate units compared to policy given the affordability issues within this area.

Waste Management Team

7.3 Waste and waste collection arrangements discussed extensively at pre-application stage. No objection

Environmental Health

- 7.4 Contaminated Land Team: No objection, subject to the imposition of a planning condition, should planning permission be granted, to address potential land contamination .
- 7.5 Noise and Vibration Team: No objection, subject to further details of mitigation measures and planning conditions on all plant including extract equipment serving the commercial unit and controls over of delivery hours for the commercial unit
- 7.6 Air Quality Team: No objection. The Air Quality Assessment shows that the annual NO2 objective will be exceeded at all facades of the proposed development. The assessment recommends that whole house ventilation be installed to mitigate this with the air inlet on the roof as far as possible away from the flue for the CHP/Boilers, which is supported. The construction dust & emissions section of the assessment are accepted provided the mitigation measures listed are included in the Construction Environmental Management Plan.

Transportation & Highways

- 7.7 The proposed development is car free and this is welcomed. A commuted sum to fund on-street accessible bays for registered blue badge holders for a period of three years, as and when they are required, is considered an acceptable compromise given site constraints. In summary the highways group has no objections subject to:
- A 'Permit Free' agreement restricting all future residents of the development from applying for parking permits on street.
 - Detailed design of cycle storage provision
 - Cycle facilities being retained and maintained for life of the development.
 - Commuted sum to fund between 2 and accessible bays on the public highway.
 - Travel Plan
 - Demolition / Construction logistics Plan
 - Service Management Plan
 - 288 Agreement being enter into
 - Legal agreement to secure raised table

Biodiversity Officer

- 7.8 The application site has no significant existing biodiversity value. Details of biodiversity enhancements have been provided and the full details of these can be secured by condition including further details of the provision of a living roof

Energy Officer

- 7.9 The CO2 emission reductions proposed are supported and would result in a circa 24% reduction against the Building Regulations 2013. The current proposals are below the policy target of 45% reduction in CO2 and a carbon offsetting payment is due of £27,615.
- 7.10 The applicant should commit to integrating the 55sqm of PV's to maximise emission reduction on site and provide a roof layout drawing to that effect. The applicant should also provide details of proposed operational costs of the CHP system to ensure the residents will enjoy energy tariff (heat) consistent with energy provided elsewhere in the borough. The use of a CHP on such a small scheme risks a high energy tariff that may prove particularly problematical for the RSL.

Employment & Enterprise Team

- 7.11 The developer should exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase should be through businesses in Tower Hamlets. The developer should also make a Planning Obligation SPD compliant offer in respect of skills and training along with apprenticeship places in the construction phase and end user phase.

Surface Water Run Off

- 7.12 The preliminary drainage strategy is accepted. No objection subject to planning condition to agree detailed design of the drainage strategy and includes details of the living roof.

External Consultees

Historic England

- 7.13 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Greater London Archaeology Advisory Service (GLAAS)

- 7.14 GLAAS considers that the archaeological interest of the site can be adequately conserved by attaching a suitably worded planning condition.

Metropolitan Police Crime Prevention Design Officer

- 7.15 No objections to the development proceeding as agreed by incorporating measures to minimise the risk of crime and with any scheme completed to a manner that it can gain Secure by Design accreditation.

City Airport

- 7.16 The proposed development has been examined from an aerodrome safeguarding aspect and from the information given LCY has no safeguarding objection.

NATS

- 7.17 No objection

London Borough of Southwark

- 7.18 No objection

National Grid

- 7.19 Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

London Fire and Emergency Planning Authority (LFEPA)

- 7.20 The proposal should conform to the requirements of part B5 of Approved Document B. Future details will be required of pump appliance access and water supplies;

London Underground (Infrastructure)

7.21 No objection

Thames Water (TW)

8.22 No objection subject to informative in respect of provision of Groundwater Risk Management Permit from TW states that the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. TW therefore recommends that a suitably worded condition be imposed to ensure that Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. TW also recommend that a condition be imposed to control the piling methods for the building. It also requests that a condition be imposed to allow a review of the development's drainage plan.

Environment Agency

7.23 No objection

Greater London Authority (including Transport for London observations)

7.24 *Housing:* The housing choice, density and residential quality are generally supported in strategic planning terms.

Childrens play space: Additional information regarding the type of playspace and equipment to be provided on site

Affordable Housing: The findings of the independent viability assessment for the provision of affordable housing should be shared with GLA officers prior to Stage 2 response being issued by the GLA

Urban Design: The application is in broad compliance with London Plan Policy 7.1

Inclusive design: The application is in broad compliance with London Plan Policy 7.2 and 3.8.

Transport: Scheme is car free which is welcomed. On-street disabled car parking bays car is sought. Cycle parking provision is in compliance with policy, TfL would welcome further discussion with the Borough on how CIL funds maybe used to provide an extension to the nearest cycle docking station that is nearly at capacity. Applicant should provide cycle hire membership for one year per residential unit. Delivery and Servicing Plan and Construction Logistic Plan should be secured by planning condition,

8.0 LOCAL REPRESENTATION

8.1 845 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and with a set of site notices.

8.2 Two written representation were received on the application both were letters of objection. The 1st letter objected on grounds of the disruption it would cause to their business (The Castle Public House) and the physical damage it would cause to the building. The 2nd letter other a resident in the Naylor Building West that object on grounds

- a. The building causing overlooking privacy issues to their residential block development
- b. In the context of the other tall buildings that have recently been erected the proposal would block the only clear sky and cast a constant shadow
- c. The pressure on infrastructure from the cumulative level of development in the area and resultant increase in population.

9.0 ASSESSMENT OF APPLICATIONS

9.1. The main consideration issues raised by the application that the Committee must consider are:

- (a) Land Use
- (b) Design & Heritage
- (c) Housing & Density
- (d) Neighbouring Amenity
- (e) Other issues

Land Use

9.2 At a national level, the National Planning Policy Framework (NPPF - 2012) 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 maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

9.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. Aldgate is identified within the London Plan as part of the City Fringe Opportunity Area. The site falls within the Central Activity Zone City Fringe. The proposed retail floorspace at ground floor with the opportunity this provides for active street frontages with residential use above is in land use terms consistent with the site designations identified within the London Plan

9.4 The Core Strategy identifies Aldgate as an area of significant growth and regeneration and places a focus on offices and educational uses around Aldgate East Station and mixed use in other areas with residential uses forming part of mixed uses outside the Borough's Preferred Office Location. The site is located outside the Aldgate Preferred Office Location and the principle of a mixed use development with commercial use at ground floor to maintain activity and residential use above is considered wholly consistent with relevant policies in the London Plan and the vision *statement, priorities and urban design principles* for Aldgate as set out in the Borough's Core Strategy.

Design & Heritage

9.5 Statutory tests for the assessment of planning applications affecting the setting of listed buildings and conservation areas are set out at paragraph 6.1 above. The special attention to be paid to the desirability of preserving or enhancing the character or

appearance of conservation areas also applies to development adjoining a conservation area which is the case here

9.6 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. Chapters relevant to heritage, design and appearance are Chapter 7 'Requiring good design' and Chapter 12 'Conserving and Enhancing the Historic Environment.' Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.

9.7 Chapter 12 relates to the implications of development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the public benefits of a scheme.

9.8 The National Planning Practice Guidance (NPPG) sets out a list of criteria of "What a well design place is? The guidance states:-

"Well designed places are successful and valued. They exhibit qualities that benefit users and the wider area. Well designed new or changing places should:

- *be functional;*
- *support mixed uses and tenures;*
- *include successful public spaces;*
- *be adaptable and resilient;*
- *have a distinctive character;*
- *be attractive; and*
- *encourage ease of movement"*

9.24 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. Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

9.25 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD 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.

Principle of a Tall Building

9.26 The Core Strategy identifies Aldgate as one of two locations in Tower Hamlets where clusters of tall buildings will be supported. Policy DM26 supports the principle of tall buildings in the Aldgate area subject to high design quality.

9.27 Specific guidance is given in the London Plan and in the Borough's own Managing Development Document in relation to tall buildings. The criteria set out by both documents can be summarised as follows:

- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport;

- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
- Should not adversely impact upon heritage assets or strategic and local views;
- Present a human scale at street level and enhance permeability of the site where possible;
- Provide high quality private and communal amenity spaces for residents;
- Provide public access to the upper floors where possible; and,
- Not adversely affect biodiversity or microclimates.

Aldgate – Place Making Vision

- 9.28 Policy DM26 of the Managing Development Document and SP10 of the Core Strategy identify the Preferred Office Location centred around the former Aldgate gyratory system as a suitable location for tall building. The Local Plan identifies this tall building cluster as marking the ‘gateway’ to Tower Hamlets, to also reflect the proximity to similar development in the City and to make the best use of the excellent public transport accessibility that can support high density development. The Aldgate Masterplan sets out that the *‘proposed cluster of buildings between Whitechapel High Street and Braham Street should represent the apex of building heights in Aldgate’*.
- 9.30 Policy DM26 of the MDD envisages building heights in the remainder of the Aldgate area to fall away in height away from this ‘central cluster’ of buildings, to respect the town centre hierarchy.
- 9.31 The Borough’s Aldgate Masterplan provides supplementary design guidance to the Local Plan in terms of place-making for Aldgate. It reiterates in guidance form what is set out in Policy DM26 of the Local Plan that tall buildings outside the Preferred Office Location are potentially acceptable in principle provided they do not *“harm the character or appearance of the Whitechapel High Street Conservation Area or have an adverse or overbearing impact on Altab Ali Park and other open spaces, or harm the setting and appearance of Listed Buildings’*. In line with Policy DM26 and the London Plan all tall buildings are required to demonstrate ‘exceptional design quality’ and the use of high quality sustainable materials, given their high visibility.
- 9.32 Recent consented tall buildings schemes falling within and on the edges of the Aldgate area are set out in paragraphs 5.2 and 5.6 of the report and should be taken into account of when considering the height of this proposal at 19 storeys (75.5m AOD).
- 9.33 As set out in paragraphs 5.2 and 5.6, the tallest tall building consented in Aldgate are generally located within the preferred tall building cluster (centred around the former Aldgate gyratory), reaching a maximum height of 95.8 metres (AOD) with buildings heights generally falling below 90m outside this preferred cluster location.

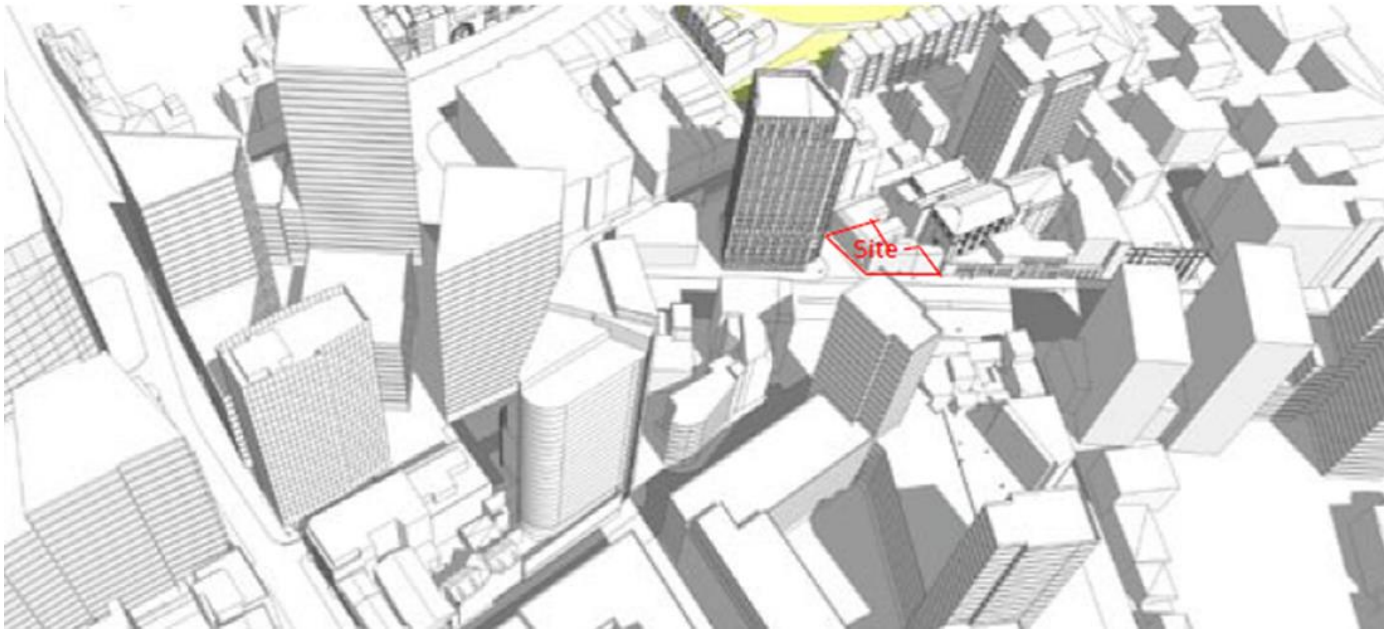


Figure 5: Application site with diagrammatic representations of recently consented tall buildings in Aldgate

9.34 Of particular note in respect of the application site is the permitted (but as yet un-built) scheme at apart-hotel at No. 27 Commercial Road, located to the immediate west of the application, which would reach a maximum height of 81.5m (AOD) with it possessing a lower ‘shoulder height’ element reaching 75.16 metres (AOD). In addition and set just to the east of the application site is the student accommodation at No. 35 Commercial Road built out at 75m (AOD) and set further to the east on the southern side of Commercial Road at Nos. 52-58 and No. 50 three towers of 55m, 64m and 77m high. As such the proposed building would fit within a sought pattern of tall buildings arcing away in a descending level of heights as the distance from the former gyratory increases. The scheme would be set approximately 5m lower than the immediate tall building consented to the west of the site and approximately 5m taller than the completed tall block to the east of the site.

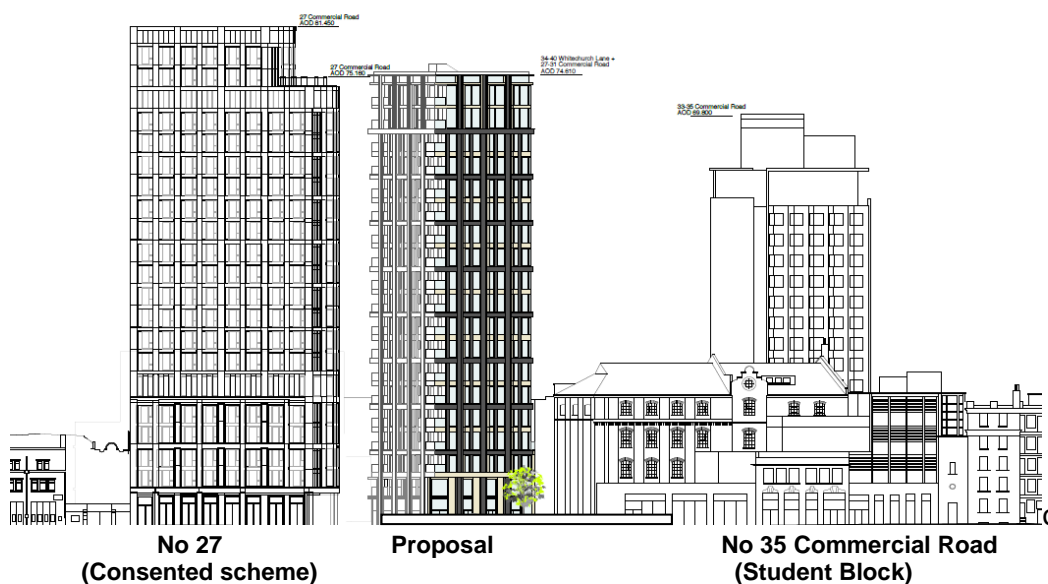


Figure 6: Scheme in relation to surrounding consented tall buildings at No.27 and No. 35 Commercial Road

- 9.35 In addition to considering the actual heights of buildings in relation to each other, it is also necessary to evaluate the way that they would be perceived in relation to each other, in order to fully understand the impacts on townscape. Given the close proximity of the proposed development to the consented scheme at 27 Commercial Road, the two buildings (if constructed) would be seen together in most views. The Townscape and Visual Impact Assessment (TVIA), and the supporting CGI images in the Design and Access Statement (DAS), illustrate that the height of the proposed development would be perceived as very similar to that of the permitted development at 27 Commercial Road. This is particularly evident in views east along Commercial Road, as illustrated by TVIA view 7 and a CGI provided in the DAS.
- 9.36 With respect to perceived heights of buildings it is worth noting that the tallest element at No 35 Commercial Road is actually set well back from the street front with lower historic buildings set before it that taken together reduces its perceived height.
- 9.37 To some extent the proposal is considered to create a varied townscape, in which building heights can be seen to appreciably step down from the core area of Aldgate. Whilst it may be the case that the current scheme would benefit from a further reduction in height to (a) create a greater distinction between it and the consented building at No. 27 Commercial Road and (b) to help soften the overall impact of built form, on balance, the proposed scale and massing is considered acceptable.
- 9.38 In summary, London Plan, Core Strategy, MDD and Aldgate Masterplan policies broadly supports the principle of tall buildings in this location. The proposed height of 19 storeys would sit comfortably within the emerging context and provide transition between the proposed tall buildings at Aldgate Place, the consented scheme at No 27 Commercial Road and the built out schemes at No 35, No. 52-58 and No. 60 Commercial Road.

Elevational treatment and materials

- 9.39 The scheme would utilise textured brickwork and bronze coloured aluminium detailing. These would be combined to create elevations organised into a textured grid. Variation in the grid and use of materials shall help to delimitate the base, middle and top sections of the tower.
- 9.40 The scheme involves well modelled elevations with a rational coherent architectural language with welcome opportunities for sunlight shadowing. The organisation, texture and colour of the materials have the potential to complement the adjacent listed warehouse.
- 9.41 Taken overall the proposed elevational treatment, the chosen use of materials and the general architectural approach taken to the design of the tower is considered acceptable. Should planning permission be granted, the precise nature of the materials and detailing would be controlled by condition.

Analysis of impact on townscape and heritage

- 9.42 The existing buildings on site have some limited townscape and heritage value. However, they are not statutorily listed, locally listed nor located within a conservation area. On balance, the loss of the existing buildings can be considered acceptable, subject to the replacement development achieving a high standard of the design and the scheme as a whole delivering adequate public benefits.

- 9.43 The proposed building would be set only 10m away from the consented tall building at No. 27 Commercial Road. As such it is recognised these two developments, if built out, would provide an imposing entrance to White Church Lane. However any ‘canyoning’ effects to this small street are considered acceptable given the proposed building contains only a 16m wide frontage to this street and from the building breaks of Assam Street immediately to the north of the site and the corner with Commercial Road is softened by the proposed new public realm space.
- 9.44 The proposed development would have a close relationship with the Grade II Listed John Walker & Sons Ltd Warehouse, and would form part of its immediate setting. Whilst the scale of the proposed building may compete with the listed warehouse for prominence in the townscape, it would enhance its setting by revealing the more of its western façade including previously hidden detailing. The scheme is considered to have a minor adverse impact on the setting of this heritage asset. In carrying out the balancing exercise in the assessment of the proposal considerable importance and weight is to be given to the desirability of preserving or the setting of listed building. In doing so, officers consider that what minor impacts there are in this instance, are outweighed when taking into account other public benefits of the scheme such as the creation of small but attractive area of opens space in a prominent position on Commercial Road. Accordingly this impact is, on balance, considered acceptable.



Figure 7: Image of scheme from Alie Street with the exposed foot of the listed brewery building (in right of image)

- 9.35 Whilst the Grade II Listed Gunmakers Company Hall & Proof House is also in relatively close proximity to the application site, the TVIA illustrates that there is limited opportunity to view the proposed building in direct relationship to the heritage asset. As such, and given that the proposal would form part of the emerging group of tall buildings in this area, the impact of the proposed development on the Gunmakers is considered to be neutral. Likewise the adjacent Grade II Listed K2 Telephone Kiosk.
- 9.36 The proposed development would also be within the setting of the Grade II Listed 32 and 34 Commercial Road. The distance between the proposed new building and the heritage assets, and the lack of opportunities to view them in direct relationship to each other, combined with the emerging context of tall buildings results in a neutral impact on the

setting of this designated heritage asset. A similar rationale could be applied to the impact on the setting of the Locally Listed 17 White Church Lane.

- 9.37 The northern end of White Church Lane is located in the Whitechapel High Street Conservation Area and it would form part of the backdrop of Altab Ali Park, an important area of open space in the Conservation Area. Again, special importance to the impacts on the setting of the Conservation Area has been applied in the balancing exercise. Aldgate is identified as a location for tall buildings. There are a number of existing consented schemes for tall buildings set to the south of Altab Ali Park and having particular regard to the verified views within the submitted Visual Impact Assessment, the impact on the views and settings of nearby listed buildings, conservation areas and the Altab Ali Park in particular are considered to be acceptable neutral/minor adverse impacts outweighed by the public benefits of the scheme in terms of delivery of new homes to high amenity and the public realm benefits including an improved setting to the at the base of the adjacent grade II listed warehouse.



Figure 5: CGI image of scheme looking west along Commercial road (with No 35 Commercial Road in right of image and the consented serviced apartment scheme at No 27 Commercial Road set beyond the proposed scheme

Strategic Views

- 9.38 In regard to strategic views, the site is within the backdrop to the London View Management Framework (LVMF) 25A views of the Tower of London from City Hall Queen's Walk. However the building will not be visible within this view. As the submitted Heritage and Visual townscape Assessment demonstrates it will be below the height threshold for this location of 78m AOD. As such the scheme raises no strategic LVMF view implications.

Housing and Density

- 9.39 Policies 3.4 of the London Plan and SP02 of the Borough's Core Strategy seeks 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.

- 9.40 The proposed development would have a residential density of 2,857 habitable rooms per hectare (hr/ha), after taking into account the proportion of vertically mixed non-residential floorspace. The appropriate London Plan density range for the sites with a central setting and PTAL of 6a is 650 to 1,100 hr/ha. The proposed density is therefore around 160% greater than the upper limit of the London Plan target. Whilst density on its own is unlikely to be a maintainable reason for refusal, care does need to be taken to ensure that the scheme achieves a high standard of design and amenity, and does not exhibit symptoms of overdevelopment.
- 9.41 However as the London Plan makes clear, and as reiterated in the GLA Stage 1 response received to this scheme, these density ranges should not be applied mechanistically and a density above the stated range may be acceptable; where the scheme is exemplary in all other respects, provides a high stand of residential amenity, provides a high quality of urban design, contributes positively to place-making, and does not exhibit any symptoms of overdevelopment in terms of adverse impacts on the amenity of future residential occupiers, neighbouring occupiers or neighbouring heritage assets. The scheme as set out in detail in the following sections is considered to meet all these criteria notwithstanding some challenges in respect of its height in the local townscape and the adequacy of the play-space provision.

Housing

- 9.42 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*” and “*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.*”
- 9.43 The application proposes 42 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. The quantum of housing proposed will assist in increasing London’s supply of housing and meeting the Council’s housing target, as outlined in policy 3.3 of the London Plan and therefore make a positive contribution to meeting local, regional targets and national planning objectives.
- 9.44 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London.. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 9.45 London Plan Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
- Current and future requirements for affordable housing at local and regional levels;
 - Affordable housing targets;
 - The need to encourage rather than restrain development;
 - The need to promote mixed and balanced communities;
 - The size and type of affordable housing needed in particular locations; and,
 - The specific circumstances of the site.

- 9.46 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 9.47 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: *“the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”* Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 9.48 The scheme’s affordable housing offer is 26% by habitable room, with on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved.
- 9.49 The affordable housing is being offered at a 62:38 split (by habitable rooms) between affordable-rented units and shared ownership units. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split. The variance from policy, in the context of this scheme, is considered relatively minor and the tenure split is supported with the provision of four larger rented affordable family sized units.
- 9.50 The affordable rented units are offered at the Borough framework rent levels for this postcode, which would mean £275 per week for the 3 bedroom flats, inclusive of service charges. Whilst these rent levels have had an effect on development viability, they ensure that rent levels are affordable to potential occupants in this location.

Housing Mix

- 9.51 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. 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 affordable rented homes to be for families. Policy DM3 (part 7) of the MDD 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).
- 9.52 The tables below compare the proposed housing mix against policy requirements:

Table 1: Proposed housing mix considered against policy requirements

Ownership	Type	Policy requirement (%)	Proposed mix (%)
Private	Studio	0	24
	1 bed	50	41
	2 bed	30	29
	3 bed	20	0
	4+ bed	0	0
Affordable Rented	1 bed	30	0
	2 bed	25	0
	3 bed	30	100
	4+ bed	15	0
Intermediate	Studio	0	0
	1 bed	25	50
	2 bed	50	50
	3 bed	25	0
	4+ bed	0	0

Table 2: Affordable housing vs market housing split

	Number of units	% of Units	% of habitable rooms
Market	34	81	74%
Affordable	8	19	26%
TOTAL	42	100%	100%

Table 3: Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed
Market	8	14	10	0
Affordable Rent	0	0	0	6
Intermediate	0	2	2	0
TOTAL	8	16	12	6
Total as %	19%	38%	28.5%	14.5%

- 9.53 The scheme under provides 1 and 2 bed units against policy targets with an overprovision of family sized units with provision of four 3 bedroom four person units however this is not considered a deleterious deviation from policy. The proposed intermediate mix over provides 1 bedroom units by 50 percentage points and fails to provides 3 bedroom units where policy seeks 25 percentage of this tenure type. However due to the challenges around affordability for 3-bed intermediate units in high value areas this is not considered a significant deviation from policy in this instance/
- 9.54 The private mix is focussed towards studio units and 1-and 2 bed units and with no larger family sized units. Consequently, the private housing component of the

development would not be policy compliant. However, it is worth noting the advice within London Mayor's Housing SPG in respect of the market housing. The SPG argues that it is inappropriate to crudely apply "*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*". The proposed mix in the market housing sector is, in the view of officers, appropriate to the context and constraints of this site and the proposed high-density development.

- 9.55 The overall mix of unit sizes and tenures would make a positive contribution to a mixed and balanced community in this location as well as recognising the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. It reflects the overarching principles of national, regional and local policies and guidance.

Quality of residential accommodation

- 9.56 Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "*fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime*". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.57 All of the proposed flats meet or exceed the National Housing Standards and London Plan minimum internal space standards. There are no single aspect north facing flats, over 50% of the unit are triple aspect with 20 other units double aspect. The two lift and stair cores and associated floor lobby/corridor spaces benefit from natural light. The proposed flats would not be unduly overlooked by neighbouring properties and subject to appropriate conditions regarding glazing specifications and ventilation would not be subject to undue noise, vibration or poor air quality.

Internal Daylight and Sunlight

- 9.58 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. This policy must read in the context of the Development Plan as a whole, including the Wood Wharf Site Allocation.
- 9.59 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."

Daylight

- 9.60 The application is accompanied by a daylight and sunlight assessment report. The results of the analysis show that 55% of the windows serving the residential accommodation will experience Vertical Sky Component above the BRE guidance. Assessing the individuals rooms, as opposed to individual windows, deploying the daylight distribution assessment 97 out of the 98 living and bedroom serving will achieve the BRE guidance and 93 out of the 89 rooms will achieve the BRE Average Daylight Factor guidance. On that basis it is considered the scheme will provide adequate daylight to its future occupants.

Sunlight

- 9.61 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight.
- 9.62 The internal sunlight potential has been tested for applicable rooms. 67% of these rooms enjoy will experience annual sunlight levels and 75% will achieve the winter sunlight guidance. This level of compliance is considered reasonable in the context of a higher density urban environment such as Aldgate and where the failings mainly relate to secondary windows serving dual; aspect units.

Amenity space

- 9.63 For all major developments there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The '*Children and Young People's Play and Information Recreation SPG* provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

Private Amenity Space

- 9.64 Private amenity space requirements are set figures determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sq.m is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 9.65 The proposal provides private amenity space to all of the units in compliance with the above quantitative standard in the form of individual balconies and for one top floor unit a roof terrace.

Communal Amenity Space and Public Open Space

- 9.66 Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 72sq.m. The proposal provides no dedicated communal amenity space for future occupants of the development. However it does provide wider public realm within the development plot of approximately 120sq.m that can be considered to some limited degree to serve the development and given the close proximity of Altab Ali Park and its inner London location can be considered acceptable for a residential scheme of this relative scale.

Child play space

- 9.67 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development, with 10sqm of play space per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in

particular where there is natural surveillance for parents. The scheme is predicted to yield approximately seven children with 5 children being of early years (0-4 ages).

- 9.68 The scheme proposes to provide one on-site child play space to the development in the form of a play space room located on the 1st upper storey occupying approximately 48sq.m. The application documentation refers to this on-site play space being supplemented by reliance on existing/being built out open space facilities - principally from Altab Ali Park and Chaucer Gardens. The latter forms parts the of Goodmans Fields site and is located less than 40metres (off Gowers Walk) to the south of Commercial Road that when built out will contain a play space area geared towards children aged 12-17 in years.
- 9.69 Officers having reservations about both the quantum and the quality of the on-site communal play space and the practical opportunities it provides to serves the development adequately. This concern is borne from it being (a) only a single play space area, (b) being small in absolute size terms, (c) it being internal space *only* (with a relatively low floor to ceiling height for such a purpose) and finally (d) given the above (a-c) some uncertainty how this space can be successfully managed to enable it be used simultaneously by different user groups. Officers also have concerns on the reliance on the cited off-site open spaces due to: (i) the cumulative pressure placed on these play spaces from the sheer scale of new residential developments coming forward in Aldgate; (ii) the lack of formal sports court spaces within these park spaces: and (iii) in the case of Chaucer Gardens the degree of physical severance from the proposed development site by Commercial Road. Given it is a very busy arterial that forms a part of the A12 truck road.
- 9.70 Notwithstanding the above officer concerns, given the child yield for the scheme is small and given the on-site provision in physical area terms meets the minimum play space requirement for children under 12 officers conclude it would not be reasonable to refuse the scheme on play-space provision ground nor do officers consider they would be able to sustain that ground on appeal, should it be applied.

Privacy

- 9.71 In general the scheme would not incur undue overlooking/privacy issues. However there are a number of habitable rooms within the proposed development facing White Church Lane that would be set within approximately 10 metres of bedrooms within the yet to be built out apartment-hotel scheme at No. 27 commercial Road. However given the majority of the affected rooms are dual aspect rooms with opportunities to draw blinds or curtains to this street frontage or alternatively serve bedrooms and since this physical relationship is across an existing street it is not considered this provides any unacceptable privacy issues to future occupants nor conversely imposes privacy issues upon neighbouring developments.

Neighbouring Amenity

- 9.72 Core Strategy Policy SP10 '*Creating Distinct and Durable Places*' & MDD Policy DM25 '*Amenity*' require development to protect the amenity of adjoining. Indeed Policy DM25 of MDD seeks development to where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of

noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

Effect on daylight and sunlight received by neighbouring properties

- 9.73 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with daylight distribution 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.
- 9.74 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at least 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- o 0-20 reduction – Negligible
 - o 21-30% reduction – Minor significance
 - o 31-40% reduction – Moderate significance
 - o Above 40% reduction – Substantial significance
- 9.75 A second measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 9.76 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 9.77 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 and to residential student accommodation. The assessment assesses the impacts of the development proceeding in isolation but also the cumulative effects of the development were the scheme and the consented serviced apartment (hotel) development to be built out at No 27 Commercial Road. In total the assessment considers the effects on the level of daylight received by 177 windows, serving 111 rooms.
- 9.78 Taken the impact of the scheme on its own over 94% of the neighbouring windows would achieve the BRE guidelines for VSC when the cumulative impacts are assessed this BRE target figure falls to 50%. Of the windows that fail to meet the BRE guidance 28% of those windows the cumulative impact is considered minor adverse (a VSC change of less than 0.6 or within 20% of guide level).
- 9.79 Taking the cumulative effects into account of the development at No. 27 Commercial Road were it also built out the properties adversely affected, assessed against the VSC test, by the proposed development are 32-34 Commercial Road, 35 Commercial Road, 42 Commercial Road Bar Locks Public House (21 White Church Lane), 7-8 Manningtree Street, 9 Manningtree Street, 63 Gowers Walk Goodmans Fields.
- 9.80 There are no adverse impacts, under either scenarios outside BRE guidance for Vertical Sky Component or daylight distribution to the Naylor Building East

- 9.81 The greatest cumulative effects are experienced by properties in Manningtree Street and No 42 Commercial Road.
- 9.82 With respect to direct sunlight impacts 89% (50 out of the 56 windows assessed) of the windows assessed would be above the BRE guidance for annual probable sunlight hours (APSH) and same figure for winter sunlight when the scheme is considered independently of the cumulative impacts of No 27 Commercial Road. With the cumulative impacts 38 of the 56 windows (68%) would be above BRE APSH guidance and 57% winter sunlight guidance.
- 9.83 The greatest number of sunlight failings would be at No. 35 Commercial Road, The Bars Locks Pub, and No 9 Manningtree. In addition 3 windows assessed would also fail BRE winter sunlight guidance at Naylor Building East, of which 3 of these failings would be classified of minor significance, 4.

Assessment of impacts

35 Commercial Road

- 9.84 Taking the impact of the scheme on its own, 81.5% of the 27 windows assessed will meet the BRE VSC guideline, 5 would fail but for of these 2 are marginal failures. Only 1 window would experience a moderate loss of greater than 30% VSC. Taken the cumulative effects, 9 windows or 33% of the windows will fail to meet the BRE guide. All these windows are understood to serve kitchens.
- 9.85 Assessed against BRE's daylight distribution 11 of the 13 rooms would meet the BRE guidance with the two failings of minor significance.

32-34 Commercial Road

- 9.86 No VSC losses with the scheme taken in isolation. Taking the cumulative impacts, 50% windows affected 6 in total all minor adverse (i.e. of less than 30% VSC loss).

36 Commercial Road

- 9.87 No VSC losses with the scheme taken in isolation. 100% of the windows are affected taking the cumulative effects. Of the total of 11 windows 6 windows will be a moderate impact (of greater than 30%.VSC loss), of which 4 serve bedrooms with the the remaining 2 serving kitchens.
- 9.88 All 10 rooms comply with BRE guidance on daylight distribution.

42 Commercial Road

- 9.89 No VSC losses with the scheme taken in isolation. Taking the cumulative impacts, all 4 windows tested would fail the VSC standards with two windows experiencing in excess of 50%. The windows serve 4 rooms, none of these windows fail the daylight distribution when the scheme is taken in isolation. All 4 windows would fail, were the hotel scheme implemented in isolation from this proposed scheme.

Bar Locke Public House (21 Whitechurch Lane)

- 9.90 The residential accommodation above the public house currently receives good standards of daylight and sunlight. 10 windows assessed and taken the scheme in isolation all fall within BRE VSC guidance. Taking cumulative effects 8 windows (80%)

would fall below BRE guidance with 6 of these windows receiving a major significance loss of greater than 40% VSC loss. 3 of these windows serve kitchens.

- 9.91 When account is taken account of daylight distribution and the levels of residual sunlight within these rooms the overall impact to these affected rooms is considered fair.

7-8 Manning Street

- 9.92 All 24 windows assessed would meet BRE guidance taking the impacts of the scheme alone. All windows would fail BRE guidance taking the cumulative impacts and experience 40%-50% reductions of major significance.

9 Manning Street

- 9.93 All 6 windows assessed would meet BRE guidance taking the impacts of the scheme alone. All 6 windows would fail BRE guidance taking the cumulative impacts and experience 40% to 50% VSC reductions. The impacts are therefore considered of major significance although it is worth noting all windows would maintain an absolute VSC above 10 and with tested daylight distribution impacts are limited to minor adverse for the t room effected, against BRE guidance.

The Castle Pubic House

- 9.94 12 of the 16 windows assessed would meet BRE guidance taking the impacts of the scheme alone. The 4 windows falling below BRE guidance would experience a minor adverse impact of 20% to 30% VSC loss.

- 9.95 Taking account the cumulative impact of the hotel at No 27 Commercial Road 50% of the windows (8 in number) would be impacted, 7 windows would experience a reduction of more than 40% as such is of major adverse significance. However the residual absolute VSC figure would remain fair all above 10 and with the daylight distribution to the 4 rooms tested meet recommended BRE guidance.

Goodmans Fields

- 9.96 15 windows assessed, of which 14 would meet BRE VSC guidance if the impact of the scheme is assessed in isolation. Taking account of the cumulative impact, 12 (80%) of the windows would fail the VSC guidance. 4 of these windows would experience a VSC loss of greater than 40%, 5 windows, a VSC loss of between 30% to 40% and 3 windows a loss of 20%-30%. 9 of these windows serve kitchens, the remaining serving 4 bedrooms.
Assessing the daylight distribution for these bedrooms, 3 of the 4 meet the BRE guidance for this measurement.

Context for daylight and sunlight losses

- 9.97 It is inevitable that in an urbanised borough such as Tower Hamlets and with such pressure being placed on the local planning authority to optimise the potential of development sites, daylight and sunlight infringement is a regular occurrence. In reaching final conclusions in relation to daylight and sunlight impacts weight needs to be given (a) to the nature of buildings and street patterns, (b) the current levels of daylight and sunlight enjoyed by existing residential occupiers that may fall below the absolute targets set out in the BRE Guidelines and (c) due weight and impact given to any existing consent that has yet to be implemented.

- 9.98 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.

Conclusions

- 9.99 In this instance, the development is considered acceptable in terms of daylight/sunlight as the impacts of the scheme taken independently of other committed schemes is well within usual levels of failings given the urban context and with an acceptance any new development, however modest in additional storey height, might have significant impacts on a small number of neighbouring windows. The most significant number of adverse impacts in quantum and degree of impact that would arise from this development occur when the impacts of this scheme are assessed alongside the cumulative impacts of the hotel development at No. 27 Commercial Road.
- 9.100 Although, it is acknowledged that there would be some daylight and sunlight impacts on neighbouring properties and these would result in a detrimental impact on the amenities of those residential occupiers, on balance, the proposed development is considered to accord with Policy SP10(4) of the adopted Core Strategy (2010), and Policy DM25 of the Managing Development Document (2013)

Privacy, outlook and sense of enclosure

- 9.101 To the south of the application site there are no residential properties set within 23 metres of the site and similarly there are no habitable rooms windows within a close distance to the north or east of the site, as such there are no significant privacy, outlook or sense of enclosure issues to assess. With regard to existing development to the west the impacts are centred on properties located on the west side of White Church Lane and the impacts upon these properties are considered limited (due to the nearest residential homes lying unoccupied awaiting work to commence on the serviced apartment hotel development at No. 27 Commercial Road and given the impacts are considered substantially less than those imposed independently by the consented development at No 27 Commercial road

Microclimate

- 9.102 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 9.103 A wind microclimate assessment report was prepared for the application and uses the established Lawson Comfort Criteria and its results indicate there are no major adverse effects on local conditions and these conclusions are accepted by officers. Mitigation measures are proposed in respect of balconies.

Secure by Design

- 9.104 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.

- 9.105 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. The Metropolitan Police Crime Prevention Design Advisor has no objections to the scheme and advises that were the application to be approved a condition should be imposed to ensure that the scheme meets Secured by Design accreditation.

Inclusive Design

- 9.106 Policy 7.2 of the London Plan Policy SP10 of the CS and Policy DM23 of the MDD 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.
- 9.107 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'. The development has been designed with the principles of inclusive design in mind.
- 9.108 The scheme will provide level thresholds to all the ground floor uses and entrances and dual lift access will be provided to all the fully wheelchair accessible residential units.

Archaeology

- 9.110 The National Planning Policy Framework (Section 12) and the London Plan (Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 9.111 Greater London Archaeology Advisory Service advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a Written Scheme of Investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

Highways and Transportation

- 9.112 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car and these objectives are also reflected in Core Strategy policies SP08 and SP09.
- 9.113 The site is located in an area with an excellent PTAL rating and sits within a Controlled Parking Zone. The development site is fronted by Commercial Road, which is a Red Route for which TfL is the Highways Authority and White Church Lane for which LBTH is responsible.
- 9.114 The applicant has submitted a Transport Statement contains trip generation analysis and details of servicing arrangements
- 9.115 As set out in the comments received from both Transport for London the and the Borough's Highway and Transportation Team, subject to appropriate conditions and securing a commuted sums towards on street disabled parking bays the scheme raises no highway or transportation issues.

- 9.116 On site disabled car parking bays is accepted is not a practical solution on this small and tightly constrained siter. The car free arrangement is consistent with policy, with the applicant's expressed willingness to fund provision for two disabled bays on-street in lieu of providing bays on-site, should it be demonstrated there is need for such bays.
- 9.117 The secure cycle bay provision is in line with London Plan standards

Noise and Dust

- 9.118 An acoustic assessment has been submitted with the planning application. The assessment concludes that the demolition and construction will not result in adverse impacts to neighbours greater than those experienced from other major developments under construction or completed in the immediate vicinity. .
- 9.119 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration to neighbours and future occupants during demolition, construction and occupation phases, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted, including construction management plan.

Contaminated Land

- 9.120 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site.
- 9.121 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found are there are no objections to the scheme on grounds of contaminated land issues, subject to the appliance of an appropriately worded planning condition.

Energy & Sustainability

- 9.122 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 climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.123 The submitted proposals have followed the energy hierarchy of be lean, be clean & be green and seek to minimise CO2 emissions through the implementation of energy efficiency measures and use of a centralised energy system (CHP). The CO2 emission reductions are anticipated to be circa 24% against the Building Regulations 2013, short of the 45% policy target. In accordance with policy requirements, the applicant has agreed to the full financial contribution of £27,615 to the Council's carbon off-setting programme to achieve a total reduction of 45%. The figure is liable to fall when the inclusion of rooftop PV panels, although the proposed use of CHP may need to be reconsidered (that could affect the calculated CO2 reductions) when details (provided by condition) are supplied on the end user tariffs of such a technology on a scheme of this small size, particularly with respect to concerns on delivering a market competitive tariff for the residents of the affordable rented units.

- 9.124 To conclude, the overall approach to reducing carbon dioxide is accepted and in accordance with relevant policies and could be secured by condition and within the s106 agreement.

Flood Risk and Water Resources

- 9.125 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 9.126 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the prepared draft drainage strategy the scheme is in accordance with relevant policy and guidance

Biodiversity

- 9.127 Policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD 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 MDD also requires elements of living buildings.
- 9.128 The application site has no significant existing biodiversity value.
- 9.129 Having regard to the possible conditions to secure the necessary mitigation and enhancements, the proposal has an acceptable impact on biodiversity and is in accordance with relevant policies.

Planning Obligations

- 9.130 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's draft Planning Obligations SPD (2015) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date, with the CIL levy used to fund new education, healthcare and community facilities to meet the additional demand on infrastructure created by new residents.
- 9.131 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 9.132 Regulation 122 of the 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. Furthermore, Regulation 123 stipulates that a planning obligation must not constitute a reason for the grant of planning permission if it provides for the funding or provision of any type of infrastructure which appears on the local planning authority's Regulation 123 infrastructure list.

9.133 The applicant has agreed to meet the following planning obligations. The financial obligations secured include:

- a) £15,348 construction phase employment training
- b) £2,989 end-user phase employment training
- c) £27,615 carbon off-setting
- d) £85,000 for raised table works including kerbs adjustments and drainage provision
- e) Monitoring fee equivalent to £500 per each substantial Head of Terms

Total financial contribution: £45,952 plus monitoring contribution.

9.134 The non-financial planning obligations include:

- a) On-site affordable housing consisting of 4x three bedroom units at Borough Framework Levels inclusive of service charges, with 1 of these three bedroom units delivered as a fully wheelchair accessible unit
[to be delivered prior to occupation of 40% of market sale units]
- b) 2 x one bedroom intermediate units and 2x two bedroom units
- c) Access to employment
 - 20% local procurement
 - 20% local labour in construction
- (d) 6 apprenticeships delivered during the construction phase
- (e) a commuted sum (for 5 years) to fund accessible bays 2 blue badge accessible bays on street
- (f) Public access to public realm
- (g) Meet the Transport for London Cycle-Hire annual membership key fee for each individual residential unit within the scheme for the first 3 years of occupation, as part of Travel Plan

9.135 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests. Nonetheless, it needs to be emphasized that the applicant's commitment to utilise all reasonable endeavours to deliver the wider public realm vision does not and should not constitute a reason for the granting of planning permission.

9.136 With regard to affordable housing provision, the applicant has submitted a Financial Viability Assessment which has been independently reviewed by consultants appointed by the Council. Officers are satisfied that the proposal would deliver the maximum amount of affordable housing that could be supported by the viability of the scheme without threatening the deliverability of the development.

Financial Considerations

9.137 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the authority shall have regard to:

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

- 9.138 Section 70(4) defines “local finance consideration” as:
- 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
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 9.139 In this case, the proposed development would be liable for Tower Hamlets and the London Mayor’s Community Infrastructure Levy.
- 9.140 Mayor of London CIL liability is estimated to be £78,889 (following estimated social housing relief (£21,859)).
- 9.141 Tower Hamlets CIL liability is estimated to be £405,559 (following estimated social housing relief (£124,909)).
- 9.142 Using the DCLG’s New Homes Bonus Calculator, this development is likely to generate approximately £62,811 of New Homes Bonus in the first year and a total payment of £376,863 over 6 years.

Health Considerations

- 9.143 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council’s 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.
- 9.144 The proposal raises no unique health implications, and would not prejudice the opportunity of, residents, neighbours or members of the public to benefit from appropriate living conditions and lead healthy and active lifestyles. The play space and communal amenity space proposed would adequately meet the policy requirements. The gym and swimming pool available to the private and intermediate tenures would serve to promote active and healthy lifestyles. The standard of the proposed residential accommodation would be high, commensurate with the high density of the scheme.

Human Rights Considerations

- 9.145 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:-
- 9.146 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".

9.147 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.

9.148 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

9.149 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.

9.150 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.151 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.

9.152 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

9.153 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.0 CONCLUSION







- 10.1 All other relevant policies and considerations have been taken into account. Planning Permission should be approved for the reasons set out in the RECOMMENDATIONS at the beginning of this report.

SITE MAP

11.1 Please refer to the next page of this report.

Planning Application Site Map
PA/15/02527



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 m	

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

Committee: Strategic Development	Date: 10 th March 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Other Planning Matters	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. PUBLIC SPEAKING

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

4. RECOMMENDATION

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

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

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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Agenda Item 7.1

Strategic Development Committee	Date: 10 March 2016	Classification:	Agenda Item No:
Report of: Corporate Director Development & Renewal	Originating Officer: Andy Simpson	Title: S106 Planning Obligations - Allocation of Financial Contributions and Project Spend between 2010 and 2015.	
		Ward(s): All	

1.0 PURPOSE OF REPORT

- 1.1 This report has been prepared to outline the process for the allocation of financial contributions secured through Section 106 (s106) planning obligations and provide an overview of s106 spend between 2010 and 2015, and highlight key projects which have been delivered during this period through s106 contributions.
- 1.2 The Strategic Development Committee and Development Committee are responsible for determining planning applications and making recommendations on the heads of terms to be secured in associated s106 agreements.
- 1.3 It is important to note that while there is a comprehensive programme of s106 projects (some of which are outlined within this report), s106 contributions form only one funding stream for the delivery of Council projects, with many being delivered without s106 funding. This being the case, s106 receipts still remain an important funding source for the Council in delivering projects.
- 1.4 S106 contributions, once received are allocated to specific projects in accordance with the terms of the relevant s106 agreement and priorities that are relevant at the time the money is received. These priorities will reflect adopted Council policies. Upon approval by the Planning Contribution Overview Panel (an internal, officer-led panel with delegated powers to monitor the implementation and expenditure of S106), implementation of projects is commenced. Throughout this phase, projects deliver (and are monitored against) set outcomes as agreed within the relevant project documentation and s106 funding is drawn down on an annual basis.
- 1.5 Since March 2010, £46m of s106 funding has been spent delivering projects which mitigate the impact of development within the Borough. These projects, are aligned to Council priorities and have had a transformational impact upon not only physical infrastructure, but also the lives of residents within the Borough.
- 1.6 A selection of these projects is outlined by theme towards the end of this document, and whilst this report focuses on those projects delivered in the last

5 years, it is the intention that an annual update will be reported to SDC henceforth.

- 1.7 In addition to this annual update report, it is important to note that all delegated decisions regarding approved s106 funded projects are available online, as well as a 6 monthly s106 newsletter which provides a spotlight on a selection of current s106 projects.

2. RECOMMENDATION

- 2.1 That the Committee note the contents of the report.

3. BACKGROUND

Planning obligations and S106 Agreements

- 3.1 Section 106 agreements are legally binding agreements that are made between the local planning authority and land owner(s) and/or developer(s) and/or mortgagees under Section 106 of the Town and Country Planning Act 1990. S106 agreements may contain obligations, either in cash or kind, to ensure that a developer makes a reasonable and proportionate contribution to the increased need and use of local infrastructure.
- 3.2 S106 planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Since 6 April 2010, planning obligations secured by the Council as a reason to grant planning permission must meet the following three statutory tests set out in the Community Infrastructure Regulations 2010 (as amended) (previously contained in national planning policy): :
 - that they are necessary to make the development acceptable in planning terms,
 - directly related to the development,
 - and fairly and reasonably related in scale and kind.
- 3.3 The Council's approach to securing planning obligations was set out in the S106 Planning Obligations Supplementary Planning Document (SPD) adopted in 2012. The Planning Obligations SPD, provided a framework for collecting s106 contributions from new development in the Borough. This document formalised that contributions are generally secured for the following themes; Affordable Housing, Employment and Enterprise, Community Facilities, Education, Health, Sustainable Transport and Highways, Environmental Sustainability and Public Realm & Public Open Space.
- 3.4 The adopted Planning Obligations SPD was revised and published for consultation in 2015 to reflect the introduction of the Council's Community Infrastructure Levy (CIL) from 1st April 2015]. Amongst other things, the CIL regime prohibits planning authorities from requiring obligations as a reason to grant planning permission which provide or fund the provision of infrastructure identified on the authority's adopted list of infrastructure to be funded through CIL receipts (otherwise known as the Regulation 123 List). It may be worth clarifying for the purpose of the overview of historic S106 expenditure detailed further on in this report, that this restriction does not apply to planning

obligations contained in S106 agreements that were entered into before 1st April 2015.

- 3.5 The revised SPD provides that, as from the introduction of the Council's CIL, S106 contributions that satisfy the statutory criteria will be sought for the following general categories: Affordable Housing and Wheelchair Accessible Housing; Student Housing Development; Employment, Skills, Training and Enterprise; Transport and Highways; Public Realm, Public Access and Children's Play Space; and Environmental Sustainability. The current status of the revised SPD is that it has yet to be adopted, but appropriate weight is to be given to it nonetheless as emerging policy.
- 3.6 As part of SDC's role in considering major planning matters, there is a large influence on the scale and nature of s106 contributions which are secured and received to deliver infrastructure in the Borough and mitigate the impact of development.
- 3.7 S106 monies are usually paid in instalments at key stages during the construction of a development. The stages at which payments are due are known as 'Trigger Points'. For example, s106 contributions could be payable by instalments with 50% paid upon commencement of development and the remaining 50% paid prior to occupation of a specified number of market units or upon completion of a development.

Programming, Allocation and Delivery

- 3.8 The SPD provides that s106 contributions are to be secured to ensure that all major development within the Borough assist in meeting the objectives of the LBTH Core Strategy 2010, Infrastructure Delivery Plan (IDP) and other relevant Council Strategies by helping to ensure that the necessary social and physical infrastructure is in place to support the significant increase in population and jobs in the Borough over the next 15 years.
- 3.9 S106 money is programmed [allocated] to specific projects in accordance with the terms of the relevant S106 agreement and the priorities that are relevant at the time the money is received. These priorities will reflect adopted Council policies. The individual Directorates who cover the specific improvement area take the lead on identifying projects.
- 3.10 Due to the Borough wide impact, financial contributions towards some infrastructure such as Idea Stores, open space, leisure, education and health have been pooled in line with the former Government Circular 05/2005. This will allow expenditure to be planned on a Borough-wide basis to meet residents' needs. An allocation case study can be seen in Appendix 1.
- 3.11 When s106 money is available and required for a project, a Project Initiation Document ("PID") is prepared by the assigned LBTH Project Manager, which describes the project, its s106 justification, responsibilities for governance, programming, any match-funding, and risks. This is to ensure that monies are spent in accordance with the specific s106 legal agreements in a controlled project management environment.
- 3.12 All decisions to finally allocate resources are approved through the Council's Planning Contribution Overview Panel (PCOP), an internal, cross directorate officer-led panel set up by Cabinet in 2004, which has the authority, under

delegated powers, to monitor the implementation and expenditure of s106 agreements and monies, and ensure delivery in accordance with the terms of the relevant s106 agreement.

3.13 Upon approval, the project moves into project delivery phase. Dependent on the approach and nature of the project, it may be delivered internally or externally: in both circumstances the project would be allocated an internal project manager. All projects are monitored on a quarterly basis against both the milestones and budget specified within the PID.

4 SUMMARY OF FINANCIAL CONTRIBUTIONS SPENT SINCE APRIL 2010

Heads of Term	Description	Total
Affordable Housing	Expended on the provision of affordable housing, in addition to the securing on-site [or off-site?] units as affordable housing	£ 61,715.00
Arts	Expended on public art, usually in a public space in close proximity to the specific development.	£ 110,670.65
Community	Expended Secured for improvements/provision of Idea Stores and libraries; and multi-use community facilities.	£ 8,000,109.19
Heads of Term	Description	Total
Crossrail	Secured on behalf of, and passported to TfL to deliver Crossrail works.	£ 514,748.56
Education	Expended on educational facilities for public use, provided by the Local Education Authority, and including primary and secondary schools in the LBTH.	£ 10,506,343.36
Employment	Expended on a range of initiatives including the Council's job brokerage programme, Skillsmatch, Access to Employment and supporting local business growth.	£ 2,064,620.46
Environment	Expended on a range of public realm, public safety and environmental improvements.	£ 9,775,789.70
Health	Expended on a range of improvements to health facilities made by the Primary Care Trust/Clinical Commissioning Group.	£ 7,010,000.00
Leisure	Expended on a range of improvements to sport & leisure facilities	£ 187,411.11
Open Space	Expended on improvements and maintenance of parks and similar land for public use	£ 1,628,441.98
Masterplan	Expended on planning documents/studies, including Masterplans.	£ 14,000.00
Millennium Quarter ("MQ")	Secured from developments within the Masterplan area and expended on MQ related projects, such as South Quay DLR Station, as defined in the 'MQ Contributions Framework'.	£ 1,338,053.25
Highways	Expended on highway works and sustainable transport initiatives	£ 3,470,443.03
TfL	Expended on Transport for London (TfL) specific projects.	£ 621,091.24
Total		£ 6,112,437.53

5 BREAKDOWN OF S106 FUNDED PROJECTS BY HEADS OF TERMS

- 5.1 A total sum of £46m s106 funds has been expended across the Borough on projects between April 2010 and March 2015. These projects have wide ranging objectives, mitigating the impact of development through a number of ways, some through delivering much needed affordable housing, health or education facilities, others through delivering employment outcomes, open space enhancements or highway enhancements. Outlined below, by theme, are a selection of the projects on which s106 funds have been spent between April 2010 and March 2015, to demonstrate the nature of projects delivered.

Affordable Housing

- 5.2 Local Authority New Build – £861k of s106 funding was expended as a contribution to the provision of 15 new build houses and flats for council tenants at Stayners Road, Prusom Street, Penang Street and Quinn Close.

Arts & Community

- 5.3 Cable Street Mural – £60k of s106 was spent on refurbishment works to repair and restore the original quality of the mural, safeguarding it from future wear and tear.
- 5.4 Baishakhi Mela – £40k of s106 funding was utilised to support the delivery of the Baishakhi Mela (including costumes and the creation of large kinetic street art pieces to be re used as part of future street parades), promoting friendship, harmony and community cohesion, increasing footfall to the cultural event and showcasing local artists.
- 5.5 Brady Arts and Kobi Nazrul Centre – This project delivered £274k of building improvement works to ensure that the cultural centres could provide a full programme of arts and community activities.
- 5.6 Bishops Square Programme– £1.7m was s106 funds were spent on a suite of projects delivering economic and social well-being benefits in and around the Bishop's Square area.
- 5.7 Watney Idea Store - £1.04m of s106 funding was used to create a new Idea Store at Watney Market containing Adult and children's library, public internet access and flexible learning labs and additional community services.

Education

- 5.8 Mulberry and Bigland Green Children's Centre – £200k of s106 was expended to undertake building works supporting the provision of a new Children's Centre offering a range of free support and services for local residents.
- 5.9 St Paul's Way – £6.5m of s106 funds were utilised towards the delivery of a flagship new-build school with facilities that benefit both the pupils and the wider community, including a public library, a theatre and a large public sports provision.

- 5.10 Stebbons Primary School – £3.4m of s106 funding was applied towards building works providing additional accommodation at Stebbon Primary School, delivering addition primary school places.
- 5.11 Stepney 6th Form - £326k of s106 funding was utilised on building works to provide additional accommodation at Stepney Green Maths Secondary School for the provision of 6th Form places.

Employment and enterprise

- 5.12 Enterprising Town Centres – 27k of s106 funds were applied to support the commercial viability of town centres in Tower Hamlets, promoting new business start-ups in vacant commercial premises throughout the Borough.
- 5.13 Working Start – £1.2m of s106 was expended on pilot interventions aimed at assisting workless young people to compete more effectively in the labour market including the identification of target groups and the brokerage of work placements and placement support.
- 5.14 Construction & Associated Services – £68k of s106 funding was utilised on a range of interventions aimed at assisting workless young people attain employment in construction and associated services.
- 5.15 Addressing Multiple Barriers to Employment – £22k of s106 funds were expended on interventions aimed at supporting those with multiple employments needs (e.g. substance misuse, poor health, debt, poor literacy/numeracy) into placements and employment.
- 5.16 Creative Apprentices – £38k of s106 funding was applied on this project, a unique intervention aimed at creating 10 creative and cultural apprenticeships for Tower Hamlets young residents, paid at London Living Wage.

Environment

- 5.17 Ocean Environmental Works – £4.2m of s106 funds were applied to deliver the refurbishment of 3.5 hectares of landscape and public realm around the existing apartment blocks, creating new seating areas, tree planting, mounded landscapes with play with equipment, and urban gardening opportunities.
- 5.18 Bromley by Bow – £3.6m of s106 was expended delivering Step Free Access onto each of the platforms at Bromley by Bow Station, an increase in the passenger capacity and safety in the ticket hall and over-cladding the existing ticket hall structures to provide enhanced ambience to the station exterior and interior.
- 5.19 East India Station Improvement Works – £160k of s106 was utilised to finance a package of works to improve the station environment, specifically at ground/concourse and mezzanine levels.
- 5.20 St Anne's Street Works – Project delivering improvements to the quality of the public realm around St Anne's Street & St Anne's Row, primarily the upgrading of walking routes for which £34k of s106 funds was applied.

- 5.21 Bow Lock Improvements – £138k s106 funding was spent to deliver a package of highway infrastructure improvements facilitating the relocation of Bow School.
- 5.22 Bethnal Green Gardens – Project enhancing the quality of green space and play provisions at Bethnal Green Gardens for which £156k s106 funding was utilised.
- 5.23 Footway Carriage Way – £1.3m s106 funding was applied to deliver improvements to the street environment across the Borough, up-grading the footway and carriageway, improve street lighting, traffic calming, road safety measures and ensure that the walking, cycling and road surfaces are safe, accessible and free from street clutter.

Health

- 5.24 Mile End Hospital - £100k s106 funding was utilised to deliver the fit out of the Mile End hospital Practise, allowing the relocation of primary care service away from XX Place to the Mile End Hospital site.
- 5.25 St Katherine's – Expansion and redesign of St Katharine Docks Practice, totalling £195k, to increase capacity as well as incorporate technology such as remote monitoring and tele-consultations resulting in an increase of clinical appointments available within the surgery.
- 5.26 £6m in s106 funding was utilised on the fit out of St Andrews Health Centre and the Dunbridge Health Centres, the latter containing 14 clinical rooms, staff and patient rooms and community facilities/services,

Leisure & Open Space

- 5.27 St Georges Leisure Centre – £30k of s106 was utilised to deliver improvement works to St. George's Leisure Centre, including sprung floor for the multi-use area, 25m Lane rope configuration, dry diving equipment, and gymnastics equipment.
- 5.28 Poplar Park, Millwall Park & Island Gardens, Langdon Park & Jolly's Green – £353k of s106 was spent to improve the quality of green space and play provisions at Poplar, Millwall and Island Gardens, Langdon Park & Jolly's Green.
- 5.29 Tree Planting - £16k of s106 funding applied towards the planting and maintenance of 31 extra heavy standard street trees which improving the aesthetic quality of the local street scene at 4 locations across the Borough.

Masterplanning

- 5.30 Aldgate Masterplan Connections Study – £14k of s106 funds were expended on the delivery of a Masterplan for the Aldgate Area, identifying projects and programmes to improve the local area as well as identify funding sources for these programmes.

Millennium Quarter (“MQ”)

- 5.31 MQ Bus Enhancements - £691k of s106 funding was utilised towards enhancing bus services on the Isle of Dogs so improving access to and from

the Isle and mitigating the additional demand placed upon the bus network from additional developments.

- 5.32 MQ Streetlighting – £203k of s106 funds were applied for Streetlighting improvements in the MQ area through replacing the street lighting stock with higher specification lighting within the area.
- 5.33 Isle of Dogs Community Foundation (IDCF) Payments – £1.31m of s106 funding was passed onto /transferred? passported to the IDCF as per funding agreements for delivery of social and community projects on behalf of the Council in and around the Isle of Dogs. These projects included those described under paragraphs 5.34- 5.36 below.
- 5.34 Clubhouse Refurbishment, Millwall Rugby Club, - development of two disused arches for use as a clubhouse for gatherings, committee meetings, administrative functions, and also as a venue for sport-related training courses
- 5.35 Healthy Living Project - provided healthy activities and food for elders senior citizens? once a week from three venues.
- 5.36 Spaceworks - Refurbishment of 'The Space' on Manchester Road, a multi-arts centre on the Isle of Dogs. Works included new seating plus a new toilet block.

Highways & transport

- 5.37 Parking project – £35k of s106 funding was applied to deliver an assessment of on street parking and pressure points across the Borough.
- 5.38 Cycle Hire Infrastructure – £350k s106 was utilised to part fund the Barclays (now Santander) Cycle Hire scheme extension eastwards across Tower Hamlets, providing a network of over 100 docking stations and over 2,000 bikes.
- 5.39 SPW Streetscape – £226k of s106 was spent to deliver highway improvements including surfaces, footway and carriage way and street lighting to improve the environment and streetscene.
- 5.40 Brady Street – £199k of s106 was applied to deliver a range of highway works including traffic calming measures, improved walking routes and crossing and street lighting on Brady Street.
- 5.41 Marsh Wall Highway Works – £150k of s106 funding was utilised to deliver a series of highways works including traffic calming measures and junction improvements to deliver improved environment and streetscene.
- 5.42 Crossrail – £1.13m of s106 funding was passported to TfL to enable the delivery of Crossrail.

6 2015/16 EXPENDITURE

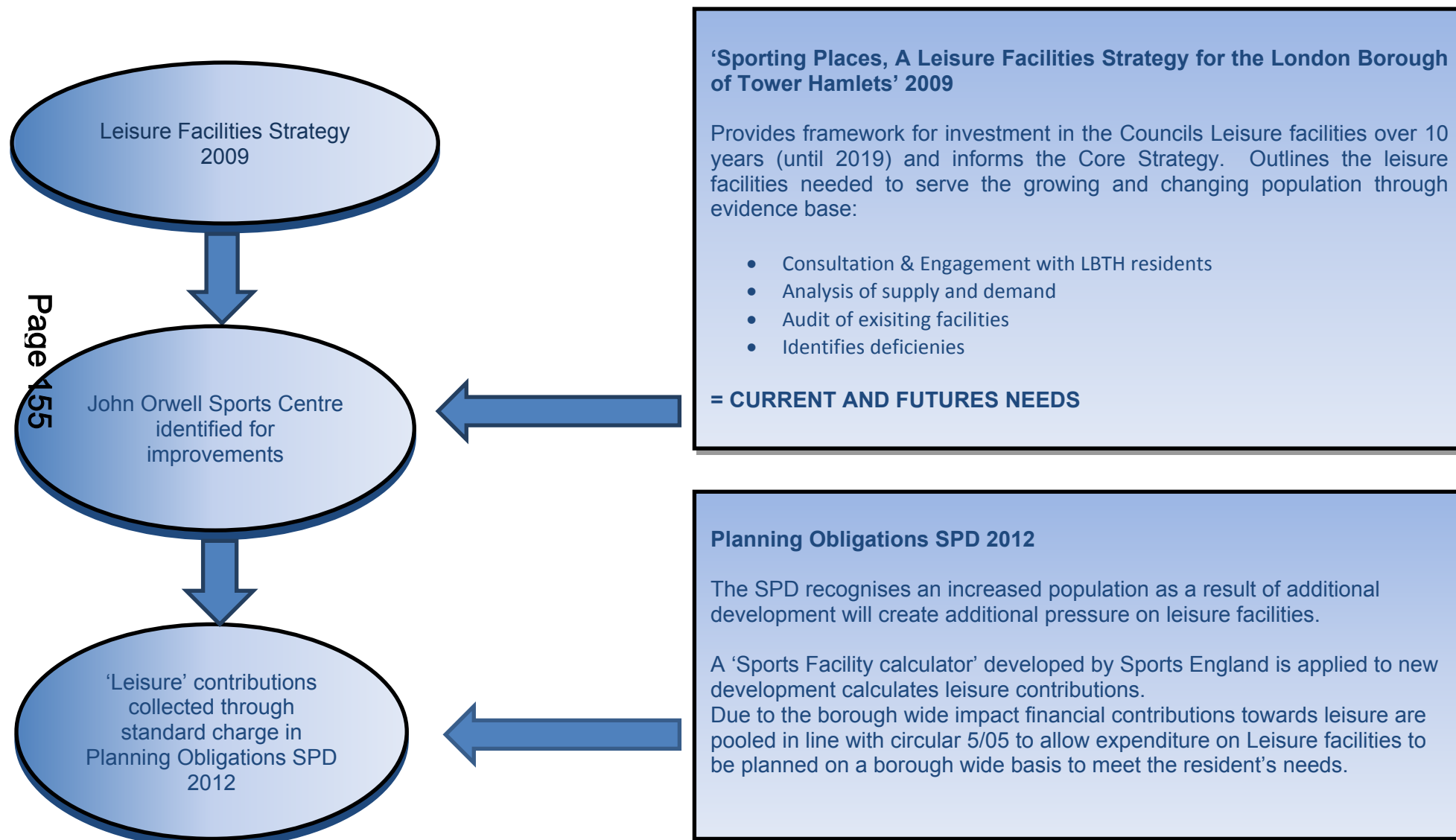
- 6.1 The development, approval and delivery of s106 projects is a continual process, with projects being developed on a rolling basis alongside the receipt of s106 contributions. Following PCOP approval, below is a brief example of projects being developed/delivered in 2015 -2016;

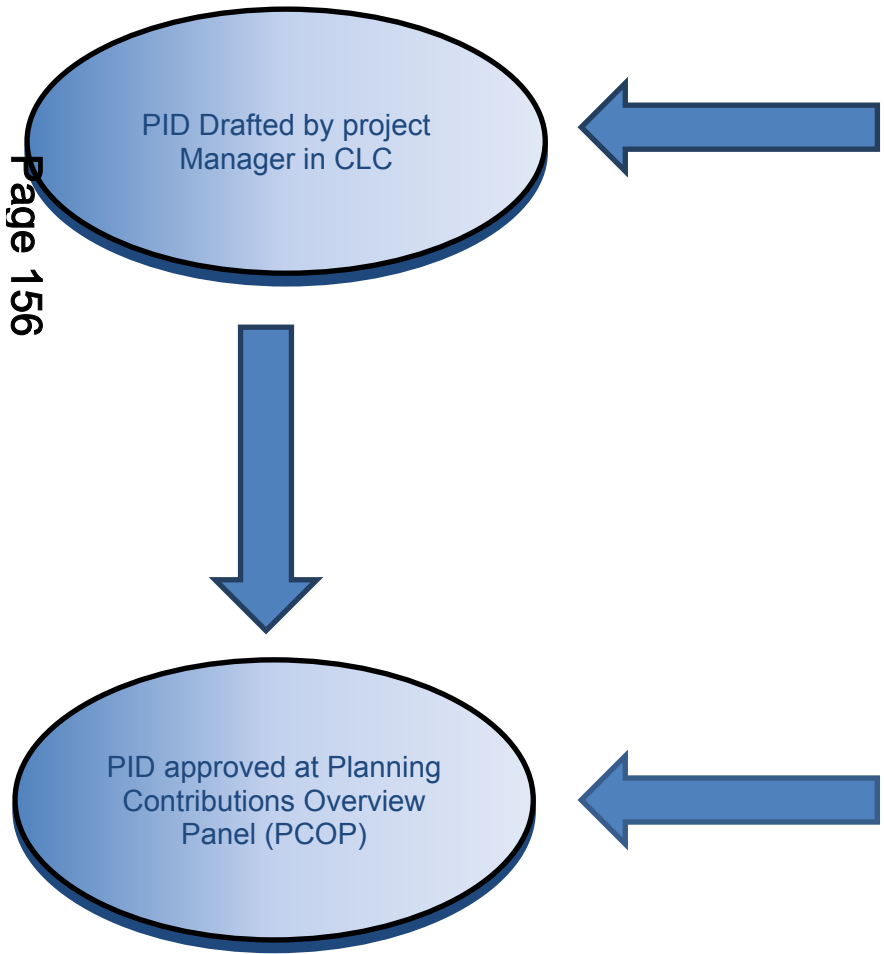
- Watts Grove – Delivery of 148 council owned affordable homes on the Watts Grove site, part funded by £868k of s106 funding.
- Wellington Way – £3.1m Project delivering an extension and subsequent to the Wellington Way Health Centre allowing additional primary care service capacity.
- Bethnal Green Library - Refurbishment of Bethnal Green Library to allow extended usage of this community facility for residents.
- Victoria Sports Hub – £1.2m Project providing a new community multi-sports hub in the park, including a refurbished changing room pavilion, increase the number and quality of sports pitches in the park.

6.2 As commented at paragraph 1.6 above, it is the intention for the SDC to receive an annual update of s106 expenditure, including an account highlighting the more significant projects which have benefited from expenditure with similar details to those set out above.

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Allocation Case Study: John Orwell Sports Centre Astro-turf Replacement Works





S106 contributions received by the Council when development commences in the borough. Appropriate money ring fenced for John Orwell Sports Centre

S106 Details	Funding Source	Amount	Funding Source
for the provision or conversion of sports pitches to astroturf in accordance with the Council's Sports Pitch strategy	PA/08/0077 5	£180,000	PA/08/0077 5
leisure and recreation facilities for the Whitechapel, Shadwell and/or Wapping area	PA/10/0146 6	£75,760	PA/10/0146 6
provision of or improvement to leisure facilities within the councils administrative area	PA/09/0210 0	£7,070	PA/09/0210 0
towards leisure facilities in the borough	PA/12/0197 7	£305	PA/12/0197 7
	Total	£263,135	

PCOP

PCOP ensure that s106 contributions are spent as the relevant agreement describes, with due regard to geographical restrictions and within the defined timescale. If monies are not spent as intended by the agreement, the Council would have to pay the contribution back to the Developer.