

<b>Committee:</b> Strategic Development	<b>Date:</b> 23 <sup>rd</sup> September 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>  <b>6.2</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/09/00601	
		<b>Ward:</b> Mile End and Globe Town	

## 1. APPLICATION DETAILS

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Demolition of existing structures and erection of a part 3, part 5, part 7, and part 11 storey building to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
- Drawing Nos:** 160\_A\_P\_001\_01, 160\_A\_P\_001\_02, 160\_A\_P\_001\_03, 160\_A\_P\_001\_04, 160\_A\_P\_003\_01, 160\_A\_P\_100\_01 Rev 01, 160\_A\_P\_100\_02 Rev 01, 160\_A\_P\_100\_03 Rev 01, 160\_A\_P\_100\_04 Rev 01, 160\_A\_P\_100\_05, 160\_A\_P\_100\_06 Rev 01, 160\_A\_P\_100\_07 Rev 01, 160\_A\_P\_100\_08 Rev 01, 160\_A\_P\_100\_09 Rev 01, 160\_A\_P\_100\_10 Rev 01, 160\_A\_P\_100\_11 Rev 01, 160\_A\_P\_100\_12 Rev 01, 160\_A\_P\_100\_13 Rev 01, 160\_A\_P\_100\_14 Rev 01, 160\_A\_P\_100\_15 Rev 01, 160\_A\_P\_100\_16 Rev 01, 160\_A\_P\_100\_17 Rev 01, 160\_A\_P\_100\_18 Rev 01, 160\_A\_P\_100\_19 Rev 01, 160\_A\_P\_100\_20, 160\_A\_S\_200\_01 Rev 01, 160\_A\_S\_200\_02 Rev 01, 160\_A\_S\_200\_03 Rev 01, 160\_A\_S\_200\_04 Rev 01, 160\_A\_S\_200\_05 Rev 01, 160\_A\_S\_200\_06 Rev 01, 160\_A\_S\_200\_07 Rev 01, 160\_A\_S\_200\_08 Rev 01, 160\_A\_S\_200\_09 Rev 01, 160\_A\_E\_300\_01 Rev 01, 160\_A\_E\_300\_02, 160\_A\_E\_300\_03, 160\_A\_E\_300\_04, 160\_A\_E\_300\_05, 160\_A\_E\_300\_06, 160\_A\_D\_400\_01, 160\_A\_D\_400\_02 and 160\_A\_D\_400\_03.

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, emerging LDF and Isle of Dogs AAP		Development Control 020 7364 5338

Planning Statement  
Design and Access Statement  
PPG24 Noise Assessment  
Transportation Assessment  
Townscape Assessment Updated June 2009  
Air Quality Assessment  
Sustainability & Energy Statement (amended June 2009)  
Sunlight and Daylight Report  
Supplementary Sunlight & Daylight Report dated June 2009  
Geo-technical Report  
Townscape Images

**Applicant:** INTO University Partnerships and Mile End Limited Partnership.

**Owners:** Curzon Street Acquisition  
Richard Ward  
Giovanna Hussain

**Historic buildings** None on site. To the west, Drinking Fountain and Clock Tower, the Queen's Building and adjoining administrative building of Queen Mary University are listed Grade 2. Opposite, at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is Grade 2 listed. To the east, No. 357 Mile End Road and Nos. 359 to 373 Mile End Road are locally listed, the Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road are listed Grade 2.

**Conservation areas** No. The Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies to the north east.

## 2. RECOMMENDATION

- A. Subject to any direction by the Mayor of London.
- B. The Committee resolves to **REFUSE** planning permission for the following reasons:

### Reasons

1. The proposed development due to excessive height would amount to an overdevelopment of the site contrary to:
  - (a) Policies 4B.1, 4B.9 and 4B.10 of The London Plan 2008 that require development including tall and large-scale buildings to respect local context.

- (b) Policies DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk and scale and the development capabilities of the site.
  - (c) Policies CP48 and DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of scale, height mass, bulk and form of development.
- 2. Due to inappropriate design, with inadequate vertical emphasis and modelling of the facades of the proposed building, the development would not be an attractive city element as viewed from all angles in conflict with:
  - (a) Policy 4B.10 of The London Plan 2008 which requires development to suited to their wider context in terms of proportion and composition.
  - (b) Policy DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998 which require development to take into account and be sensitive to the character of the surrounding area.
  - (c) Policy DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of streetscape rhythm, building plot sizes and design details and to enhance the unique characteristics of the surrounding area to reinforce local distinctiveness and contribute to a sense of place.

### **3. BACKGROUND**

- 3.1. On 4<sup>th</sup> August 2009, the Strategic Development Committee considered a report and an addendum update report on an application for planning permission for the redevelopment of 438-490 Mile End Road itemised above. The Report and Update Report are attached at Appendix 1 and Appendix 2 to this item.
- 3.2. After consideration of the Report and the Update Report, the Committee resolved that it was minded not to support the recommendation and to REFUSE planning permission on the following grounds:
  - 1. The proposed density of the development;
  - 2. Inappropriate design and height of the proposed development;
  - 3. Overdevelopment of the site; and
  - 4. A lack of benefit for local residents.
- 3.3. In accordance with Rule 10.2 of the Constitution, the application was DEFERRED to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.

### **4. REASONS FOR REFUSAL**

### **Resolution 1**

- 4.1. As advised at paragraph 8.33 of Appendix 1, as a matter of principle it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. It is considered that in this case the determining factor should be the resultant design arising from the amount of development proposed and its compatibility with the local context.
- 4.2. Accordingly, Refusal Reason 1 recommended in Section 2 above concerns the proposed overdevelopment of the site due to excessive height in relation to the local context, but does not allege conflict with the residential density range guidelines provided by Table 3A.2 of the London Plan and Planning Standard 4: Tower Hamlets Density Matrix of the Council's interim planning guidance 2007. Given the lack of support from the Development Plan for a refusal based on Resolution 1, it is therefore not recommended that planning permission should be refused on the ground of density as a stand alone reason.

### **Resolution 2**

- 4.3. Recommended Refusal Reason 2 concerns inappropriate design due to inadequate modelling of the façade of the development on this long stretch of Mile End Road, resulting in conflict with The London Plan 2008, which requires development to be suited to its wider context in terms of proportion and composition. It is also contrary to the Council's UDP 1998, which requires development to take into account and be sensitive to the character of the surrounding area and the similar design policy in the Council's interim planning guidance 2007.

### **Resolution 3**

- 4.4. It is considered that overdevelopment in this case manifests itself in a development that would be excessively high. Accordingly, as mentioned above, recommended Refusal Reason 1 concerns:
- Conflict with The London Plan 2008 that requires tall and large-scale buildings to respect local context,
  - The Council's UDP 1998 which requires development to take into account and be sensitive to the character of the surrounding area and the development capabilities of the site, together with the similar policy in the Council's interim planning guidance 2007.

### **Resolution 4**

- 4.5. With regard to benefits for local residents, as advised at paragraphs 3.1 and 8.89 of Appendix 1, the applicant has offered a financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project comprising.
- Works to the footway between Harford Street and Grand Walk

adjacent to the development.

- The re-landscaping the public open space to the east of the development.
- Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.
- Accent lighting to "heritage" buildings at the end of Grove Road.

4.6. The following additional community benefits have also been offered.

1. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
2. A contribution of £100,000 towards local community education initiatives and cultural facilities.
3. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
4. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.

4.7. The applicant has explained:

- The contribution towards local community education initiatives and cultural facilities' (£100,000) has arisen out of discussions with the local community and a desire to see the proposal support local community initiatives. The intention is for this money to be paid to the 'Stepney Shahjalal Mosque and Cultural Centre' who run a range of education and cultural programmes for people living on the Ocean Estate.
- Fastlane is a program designed to help train and prepare graduates in their transition from education into employment. QMUL have been providing sponsorship for 'Fastlane' courses and the intention here is for the project to provide bursaries for local people to access the Fastlane courses to the value of £20,000.
- The use of the Teaching Facility by the local community has arisen from local consultation and responds to comments about local people currently not deriving much benefit from the fact there is a major education institution in their community. Discussions with the community indicate that there are local education-based initiatives that would welcome the opportunity to be given classroom time to run their courses from.

4.8. There is no national guidance or policy in the London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the Council's interim planning guidance 2007 that requires development to provide benefits for local residents. Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate. Whilst community benefit can be a material consideration, a fundamental principle in the determination of applications for planning permission is whether obligations outside the scope of the application are necessary to enable a development to proceed. In this case, it considered that no such further obligations have been

identified and, given the absence of support in the Development Plan for a refusal based on Resolution 4, it is not recommended that planning permission should be refused on the ground of a lack of benefit for local residents.

#### **Implications of the decision**

4.9. If the above recommendation is adopted, in accordance with Article 7 of the Mayor of London Order 2008, the application must be referred to the Greater London Authority for the Mayor to decide whether he wishes to give a direction under section 2A of the 1990 Act that the Mayor is to act as the local planning authority for determining the application. If the Mayor decides not to take over the application it may be refused by the council. The options available to the applicant against a refusal of planning permission by the council as local planning authority include:

- A. The right of appeal to the Planning Inspectorate.
- B. The submission of an amended scheme to overcome the reasons for refusal.

#### **5. CONCLUSION**

5.1. All relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the RECOMMENDATION at the beginning of this report.

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**ORIGINAL REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT  
COMMITTEE ON 4<sup>th</sup> AUGUST 2009**

<b>Committee:</b> Strategic Development	<b>Date:</b> 4 <sup>th</sup> August 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> <b>7.3</b>
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**Conservation areas** No. The Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies to the north east.

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1. The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2008, the Greater London Authority's Sub Regional Development Framework - East London 2006, the council's approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the council's interim planning guidance 2007, associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- The provision of a new education facility comprising teaching accommodation, student housing and associated facilities is supported by policies 3A.1 and 3A.25 of The London Plan 2008, policies ST25, ST45, ST46 and HSG14 of the Tower Hamlets Unitary Development Plan 1998, policy CP7, CP24 and EE2 of the council's interim planning guidance 2007 that encourage the provision of education facilities and special needs housing at accessible locations such as this.
- The demolition of the former 'Fountain' public house complies with policy RT6: 'Loss of Public Houses' of the council's interim planning guidance 2007 as it would not create a shortage of public houses within a distance of 300 metres, there being other public houses at Nos. 410 and 359 Mile End Road.

- The scheme would not result in the overdevelopment of the site or result in any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the council's interim planning guidance 2007 which seek to provide an acceptable standard of development throughout the borough.
- The new buildings in terms of height, scale, design and appearance are acceptable in line with national advice in PPG15, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies CP49, DEV1, DEV2 and CON2 of the council's interim planning guidance 2007 which seek to ensure development is of a high quality design, preserve or enhance the character and appearance of conservation areas and preserve the setting of listed buildings.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the council's interim planning guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan and DEV5 – 9 and policy DEV 11 of the council's interim planning guidance 2007, which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, and sustainable construction materials.
- The development would not adversely affect air quality, in line with London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance and the management of the demolition and construction phase would accord with policy DEV12 of the council's interim planning guidance 2007.
- Contributions have been secured towards environmental improvements in the area forming part of the High Street 2012 project, pedestrian facilities on Mile End Road, towards local community education initiatives and cultural facilities, together with the implementation of travel plans, car restricted arrangements and arrangements to ensure the teaching facility is available to the public. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Tower Hamlets Unitary Development Plan 1998 and policy IMP1 of the council's interim planning guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

### 3. **RECOMMENDATIONS**

- 3.1. 1. That the Committee resolves to **GRANT** planning permission subject to:

A. Any direction by The Mayor of London.

B. The prior completion of a legal agreement, to the satisfaction of the Chief Legal Officer, to secure the following:

1. In perpetuity, no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
2. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£ 20,000

3. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
4. A contribution of £100,000 towards local community education initiatives and cultural facilities.
5. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
6. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
7. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
8. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
9. To participate in the council's Access to Employment and / or Skillsmatch programmes.
10. To participate in the Considerate Contractor Protocol.

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

3.3. That the Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

3.4. **Conditions**

1. 3 year time limit.
2. The following details to be submitted and approved:
  - Mock up of typical elevation bay to include window frame and brickwork.
  - A sample board for all external materials to include the cladding and

- detailing to the carport/refuse store and bicycle store.
  - Facade design and detailing @ 1:20 and 1:5 scale.
  - Brickwork: specification, setting-out (proportions) and detailing around window cills, reveals, lintels and copings @ 1:20 scale.
  - Copper cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
  - Window design: setting out and specification including feature vent panels and angled units.
  - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
  - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
  - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
  - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
- 3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, any gates, walls and fences together with external lighting and a CCTV system to be submitted and approved.
- 4. Approved landscaping scheme to be implemented.
- 5. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
- 6. Decontamination measures.
- 7. The acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Noise Assessment dated March 2009 by Hepworths Acoustics unless alternative arrangements are approved in writing by the local planning authority.
- 8. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.
- 9. Prior to the occupation of the development, the developer shall submit to the local planning authority for its written approval a BREEAM assessment demonstrating that the development will achieve a minimum "Excellent" rating which shall be verified by the awarding body.
- 10. The approved details of the sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
- 11. The roof terraces shall be permanently fitted with 1.8 metre high obscured glass balustrades unless alternative arrangements are approved in writing by the local planning authority.
- 12. Hours of construction time limits (08.00 to 18.00) Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.

13. Piling hours of operation time limits (10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays) and not at all on Sundays or Bank Holidays.
14. The development shall not commence until Transport for London and the London Borough of Tower Hamlets (as the highway authorities and the local planning authority) have approved in writing schemes of highway improvements necessary to serve the development being respectively alterations to the adopted lengths of Mile End Road and Toby Lane.
15. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### 3.5. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. Consultation with the Council's Environmental Health Department with regard to Condition 5 (Details of the foundation design).
5. Consultation with the Council's Environmental Health Department with regard to Condition 6 (Decontamination).
6. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 14 that will necessitate agreements under section 278 of the Highways Act.
7. The Construction Logistics Plan forming part of the section 106 agreement which accompanies this planning permission should investigate the use of the Regent's Canal for the transportation of construction materials.
8. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.6. That, if within 3 months of the date of this Committee, the legal agreement has not been executed, the Corporate Director Development & Renewal be delegated authority to refuse planning permission.

## 4. **PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1. Application is made for full planning permission for the redevelopment of the site of Nos. 438-490 Mile End Road by the erection of a part 3, part 5, part 7, and part 11-storey building to provide a new education facility comprising teaching accommodation and associated facilities; student housing, cycle and car-parking and refuse and recycling facilities.
- 4.2. The building would be 3-storey (16.6 metres high) at its eastern end rising to the west to 11-storeys (32.2 metres). The eastern part of the building would have northern and southern wings linked at ground and 1<sup>st</sup> floor levels. The development would comprise two main elements:
  - (i) A new education / teaching facility and;
  - (ii) Student living accommodation.
- 4.3. In addition, the scheme proposes a café / restaurant (ancillary to the teaching facility); amenity space; two car parking spaces for disabled people, servicing areas; provision for cycle and motorcycle parking; refuse and recycling storage

areas; and landscaping.

- 4.4. The education facility would be operated under the auspices of INTO University Partnerships, providing foundation courses for students before they enter undergraduate and post-graduate degree courses. The teaching facility would support over 300 full-time students.
- 4.5. The education space would be arranged around a large central double-height circulation zone which would also provide break-out space and informal meeting / seating areas for the students, along with a café / restaurant facility. Formal teaching rooms would be provided at the eastern end of the building fronting Mile End Road and have been designed to provide flexible accommodation which could be sub-divided into different sizes / configurations to meet specific occupational requirements. Further teaching spaces would be provided on the upper floors, including within the central-core which would rise through the building to sixth floor level.
- 4.6. The southern (rear) and upper parts of the building would provide student living facilities arranged as either single studio or clusters with private kitchen and bathrooms. 5% of the units have been designed to wheelchair accessible standards. The student living accommodation proposes 631 bed spaces split between:
- 14 x 7 bed clusters
  - 38 x single studios
  - 200 x 1 bed units
  - 27 x 1 bed (accessible)
  - 134 x 2 bed units
- 4.7. Whilst Queen Mary University (QMUL) is not directly involved in the development, the developer anticipates that over half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for QMUL students studying on the main campus.
- 4.8. Tree planting would be undertaken along Mile End Road and at the eastern end of the site. The proposal incorporates a range of amenity space provision, including roof terraces, sky-gardens and areas of communal landscaping as follows:
- Roof terraces = 269 sq m
  - Sky gardens = 301 sq m
  - Communal gardens = 988 sq m
- 4.9. The proposal does not include car-parking for either students or staff although two spaces for disabled people would be provided at the south-east corner of the building accessed off Toby Lane. A third parking space in this location would be used as a light goods servicing bay with three adjacent spaces for motor cycles. Secure cycle parking for 388 bicycles would be provided within an enclosed area at the eastern end of the site and there would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.

#### **Site and surroundings**

- 4.10. The site comprises 0.47 hectare located on the southern side of Mile End Road. It is broadly rectilinear with a 145 metre long frontage to Mile End Road.

- 4.11. Most of the site was occupied until April 2009 as showrooms for the sale of motor vehicles. The existing buildings on the site comprise 2 and 3-storey development. Vehicle repairs were undertaken in associated workshops and there are ancillary offices. Motor vehicles were displayed on the forecourt and in an open sales yard at the eastern end of the site.
- 4.12. The development site includes the former 'Fountain' public house, No. 438 Mile End Road most recently used as a bar / nightclub. This is a 2-storey building with rear vehicular access to Toby Lane.
- 4.13. In total, there is approximately 2,700 sq. m of existing accommodation across the site split between the car showroom use (2,429 sq. m) and the bar/nightclub (240 sq. m).



Existing buildings. Application site marked by broken line

- 4.14. Mile End Road is a strategic London distributor road the A11. It is a 'red route', part of the Transport for London Road Network. The site at present has three vehicular accesses onto Mile End Road. There is a 'pelican' crossing across Mile End Road at the eastern end of the site and a further pedestrian crossing immediately east of Harford Street which runs south from Mile End Road. Toby Lane, which runs in a dog leg between Harford Street and Solebay Street, is a borough road. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park.
- 4.15. Opposite the site, on the northern side of Mile End Road, is the Queen Mary University (QMUL) campus (part of the University of London) that is accommodated in a number of buildings of varying heights. The campus occupies some 10 hectares extending northwards towards Meath Gardens. Within the campus, 90 metres east of the application site, the white stone Drinking Fountain and Clock Tower and the 1930's Queen's Building (formerly the Peoples Palace) are listed Grade 2. The adjoining 3-storey administrative building of Queen Mary College dates from 1890, designed in ornate classical style, and built as the original Peoples Palace, is also Grade 2 listed. Opposite the application site at Nos. 331-333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is also Grade 2 listed.
- 4.16. Adjoining the application site to the west, 'Lindop House,' No. 432 Mile End Road is a part 6, part 7-storey building providing student housing. There is also a recent development of student housing to the rear of Lindrop House in Toby Lane / Solebay Street named 'Rahere Court' which adjoins an ambulance station on the corner of Toby Lane / Harford Street.

- 4.17. To the south of Mile End Road lies the Ocean Estate, a large post-war municipal housing development comprising mostly a series of medium – high rise (6-9 storeys) slab blocks arranged around a series of courtyards and open spaces. The estate has a frontage onto Mile End Road to the west of the application site presenting a series of blocks running perpendicular to the road separated by areas of landscaping.
- 4.18. To the east and south-east of the application site, part of the Ocean Estate comprises a modern residential development of 2 and 3-storey dwellings on Canal Close, Union Drive, and Grand Walk. The houses on Grand Walk lie alongside the Grand Union (Regent's) Canal and fall within the council's recently designated Regent's Canal Conservation Area. This adjoining development on Grand Walk has rear windows overlooking the former open sales yard of the development site and is separated from it by rear gardens 7 – 10 metres long.
- 4.19. Mile End Park, designated as Metropolitan Open Land, lies to the east of the Regent's Canal with the interconnecting 'Green Bridge' crossing Mile End Road.
- 4.20. The site contains no buildings included within the Statutory List of Buildings of Architectural or Historic Interest. In the vicinity of the application site, in addition to the listed buildings within the QMUL campus; No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road east of the Regent's Canal (all on the northern side of Mile End Road) are included within the council's non-statutory local list. The Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, is statutorily listed Grade 2. The buildings on the northern side of Mile End Road east of the canal lie within the designated Clinton Road Conservation Area.
- 4.21. The urban grain of the development site and its environs is badly fragmented following war damage. Immediately south of the site, lies the Council's Toby Lane Depot occupied by Tower Hamlets Catering and Transport Services. A new kitchen building has recently been constructed in the north eastern corner of the depot abutting the development site.
- 4.22. The site has good public transport accessibility. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The western part of the site has a Public Transport Accessibility Level (PTAL) of 5 and the eastern yard scores PTAL 6a where 1 is low and 6 is high. The running tunnels of the Underground Railway lie beneath the site and adjoining parts of Mile End Road.

#### **Material planning history**

- 4.23. There is no material planning history affecting the application site.
- 4.24. On 25<sup>th</sup> October 2007, the council granted planning permission and listed building consent for the re-development of former car park and workshop at Nos. 331-331 Mile End Road (opposite the current application site) by the erection of a 5-storey Humanities Building for Queen Mary University of London. The new building is currently under construction and will comprise academic offices, teaching rooms, seminar rooms, a film and drama studio and a 300 seat lecture theatre. Associated landscaping involves modifications to the listed wall



of the cemetery of the Spanish and Portuguese Jewish Congregation.

## **5. POLICY FRAMEWORK**

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

### **5.2. Spatial Development Strategy for Greater London (The London Plan 2008)**

Policies	2A.1	Sustainability criteria
	3A.3	Maximising the potential of sites
	3A.5	Housing choice
	3A.6	Quality of new housing provision
	3A.7	Large residential developments
	3A.10	Negotiating affordable housing
	3A.13	Special Needs Housing
	3A.25	Higher and further education
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.23	Parking strategy
	4A.1	Tackling climate change
	4A.2	Mitigating climate change
	4A.3	Sustainable design and construction
	4A.4	Energy assessment
	4A.5	Heating and cooling networks
	4A.6	Decentralised energy
	4A.7	Renewable Energy
	4A.9	Adapting to climate change
	4A.11	Living roofs and walls
	4.A.14	Sustainable drainage
	4A.16	Water supply and resources
	4A.19	Improving air quality
	4B.1	Design principles for a compact city
	4B.2	Promoting world class architecture and design
	4B.3	Enhancing the quality of the public realm
	4B.5	Creating an inclusive environment
	4B.6	Safety, security and fire prevention
	4B.8	Respect local context and communities
	4B.10	Large scale buildings, design and impact
	4.B.11	London’s built heritage
	4B.12	Heritage conservation
	5C.1	The strategic priorities for North East London
	6A.5	Planning obligations

### **5.3. Tower Hamlets Unitary Development Plan 1998 (saved policies)**

Proposals: Unallocated. Within 15 metres of a strategic road. Designations within the vicinity of the site are as follows:

- Queen Mary College lies within an Arts, Culture and Entertainment Area.
- Mile End Park - Metropolitan Open Land.

- The Grand Union Canal - Green Chain.

Policies:

- ST23 - High Quality Housing
- ST25 - Housing to be adequately served by all infrastructure
- ST28 - Restrain unnecessary use of private cars
- ST43 - Public Art
- ST45 – Ensure sufficient land for education needs
- ST46 – Encourage education and training provision at accessible locations.
- DEV1 - Design Requirements
- DEV2 - Environmental Requirements
- DEV3 – Mixed Use Development
- DEV4 - Planning Obligations
- DEV12 - Provision of Landscaping
- DEV51 - Contaminated land
- DEV55 - Development and Waste Disposal
- DEV56 - Waste Recycling
- DEV69 - Efficient Use of Water
- EMP1 – Promoting Employment Growth
- HSG13 - Internal Space Standards
- HSG14 – Special needs housing
- T16 – Impact of traffic generation
- T18 – Safety and convenience of pedestrians
- T21 - Pedestrian Needs in New Development

5.4. **Interim planning guidance: Tower Hamlets Core Strategy and Development Control Plan September 2007**

Proposals: Unallocated except for 'Proposed Cycle Route'. Designations within the vicinity of the site are as follows:  
 Mile End Park - Metropolitan Open Land, Public Open Space and Site of Importance for Nature Conservation.  
 The Grand Union Canal - Green Chain and part of the Blue Ribbon Network.

Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP20	Sustainable residential density
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP29	Improving education and skills
	CP31	Biodiversity
	CP38	Energy Efficiency & Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport

	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
Development Control Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	EE2	Redevelopment / Change of Use of Employment Sites
	RT6	Loss of Public Houses
	HSG1	Determining Residential Density
	HSG7	Housing amenity space
	CON2	Conservation Areas

#### 5.5. **Supplementary Planning Guidance/Documents**

Designing Out Crime  
Landscape Requirements  
The Mayor of London's Housing Supplementary Planning Guidance  
East London Sub Regional Development Framework 2006  
English Heritage/CABE Guidance on Tall Buildings

#### 5.6. **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG15	Planning and the historic environment
PPS22	Renewable Energy
PPG24	Noise

#### 5.7. **Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live

- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

#### 5.8. **Other material considerations**

1. The Government White Paper. The Future of Higher Education 2003
2. Draft Local Development Framework Core Strategy – Options and Alternatives for Places: Stage Two Paper (February 2009)

### 6. **CONSULTATION RESPONSE**

- 6.1. The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application.

#### **Greater London Authority (Statutory consultee)**

- 6.2. The tallest part of the development would be 32.2 metres high and the application is referable to the Greater London Authority under Category 1C of the Mayor of London Order 200: *“Development which comprises or includes the erection of a building more than 30 metres high and outside the City of London.”*

- 6.3. At Stage 1, the GLA advised that The London Plan policies on higher and further education, urban design, inclusive access, climate change mitigation and adaptation, and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

**Higher and further education:** The provision of an academic facility and student accommodation is supported in line with London Plan Policy 3A.25.

**Urban design:** The scale and form of the proposal is accepted, and the design amendments are strongly supported.

**Inclusive access:** The proposed development broadly complies with London Plan Policy 4B.5.

**Climate change mitigation and adaptation:** The applicant should remodel the carbon emissions to include non-regulated energy uses, and confirm that it has used building regulations approved software. In addition, the applicant should provide further information regarding the energy efficient design measures, the proposed heating and cooling system, and the renewable energy strategy.

**Transport:** The applicant should undertake a pedestrian assessment of the footway on the south side of Mile End Road and the signalised pedestrian crossing to the east of the site. The applicant should also clarify the exact location of proposed footway widening along Mile End Road, and whether any changes to access to the site will affect the bus lane or conflict with the position of bus stops. The applicant should also submit a construction logistics plan, a delivery and servicing plan and detailed travel plan. The provision of a cycle lift and CCTV at the cycle storage should be investigated.

- 6.4. (Officer comment: The applicant has responded to the GLA’s queries regarding

climate change mitigation and adaptation. Subject to a condition being applied to any planning permission concerning the provision of a single energy centre for the development, the GLA now advises that there are no outstanding energy issues. Such a condition is recommended above.

- 6.5. The applicant has also responded to the GLA's queries regarding transport matters. The authority has now advised that the design of the footway adjacent to the site, the impact on bus stops and bus lane and cycle parking arrangements are all satisfactory. A £20,000 contribution is requested to enhance the pedestrian crossing on the Mile End Road. The applicant has agreed to the requested contribution and to submit and implement a Travel Plan. A condition is recommended to secure the installation of a CCTV system. Provided these issues are secured, the GLA advises that there are no outstanding objections from Stage 1)

#### **Transport for London (Statutory consultee)**

- 6.6. Advises that the impact of the development on the public transport network will be minimal. There should be a car free agreement restricting future occupiers from eligibility for on-street permits. This would comply with London Plan Policy 3C.20 and minimise the potential for overspill parking which might disrupt bus operations. In accordance with TfL standards and London Plan Policy 3C.22, TfL supports the provision of one cycle space for every two students and academic and commercial users. CCTV security should be provided. The applicant will be required to enter into a section 278 agreement for the removal of three crossovers on Mile End Road. Welcomes the funding of improvement to the footway along Mile End Road as part of the 2012 project, although capacity should be assessed. Requests a £20,000 contribution to enhance the pedestrian crossing on the Mile End Road. A Construction Logistics Plan should investigate the use of the Regent's Canal. A Travel Plan should be secured through a section 106 agreement.
- 6.7. (Officer comment: The applicant has agreed to TfL's requests and appropriate heads of agreement, conditions, and informatives are recommended above).

#### **London Underground Limited**

- 6.8. Confirms the developer has consulted London Underground. No comments to make on the application except that the developer should continue to work with LU engineers.

#### **Olympic Delivery Authority (Statutory consultee)**

- 6.9. No objection. The proposal does not conflict with any of the principles to which the ODA shall have regard to in discharging its planning functions.

#### **English Heritage (Statutory consultee)**

- 6.10. Mile End Road forms part of the High Street 2012 route. It is important that any development of this scale is of a quality commensurate with the fine range of University buildings on the north side of the road. Should the proposal be approved, it is essential that adequate conditions are attached with regard to materials and details and to ensure that additional street trees are planted, as proposed. Recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the

council's specialist conservation advice.

- 6.11. (Officer comment: Conditions regarding facing materials and detailed design are recommended above. The proposal involves new planting within the development site along Mile End Road and a condition to ensure landscaping within the site is also recommended. The High Street 1012 improvements will be undertaken by Tower Hamlets and Newham Councils, London Thames Gateway Development Corporation and Transport for London and will include additional tree planting on the public highway. The applicant has offered a contribution to the funding of these works within the Mile End Intersection Area Study).

**Commission for Architecture and the Built Environment (CABE)**

- 6.12. Unable to review the scheme due to resource limitations.

**Thames Water Plc**

- 6.13. No objection regarding water infrastructure.

**Metropolitan Police**

- 6.14. Happy with the design with improvements in the streetscape and the creation of an active frontage.

**London Fire and Emergency Planning Authority**

- 6.15. Satisfied with the proposals in relation to fire precautionary arrangements.

**British Waterways Board (Statutory consultee)**

- 6.16. No objection but advises that the submitted Sustainability and Energy Statement does not consider the use of the canal and heat exchange technology. Requests a section 106 contribution towards the improvement and enhancement of the waterway as the development will bring more residents and visitors to the area benefiting from the setting of the canal and towpath but putting additional pressure on infrastructure and BWB's maintenance programme.

- 6.17. (Officer comment: The applicant advises that the option to use canal water for the cooling of the development was considered by their Sustainability Consultant in the early design stages. It was found not to be feasible because of the difficulty in routing pipe work from the building to the canal. There are no routes from the proposed building to the canal that do not pass through either privately owned land or underneath Mile End Road. Neither of these options was deemed feasible. This is accepted.

- 6.18. The developer has offered to fund environmental improvements in the local area namely the High Street 2012 project. This would include enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal towpath. These works would partially embrace BWB's request and are considered fairly and reasonably related in scale and kind to the proposed development. It is considered that any further unspecified and unquantified payment to BWB would be unreasonable as it would not satisfy the tests for seeking planning obligations provided by Government Circular 05/2005).

**Inland Waterways Association**

6.19. No objection.

### **Tower Hamlets Primary Care Trust**

6.20. No representations received.

### **Environmental Protection**

6.21. The development is acceptable in terms of daylight / sunlight impacts on adjoining property. Recommends that any planning permission is conditioned to secure decontamination of the site. The building would be subject to Noise Exposure Category D where PPG24 advises that planning permission for residential development should normally be refused. If planning permission is to be granted, conditions should be imposed to ensure the undertaking of sound proofing and acoustic ventilation to provide a commensurate level of protection. Concerned about ground borne noise impact from Underground trains on the ground floor residential/educational uses.

6.22. (Officer comment: Conditions to secure decontamination, sound proofing and acoustic ventilation are recommended. With regard to ground borne noise, the developer advises that the foundations would be a part-raft and part-piled, the principles of which have been agreed with London Underground Limited. The foundations and superstructure would be designed to minimise the transmission of vibrations from the railway tunnels by the incorporation of either deadening or isolation measures. Given the nature of the bespoke foundation solution, it is not possible to provide details of the noise / vibration measures until the detailed design stage. The developer however is confident that the solution will ensure a satisfactory living and working environment for future occupiers. It is suggested that this issue can be dealt with via a planning condition and an appropriate condition is recommended above).

### **Traffic and Transportation**

6.23. No objection on highway grounds. The site is in an area of excellent public transport accessibility and bicycle parking accords with standards. There will need to be agreements under the Highways Act with the council and Transport for London for works affecting the public highway. Recommends a section 106 agreement to secure:

- Car free arrangements.
- The submission and implementation of a full Transport Plan, a Construction Management Plan and a Service Management Plan.

(Officer comment: An appropriate condition and heads of agreement are recommended above).

### **The Olympic Team (2012 Unit)**

6.24. The new building accords very well with the High Street 2012 vision, replacing buildings and a land use that has had a deleterious impact on the street. It would provide a good edge and active frontage to Mile End Road and contribute to forming a busy and well overlooked street environment. A section 106 contribution is requested to help fund the High Street 2012 project.

- 6.25. (Officer comment: The applicant has agreed to fund works forming part of the High Street 2012 project and heads of agreement are recommended above).

#### **Parks and Open Spaces**

- 6.26. No comments received.

#### **Education Development**

- 6.27. No comments received.

#### **Waste Policy and Development**

- 6.28. No objection in principle.

#### **Head of Children's Services Contract Services**

- 6.29. Security to the Council's Toby Lane Depot should be maintained. The catering operation for the elderly and vulnerable of the community operates 365 days a year and disruption will have major implications for this group of users.

- 6.30. (Officer comment: The application proposes a new solid wall 2.4 m in height along the boundary of the two sites. The developer advises that they will develop the detailed design of the wall in consultation with Contract Services in order to incorporate any appropriate additional security measures. The developer also confirms that a secure boundary would be provided during the construction phase which, again, they are happy to develop in consultation Contract Services. There will be 24 hour on-site management / security provided within the proposed new facility which will monitor all boundaries and access points to the site particularly outside of normal working hours which will improve general security in the local area including the Toby Lane Depot).

#### **Corporate Access Officer**

- 6.31. No comments received.

#### **Landscape Development Manager**

- 6.32. No comments received.

#### **Energy Officer**

- 6.33. Advises that the submitted energy strategy follows the energy hierarchy set out in policy 4A.1 of The London Plan 2008. Recommends that any planning permission is conditioned to ensure the provision of the means of energy efficiency and renewable energy. Also recommends a condition to ensure compliance with the Code for Sustainable Homes with a BREEAM 'Excellent' rating.

- 6.34. (Officer comment: Appropriate conditions are recommended).

### **7. LOCAL REPRESENTATION**

- 7.1. A total of 404 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to



comment. The application has also been publicised in East End Life and by four site notices. The number of representations received from neighbours following publicity is as follows:

<b>No of individual responses:</b>	<b>Objecting:</b>	<b>Supporting:</b>
15	10	5

No. of petitions received: 2

7.2. Material points from neighbours in support of the development may be summarised as:

- Loss of the night club is welcomed as it was problematical and caused mess and noise.
- The area would benefit from the development as the current garage looks poor. The design would be a wonderful addition to the neighbourhood.
- Providing student housing and a teaching facility next to the University is a good logical idea.
- The development would ensure surveillance of the road and make it much safer.
- The development will hopefully ensure that the site is put to useful use it being a worry when sites sit idle for years falling into disrepair.
- The development includes sustainable elements and would be 'greener.'

7.3. Material objections from neighbours may be summarised as:

- The site would be better used as public open space.
- The site should be redeveloped to provide affordable housing.
- The site should be used to provide a multi-storey car park for local residents.
- The garage and nightclub provided services to the local community. The development would provide little such value and should include more shops and restaurants.
- The design and appearance of the development would not enhance the area and would not compliment the tranquillity of the canal or Mile End Park.
- Excessive height and density.
- Compared to other boroughs, Tower Hamlets already caters for students. The development would not be socially inclusive and would not reduce pressure on the supply of general housing.
- Loss of light and privacy to houses and residential gardens in Grand Walk.
- Increased traffic generation.
- Insufficient parking.
- The development would lead to overcrowding on buses and trains.
- Increased noise and disturbance. Students are not necessarily good neighbours.
- Potential for increased crime and antisocial behaviour due to the number of bicycles on the site.

7.4. (Officer comment: See paragraphs 7.13 to 7.20 below).

- 7.5. Non-material objections from respondents may be summarised as:
- Disturbance during construction with increased pollution and dust.
  - Refuse arrangements should be properly managed to avoid problems with vermin.
- 7.6. The 1<sup>st</sup> petition is signed by 22 local residents (15 living in Grand Walk, 5 living in Canal Close and 2 living in Union Drive). Objection is raised due to the affects the development would have on the local community as follows:
- Height of the building would result in loss of privacy and natural light (18 signatures).
  - Noise (3 signatures).
  - No facilities for local tenants (1 signature).
  - The area needs more social housing not student accommodation (1 signature).
  - Refuse storage arrangements (2 signatures).
  - Disruption during construction (1 signature).
- 7.7. (Officer comment: See paragraphs 7.13 to 7.20 below).
- 7.8. The 2<sup>nd</sup> petition has been signed by 113 residents of the Ocean Estate including 23 residents living in the development comprising Grand Walk, Canal Close and Union Drive. The petitioners consider the proposed 6 and 11-story buildings would:
- Fail to respect their local context (particularly in relation to this part of Mile End Road, Queen Mary University, the Regent's Canal and Mile Park).
  - Result in material deterioration of amenity.
- 7.9. (Officer comment: See paragraphs 7.13 to 7.20 below).

#### **Ocean Estate Tenants and Leaseholders Association**

- 7.10. The 2<sup>nd</sup> petition is accompanied by a covering letter from the Ocean Estate Tenants and Leaseholders Association. The Association says that the garage and showroom site need to be integrated with the wider urban fabric but the proposed “*megablocks*” would be higher and longer than all the other buildings in this part of Mile End Road. The taller block would be at an angle to the pavement and would be a crude ill-mannered development that would not enhance the settings or the character and appearance of nearby listed and locally listed buildings. The development would not reintegrate the site into the wider urban fabric; rather it would be out of context and destroy the existing harmonious mix of buildings along this part of Mile End Road. The development fails to respond to the Regent's Canal Conservation Area and Mile End Park which would be blighted by the overwhelming bulk proposed. Slim, elegant towers would be more appropriate.
- 7.11. The Association adds that residents of Grand Walk and Canal Close would be overlooked, overshadowed, suffer additional noise from roof gardens and a development which would be active both day and night. There is also concern about noise and traffic problems associated with the service route via Toby

Lane. The inclusion of this former industrial site within the Mile End education campus would set a precedent for further expansion of the campus to embrace industrial premises on the north side of Solebay Street and the subsequent loss of parts of the Ocean Estate.

- 7.12. The 2<sup>nd</sup> petition is endorsed by the Lead Member of Employment and Skills.
- 7.13. (Officer comments: The site is unallocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998. Planning permission should not be refused on the ground that there might be an alternative use that might be preferred to the proposed education facility, there being no statutory basis for a “competing needs test” in town planning decisions.
- 7.14. As explained in ‘Material Planning Considerations’ below, the proposed new building in architectural terms would be a significant improvement over the existing car show room and former public house and would reinstate a badly fragmented streetscape. The new building would preserve the setting of listed and locally listed buildings in the vicinity, which are mostly some distance from the site. The development would also preserve and potentially enhance the character and appearance of both the Regent’s Canal and Clinton Road Conservation Areas. English Heritage has not raised any objection and the design is “*strongly supported*” by the Greater London Authority. Tall towers would fail to reinstate a coherent street frontage which is considered to be a principle urban design objective at this location. It is also considered that the development would not blight either the Regent’s Canal or Mile End Park.
- 7.15. As explained at paragraphs 8.56 to 8.67 below, save for the occasional immaterial breach, the development would comply with council policy and the BRE Guidelines regarding the amount of sunlight and daylight reaching the adjoining houses and gardens on Grand Walk and Canal Close. Environmental Protection confirms that the resultant conditions would be satisfactory.
- 7.16. As explained at paragraphs 8.68 to 8.71 below, due to separation distances between the buildings, and design measures comprising angled windows and obscure glass balustrading to roof terraces; the privacy of houses and gardens in Grand Walk and Canal Close would be maintained.
- 7.17. By providing special needs housing, the development would reduce pressure on the supply of general housing. The developer has offered to be bound by arrangements that provide for the teaching facility to be made accessible to local people, to make contributions towards local community education initiatives, cultural facilities and training initiatives.
- 7.18. The development, together with the recommended ‘car free’ agreement, would substantially reduce traffic generation compared to the former motor vehicle use. The applicant estimates a reduction of minus 48 vehicle trips in the AM Peak and a reduction of 54 trips in the PM Peak. The site is highly accessible to public transport and parking provision would be minimised in accordance with policy requirements. The applicant estimates increases of 58 Underground and 16 bus trips in the AM Peak and 25 Underground and 12 bus trips in the PM Peak. There is no objection from Transport for London regarding public transport capacity.
- 7.19. In terms of noise, the uses would be satisfactory in a mixed-use area such as this and the council has power to control any statutory nuisance. The bicycle

storage would be secured by a 24 hour 'key fob system' and a condition is recommended to secure the installation of a CCTV system.

- 7.20. Servicing for the teaching and cafe uses is proposed from the existing loading bay on the north east corner of the development on Mile End Road and would have no impact on Toby Lane. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain PH. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractor's light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Additional traffic generation onto Toby Lane, which carries traffic to the Council's Toby Lane Depot, would therefore be very low and ensuing conditions would not adversely affect residential amenity in Harford Street, Toby Lane or Solebay Street. The proposed arrangements would be reinforced by the recommended Travel Plan. Any further application for planning permission to expand the education cluster at Mile End Road would need to be treated on individual planning merit and it is not considered that the development poses any threat to the Ocean Estate).

#### **Queen Mary University of London (QMUL)**

- 7.21. The College support the principle of the development but comments on the design, internal layout, rent levels, noise, transport, and links to the QMUL campus.

#### Design

- 7.22. QMUL does not object to the scale, bulk and massing of the scheme but say the design will significantly impact on local views, townscape, and the character of the surrounding area. The College remain to be convinced that the scheme will positively contribute to the townscape. QMUL request that the council pays regard to the investment it has made in its campus over the last two decades and makes it a condition of any planning permission that the external building materials and specifications proposed in the application are used if the scheme is implemented.

#### Internal layout

- 7.23. The application originally proposed that the student accommodation would be arranged as two bedrooms sharing kitchen space. QMUL advised that this did not follow their model which would normally provide cluster flats for undergraduates, with some self-contained accommodation for mature / postgraduate students. A scheme of this type would be expected to provide at least 70% of the rooms in cluster flats of 4 to 8 bedrooms and no more than 30% as studio flats. The University suggested that final layout details be reserved by condition. In response, the developer has redesigned the internal layout to conform to the QMUL model. The revised layout is now commended by QMUL.

#### Rent level

- 7.24. Rent levels and the affordability of student accommodation are a key concern to QMUL to ensure students have access to affordable accommodation close to

the campus and of an appropriate standard. Whilst QMUL is not directly involved in the development, they say they would be willing to enter into an agreement with the developer to secure the affordability of some rooms for QMUL students at a rent QMUL consider affordable. QMUL suggest the council requires the developer to enter into a section 106 agreement with the College to provide not less than 150 rooms at a rent comparable to similar QMUL accommodation.

#### Noise

- 7.25. QMUL seek confirmation that the rooms would offer a satisfactory internal environment for a student occupier.

#### Transport

- 7.26. QMUL is concerned that the application documents link the development with its campus. It is a speculative development and the transport impact of the proposed student accommodation should be considered as a stand-alone scheme with no beneficial linkage that might flow from future association with QMUL.

#### Provision of student rooms

- 7.27. Whilst the College supports a scheme to deliver additional student accommodation, QMUL seek assurance that this would not impact on their ability to provide up to 700 rooms on its campus purely for QMUL students, as outlined in the council's publication 'Student Accommodation in Tower Hamlets' August 2008.

- 7.28. (Officer comments: QMUL appear concerned that the design proposed at this application stage might be watered down. Should permission be granted, to preclude this, conditions are recommended to ensure the final approval of crucial design elements indicated on the material submitted to date. There are no planning policies to secure affordable housing for students. The council's powers under section 106 of the Planning Act do not extend to requiring other parties to enter into agreements between themselves and it is not considered that the council should be involved in overseeing any commercial arrangements between the developer and Queen Mary University. In a subsequent letter, QMUL confirm that the University is in discussions with the applicant regarding a nominations agreement for 108 rooms. A condition is recommended to require the approval of details of acoustic glazing to ensure satisfactory living conditions. The proposal has been assessed as a stand-alone scheme in transport terms and is satisfactory with a reduction of vehicular traffic onto Mile End Road. Officers see no in principle planning reason why the development would impact on any proposal by QMUL to provide rooms on its campus for QMUL students).

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

### **8. MATERIAL PLANNING CONSIDERATIONS**

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

- Land use.
- The amount of accommodation
- Urban design and the effect of the development on the character and appearance of the Regent's Canal Conservation Area and the setting of listed buildings.
- Contribution to 'High Street 2012.'
- Amenity of adjoining premises.
- Access and servicing arrangements.
- Amenity space and landscaping.
- Sustainable development/ renewable energy.
- Air quality.
- Planning obligations.

### **Land use**

- 8.2. London is an international centre for the creative industries and the knowledge economy. It is a world centre of academic excellence and providing research. It leads in providing skilled workers in a global economy. The city attracts students and scholars from all over the world. The borough has two main universities: Queen Mary University of London, with its campuses at Mile End and The Royal London Hospital at Whitechapel, and London Metropolitan University in Aldgate.
- 8.3. In a national context, the Government's 2003 White Paper, 'The Future of Higher Education' proposes to increase the number of students in higher education to 50% of 18-30 year olds by 2010 from the 2008 level of 43%.
- 8.4. In requiring local planning authorities to identify and plan for the accommodation requirements of its population, the Government's Planning Policy Statement 3: 'Housing' acknowledges that students need to be considered in local housing needs assessments.

### The London Plan 2008

- 8.5. The London Plan 2008 provides the mayor's strategic objectives the most relevant of which to this application are to:

*"Make the most sustainable and efficient use of space in London and encourage intensification and growth in areas of need and opportunity ....*

*Achieve targets for new housing... that will cater for the needs of London's existing and future population*

*Create incentives and opportunities to stimulate the supply of suitable floorspace in the right locations to accommodate economic growth, including mixed uses ...."*

- 8.6. The London Plan recognises the role of higher education in supporting London's position as a world city, along with the benefits resulting from associated employment opportunities and by attracting investment into the economy.
- 8.7. In terms of housing, The London Plan seeks to increase the supply of accommodation (Policy 3A.1) by ensuring that proposals achieve the maximum

intensity of use compatible with local context, design policy principles and public transport capacity (Policy 3A.3). Policy 3A.5 requires boroughs to take steps to identify the full range of housing needs in their area. Paragraph 3.39 of The Plan acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 requires the borough's policies to provide for special needs housing which embraces student housing.

- 8.8. Policy 3A.25 of The Plan states that the mayor will work with the higher education sectors to ensure the needs of the education sectors are addressed by:
- *“Promoting policies aimed at supporting and maintaining London’s international reputation as a centre of excellence in higher education;*
  - *Taking account of the future development needs of the sector, including the provision of new facilities and potential for expansion of existing provision;*
  - *Recognising the particular requirements of Further and Higher Education Institutions for key locations within good public transport access, and having regard to their sub-regional and regional sphere of operation; and*
  - *Supporting the provision of student accommodation”.*

#### Sub Regional Development Framework - East London 2006

- 8.9. The Sub Regional Development Framework for East London 2006 provides guidance to east London boroughs on the implementation of policies in The London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London's overall economic base, notes that the East London Sub-Region accommodates five higher education institutions and over 44,000 students (12% of the London total) and encourages opportunities for the provision of academic facilities and student housing.

#### Tower Hamlets Unitary Development Plan (UDP) 1998

- 8.10. Except for indicating a cycle route, the site is unallocated on the Proposal Map of the Tower Hamlets Unitary Development Plan 1998.
- 8.11. It is considered that the development accords with UDP strategic policy as follows. Policy ST25 seeks to ensure that new housing developments are adequately serviced by social and physical infrastructure and by public transport provision. Policy ST45 seeks to ensure that sufficient land is available for education needs whilst policy ST46 encourages education at accessible locations such as this.
- 8.12. In terms of student housing, UDP policy HSG14 states that the council will encourage development which meets the needs of residents with special needs, including students. The Plan explains (paragraph 5.29) that the council will consider student housing in a variety of locations providing there is no loss of permanent housing and notes that additional provision could release dwellings elsewhere in the borough in both the public and private rented sector.

#### Core Strategy and Development Control interim planning guidance 2007

- 8.13. On the Proposals Map of the Core Strategy and Development Control interim planning guidance 2007, the site is again unallocated except for showing a 'Proposed Cycle Route'.
- 8.14. The Strategy includes a 'Key Diagram' which provides the overall Spatial Strategy which identifies a 'Higher Education Cluster' focussed on the existing QMUL campus at Mile End.
- 8.15. Policy CP7 adds that the council will seek to bring investment into the borough, safeguard and enhance the number and range of jobs available to local residents and promote the sustainable creation of 100,000 additional jobs to 2016. In order to help achieve this objective, the guidance supports the improvement and expansion of the higher educational facilities around London Metropolitan University in Aldgate, the Royal London Hospital in Whitechapel and the Queen Mary University Campus in Mile End.
- 8.16. In terms of economic prosperity, the Strategy identifies the borough's educational institutions as integral to enabling local resident's access to jobs and their benefit to the rapid regeneration taking place in the borough.
- 8.17. In terms of designating employment land, the Core Strategy adopts The London Plan hierarchy of 'Strategic Industrial Locations' and 'Local Industrial Locations' as the primary means of directing and safeguarding employment land and uses. The application site does not fall under either of these employment designations.
- 8.18. In relation to non-designated employment sites, the Core Strategy seeks to:
- a) retain sites for industrial employment where they are well located in relation to road and public transport networks;
  - b) retain sites for office uses where they benefit from high levels of public transport or are in / on the edge of town centres; and
  - c) retain sites where there is current or future demand for employment use.
- Where a site is not viable for an existing employment use the council will seek alternative employment uses to suit the location and the site.
- 8.19. Policy EE2 states that the redevelopment of existing or former employment sites may be considered appropriate where:
- (i) the applicant has shown the site is unsuitable for continued employment use due to its location, accessibility, size and condition;
  - (ii) there is evidence that there is intensification of alternative employment uses on site;
  - (iii) the retention or creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal; and
  - (iv) there is evidence that re-use for similar or alternative employment uses has been explored or there is recent evidence the site is suitable for ongoing employment use.
- 8.20. The former use of the site provided limited opportunities in terms of employment. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs. Specifically, the proposed facility is anticipated to support in the region of



180 jobs including teaching staff and administration along with cleaning, catering, portage, maintenance and security. This represents a significant increase over the former use in compliance with the employment policies of the council's interim planning guidance.

- 8.21. Policy RT6: 'Loss of Public Houses' supports the loss of public houses provided it can be demonstrated that the loss would not create a shortage of public houses within a distance of 300 metres. Whilst the Fountain public house was last used as a nightclub and the policy may not be entirely relevant, there would be no policy breach, there being other public houses at Nos. 410 and 359 Mile End Road.
- 8.22. With regard to the proposed provision of special needs housing, the Core Strategy identifies population growth and housing need as the key drivers to change in the borough. In response, policy CP24 states that the council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus and in close proximity to the London Metropolitan University at Aldgate. The justification for this policy notes that whilst student accommodation supports the borough's universities, it does not directly contribute to meeting the borough's housing needs and, therefore, is not a preferred use throughout the borough.
- 8.23. In support of higher education is the need to provide sufficient living accommodation for London's significant and diverse student population. However, there is currently an acute shortage of purpose-built accommodation within the capital, resulting in a significant mismatch between demand and supply. At the regional level, there are currently some 250,000 full-time students studying in London. However, only 16% live in purpose-built accommodation, the balance living either at home (16%) or houses in the private rented sector (55%).
- 8.24. There are approximately 20,000 full-time students based at the borough's three higher education institutions. However, less than a quarter currently live within specialist housing, whilst demand surveys indicate that up to 40% of students are seeking purpose-built accommodation. At the local level, there are some 15,000 students at QMUL. However, the campus provides purpose-built accommodation for just 2,112 students; the remainder being forced to find accommodation within the private rented sector or stay at home. The impact of these students taking up accommodation in the private rented sector is a reduction in the general housing stock and, in particular, of larger units which are attractive for multiple-occupation. This is a particular issue for Tower Hamlets which has significant problems of housing shortage, especially family-sized units.
- 8.25. It is considered that the provision of student housing at the application site would address current needs in relation to the shortage of specialist student housing in the borough, whilst reducing pressure on the general housing stock, in accordance with the policies of the council's interim planning guidance outlined above.

Draft Local Development Framework Core Strategy – Options and Alternatives for Places: Stage Two Paper (February 2009)

- 8.26. The council has recently published its 'Core Strategy – Options and Alternatives for Places: Stage Two Paper' for public consultation. For Mile End, the

document notes the area will accommodate residential, working and student communities through the expansion and intensification of the university campus. The draft acknowledges the increased prominence of Queen Mary University as a 'knowledge hub' with its possible expansion to the southern side of Mile End Road including the application site.

- 8.27. In summary, it is considered that in land use terms the redevelopment of the motor vehicle garage and nightclub by teaching facilities and student accommodation accords with the land use policies of The London Plan, the Sub Regional Development Framework, the Council's UDP and interim planning guidance, together with emerging policy in the Local Development Framework Core Strategy.

#### **Amount of development**

- 8.28. The Government's Planning Policy Statement 1: 'Delivering Sustainable Development' 2005 (PPS1) supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and returning previously developed land and buildings to beneficial use. This is all as proposed.
- 8.29. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on residential density in support of policies 4B.1 and 3A.3.
- 8.30. Paragraph 415 of the London Plan advises that for commercial developments to fulfil Policy 3A.3, plot ratios should be maximised. Site densities of at least 3:1 generally should be achieved wherever there is, or will be, good public transport accessibility and capacity. The ability for plot ratios to be maximised at any site or area will depend on local context, including built form, character, plot sizes and existing or potential public transport, utilities and social infrastructure capacity. The Plan advises that these matters should be assessed when individual proposals are submitted but they are to be used as a tool to assess density consistently, not to provide specific numerical targets. The plot ratio of the proposed development is 2.9:1 which is within the range advocated by The London Plan for areas such as this part of Mile End Road with good public transport accessibility.
- 8.31. Policy CP20 of the council's interim planning guidance 2007 reflects guidance set out in The London Plan and seeks to maximise residential densities on individual sites taking into account local context, site accessibility, housing mix and type, achieving high quality design, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces and to ensure the most efficient use of land within the borough.
- 8.32. Policy HSG1 sets out a number of criteria which should be taken into account when determining the appropriate residential density for a site. The following matters are relevant to this application:
- *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*

- *The local context and character;*
- *The need to protect and enhance amenity;*
- *The need to incorporate good design principles;*
- *Access to a town centre (particularly major or district centres);*
- *The provision of adequate open space, including private and communal amenity space and public open space;*
- *The impact on the provision of services and infrastructure, including the cumulative impact; and*
- *The provision of other (non-residential) uses on a site.*

8.33. Table 3A.2 of the London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a residential density range of 200 – 700 habitable rooms per hectare for “Urban” sites with a PTAL range 4-6. The proposed density of the special needs housing is 1,372 habitable rooms per hectare which exceeds the guidance. As a matter of principle, it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. It is considered that the determining factor is the resultant design and compatibility with local context. Subject to the design matters outlined in policy HSG1 (above) being satisfactory, the density proposed is considered acceptable for a site along a main arterial route. Such matters are considered below.

**Urban design, effect on the character and appearance of the Regent’s Canal and Clinton Road Conservation Areas and the setting of listed buildings.**

8.34. At paragraph 43 of PPS1 the Government advises:

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

8.35. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the council in exercising its planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In PPG15: ‘Planning and the historic environment’, the Government says this duty should extend to proposals which are outside a conservation area but would affect its setting or views into or out of the area. In this case, the Regent’s Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies east of the canal on the opposite side of Mile End Road.

8.36. Section 66 of the Act places a further duty on the council, in determining 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 of the listed building.

8.37. Good design is central to The London Plan and is specifically promoted by the policies contained within Chapter 4B. Policy 4B.1 ‘Design principles for a compact city’ sets out a series of overarching design principles for development in London and seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London’s built and natural

heritage. Policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.9, 4B.10, 4B.12 and 4B.14 require tall and large-scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets. In particular, policy 4B.8 states that the Mayor will promote tall buildings where they create attractive landmarks, enhancing London's character, provide a location for economic clusters and can act as a catalyst for regeneration. They should also be acceptable in terms of design and impact on their surroundings. Policy 4B.9 states that tall buildings should be of the highest quality design and in particular:

- Be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and open spaces, the waterways, or other townscape elements.
- Be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views.

8.38 Tower Hamlets UDP policy DEV1 requires all development proposals to be sensitive to the character of the area in terms of design, bulk, scale and materials, the development capabilities of the site, to provide for disabled people and include proposal for landscaping.

8.39. Core Policy CP4 of the council's Core Strategy and Development Control interim planning guidance 2007 refers to 'Good Design' and requires that development should:

- a) respect its local context, including the character, bulk and scale of the surrounding area;*
- b) contribute to the enhancement or creation of local distinctiveness;*
- c) incorporate sustainable and inclusive design principles;*
- d) protect amenity, including privacy and access to daylight and sunlight;*
- e) use high quality architecture and landscape design; and*
- f) assist in creating a well-connected public realm and environments that are easy to navigate.*

8.40. Core Policy CP48 of the interim planning guidance and says the council may consider tall buildings outside the Canary Wharf cluster and Aldgate if adequate justification can be made and the proposals:

- a) contribute positively to a high quality, attractive environment;*
- b) respond sensitively to the surrounding local context;*
- c) not create unacceptable impacts on the surrounding environment, including the surrounding amenity;*
- d) contribute to the social and economic vitality of the surrounding area; and*
- e) not create unacceptable impacts on social and physical infrastructure.*

8.41. Core Policy CP49 of the interim planning guidance says that the council will protect and enhance the historic environment of the borough including the character and setting of listed buildings, locally listed buildings and conservation areas.

8.42. Development control policy DEV1 of the interim planning guidance 2007

requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development, to preserve and enhance the historic environment and use appropriate materials. Policy CON2 says that development which would affect the setting of a conservation area will be granted only where it would preserve the special architectural or historic interest of the conservation area.

- 8.43. At paragraph 2.14 of PPG15, national policy advises that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart but are woven into the fabric of the living and working community. The advice says that this can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing, and alignment, and use appropriate materials. It is emphasised that this does not mean that new buildings have to copy their older neighbours in detail but together should form a harmonious group.
- 8.44. The joint English Heritage/CABE Guidance on Tall Buildings provides the following criteria for evaluating tall building proposals.
- Relationships to context;
  - Effects on heritage assets;
  - Relationship to infrastructure;
  - Architectural quality;
  - Public Realm and Urban Design benefits;
  - Local environmental effects;
  - Contribution to site permeability;
  - Sustainability.
- 8.45. The current disused garage and car showroom, with its unattractive use, lengthy, weak street edge, poor front elevation, and overall poor architectural treatment, detract from the quality of the streetscape on Mile End Road. It is considered that this situation would be rectified by the development as proposed. At pre-application stage, the developer considered alternative options, some taller and some lower than the proposal adopted. The proposed scheme is considered well judged at an appropriate urban, rather than suburban, scale, with a layout and massing that responds to its local context on a principal London thoroughfare.



**View of proposed development looking east along Mile End Road**

- 8.46. On Mile End Road, the building would be 3-storey at its eastern end (16.6 metres high) rising to the west to 11-storeys (32.2 metres) and would be split into two principal volumes acknowledging the curve in the road at this point and breaking up the long façade. The southern rear elevation would be lower, varying from 11 metres to 32.2 metres high with a 6.8 metre high 2-storey infill between the north and south wings. The building would reclaim the street edge on Mile End Road and provide active ground floor uses with a clear and well defined entrance. This arrangement is strongly supported by the Greater London Authority. The stepped height would result in the highest element being located adjacent to the existing 7-storey building Lindrop House, and the lowest 2 and 3-storey elements at the eastern end adjacent to the residential properties on Grand Walk and Canal Close. It is considered that this arrangement would achieve a successful transition in scale along the site's exceptionally long frontage to Mile End Road. The site is within an area containing existing medium and large-scale civic buildings forming part of the Queen Mary College campus. In terms of overall scale and form, it is considered that the proposed building would be acceptable within that context, creating a defining feature at the southern end of the campus.
- 8.47. It is not considered that the development would be harmful to the setting of the listed buildings in the vicinity. Mile End Road is a crowded urban street, one of the principal thoroughfares into central London. It has developed organically, from largely open countryside in the 17<sup>th</sup> century, becoming built up from the late 18<sup>th</sup> century onwards, particularly after the completion of the Regent's Canal. The listed buildings in the grounds of Queen Mary University date from the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The layout of these buildings, the way they address the street, their size, and the form of the Mile End Road as a series of unfolding vistas along its east-west length, means that the proposed development at Nos. 438-490 would not be harmful to their setting. The development site is additionally some distance to their east, which reinforces this opinion, as it allows for an increase in scale without diminishing the listed

buildings and ensuring that their settings are preserved. The setting of the 18<sup>th</sup> Century historic wall of the cemetery of the Spanish and Portuguese Jewish Congregation, which wraps around the development site at Nos. 331-333 Mile End Road, would also be preserved.



**Proposed north elevation facing Mile End Road**

- 8.48. The Grade 2 listed Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, lies east of the Regent's Canal, 117 metres from the application site. The setting of these buildings would be unaffected by the development.
- 8.49. The setting of the locally listed buildings at No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road (also east of the canal) is not covered by any specific policy and the impact of the proposals on these buildings is assessed below where impact on the two conservation areas is considered.
- 8.50. The Regent's Canal Conservation Area runs through both a riparian environment formed at this point by Mile End Park but is also part of a wider built up urban environment. The purpose of designating the conservation area (Cabinet 8<sup>th</sup> October 2008) is to protect the special character of the banks of the Regent's Canal and specific historic canal features such as the locks and the towpath, that are recognised as part of the cherished familiar local scene. The proposed development would have limited impact on the character and appearance of the designated area, as the higher bulk would be set some distance from the canal. The development would be stepped away from the two storey houses on Grand Walk, which provide the immediate setting of the canal at this location. It is not considered that a building visible from the canal at this point would be harmful to either the character or appearance of the conservation area, both of which would be preserved. Indeed, there may be benefits to orientation, way-finding and local distinctiveness by the formation of a suitably designed building forming a 'punctuation point' where Mile End Road crosses the canal.

- 8.51. The character of the Clinton Road Conservation Area is defined by two distinct townscapes. First, Clinton Road is lined by residential terraces of two storeys. Built around the 1870s, the terraces are survivors of the type of dwellinghouses that were cleared to create Mile End Park. Second, in contrast, the Mile End Road frontage is varied, consisting of early 19th century Georgian style terraces between Nos. 359 and 373 Mile End Road. This locally listed terrace, constructed of stock brick, was originally houses. The ground level shop fronts were later integrated, with residential floors remaining above. Within the locally listed terrace is an Italianate building of the mid-late 19th century at No. 373 Mile End Road built of yellow stock brick with stucco dressings and a slate roof. In terms of views and silhouettes, the Guardian Angels Church has the most significant presence in the conservation area. Mostly lying some distance east of the development site, on the opposite side of Mile End Road and separated from the site by the Regent's Canal, it is considered that the character and appearance of the conservation area would be preserved.
- 8.52. It is not considered that the development would cause any visual or environmental harm to Mile End Park. A taller edge to the park could be seen as a distinct advantage in terms of place making and orientation as explained above.
- 8.53. Overall, it is considered that the development would accord with the national, metropolitan, and local planning policies outlined above and result in a building that would respect its context reinstating a badly fragmented townscape.

### **High Street 2012**

- 8.54. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park. The Vision for High Street 2012 is to:

*"Create a world class and thriving 'High Street', where there is a balance between pedestrian and road uses, where people and places are connected, where locals, visitors, and tourists want to be, and where there is sense of well being, community, and history."*

- 8.55. It is considered that the proposed redevelopment would accord with the Vision and objectives for High Street 2012 as follows:

- *To create a high street with shared use, differently paced environments, distinct identity streets, and destinations that is dignified, clean, and attractive.*

(Officer comment: The new building would contribute positively to the objective to create a well used high street. In particular, it would help to form a memorable, distinct, busy destination of character and fit with the intention to provide active landscapes).

- *To create a connected street which supports natural flows, provides a legible streetscape and is safer.*

(Officer comment: The new building would play a significant role in re-establishing a street pattern that has been badly eroded by the former car dealership building and its associated open parking bays. The building would act as a better way-finding asset in connection with the Regent's Canal and Mile



End Park and would provide surveillance of the road. It would also create a healthier, greener street).

- *To celebrate the street through enhancing historic spaces.*

(Officer comment: The new building would provide a much better setting for the People's Palace and Queen's building at the Queen Mary University of London campus than the current badly fragmented site occupied mostly by a car dealership buildings and associated parking bays).

### **Amenity of adjoining premises**

#### Daylight

8.56. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states:

*"...all development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions..."*

8.57. The council's interim planning guidance policy CP4 says the council will ensure development creates buildings and spaces of high quality design. In achieving good design, development should protect amenity, including privacy and access to daylight and sunlight.

8.58. Interim planning guidance policy DEV1 states:

*"Development is required to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms."*

8.59. For further guidance UDP policy DEV1 refers to the BRE Report: '*Site layout planning for daylight and sunlight – A guide to good practice.*' The guidelines contain tests for daylight, sunlight and overshadowing starting with relatively simple trigonometric tests followed by tests which measure the actual amount of daylight striking the face of a window (Vertical Sky Component) and internal Daylight Distribution by plotting the position of a "no sky line" contour within the room being tested.

8.60. The Vertical Sky Component is a "spot" measurement of direct daylight availability from an unobstructed sky. The target design standard for low density suburban housing is 27% VSC. It is recognised that in a dense urban environment such as Mile End, existing VSC values may be below 27%. In such circumstances, it is permissible to reduce the existing value of daylight (or sunlight) by a factor of 0.2 (20%) and still satisfy the Guidelines. Reductions beyond that level are deemed to be noticeable.

8.61. The VSC tests should be followed by the calculation of internal Daylight Distribution within each of the rooms by plotting the "no sky line" contour. As a check measurement, Average Daylight Factor can also be used.

8.62. The neighbouring buildings that fall within the BRE requirements for testing are:

- Nos. 13 to 22 Grand Walk and,
- Nos. 12 to 20 Canal Close.

- 8.63. The vast majority of the windows in the neighbouring dwellings fully satisfy the BRE VSC tests by either achieving more than 27% VSC or experience a loss in VSC of less than 20%. The windows that do not fully satisfy the BRE standards are at 20 Grand Walk, 21 Grand Walk, 22 Grand Walk, 12 Canal Close and 13 Canal Close. The amount by which these windows exceed the permissible 20% margin is very small with the worst affected window in 22 Grand Walk having a reduction of only 22.75% which is a very marginal failure. Given the urban location, the daylight incident on the face of all the windows in the adjoining development would continue to be very good and considerably better than the majority of comparable properties in the borough.
- 8.64. The results of the Daylight Distribution analysis show that with one exception all habitable rooms of the houses in Grand Walk would comfortably satisfy the BRE Guidelines. The exception is a 1<sup>st</sup> floor room at 12 Canal Close where there would be a loss of in internal distribution of 23.9%, again a marginal failure.
- 8.65. The results of the “check” Average Daylight Factor (ADF) measurements show that the internal lighting conditions for all of the rooms will satisfy the ADF standards taken from the BRE Guidelines and the British Standard Code of Practice for Daylighting BS8206.

#### Sunlight

- 8.66. The BRE sunlight criteria only apply to any window that faces within 90° of due south. The windows in Nos. 12 to 20 Canal Close which have a direct outlook over the site face north-north-west. As they do not face within 90 degrees of due south, they do not fall within the BRE sunlight criteria. The rear facing rooms in Nos. 13-22 Grand Walk face south-west and fall within the BRE testing criteria. All of the rooms in those properties have a least one window that satisfies the BRE sunlight standards.

#### Overshadowing

- 8.67. The rear gardens of Nos. 16 to 22 Grand Walk fall within the BRE overshadowing criteria which measure the permanent overshadowing of gardens. In view of the western orientation of the gardens, it is evident that the gardens will have unobstructed sunlight from the south in the mid and late afternoon and there would be no additional permanent overshadowing. The rear gardens of Nos. 12 to 20 Canal Close face due south and would be unaffected by the development.

#### Privacy

- 8.68. The eastern end of the proposed building would be sited 23.5 metre away from the closest house on Grand Walk. The eastern flank wall of the southern wing of the proposed development would only be provided with a single window serving a corridor at 1<sup>st</sup> and 2<sup>nd</sup> floor levels. At this location, between the northern and southern wings, the proposed building would provide teaching accommodation at ground and 1<sup>st</sup> floor levels with windows facing the houses on Grand Walk. To ensure adequate privacy, the minimum separation distance between habitable rooms provided by the Tower Hamlets UDP 1998 is 18

metres. It is considered that the 23.5 metre separation proposed would ensure that the dwellings on Grand Walk would have their privacy adequately maintained.

- 8.69. At the rear of the development, the southern wing of the development would be sited 18 metres away from the dwellings on Canal Close which again complies with the UDP standard. Moreover, to increase the privacy of the adjoining houses, all the rear windows above ground level in the southern wing of the development would be angled to prevent views towards the houses on Canal Close and to also protect the development potential of the Toby Lane Depot.
- 8.70. Adjoining residents have objected due to overlooking from roof terraces. There would be two roof terraces within the development both on the eastern building. One terrace would be on the roof of the 4<sup>th</sup> floor of the northern wing, the other on the 4<sup>th</sup> floor roof of the southern wing. To maintain the privacy of the dwellings on Grand Walk and Canal Close, and the development potential of the adjoining Toby Lane Depot, the terraces would be fitted with 1.8 metre high obscured glass balustrades.
- 8.71. Proposed 'Sky Gardens' would be enclosed amenity spaces at 3<sup>rd</sup>, 5<sup>th</sup> and 7<sup>th</sup> floor levels on the southern part of the western building adjoining the Toby Lane Depot and would have no impact on the houses at Grand Walk, Canal Close and Union Drive.

#### **Access and servicing arrangements**

- 8.72. The site has a good level of access to sustainable modes of transport. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The site has a Public Transport Accessibility Level of between 5 and 6a.
- 8.73. The development would be beneficial to conditions on the local highway network as a net reduction of 48 and 54 two-way vehicular trips is forecast in the AM and PM peak hours respectively. The proposals also include the removal of three vehicle crossovers on to Mile End Road which would reduce in potential road user conflict. The overall effect of the development on the surrounding highway infrastructure has been assessed with the conclusion that there would be a minor improvement in conditions.
- 8.74. Given the good level of access to sustainable modes of transport, only two car parking spaces for disabled people are proposed and the developer has agreed that the scheme should be designated 'car-free' with users of the building (other than disabled people) prohibited from purchasing on-street parking permits from the borough.
- 8.75. Cycle parking would be provided at 1 per two units of student housing in accordance with standards. There would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.
- 8.76. Servicing for the teaching and cafe uses would be from the existing loading bay on the north east corner of the development on Mile End Road. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain public house. This would be limited to bi-weekly waste collections. There would be just two

parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractors light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Traffic generation onto Toby Lane, which carries traffic to the Council's Toby Lane Depot, would therefore be low.

- 8.77. Transport for London and the council's Traffic and Transportation Department raise no objections to the transport arrangements subject to the implementation of travel plans. Overall, access and servicing arrangements are considered satisfactory and policy compliant. The developer has agreed to submit and implement a residential travel plan, a delivery service plan and a construction logistics plan.

### **Amenity space and landscaping**

- 8.78. The proposal would include a comprehensive landscaping scheme around the perimeter of the building, along Mile End Road and along the eastern perimeter of the site. The latter would create a green buffer between the student housing and the neighbouring houses on Grand Walk. As mentioned, there would be two landscaped roof terraces atop the 4<sup>th</sup> floor roof of the eastern part of the development. Green roofs would be provided wherever possible.

- 8.79. A particular feature of the proposal is 'Sky Gardens' which would provide a series of semi-external spaces for students to use as communal break-out areas. These spaces would be arranged as a stack within the western building and are expressed on the elevation as a double-height design feature. In total, the proposal provides 1,558 sq m of amenity space as follows:

- Roof terraces = 269sq m
- Sky gardens = 301sq m
- Ground floor communal gardens = 988sq m

- 8.80. It is considered that the landscaping proposals have the potential to comply with UDP policy DEV12 – 'Landscaping and trees'. The details are not complete and it is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme to include details of the proposed green roofs.

### **Sustainable development / renewable energy**

- 8.81. The design adopts a number of 'passive' design measures, including: a well insulated façade; airtight construction; heat recovery ventilation; thermal mass techniques to reduce heating and cooling requirements; centralised heating and cooling; energy efficient lighting; and low (hot) water shower heads and taps. The energy supply would consist of communal combined heat and power (CHP) to provide the electrical and heating base load for the development. Communal heating and hot water would be provided for the whole development with a Ground Source Heat Pump system to provide heating and cooling in conjunction with the CHP unit.

- 8.82. The development would provide an overall reduction in CO2 emissions of 37% when compared with a comparable baseline building and the Greater London Authority and the council's Energy Officer are content that the proposed energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 to DEV9 of the council's interim planning guidance and national advice in

PPS22: 'Renewable Energy'. Conditions are recommended to ensure the submitted details are implemented.

### **Air Quality**

- 8.83. London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance require the potential impact of a development on air quality to be considered. Interim planning guidance policy DEV12 requires that air and dust management is considered during demolition and construction work.
- 8.84. The application is accompanied by an Air Quality Assessment which concludes that the impact of the development itself on local air quality is unlikely to be significant. The potential effects of dust generated during the construction phase of the development have been assessed qualitatively. The qualitative assessment shows that although dust is expected to occur from site activities, but this would have no more than a short-term moderate impact on the surrounding environment. This impact can be reduced by the use of appropriate mitigation measures, including the implementation of a Construction Management Plan as recommended, which would ensure that dust suppression measures are implemented.
- 8.85. There are no industrial processes proposed that would have a significant impact on air quality or give rise to odours at the site. The development itself will not give rise to any measurable deterioration in air quality and being virtually 'car-free' would ensure that the scheme would not have any adverse impacts on air quality. It is therefore concluded that, provided suitable mitigation measures are employed during construction, the development would comply with relevant air quality policies.

### **Planning obligations**

- 8.86. Planning obligations can be used in three ways:-
- (i) To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
  - (ii) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
  - (iii) To mitigate the impact of a development. For example, through increased public transport provision.
- 8.87. Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:
- (i) relevant to planning;
  - (ii) necessary to make the proposed development acceptable in planning terms;
  - (iii) directly related to the proposed development;
  - (iv) fairly and reasonably related in scale and kind to the proposed development; and
  - (v) reasonable in all other respects.
- 8.88. Policy DEV4 of the Tower Hamlets UDP 1998 and policy IMP1 of the council's interim planning guidance 2007 state that the council will seek planning obligations to secure on-site or off-site provisions or financial contributions to

mitigate the impacts of a development. Paragraph 3.42 of The London Plan advises that where a housing development is solely for student housing, it would not be appropriate for the borough to seek social rent or intermediate housing provision through a planning obligation.

8.89. The applicant has agreed to the following matters being included in a section 106 agreement to ensure the mitigation of the proposed development.

1. In perpetuity, no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
2. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000
Accent lighting to "heritage" buildings at the end of Grove Road.	£20,000

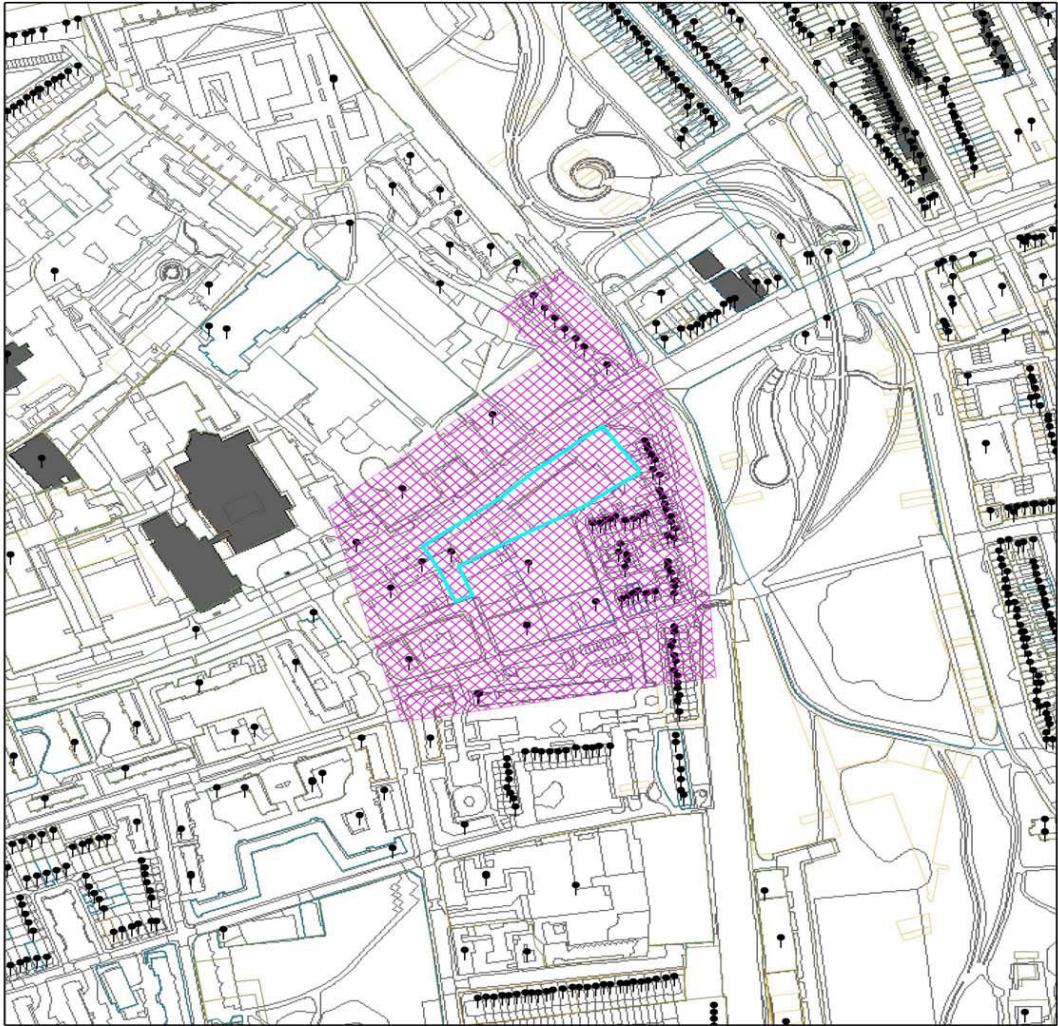
3. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
4. A contribution of £100,000 towards local community education initiatives and cultural facilities.
5. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
6. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20 hours a month.
7. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
8. The submission and implementation of a Travel Plan comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
9. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
10. To participate in the Considerate Contractor Protocol.

8.90. In accordance with UDP policy DEV 4 of and policy IMP1 of the interim planning guidance, it is considered that the inclusion of the above matters in a section 106 agreement, together with the recommended conditions, would mitigate the impacts of the development and comply with national advice in Circular 05/2005.

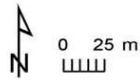
## **9. CONCLUSION**

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

# Planning Application Site Map



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



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568

**UPDATE REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT  
COMMITTEE ON 4<sup>th</sup> AUGUST 2009**

<b>Reference number:</b>	PA/09/0601
<b>Location:</b>	438-490 Mile End Road, E1
<b>Proposal:</b>	Demolition of existing structures and erection of a part 3, part 5, part 7, and part 11 storey building to provide a new education facility comprising: teaching accommodation and associated facilities; student housing; cycle, car-parking, refuse and recycling facilities.

**ADDITIONAL REPRESENTATIONS**

1.1. A further 14 signatures have been added to the 2<sup>nd</sup> petition of objection reported at paragraph 7.8 of the main Committee report. The additional signatures are accompanied by a further letter of representation in the name of the Ocean Estate Tenants and Leaseholders Association. The issues raised in the letter may be summarised as follows:

- The submitted Townscape Assessment is based on selected views from the eastern and western ends of the development minimising its negative impact on the local context.
- The proposed buildings are not of a similar scale to those on the Queen Mary University campus.
- The proposed development is not well designed and attractive. It would harm rather than provide an enhanced setting to the Regents Canal Conservation Area, including the houses and gardens on the west side of the canal. It would be big, ugly, crudely articulated, ridiculously long and out of keeping. The existing townscape is a harmonious mix and an equally harmonious development is required to enhance the setting of this part of the conservation area.
- The submitted Townscape Assessment fails to assess the development on the two listed "Peoples Palace" buildings whose setting would be seriously harmed.
- The C18th and early C19th development of the ancient Mile End Road/Bow Road is characterised by three and four storey terraced houses and a few large buildings set back from the road. Any redevelopment opposite the Queen Mary campus must respect this local context and consist of several separate buildings of similar height to Queen Mary University with open spaces providing a 'green chain' linking the Ocean Estate's open space on Mile End Road to Mile End Park. The development fails in these regards.
- The development would seriously detract from the planned improvements for High Street 2012.

1.2. An additional 22 letters in support of the proposal have been received from local businesses. Two of the letters exhibit a total of 13 signatures. The issues raised in support may be summarised as follows:

- The development would rejuvenate the street scene along Mile End Road.



- The development would bring economic benefit through jobs.
- The student population would provide vital benefits for local businesses and jobs.
- The site is run down, in need of redevelopment and should not remain derelict with an opportunity lost.
- The site is a logical location for student facilities in the borough.
- The design is welcomed as it would fit well with the local area and mark the area as a place of improvement.
- The development is something that the Mile End Road needs to be ready for the 2012 Olympics.

1.3. A letter in support of the proposal has also been received from Stepney Shahjalal Mosque and Cultural Centre which advises that they run a range of education and cultural programmes for people living on the Ocean Estate. The material issues raised in support may be summarised as follows:

- The scheme would provide a landmark building of civic scale and mark an important location on the Olympic Boulevard.
- The section 106 agreement would bring wider environmental and community benefits with the area improved.
- The provision of an educational establishment could provide support for local businesses and the community.

1.4. (Officer comment: The buildings within the Queen Mary University campus along Mile End Road vary in height from two storeys to a tall seven storeys. It is considered that a development between three and eleven storeys would not be out of context on this major thoroughfare leading to central London. It is noted that the Ocean Estate Tenants and Leaseholders Association previously advocated "slim elegant towers". The building has been designed in two parts, not only to deliberately break up the long frontage, but also to reflect the curve in Mile End Road at this location. It is considered that the proposed development succeeds in those respects.

1.5. In pre-application meetings, the developer was requested to avoid a design involving buildings that do not address the street. It is considered important to provide a coherent redevelopment that creates an active frontage to Mile End Road and rectifies a badly fragmented townscape due to war damage with no street frontage at present. It is considered the design solution advocated by the Ocean Estate Tenants and Leaseholders Association would not achieve those objectives. Members are advised that the Committee's decision on this application should be made on the merits of the development proposed, and not influenced by suggestions for alternative concepts which may or may not be considered preferable.

1.6. The support the development could give to local business is acknowledged.

1.7. The other matters mentioned in the additional representations, particularly regarding conservation areas, the setting of listed buildings and High Street 2012, raise no new planning issues that are not already assessed in the main report to the Committee).

## **2. RECOMMENDATION**

2.4. The recommendation to GRANT planning permission is unchanged.