

Committee: Strategic Development	Date: 10 November 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/09/00548 & PA/09/00549	
		Ward(s): St Katherines's and Wapping	

1. APPLICATION DETAILS

Location:	News International Limited Site, 1 Virginia Street, London
Existing Use:	Newspaper printing (removed in April 2008) and associated journalism offices (still in use).
Proposal:	<p><u>Full Planning Permission</u> Remodelling of the existing print works building and the adjoining Rum Warehouse building as a campus type office facility incorporating the creation of new retail space(A1-A3) and museum (D1); external alterations to the main print works building to include a landscaped roof terrace and works of alteration to the Rum Warehouse. Creation of, and revised vehicular and pedestrian access routes into and through the site; landscaping to provide publicly accessible space; car parking, access and servicing provisions.</p> <p><u>Listed Building Consent</u> Works of alteration to the Grade II listed building, both internally and externally to include the continued use of the building as offices, plant and amenity areas ancillary to the main print works building; introduction of a new Class A use and Class D1 (museum) use at the eastern end of the building. Landscaping and other works of making good both internally and externally.</p>
Drawing Nos:	445 GA 01 01 rev B; 445 GA 01 02 rev B; 445 GA 01 03 rev B; 445 GA 01 04 rev F; 445 GA 01 06 rev. E; 445 GA 09 01 rev. D; 445 GA 09 19 rev. E; 445 GA 09 20 rev. E; 445 GA 09 21 rev. D; 445 GA 09 23 rev. B; 445 GA 09 24 rev. B; 445 GA 09 25 rev. B; 445 GA 09 26 rev. B; 445 GA 09 27 rev. B; 445 GA 09 28 rev. B; 445 GA 09 29 rev. B; 445 GA 09 30 rev. / ; 445 GA 09 39 rev. B; 445 GA 09 40 rev. C; 445 GA 09 41 rev. C; 445 GA 09 42 rev. C; 445 GA 09 43 rev. C; 445 GA 09 44 rev. B; 445 GA 09 51 rev. E; 445 GA 09 52 rev. C; 445 GA 09 53 rev. B; 445 GA 02 19 rev. H; 445 GA 02 20 rev. J; 445 GA 02 21 rev. E; 445 GA 02 23 rev. E; 445 GA 02 24 rev. E; 445 GA 02 25 rev. E; 445 GA 02 26 rev. E; 445 GA 02 27 rev. E; 445 GA 02 28 rev. E; 445 GA 02 29 rev. E; 445 GA 02 30 rev. E; 445 GA 03 09 rev. C; 445 GA 03 10 rev. D; 445 GA 03 13 rev. D; 445 GA 03 14 rev. E; 445 GA 03 16 rev. E; 445 GA 03 20 rev. A; 445 GA 04 01 rev. G; 445 GA 04 02 rev. D; 445 GA 04 04 rev. D; 445 GA 04 09 rev. A; 445 GA 04 11 rev. B; 445 GA 04 50 rev. B; 445 GA 04 51 rev. B; 445 GA 04 52 rev. B; 445 GA 04 53 rev. B; 445 GA 04 54 rev. B; 445 GA 04 55 rev. B.
Supporting Documents:	<p>Planning Statement</p> <p>Design and Access Statement dated 3 April 2009</p> <p>Planning Landscape Design Statement</p> <p>Rum Warehouse Design Manual dated 3 April 2009 (Revised 09</p>

October 2009)
Transport Assessment dated April 2009
Proposed Noise Emissions Limits Document dated January 2009
Biodiversity Statement dated February 2009
Planning Stage Energy and Water Statement dated April 2009
Sunlight, Daylight, Overshadowing, glare and light Pollution Analysis
report dated 2 April 2009
Consultation Statement
Eastern Access Review note dated 6 October 2009
Travel Plan Framework Rev C

Applicant: News International Limited
C/o DP9
100 Pall Mall
London
SW1Y 5QN

Owner: London Borough of Tower Hamlets
News International (Leaseholder)

Historic Building: Grade II Listed Rum Warehouse
Conservation Area: No

2. INTRODUCTION

- 2.1 This report is to be read in conjunction with the original report presented to the Committee on the 25th of June 2009 (appended to this report). The amended proposal should be looked at in the context of the entire scheme and not addressed in isolation.
- 2.2 The application was reported to Strategic Development Committee on 28 June 2009. Members indicated that they were minded to refuse planning permission for the following reasons:
- Impact on the Grade II Listed Building;
 - Impact on local residents;
 - Failure to meet the GLA guidelines on renewable energy;
 - Insufficient S.106 obligations – particularly the shuttle bus service.
- 2.3 Following the meeting, the applicant has sought to address the concerns raised by Members. The changes to the scheme are as follows:
- Retention of the Eastern end of the Grade II Listed Building (Rum Warehouse)
 - Movement of the proposed restaurant location from the southeast corner of the main building to the northeast corner, further from the southern boundary of the site.
 - Additional S106 obligations and contributions for transport, employment and education and community and leisure.
- 2.4 The following drawings, which were previously presented to the members have therefore been superseded and no longer should be considered as part of this application:
- 445 GA 01 04 rev. E; 445 GA 02 19 rev. G; 445 GA 02 20 rev. H; 445 GA 02 23 rev. D; 445 GA 02 24 rev. D; 445 GA 02 25 rev. D; 445 GA 02 26 rev. D; 445 GA 02 27 rev. D; 445 GA 02 28 rev. D; 445 GA 02 29 rev. D; 445 GA 02 30 rev. D; 445 GA 03 09 rev. B; 445 GA 03 10 rev. C; 445 GA 04 01 rev. F; 445 GA 04 02 rev. C; 445 GA 04 10 rev. A; 445 GA 04 11 rev. A and 445 GA 04 12 rev. A.
- 2.5 Public re-consultation on the amended plans has been undertaken. A total of 2143 neighbouring properties were notified about the application and invited to comment. Site notices were also placed on the site informing of the changes to the application.

2.6 Officers are of the view that the amendments address the concerns raised by Members.

3. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

3.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:

- The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan 2008 (Consolidated with Alterations since 2004) which seeks to ensure this.
- The proposed office use would be, in principle, an acceptable land use, as it would retain the employment function of the site and would be in accordance with policies 3B.1 and 3B.2 of the London Plan 2008, policies ST15, ST17 and EMP1 of the UDP and policies CFR1, CP7, CP11 and EE2 of the IPG, which also seek to encourage office provision and local economy and job growth.
- It is considered that the retail component of the development, due to the location and relationship with Tobacco Dock, would be acceptable in terms of policies 3D.1 and 3D.3 of the London Plan 2008, policies ST34 and ST35 of the UDP and policies CFR1, CP15, CP17, RT3 and RT5 of the IPG, which seek to provide protect the role of town centres while appropriately locating evening and night-time uses as well as providing a range of shops for local users.
- The proposed community uses within the proposed development are acceptable in principle as they would be located in an area well located in relation to public transport and connected to a wide range of uses. The proposed community facilities would be in accordance with policy 3A.18 of the London Plan 2008 (Consolidated with Alterations since 2004) policies ST49, SCF8 and SCF11 of the Unitary Development Plan 1998 and policy SCF1 of the Interim Planning Guidance 2007, which seek to provide community facilities in areas well located and accessible and of high quality.
- The development's height, scale, bulk and design is acceptable and in line with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP4, DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), which seek to ensure buildings are of a high quality design and suitably located.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 3C.1 and 3C.23, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- The proposed alterations to the listed building are considered acceptable due to the alterations ensuring the continued use, repair and maintenance of the remaining building. The proposal is therefore considered in accordance with PPG15, policies 4B.11, 4B.12 and 4B.13 of the London Plan, policy DEV37 of the UDP and policy CON1 of the IPG, which seek to preserve and enhance the historic character, appearance and setting of the listed building.

- Sustainability matters, including energy, are acceptable. This is in line with London Plan 2008 (Consolidated with Alterations since 2004) policies 4A.4 and 4A.7 and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007), these policies seek to promote sustainable development practices.
- The development will enhance the ecology and biodiversity of the area in accordance with policy 4D.14 of the London Plan 2008 (Consolidated with Alterations since 2004), policies DEV61 of the Unitary Development Plan 1998 and CP31 of the Interim Planning Guidance (2007), which seek to protect and enhance all sites of importance for nature conservation.
- Contributions have been secured towards the provision of employment and training, highway improvements, public access improvements and public transport enhancement in line with Government Circular 05/05, policy DEV4 of the Council's 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 proposed development.
- Consideration has been given to the objections made to the scheme, but none of these are considered sufficient to outweigh the reasons for granting planning permission.

4. RECOMMENDATION

4.1 That the Committee resolve to **GRANT** planning permission for the amended scheme subject to:

- A. Any **direction** by **The Mayor**
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

Financial Contributions - updated

- A financial contribution of £50,000 for improvements to pedestrian environment on Dellow Street. The proposed works would involve the installation of improved lighting, improving the footway and installing CCTV.
- A financial contribution of £100,000 for improvements to Pennington Street pedestrian environment through traffic calming measures, including three speed tables and incorporating land provision for a TFL cycle hire scheme station, if required in future.
- A financial contribution of £100,000 towards Shadwell Stations public realm improvements programme in order to mitigate the impact on the public transport network.
- A financial contribution of up to £30,000 towards the upgrade of local bus stops to requisite standards.
- A financial contribution of £3,000 towards Travel Plan monitoring;
- A financial contribution of £75,000 towards the provision of the upkeep and/or delivery of enhanced leisure and community facilities in the immediate area.
- A financial contribution of £106 to change in the traffic management order and

associated costs to prohibit business parking permits to be issued (i.e. Car free)

Non-financial Contributions

- 24 public access through the site, with the exception that the public access on the northern east west link is restricted to hours of 08:00-20:00.
- 24 hour security, maintenance and management of the new public realm areas.
- Covenant by the owner that the use of the existing adjacent car park shall cease as ancillary to the permitted land use of the proposed development.
- Social compact obligation to commit skills (Education and Employment) offered by News International as per below:
 - News International would become an endorsing employer of the Diploma in Creative and Media, committing to participation on the course and 10 placements per annum (estimated cost of £10,000 each)
 - News International would offer 15 internships per annum (estimated cost of £8,000 each)
 - News International would offer 10 apprenticeships to be provided within the creative and media areas (estimated cost of £150,000 for salaries and another £30,000 per annum on training)
 - News International will offer 10 apprenticeships at any one time through their main contractors during construction.
 - News International will notify the skills match recruitment team for administration and sales jobs (c. 1,000 jobs).
- Operation of a shuttle bus service for employees between the site and Tower Hill tube station from 8am – 10am and 4:45pm and 8pm and destinations during lunch times;
- Provision of an additional shuttle bus, subject to monitoring and demand as identified in the Travel Plan. (Estimated to cost the purchase of a new bus [c.£100,000] and on going operating costs [up to £70,000 per annum]);
- Production and implementation of a Travel Plan;
- The provision of 10 staff pool bikes (estimated cost of approximately £10,000);
- Provision of staff cycle training.

4.2 That the Head of Planning and Building Control is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

Conditions (Planning Permission)

- 1) 3 year time period
- 2) External material samples
- 3) Detailed elevation drawings
- 4) Typical junction details and bay window details
- 5) Plant and Noise mitigation
- 6) Archaeology Assessment
- 7) Archaeology Recording
- 8) Petrol/oil filters

- 9) CCTV provision
- 10) Photovoltaics provision
- 11) Solar water heating provision
- 12) BREEAM reports
- 13) Landscaping details
- 14) Landscaping materials
- 15) Landscaping management plan
- 16) No Ivy on listed buildings
- 17) Signage strategy
- 18) CCHP connection provision details
- 19) 10% disabled parking
- 20) Cycle storage details
- 21) Fire fighting water supply details
- 22) Surface water drainage scheme
- 23) Construction Management Plan
- 24) Construction working hours
- 25) Construction noise levels
- 26) Electrical vehicle charging points
- 27) Schedule of highways works
- 28) Scheme for protective measures around trees
- 29) Ventilation and extraction system details
- 30) Cycle Parking Details
- 31) Hours of operation for retail
- 32) Removal of wall and provision of access links
- 33) Recording of the historic fabric to be removed
- 34) Structural report
- 36) Schedule of repair works
- 37) Details of repair and finish to wall
- 38) Details of new external alterations
- 40) Details of removal of gate pillar
- 41) Details of planting
- 42) Details of salvage and reuse
- 43) Use restriction on the roof garden
- 44) Delivery and servicing plan
- 45) Eastern vehicle entrance management plan
- 46) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives (Planning Permission)

- 1) S106 agreement
- 2) S278 agreement

4.3 That, if by 24th July 2009 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Planning and Building Control is delegated power to refuse planning permission.

4.4 That the Committee resolve to **GRANT** Listed Building Consent

4.5 That the Head of Planning and Building Control is delegated power to impose conditions [and informatives] on the Listed Building Consent to secure the following:

Conditions (Listed Building Consent)

- 1) Time period
- 2) In accordance with application PA/09/00548

- 3) Recording of the historic fabric to be removed
- 4) Structural report
- 5) Schedule of repair works
- 6) Details of repair and finish to walls
- 7) Details of new external alterations
- 8) Details of new pedestrian entrances
- 9) Details of removal of gate pillar
- 10) Details of planting
- 11) Details of internal alterations
- 12) Details of salvage and reuse
- 13) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

5. CONSULTATION RESPONSE

English Heritage

- 5.1 English Heritage's previous concerns centred on the proposed removal of the east end of the building. English Heritage warmly welcomes the decision to retain the east end of the Rum Warehouse.

Officer's Comments

- 5.2 The retention of the eastern end of the Rum Warehouse is also supported by the Council's Conservation Officers.

Greater London Authority

- 5.3 *Urban design and biodiversity:* the applicant has committed to revising the landscape proposals to reflect the findings of the biodiversity report. We are content for the Council to attach conditions as necessary to any planning consent to ensure compliance with London Plan policies 3D.14 and 4B.1 and enforce this through its review of the detailed landscape proposals when these are submitted.
- 5.4 *Climate change mitigation:* My colleagues have reviewed further work submitted in response to the Mayor's stage 1 comments on climate change mitigation and adaptation. They are satisfied with this, subject to the addition of satisfactory conditions to any planning consent: securing the implementation, operation and retention of the stated area of solar photovoltaics (743 sq.m.) and solar collectors (144 sq.m.); and the implementation of the water management strategy.
- 5.5 *Transport:* TfL has now accepted that commitments on the shuttle bus operation should address previous concerns about bus capacity.

LBTH Highways

- 5.6 LBTH Highways have reviewed the amended eastern vehicle entrance and have raised concerns with the narrowed vehicle entrance. However, they have stated that the conditioning of a management plan for the eastern entry and the traffic calming measures on Pennington Street, already secured through the S106 Heads of Terms, would aid to alleviate the concerns.

Officer's Comment

- 5.7 A condition of consent is recommended to require the submission and approval of a management plan for the eastern entrance. Given that the amended scheme would enable the retention of the listed building, on balance, with the proposed mitigation via a management plan and the suitable width for the pedestrian entrance the proposal is

considered acceptable.

6. ADDITIONAL LOCAL REPRESENTATION

6.1 Two additional letters of support have been received by Council since the report was presented to the Strategic Applications Committee on the 25th of June 2009.

6.2 A letter of support from owners of Tobacco Dock and various surrounding land holdings commented as follows:

- Urge Council to approve the proposal
- Firmly believe to provide a clear and settled framework for bring forward future development in the area
- The certainty that the remodelling of the New International site provides, along with the 4,300 jobs that are to be located adjoining Tobacco Dock, enables the company to consider the future of the Tobacco Dock and surrounding land. (*The Tobacco Dock development is currently dormant and has been for a considerable length of time.*)
- The proposals by News International (Re-location of main site access; Creation of a new attractive eastern entrance through the Rum Warehouse building; New public realm) are considered extremely positive moves that will be complementary and beneficial to the future planning of Tobacco Dock and other land holdings.
- The new east-west and north south public access routes across the site and the proposed public amenity at the eastern end of the site, such as restaurant and museum, cannot fail to draw significant pedestrian traffic to Tobacco Dock and thus enable it to realise its full, exciting potential.
- Should the proposals not be approved the renewed uncertainty which that brings associated with the future form and use of the News International Site is likely to require owners to think again regarding the programme and strategy for Tobacco Dock.

6.3 A letter of support from chairman of Telfords Yard Management Company Limited, which represents the interests of tenants, both residential and commercial, at Telfords Yard commented as follows:

- Currently the site creates a significant impediment to access between various parts of Wapping. The proposal to provide public access will enhance the location of Telfords Yard by providing connectivity with the area south of News International and to the west along Vaughan Way.
- The whole area will be significantly enhanced and have a new vibrancy with the creation of the media campus with increased employment and the provision of additional facilities, including retail uses.
- The landscaping of the lorry/car parking area to the west of Virginia Street will improve the aspect from Telfords Yard and tidy up the area generally which is at present unsightly.
- There has already been a noticeable reduction in traffic following the transfer of production facilities to News International's new facility in North London. The reduction in car parking spaces will further eliminate traffic noise created by vehicle traffic to the site.

6.4 A total of 2143 neighbouring properties were notified about the amendments to the application and invited to comment. Two further responses were received which commented as follows:

- I have a specific comment with respect to the use of the proposed roof garden. As the owner/occupant of a bedroom which is some 20 or 30 metres from the roof garden, I should like to propose a restriction such that the roof garden may not be used
 - (i) after 10.00pm on any day or
 - (ii) at weekends

- As a local resident I would very much support the News International Application. I think the plans would make good use of the available space, making it more attractive and should provide more employment opportunities, both of which would be beneficial to the local community and wider area.

Officers Comments

- 6.5 A condition of consent is recommended to be included on the Planning Permission, if approved, to restrict the use of the roof garden. It is considered by officers that this condition would restrict the use of the roof garden to 10pm, which would accord with the submitter's request.

7. MATERIAL PLANNING CONSIDERATIONS

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

- Principles of the Land Use
- Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
- Traffic and Servicing Issues
- Design and Layout of the Development
- Sustainability
- Planning Obligations

- 7.2 These matters are addressed in Section 8 and 9 of this report and in the original report presented to the Committee on the 25th of June 2009 (appended to this report). Both this report and the original report should be read in conjunction.

8. OFFICERS ADVICE FOLLOWING AMENDMENTS TO THE SCHEME

- 8.1 The amendments to the scheme are to be assessed under the reasons for refusal put forward by Members:

- Impact on the Grade II Listed Building;
- Impact on local residents;
- Failure to meet the GLA guidelines on renewable energy;
- Insufficient S.106 obligations – particularly the shuttle bus service.

Impact on the Grade II listed building

- 8.2 Following the deferral of the application and requests for reasons for refusal by Members at the 25th of June Committee, the applicant has amended the scheme in order to retain the portion of the listed building which was to be demolished in the original application.
- 8.3 The result of this amendment is that the alteration to the existing Listed Building is greatly reduced. The eastern end of the Rum Warehouse would now be retained, with the pedestrian access now being located adjacent to the vehicle entrance at the eastern end of the building. Works of enhancement and improvement will still be undertaken to the exterior and interior of the building.
- 8.4 The applicant has retained the museum use in the basement vaults in the basement area beneath the retained eastern end. However, entry to the basement level will now be facilitated internally. The retained eastern end of the listed building will provide additional retail floorspace at the ground level.
- 8.5 The proposed retention of the eastern end of the Rum Warehouse would not impact on the

amenity of the adjoining occupiers or the surrounding area. It would retain the current mass of building to the streetscape and would not be expected to result in any noise or privacy impacts that are not addressed in the original Committee Report.

- 8.6 English Heritage have now withdrawn their objection to the proposal and together with Council's Conservation Officer support the proposal subject appropriate conditions relating to the materials and detail of works.
- 8.7 Given that the scheme has been amended to reduce the impact on the listed building and that English Heritage have withdrawn their objection to the proposal, Officers do not consider that it would be reasonable to refuse the scheme on this ground.
- 8.8 In retaining the eastern end of the Rum Warehouse, changes have had to be made to the proposed pedestrian entrance at the eastern end of the site. The pedestrian entrance would now be located against the eastern elevation wall of the Rum Warehouse at the eastern end of the site. To facilitate an adequate width of footway for pedestrians the existing vehicle entrance would be narrowed.
- 8.9 The pedestrian access created would provide an acceptable width to cater for wheelchair users and people using push chairs and buggies.
- 8.10 The existing vehicle entrance historically catered for the lorries servicing the print works as well as servicing to Tobacco Dock. The entrance would retain ability for servicing to Tobacco Dock and would also be used to provide access to the disabled visitors parking and vehicle pick up drop off area.
- 8.11 The Highways Team have reviewed the amendments to the eastern vehicle entrance and have raised concerns with the narrowed eastern access. A condition of consent has been recommended in order to ensure that an acceptable management plan is implemented to alleviate the Highways Team's concerns and it is considered on balance, given that the scheme now retains the eastern end of the listed building while still providing an appropriate width of pedestrian access, that the amended scheme is acceptable.

Impact on local residents

- 8.12 The following changes have been made to address the concerns raised regarding amenity:
- The proposed restaurant has been relocated from the southeast corner of the main building to the northeast corner, further from the adjacent residential development.
 - The applicant has confirmed that they are accepting of a reasonable condition relating to the restriction of use of the roof terrace.
- 8.13 The distance between the development and affected properties is greater (at 20 metres) than the minimum separation distances (of 18 metres) in the Council's UDP. Unless there were specific and convincing reasons for seeking to apply a separation distance greater than the normal standard, it is Officers view that the Council would be at risk of having costs awarded against them in respect of this ground.
- 8.14 In terms of addressing the disruption from noise the applicant has amended the scheme to move the restaurant to the northern side of the main building. This would effectively move the servicing of the restaurant away from a location near the boundary. A condition of consent could be implemented restricting hours, access and location of servicing vehicles for the restaurant.
- 8.15 During the Committee of the 25th of June 2009, Members looked to address issues raised by a neighbouring resident regarding the hours of use of the roof garden by proposing an amendment which would have set a terminal hour for the roof use of the roof garden as

11pm. The applicant has confirmed that it is happy to agree a condition on hours of use of the roof garden.

- 8.16 The movement of the position of the proposed restaurant within the development has been undertaken to lessen the potential impact on the amenity of neighbouring occupiers. The movement from the southeast to the northeast corner of the main building would result in servicing being further from the boundary with the residential development to the south of the site. This would be expected to result in less potential of noise nuisance and be considered to be in accordance saved policies DEV2 and DEV50 of the Unitary Development Plan 1998 and policies DEV1 and DEV 10 of the Interim Planning Guidance 2007.
- 8.17 Due to the amendments to the scheme and the acceptance of a condition restricting the hours of operation of the roof garden, Officers do not consider it would be reasonable to refuse the scheme on this ground.

Failure to meet GLA's guidelines on renewable energy

- 8.18 Following, the initial Stage 1 representations made by the GLA, the applicant amended the scheme to provide an increased number of photovoltaic panels, in order to address the concerns raised by GLA's response to the initial proposal.
- 8.19 Following the Committee of the 25th of June 2009, Council officers have received further written response from the GLA confirming that their Stage 1 requirements have been addressed and with regards to climate change, stating:

"My colleagues have reviewed further work submitted in response to the Mayor's stage 1 comments on climate change mitigation and adaptation. They are satisfied with this, subject to the addition of satisfactory conditions to any planning consent: securing the implementation, operation and retention of the stated area of solar photovoltaics (743 sq.m.) and solar collectors (144 sq.m.); and the implementation of the water management strategy."

- 8.20 Thus with the GLA is not maintaining any objection on energy efficiency grounds in the context of the requirements of the London Plan, the Council will be vulnerable accordingly if they were to refuse the application on this ground. Having regard to the likely substance of the issue, in terms of the amount of evidence necessary to address it and the consequent use of inquiry time, if the objection on this grounds were not successful, there would be a risk that costs would be awarded the Council in respect of this ground, even if the appeal were dismissed on other grounds.
- 8.21 On the basis of the revised response from GLA, officers do not consider it would be reasonable to refuse the scheme on this ground.

Insufficient S106 obligations

- 8.22 Additional S106 commitments have been offered by the applicant in order to offset impacts of the proposed development.
- 8.23 The applicant has sought to address the Members concerns regarding the shuttle bus service by agreeing to an enhanced Travel Plan framework, which would ensure increased capacity as well as monitoring of the use of the shuttle bus service.
- 8.24 GLA and TFL are accepting of the enhanced provisions incorporated in the Travel Plan and have withdrawn there requirement for contributions towards an additional bus to be provided on the existing public bus route. The enhanced Travel Plan framework has been reviewed by Council's Strategic Transport Team who are also supportive of the proposals incorporated

and consider that it would effectively reduce the reliance on the public bus network.

8.25 In addition to the enhanced shuttle bus capacity and Travel Plan provisions the applicant has increased their S106 offer in terms of education and employment provisions and added an additional financial contribution to leisure and community facilities in the immediate area. The S106 offer has been increased as follows:

- Provide an additional shuttle bus, subject to monitoring and demand. This is estimated to cost the purchase of a new bus (c.£100,000) and on going operating costs (up to £70,000 per annum);
- An increase in the placements for the Diploma in Creative and Media from 2 to 10 at an estimated cost of £10,000 each;
- An increase in the number of internships from 7 to 15 at an estimated cost of £8,000 each;
- 10 apprenticeships to be provided within the creative and media areas at an estimated cost of £150,000 for salaries and another £30,000 per annum on training;
- A further £3,000 towards Travel Plan monitoring;
- A further £7,000 towards staff cycle training;
- Funds allocated for the provision of 10 staff pool bikes at a cost of approximately £10,000.
- A financial contribution of £75,000 towards the provision of the upkeep and/or delivery of enhanced leisure and community facilities in the immediate area.

8.26 Officers believe the Council would not be justified in seeking to claim more in the way of section 106 contributions and the objection on the assumption that employees are not likely to use the shuttle bus is not a reason for objecting on grounds of insufficiency of contributions. Given the greatly enhanced offers by the applicant, Officers do not consider it would be reasonable to refuse the scheme on this ground.

9. LISTED BUILDING CONSIDERATION

9.1 Associated with the Planning Permission application is Listed Building Consent application. At the Strategic Development Committee on 25 June 2009 the application for Listed Building Consent was withdrawn from the agenda following the resolution to defer the Planning Permission application.

9.2 The amendments made to the application have significantly reduced the impact on the Listed Building. The amendments to retain the eastern end of the Rum Warehouse have led to English Heritage withdrawing their objection to the granting of the Listed Building Consent.

9.3 Improvements and repairs to the building are seen by officers as a positive impact on the historic building that would seek to protect the building from deterioration. As detailed in the original committee report, a number of conditions are recommended to ensure the protection of the building and ensure that proposed repair and alteration works would not significantly impact on the special historic interest and character of the building.

9.4 The proposed condition relating to the details of the eastern elevation would no longer be required as the eastern end is now to be retained.

9. CONCLUSION

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

10. SITE PLAN AND CONSULTATION ZONE

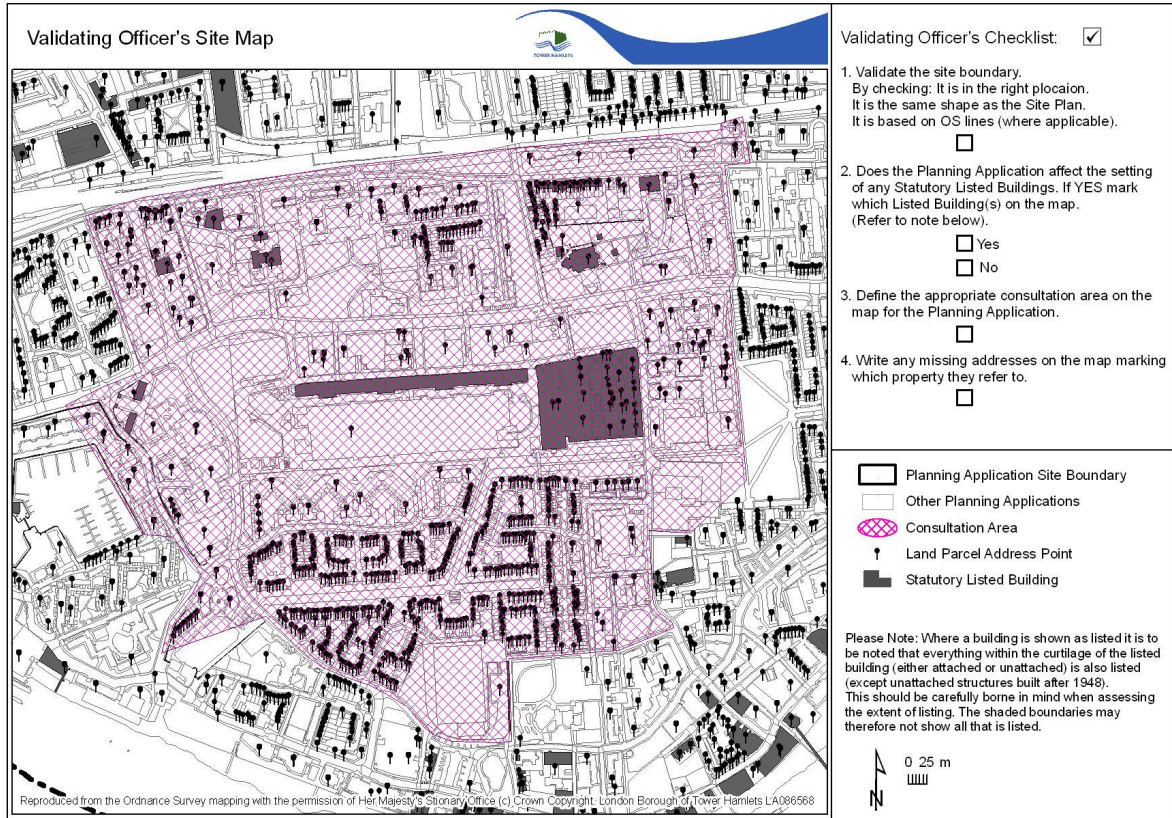


Figure 9.1 – Map showing site consultation zone