

Committee: Strategic Development	Date: 2 February 2010	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Devon Rollo		Ref No: PA/09/02421	
		Ward(s): Bethnal Green South	

1. APPLICATION DETAILS

Location: Sainsbury's Foodstore, 1 Cambridge Heath Road, London, E1 5SD

Existing Use: Car Park

Proposal: Installation of temporary car park to maintain existing customer car parking levels (258) during Crossrail works on adjacent site

Drawing Nos: 09428-200; 09428-201; 09428-202; 09428-203; 09428-204; 09428-206; 01_AP_0000_001; 01_AP_0000_002; 01_AP_0010_002; 01_AP_0010_003; 01_AP_0010_004; 01_AP_0010_005; 01_AP_0020_001; 01_AP_0020_002; 01_AP_0020_003; 01_AP_0020_010; 01_AP_0020_011; 01_AP_0030_001; 01_AP_0110_001; 01_AP_0110_002; 01_AP_1111_001; 01_AP_0120_001; 01_AP_0120_002 and 01_AP_0120_003

Supporting Documents: Design Statement dated November 2009
Impact Statement dated November 2009

Applicant: Sainsbury's Supermarkets Limited
C/o Miss Anna Snow
Turley Associates
25 Savile Row
London
W1S 2ES

Owner: Sainsbury's Supermarkets Limited

Historic Building: No

Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

Planning Permission

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), Council's Core Strategy 2025 Development Plan Document (Submission Version December 2009), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The proposed temporary car park would on balance, be an acceptable land use, as the

use of the land as a car park is existing and the multi storey car park re-provision would allow for the continued operation of the supermarket store, in order to cater for the needs of visitors to the town centre and for local residents and contribute to the vitality and viability of the district town centre, in accordance with policy 2A.8 of the London Plan 2008 (Consolidated with Alterations since 2004), saved policy ST34 of the Council's adopted Unitary Development Plan 1998, policies CP15 and CP16 of the Council's Interim Planning Guidance (2007) and policy SP01 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to protect and enhance the Town Centre function and the vitality and viability of Town Centres.

- The development's height, scale, bulk and design is on balance acceptable, due to the temporary nature of the development, and acceptable in terms of 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, policies CP4, DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), and policies SP03, SP09 and SP10 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), 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, policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007) and policy SP09 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to ensure developments minimise parking and promote sustainable transport options.
- 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, policies DEV5 to DEV9 of the Council's Interim Planning Guidance (2007) and policies SP05 and SP11 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to promote sustainable development practices.
- Contributions have been secured towards the provision of highway improvements and public access improvements 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) and policy SP13 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), 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.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission 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

- A financial contribution of £221,000 for improvements to public realm and pedestrian environment on Brady Street.

Non-financial Contributions

- Production and implementation of a Travel Plan.

- 3.2 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

Conditions (Planning Permission)

- 1) Temporary Time Period and Reinstatement
- 2) Compliance with Approved Planning
- 3) Landscape Plan and Landscape Management Plan
- 4) External Materials
- 5) Security Management Plan
- 6) Hours of Car Park Operation
- 7) Tree Protection Measures
- 8) Cycle Parking Details
- 9) Archaeology
- 10) Sustainable Drainage Details
- 11) Construction Hours
- 12) Vibration limits
- 13) Energy Report
- 14) Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives (Planning Permission)

- 1) S106 agreement
- 2) S278 agreement

- 3.3 That, if by 10 February 2010 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. BACKGROUND, PROPOSAL AND LOCATION DETAILS

Background

- 4.1 The Crossrail Act 2008 received Royal Assent on 22 July 2008 and provides for the construction, maintenance and operation of Crossrail. Crossrail is a major new cross-London rail link project that has been developed to serve London and the southeast of England. The project includes the construction of a twin-bore tunnel on a west-east alignment under central London and the upgrading of existing National Rail lines to the east and west of central London.
- 4.2 The project will enable the introduction of a range of new rail journeys into and through London. It includes the construction of seven central area stations, providing interchange with London Underground, National Rail and London bus services, and the upgrading or renewal of existing stations outside central London. Crossrail will provide rail access to the West End and the City by linking existing routes from Shenfield and Abbey Wood in the east, with Maidenhead and Heathrow in the west.

- 4.3 Within the London Borough of Tower Hamlets, Crossrail will establish two new stations. One at Canary Wharf, which is already under construction, and one at Whitechapel, which will interchange with the existing Hammersmith & City and District Lines and a the East London Line.
- 4.4 As part of the construction programme for Crossrail, enacting rights given in the Crossrail Act 2008, Crossrail are taking over the southern portion of Sainsbury's existing site, which currently acts as a car park for the existing store and Whitechapel Town Centre. This area will be used by Crossrail to form a worksite for a period of five years, during the construction of the Crossrail project. At the end of this period the majority of the site will be returned to Sainsbury's, with the exception of a part of the area permanently retained by Crossrail to form a ventilation shaft.

Proposal

- 4.5 In order to lessen the impact of Crossrail, it is proposed to install a temporary decked car park over the reduced, retained car parking area. This would involve the demolition of the existing Petrol Filling Station and installation of two levels of car parking deck providing replacement of the 258 spaces, which is the same number as currently exists.
- 4.6 The car parking decks will be linked to the store via a glazed atrium, which will provide a traveller access from all parking levels into the store.
- 4.7 As part of the proposals Sainsbury's are proposing environmental improvement to Brady Street.

Site and Surroundings

- 4.8 The subject site is located to the north of Whitechapel Road, between Brady Street to the west and Cambridge Heath Road and Darling Row to the east and north. The Sainsbury's store, which is immediately adjacent to the north of the subject site, is broadly square in shape with the main customer entrance situated on the southern flank, adjacent the north boundary of the subject site.
- 4.9 The subject site is occupied by a portion of the existing Sainsbury's Car Park and is layed out typical of a large retail car park at ground level.
- 4.10 The surrounding area is characterised by a mix of uses, including educational, residential and commercial. Building heights in the area are typically mid range, with the majority 3-6 stories in height.
- 4.11 The site does not lie within a conservation area and there are no listed buildings within the site.

Relevant Planning History

- 4.12 BG/93/00081 Outline application for the redevelopment of the site to provide a retail superstore, petrol filling station, access, servicing and customer car park

 Outline Planning Permission Permitted 15/10/1993
- 4.13 PA/02/00672 Extension of existing petrol filling station kiosk, alterations to the retained building, the reconfiguration of the (petrol) pump islands, and the relocation of the air/water machines.

 Planning Permission Permitted 01/08/2002

4.14 PA/03/00563 Erection of single storey front and side extensions to enable the enlargement of the existing store (by an additional 1,593m²), together with associated works including the repositioning of the existing pedestrian entrances (from Brady Street and Darling Row), and the reconfiguration of customer car park layout and service yard area (Duplicate of previous application Ref: PA/02/1091).

Planning Permission Permitted 28/10/2003

4.15 PA/06/02010 Erection of single storey front and side extension to enable the enlargement of the existing store (by an additional 1571.3 sq m), together with associated works including the repositioning of the existing pedestrian entrance (from Brady Street and Darling Row), reconfiguration of the customer car park layout and service yard area. (Amendment to planning permission ref: PA/03/00563 including revised front elevation, site entrance and revised car park entry configuration).

Planning Permission Permitted 07/03/2007

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:

Government Planning Policy Guidance/Statements

PPS 1	Delivering Sustainable Development
PPG 13	Transport
PPG 22	Renewable Energy
PPG 24	Planning and Noise

The London Plan Spatial Development Strategy for Greater London Consolidated with Alterations since 2004 (February 2008)

2A.1	Sustainability Criteria
3A.3	Maximising the Potential of Sites
3C.17	Tackling Congestion and Reducing Traffic
3C.19	Local Transport and Public Realm
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.1	Supporting Town Centres
3D.3	Maintaining and Improving Retail Facilities
3D.14	Biodiversity and Nature Conservation
3D.15	Trees and Woodland
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4A.20	Reducing Noise and Enhancing Soundscapes
4A.28	Construction, Excavation and Demolition Waste
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 and Protection
4B.8	Respect Local Context and Communities
4B.10	Large-scale buildings – Design and Impact
4B.15	Archaeology

Unitary Development Plan 1998 (as saved September 2007)

Proposals:

DCCA	Whitechapel District Centre Core Area
AAIP	Area of Archaeological Importance or Potential
EWC	East West Crossrail
CS	Crossrail Safeguarding

Policies:

ST1	Effective and Fair Planning Service
ST28	Restrain Use of Private Cars
ST30	Improve Road Safety
ST34	Improved Provision of Shopping
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV4	Planning Obligations
DEV12	Provision of Landscaping in Development
DEV15	Retention/Replacement of Mature Trees
DEV17	Siting and Design of Street Furniture
DEV51	Contaminated Land
EMP1	Employment Uses
EMP3	Surplus Floorspace
EMP6	Employing Local People
EMP7	Enhancing the Work Environment and Employment Issues
T7	The Road Hierarchy
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T19	Priorities for Pedestrian Initiatives
T21	Pedestrian Needs in New Development
S10	Requirements for New Shopfront Proposals

Interim Planning Guidance for the purpose of Development Control (October 2007)

Proposals:

DTC	District Town Centre
CB	Crossrail Boundary
AAIP	Area of Archaeological Importance or Potential

Core Policies:

CP 1	Creating Sustainable Communities
CP 3	Sustainable Environment
CP 4	Good Design
CP 7	Job Creation and Growth
CP 16	Vitality and Viability of Town Centres
CP 31	Biodiversity
CP 38	Energy Efficiency and Production of Renewable Energy
CP 39	Sustainable Waste Management
CP 40	A Sustainable Transport Network
CP 41	Integrating Development with Transport
CP 42	Streets for People
CP 46	Accessible and Inclusive Environments
CP 47	Community Safety

Policies:

DEV 1	Amenity
DEV 2	Character and Design
DEV 3	Accessibility and inclusive Design
DEV 4	Safety and Security
DEV 5	Sustainable Design
DEV 6	Energy Efficiency and Renewable
DEV 7	Water Quality and Conservation
DEV 8	Sustainable Drainage
DEV 9	Sustainable Construction Materials
DEV 10	Disturbance from Noise Pollution
DEV 11	Air Pollution and Air Quality
DEV 12	Management of Demolition and Construction
DEV 13	Landscaping and Tree Preservation
DEV 14	Public Art
DEV 16	Walking and Cycling Routes and Facilities
DEV 17	Transport Assessments
DEV 18	Travel Plans
DEV 19	Parking for Motor Vehicles
DEV 22	Contaminated Land

Core Strategy 2025 Development Plan Document (Submission Version December 2009)

Strategic
Objectives:

SO1	Delivering Our Regional Role
SO3	Achieving Wider Sustainability
SO4	Refocusing on our Town Centres
SO10	Creating Healthy and Liveable Neighbourhoods
SO14	Dealing with Waste
SO16	Delivering Successful Employment Hubs
SO19	Making Connected Places
SO20	Creating Attractive and Safe Streets and Spaces
SO21	Creating Attractive and Safe Streets and Spaces
SO23	Creating Distinct and Durable Places
SO25	Delivering Placemaking

Spatial Policies:

SP01	Refocusing on our Town Centres
SP03	Creating Healthy and Liveable Neighbourhoods
SP05	Dealing with Waste
SP06	Delivering Successful Employment Hubs
SP08	Making Connected Places
SP09	Creating Attractive and Safe Streets and Spaces
SP10	Creating Distinct and Durable Places
SP12	Delivering Placemaking
SP13	Planning Obligations

Whitechapel Vision
Whitechapel Priorities
Whitechapel Principles

Supplementary Planning Guidance/Documents

Designing Out Crime (Part 1 & 2) – SPG 2002
Landscape Requirements – SPG 1998
Shop Front Design – SPG 1998

Community Plan – One Tower Hamlets

The following Community Plan objectives relate to the application:

A Great Place To Be
Healthy Communities
Prosperous Communities
Safe and Supportive Communities

6. CONSULTATION RESPONSE

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

LBTH Access Officer

- 6.2 Proposed surface treatment is striped, this could be read as level changes by many visually impaired people.
- 6.3 Elimination of kerbs in car park area may have implications for sensory impaired. It is important that drivers understand that pedestrians will be walking in and around the car park and it is designed in such a way that vehicles move around the site at an appropriate speed under 15 miles an hour.

Officer's Comments

- 6.4 Although the change in colours within the landscape treatment may cause some visually impaired persons to perceive a change in level, there would be no level change. Therefore, the surface treatment would not result in any issues of safety nor prevent accessibility to any member of the public. Furthermore, a condition of consent could be imposed to require materials of landscaping pavers to be approved prior to completion of the development and therefore officers could ensure that the contrast in materials is appropriate and would not cause significant impact.
- 6.5 The elimination of kerbs in the car park has been clarified with the applicant and while a large drop kerb will not be installed a tactile paving line around the edge of the vehicle area would clearly identify the surface used by vehicles.

LBTH Environmental Health

Noise and Vibration

- 6.6 Operational hours should be agreed to ensure that no noise nuisance is caused to local residents from vehicles using the car park at sensitive hours. Environmental Health does not object to the planning application on noise or vibration grounds, subject to conditions of consent related to construction being imposed on any approval.

Daylight/Sunlight

- 6.7 Environmental Health Team has reviewed the Daylight/Sunlight report by Drivers Jonas dated October 2009. There will be an impact at Kempton Court on Brady Street, however it can be considered acceptable because this is a temporary car park and as such the impact is for a temporary period. Therefore, Environmental Health Team has no objection on daylight/sunlight grounds.

Air Quality

- 6.8 The greatest increase in NO₂ is 0.32ug/m³. Mitigation is normally only required if there is an increase of more than 1-2ug/m³. Therefore Environmental Health Team has no objection on air quality grounds.

Officer's Comments

- 6.9 It is recommended the provided conditions relating to construction be included on any approval.

LBTH Highways

Parking

- 6.10 The proposal re-provides the same number of 258 car parking spaces as the existing car park, together with an atrium to enable vertical circulation for the parking decks. The applicants have supplied a detailed Transport Statement which does provide a cogent and acceptable justification for the re-provision of the same number of parking spaces.
- 6.11 When the site that is being used by Crossrail is returned to Sainsbury's at the completion of the Crossrail works and the Car Park is dismantled, fewer spaces should be provided in recognition of sustainability aims and also the improved accessibility by public transport that the nearby Crossrail station will provide.

Disabled Parking

- 6.12 18 spaces designed for disabled uses falls below the standard of 1 in 10 spaces and Highways raise concern over this.

Site Access

- 6.13 The gradient of the ramp to the car park is at 1 in 12, which is greater than the 1 in 10 standard to which Highways raise concern. It is noted however that this is not a permanent development. The ramp would have adequate width, satisfactory safety kerbs and an appropriate level standing area at the head.

Site Servicing

- 6.14 Sainsbury's servicing traffic will enter the site as at present, pass through the new roundabout and enter the current servicing yard. Sufficient headroom is provided. No objections are raised in relation to servicing.

Cycle Parking

- 6.15 Highways recommend a condition requiring the provision of the proposed cycle storage spaces on-site, employing Sheffield type stand design.

Pedestrians

- 6.16 As a result of the works two of the four current pedestrian routes disappear. Sainsbury's has had discussions about improving the access for non-car users through works to Brady Street.

Section 106

- 6.17 The proposed works to Brady Street has been calculated and there is a S106 requirement for £221,000 for the cost of the works.

Officer's Comments

- 6.18 It is recommended that a condition of consent be imposed requiring the removal of the structure on or before the expiry of the temporary 5 year period of permission and reinstatement of the car park at ground level on the existing car park site to a number of vehicle parking spaces, as approved by the Council on the basis of a Transport Assessment at that point in time.

- 6.19 The applicant has provided a 100% increase on the existing disabled parking level. It is acknowledged that this does indeed fall short of the Council's planning standard but does meet the British Standard for disabled parking provision. In support of their shortfall in the level of disabled parking the applicant has provided survey details showing that the disabled parking provision is not at full capacity in the existing car park usage. It is therefore considered with the 100% increase on the existing provision and compliance with the 6% British Standard provision, that the shortfall from the local planning standard is acceptable in this case.
- 6.20 The applicant has agreed to provide a financial contribution of £221,000 for the improvement of the pedestrian and public realm environment on Brady Street.

LBTH Policy (Retail officer)

- 6.21 The proposal is considered to be suitable given the role and function of the Sainsbury's store. As an anchor store and key retailer to the Whitechapel district centre, it is vital that the store remains fully operational to cater for the needs of visitors to the town centre and for local residents. Also, given the offer and format (including extensive car parking provision) of the store, Sainsbury's serves a wide catchment – one which might seek to do its weekly shop by car. This would contribute to the vitality and viability of the town centre as per Planning Policy Statement 4 and the Council's 1998 Adopted UDP, 2007 Interim Planning Guidance and 2009 Core Strategy (submission document).

English Heritage Greater London Archaeological Advisory Service

- 6.22 The site is located in an Archaeological Priority Area as defined by the London Borough of Tower Hamlets. Previous desk based assessments for the site in advance of the construction of Sainsbury's in 1993 noted that a 17th century plague pit may be present on the site. This was not investigated in the 1990s as the suspected location lay within the car park area which was assumed to be unaffected by the development. However, the proposals outlined in this application will have an impact in this area. The proposed development may, therefore, affect remains of archaeological importance.
- 6.23 Greater London Archaeological Advisory Service advises that arrangements for archaeological investigations should be prepared in advance of development works. These investigations, possibly in the form of a field evaluation, should be secured by attaching the recommended condition to any consent that the Borough is minded to grant.

Officer's Comments

- 6.24 It is recommended the provided condition relating to archaeology be included on any approval.

Greater London Authority (Statutory)

- 6.25 GLA consider that the development has no strategic issues and the application was not referable.

Transport for London

- 6.26 Transport for London does not believe the proposal would have an unacceptable impact on the Transport for London Road Network (TLRN).

LFEP

- 6.27 No objection received

Metropolitan Police

- 6.28 Metropolitan Police main points are regarding lighting, and whether this would be on all night (even if the store isn't) mainly due to how accessible the store car park might be, and then CCTV and the question of security and monitoring, but generally no concerns.

Officer's Comments

- 6.29 It is recommended a condition of consent requires the submission of a security management plan for the proposed car parking structure to ensure adequate security management of the car park, including after hours, to avoid the after hours use and anti-social behaviour within the development. It is expected that this would address CCTV and lighting also.

7. LOCAL REPRESENTATION

- 7.1 A total of 587 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 5 Objecting: 5 Supporting: 0

- 7.2 The following issues that are material to planning considerations were raised in representations:

- Loss of privacy
- Security of the car park and anti-social use after hours
- Disruption in the area due to construction events
- Loss of light
- Danger to pedestrians from increased traffic
- Traffic congestion from increased traffic
- Height of structure
- Property values
- Albion Yard Residences' loss of parking
- Level of use of existing car park

Officer's Comments

- 7.3 An objector has raised concern over loss of privacy to Kempton Court residents. The design of the western elevation of the car park has taken this into consideration and included privacy screening to prevent the users of the development from being able to view from the elevated level into the residences of Kempton Court. It is therefore considered that there will be no loss of privacy to those residents as a result of the proposed development.
- 7.4 Objectors have raised the matter of lack of security within the current car park and the late night anti-social and noisy use that occurs there currently. They consider that the proposed new car park development would be used in the same way. In order to address this matter it is recommended that a condition of consent be imposed, requiring the applicant to submit for approval a security management plan for the development. It is considered that such a plan would ensure that Sainsbury's maintain adequate security within the development to prevent the use of the area for after hours anti-social behaviour.
- 7.5 There are indeed a number of construction developments proposed within the Whitechapel

area which will have a cumulative impact on construction impacts. The purpose of the proposed temporary car park development at Sainsbury's is to allow for the continued operation of the existing store during the Crossrail development. Therefore, in order to accomplish this, the applicant is proposing to implement the development before the main construction begins with relation to Crossrail. In addition as the structure is pre-fabricated off site the construction time and impact is significantly reduced.

- 7.6 The Daylight and Sunlight report provided by the applicant has been reviewed by Council's Environmental Health Team who considered that the level of impact on the daylight and sunlight is acceptable and would not lead to a significant impact on the living conditions of the residents of Kempton Court.
- 7.7 An objector has raised the issue of danger to pedestrians and traffic congestion as a result of an increase in traffic. The proposed development would only replace the same number of car parking spaces as the existing development and would not be considered to result in any increase in the number of vehicles using the car park. It is also potentially likely that the removal of the petrol filling station would actually reduce the trip generation to the site. Thus it is not considered that the proposal would significantly increase traffic congestion or increase the danger to pedestrians as a result of further traffic generation.
- 7.8 The height and scale of the development is considered on balance in keeping with the existing height of development within the surrounding area. To the west of the development the development at Kempton Court is a similar height at 14m to the 14.6m of the highest point of the Atrium. The site is separated from all adjacent buildings by roadway or the Crossrail worksite, with the exception of the Sainsbury's store itself that the development adjoins.
- 7.9 Property values are not considered a material planning consideration. However, it should be noted that the structure is only proposed for a temporary period of 5 years in which time the adjacent site will be a Crossrail worksite.
- 7.10 The loss of parking at Albion Yard Residences' is not associated with Sainsbury's. There are ongoing discussions between Crossrail and Albion Yard residents regarding this matter.
- 7.11 Submissions have raised that the current car park is on average on two-thirds full. The applicant has however provided details of the use of the car parking which suggest that there are times when the car park is at capacity. While it is accepted that the car park may not be fully utilised at all times, at peak times it has been demonstrated there is a requirement for the current level of parking to be maintained.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Principles of the Land Use
2. Impact on the Amenity of Adjoining Occupiers and the Surrounding Area
3. Traffic and Servicing Issues
4. Design and Layout of the Development
5. Sustainability
6. Planning Obligations

Principle of the Land Uses

8.2 Although the principle of a multi storey car park is not normally supported, it is considered on

balance acceptable for a temporary use to facilitate the construction of Crossrail and retain the viability and operation of the Sainsbury's supermarket.

- 8.3 The site is currently used as a car park associated with the Whitechapel Sainsbury's and also providing car parking for the Whitechapel District Town Centre as a whole. The temporary re-provision of the car park during the Crossrail construction period would not introduce a new land use as the car park would be built on the same site as the northern portion of the existing car park.
- 8.4 As an anchor store and key retailer to the Whitechapel district centre, it is considered vital that the Sainsbury's store remains fully operational to cater for the needs of visitors to the town centre and for local residents. Given the offer and format (including extensive car parking provision) of the store, Sainsbury's serves a wide catchment, one which might seek to do its weekly shop by car. This contributes to the vitality and viability of the town centre.
- 8.5 Furthermore, Sainsbury's is a key employer in the Whitechapel area, and any loss in operational capacity would likely result in a reduction in employment. The replacement of the parking facilities at the current level would allow the store to continue to operate at the current employment levels.
- 8.6 It is therefore considered that on balance the land use for a temporary period is acceptable in order to re-provide the existing level of parking spaces and that the development would be in accordance with policy 2A.8 of the London Plan 2008 (Consolidated with Alterations since 2004), saved policy ST34 of the Council's adopted Unitary Development Plan 1998, policies CP15 and CP16 of the Council's Interim Planning Guidance (2007) and policy SP01 of the Core Strategy 2025 Development Plan Document (Submission Version December 2009), which seek to protect and enhance the Town Centre function and the vitality and viability of Town Centres.

Impact on the Amenity of Adjoining Occupiers and the Surrounding Area

Daylight and Sunlight

- 8.7 Saved policy DEV2 of the UDP, policy DEV1 of the IPG, policy SP10 of the CS and policy 4B.10 of the London Plan require that developments preserve the amenity of the adjacent occupiers, including sunlight and daylight.
- 8.8 The applicant has provided a Daylight and Sunlight Report with their application outlining the daylight and sunlight received by the adjacent buildings. It has assessed the daylight and sunlight levels of the proposed development against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991) providing the results of the effect on daylight in terms of the tests use in the BRE guidelines.
- 8.9 The Council's Environmental Health Team has reviewed the submitted daylight and sunlight report and concluded that the level of impact on the daylight and sunlight is acceptable and would not lead to a significant impact on the living conditions of the neighbouring residents.
- 8.10 It is considered in terms of daylight and sunlight that there would not be an unacceptable impact on the adjacent residents and that the proposal would be generally in accordance with saved policy DEV2 of the UDP, policy DEV1 of the IPG, policy SP10 of the CS and policy 4B.10 of the London plan.

Privacy

- 8.11 Issues of privacy/overlooking need to be considered in accordance with saved policy DEV2

of the UDP, policy DEV1 of the IPG, and policy SP10 of the CS, which informs that new developments should be designed to ensure that there is sufficient privacy for adjacent habitable rooms.

- 8.12 The Council's UDP states that new developments should be designed to ensure that there is sufficient privacy for residents and that a distance of about 18 meters between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. With the exception of the western elevation and the relation to the residences of Kempton Court the proposed car park would be over 25m from the adjacent residential buildings.
- 8.13 In order to protect the privacy of the residences at the adjacent Kempton Court, which is located approximately 16m from the raised parking levels, the applicant is proposing privacy screening at the western elevation of the development. This would prevent users of the car park from looking into the residences at Kempton Court, thereby maintaining the privacy of those residents. It is therefore not considered that the proposed car park would significantly impact on the privacy of neighbouring developments.
- 8.14 It is considered that the proposed development would be acceptable in terms of privacy and in accordance with saved policy DEV2 of the UDP, policy DEV1 of the IPG and policy SP10 of the CS.

Noise and Vibration

- 8.15 In protecting the amenity of the surrounding area saved policies DEV2 and DEV 50 of the UDP, policies DEV1 and DEV 10 of the IPG and policies SP03 and SP10 of the CS also require the noise and vibration nuisance from a development to be minimised.
- 8.16 The applicants have submitted a Noise Impact Assessment, prepared by Cole Jarman Associates. With respect to the operation of the proposed car park the noise impacts are assessed to have an imperceptible change in loudness, when considered within the existing noise environment. It is therefore considered that no additional acoustic mitigation measures are required and that the development would not have an unacceptable impact on the acoustic environment and living conditions of neighbouring residences.
- 8.17 However, responses to the public consultation of the application have highlighted an existing issue with the after hours use of the existing car park for anti social behaviour that causes late night noise disruption to residents. While this is an existing situation, in order to ensure that the anti social activities and the noise disturbance is not continued within the proposed temporary car park, it is recommended that a condition of consent be imposed on any approval requiring a security management plan for the development to be agreed, including after hours security, to avoid the after hours use and anti-social behaviour within the development.
- 8.18 Furthermore, it is recommended that conditions of consent be imposed relating to opening hours of the car park to reflect the opening hours of the store and prevent unauthorised.
- 8.19 As discussed below, mitigation of any noise and vibration created by construction can be addressed via conditions, to ensure minimal disruption of the living conditions of nearby residents.
- 8.20 It is therefore considered that the proposed development does not result in any significant impact on the acoustic environment and would not result in any significant impact on the living conditions of the neighbouring residences and that the development would accord with saved policies DEV2 and DEV 50 of the UDP, policies DEV1 and DEV 10 of the IPG and policies SP03 and SP10 of the CS.

Construction

- 8.21 It is acknowledged that the proposed development would result in some disruption to the amenity of the area and highway network due to the construction effects of the proposed development, however these will be temporary in nature.
- 8.22 Demolition and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974. However, PPS23 makes provision for the inclusion of conditions of consent to mitigate effects of construction.
- 8.23 It is therefore recommended that if approved a condition of consent is included, which would specify hours of construction, noise levels and vibration levels, in order to avoid and mitigate the effects of construction.
- 8.24 There are also a number of existing mature trees on the site around the proposed development and likely construction site. Officers consider that a condition should be imposed on any planning permission to protect the trees from construction impacts. This would include a requirement for protective fencing and prevention of the storage of materials under the canopy of the trees.

Vehicle Traffic Movements

- 8.25 Vehicle movements associated with the proposed development have the potential to impact on the amenity of the area through noise, pollution and the general vehicle movement within the public realm. Saved policy DEV2 of the UDP, DEV 1 of the IPG and policy SP03 of the CS seek to protect this amenity.
- 8.26 The proposed development would not be undertaken to increase the number of car park spaces provided but would be maintaining the existing number of car park spaces during the period of Crossrail construction on the southern portion of the existing car park area. It is therefore not considered that the proposal would result in an increase on the existing number of users and therefore it is not envisaged that the proposal would result in additional vehicle movements to the car park than already exist.
- 8.27 It is therefore considered that the impact on the amenity of the area through vehicle traffic movement will not be increased and in terms of the impact of vehicle movements the development will accord with saved policy DEV2 of the UDP, DEV 1 of the IPG and policy SP03 of the CS.

Traffic and Servicing Issues

Trip Generation

- 8.28 Policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan, saved policies ST28 and T16 of the UDP, policies CP41, DEV17 and DEV19 of the IPG and policy SP09 of the CS seek to restrain unnecessary trip generation, integrate development with transport capacity and promote sustainable transport and the use of public transport systems.
- 8.29 As previously stated, the proposals do not increase the number of parking spaces available and therefore are not considered to increase the traffic produced by the development from the current level that utilise the site. In fact, with the removal of the Petrol Filling Station, the number of vehicle trips to the site is likely to be reduced.
- 8.30 It is therefore considered that the trip generation would be in accordance with the aspirations of policies 3C.1, 3C.2, 3C.17 and 3C.23 of the London Plan, saved policies ST28 and T16 of

the UDP, policies CP41, DEV17 and DEV19 of the IPG and policy SP09 of the CS.

Level of Parking

- 8.31 London Plan Policies 3C.17 and 3C.23 seek to reduce traffic congestion and vehicle use by minimising vehicle parking within developments and promoting use of public transport. This is supported by policies DEV17 and DEV19 of the IPG and policy SP09 of the CS.
- 8.32 The proposed development seeks to re-provide the 258 car parking spaces of the existing Sainsbury's car park within a new temporary multi-storey parking structure. The applicant has provided a Transport Assessment that does provide a cogent and acceptable justification for the re-provision of the same number of parking spaces.
- 8.33 The Council's Highways Team has reviewed the application and is accepting of the proposal. However, they considered that, when the site being used by Crossrail is returned to Sainsbury's at the completion of the Crossrail works and the temporary multi-story car park is dismantled, fewer spaces should be provided in recognition of sustainability aims and also the improved accessibility by public transport that the nearby Crossrail station will provide.
- 8.34 Under section 72(1) of the Town and Country Planning Act 1990 conditions can be imposed on the grant of planning permission requiring the carrying out of works on any land under the control of the applicant. It is therefore recommended that a condition of consent be imposed requiring the removal of the structure on or before the expiry of the temporary 5 year period of permission requested and reinstatement of the car park at ground level on the existing car park site to a number of vehicle parking spaces, as approved by the Council on the basis of a Transport Assessment at that point in time.
- 8.35 It is therefore considered that the vehicle parking provisions would be in accordance with policies 3C.17 and 3C.23 of London Plan, policies DEV17 and DEV19 of the IPG and policy SP09 of the CS.

Cycle Parking Facilities

- 8.36 Policy 3C.22 of the London Plan 2008, saved policy ST30 of the UDP, policies CP40, CP42 and DEV16 of the IPG and policy SP09 of the CS seek to provide better facilities and a safer environment for cyclists.
- 8.37 The proposals within the development have included an increase in the cycle parking facilities that are provided on the site. Currently, the site provides 48 cycle parking spaces. The proposed temporary replacement car park development would provide 60 cycle parking spaces in a covered location on the ground level, near the entrance to the store. A condition of consent is recommended to ensure the layout of the cycle parking is acceptable.
- 8.38 It is therefore considered that the proposed development would accord with policy 3C.22 of the London Plan 2008, saved policy ST30 of the UDP, policies CP40, CP42 and DEV16 of the IPG and policy SP09 of the CS.

Deliveries and Servicing

- 8.39 Saved policies ST30 and T16 of the UDP, policy DEV17 of the IPG and policy SP09 of the CS seek to provide adequate provision for the servicing and operation of developments while minimising the impact on the highway.
- 8.40 The proposed temporary car park development would not result in any changes to the existing servicing. Servicing is currently provided at the eastern side of the store in a dedicated servicing area. The proposed development would maintain acceptable access to this bay and would not impact on the service of the store, which is considered acceptable.

- 8.41 It is therefore considered that the proposed servicing arrangements are acceptable in terms of saved policies ST30 and T16 of the UDP, policy DEV17 of the IPG and policy SP09 of the CS.

Public transport capacity

- 8.42 Policies 3C.1 and 3C.2 of the London Plan, policy CP41 of the IPG and policies SP08 and SP09 of the CS seek to integrate development with transport and ensure that development is appropriate for the transport provision in the location.
- 8.43 The proposal would not be considered to result in any increased pressure on the existing public transport facilities. The re-provision of the 258 car parking spaces within the temporary car park would ensure the provision for users of the store to continue to access the store by their existing modes. The car park itself would not be a generator of public transport trips.
- 8.44 It is therefore considered that the transport network has an appropriate capacity in the location for the proposed development, in accordance with policies 3C.1 and 3C.2 of the London Plan, policy CP41 of the IPG and policies SP08 and SP09 of the CS.

Highways Improvements

- 8.45 The proposed development would not result in any increase in trip generation as a result of the temporary re-provision of the car park, as the number of parking spaces to be provided is the same as the existing number of parking spaces provided.
- 8.46 However, the proposed Crossrail worksite would result in two of the existing pedestrian routes to the store being blocked for the period of construction. Policies 3C.21 and 3C.22 of the London Plan, policies CP42 and DEV16 of the IPG and policy SP09 of the CS seek to improve walking and cycling conditions.
- 8.47 As the Crossrail development would have a negative impact on the pedestrian and cycle environments and the proposed car park would not be able to replace the blocked routes across the worksite, the applicant has agreed to provide a financial contribution towards the upgrade of the public realm and pedestrian environment of Brady Street, which will become the main pedestrian access to the store from Whitechapel Road.
- 8.48 The proposed improvements to the pedestrian environment and public realm has been assessed and costed by the Council's Highways Team. The Highways Team have requested £221,000 for the proposed works, which the applicant has agreed to pay as a financial contribution.
- 8.49 Furthermore, as part of the development the applicant is proposing an increase in cycle parking facilities from 48 cycle spaces to 60 cycle spaces.
- 8.50 It is therefore considered that the proposed development would improve the pedestrian and cycling environment in the surrounding area and would adequately meet policies 3C.21 and 3C.22 of the London Plan, policies CP42 and DEV16 of the IPG and policy SP09 of the CS.

Sight lines/Access

- 8.51 The proposed access and egress points for the car park development are existing vehicle entry and exit points to the site. The proposals do not significantly alter these provisions and would not result in any buildings or other development that would be considered to impact on sightlines of vehicles exiting the site.

- 8.52 The parking and servicing provisions allow for sufficient manoeuvring space to allow vehicles to enter and exit the site in forward gear, ensuring there is no need for vehicles to reverse onto the highway.
- 8.53 Council's Highways department have reviewed the application and made no objection to the proposed manoeuvring, sightlines or access points. It is therefore considered that the proposed development, in terms of sight lines and vehicle access would not cause unacceptable safety concerns to pedestrians or the highway network.

Design and Layout of the Development

- 8.54 The proposal comprises of a temporary 3 storey car park deck access via an atrium circulation space to maintain the number of existing car park spaces during the course of the Crossrail construction works. The existing car park and petrol filling station are proposed to be demolished. Although the principle of a multi storey car park is not supported, it is considered on balance acceptable for a temporary use to facilitate the construction of Crossrail and retain the viability and operation of the Sainsbury's supermarket.

Mass and Scale

- 8.55 Policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, saved policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP03, SP09 and SP10 of the CS seek to ensure developments are of appropriate mass and scale to integrate with the surrounding environment, high quality in design and protect the amenity of the surrounding environment and occupiers.
- 8.56 The proposed parking deck and Atrium would be 3 storeys in height, with the Atrium roof being the highest portion of the development at approximately 14.6m. This would be an increase in height of approximately 9m to that of the existing supermarket store.
- 8.57 The immediate area is dominated by a number of large scale buildings, 3-6 storeys in height. Immediately to the north of the proposed car park is the existing large format Sainsbury's store, which the development joins, and residential blocks of Grindall House and Collingwood House, which are 5 storeys in height. To the east is Swanlea School and Kempton Court. Kempton Court raises to a similar height to the proposed car park structure, being approximately 14m high. The properties to the south, which will be separated from the structure by the Crossrail Worksite, are dominated by 3 to 5 storey buildings, including the Ideas Store. It is considered that, although the atrium and car park structure adds a significant scale of built form to the site, the scale of the structure can be accommodated in the surrounding environment, given the temporary nature of the development.
- 8.58 Overall it is considered that the scale and massing of the building is acceptable, as it has not significantly altered the character of the existing area in terms of height and scale and it is only proposed for a temporary area. It is considered that in terms of scale and mass, due to the temporary nature of the development, the proposal is acceptable on balance with policies 4B.1, 4B.2 and 4B.10 of the London Plan 2008, saved policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP03, SP09 and SP10 of the CS.

Appearance and Materials

- 8.59 The new circulation space, referred to as an atrium, houses lifts, travellers and a staircase, providing means of circulation for customers from the car parking decks down to the sales floor. The Atrium stretches over the full width of the front of the existing store. At ground level the atrium provides the main entrance. The south and west elevations of the Atrium are predominantly glazed, giving the volume a horizontal expression, allowing natural light to

enter the building and softening the appearance of the scale of the structure.

- 8.60 The parking deck is located in front of the Atrium and is constructed by using a modular system made up of structural columns, roof trusses, decks and balustrades to the deck perimeters. The system is demountable and can easily be dismantled and recycled after the 5 year Crossrail construction period. The balustrades are externally clad with pre-stressed textile mesh faced cladding panels in aluminium carrier frames. The cladding follows the bands of the balustrades provide a strong horizontal emphasis. The bands also follow the run of the ramp from first to second floor level. The textile mesh will be finished with printed graphics to create a unique design to create a high quality environment when viewed both, from a distance and close up.
- 8.61 It is considered that despite the temporary nature of the structure, it is proposed to use high quality materials which will provide an acceptable appearance for the length of the proposed temporary development. The applicants have provided preliminary samples of the graphics for the cladding, however at this point have not provided a sample of the finished material. Officers are accepting of the proposals, but it is recommended that the external materials are conditioned for approval of sample finishes in order to ensure the high quality finishes and appearance.
- 8.62 The proposed external appearance of the temporary car park structure and Atrium is considered to be of a high quality and, subject to recommended conditions relating to the final appearance and quality of the graphic materials and external cladding, would be considered to be acceptable in terms of policies 4B.1, 4B.2 and 4B.10 of the London Plan, saved policies DEV1, DEV2 and DEV3 of the UDP, policies CP4, DEV1 and DEV2 of the IPG and policies SP03, SP09 and SP10 of the CS.

Landscaping

- 8.63 Landscaping is used to enhance the aesthetics and amenity of the public realm and outdoor spaces, within and surrounding developments. In addition, appropriate landscaping can provide enhancements to the biodiversity and natural habitats within the area.
- 8.64 The applicant has submitted plans showing a general landscaping strategy for the site, providing detail on the landscaping proposed at the ground floor. The proposals are for a high quality of public realm, easily legible route into the store. The ground floor of the development would incorporate bicycle parking and a dedicated taxi pick-up and drop off point.
- 8.65 The underside of the deck is proposed to have strip lighting, indicating the way to and from the store in the darker months of the year, thereby accentuating the two main pedestrian routes from above. The entrance area and taxi pick up and drop off area would have seating opportunities for customers waiting.
- 8.66 Due to the restricted amount of areas open to daylight, the only planting area proposed under the deck structure is the central area within the drum of the vehicle access onto the parking decks. A grove of birch trees is proposed.
- 8.67 While officers consider that the proposals outlined in the application are of high quality and will provide an appropriate landscape, it is also recommended that a condition is imposed on the application to ensure that the proposed landscaping is of an acceptable level and quality, to ensure the amenity of the publicly accessible areas and the development as a whole.
- 8.68 Furthermore, it is recommended that a condition be imposed to require a landscape management plan in order to ensure that the landscaping is maintained to an acceptable level to ensure the quality and appearance of the landscaping.

- 8.69 Subject to conditions it is considered the proposed landscaping for the development would be in accordance with saved policy DEV12 of the UDP, policies DEV1, DEV2 and DEV 13 of the IPG, policy SP10 of the and policies 4A.11, 4B.1 and 4B.10 of the London Plan.

Views

- 8.70 Policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan, saved policy DEV8 of the UDP, policies CP50 and CON5 of the IPG and policy SP10 of the CS protect strategic views of the city and locally important vies of the townscape.
- 8.71 The site does fall within a designated Strategic View Consultation Area under the London Plan 2008. The proposed temporary replacement car park is not considered to significantly impact on any wider townscape views.
- 8.72 The proposal is therefore considered in accordance with policies 4B.10, 4B.16, 4B.17 and 4B.18 of the London Plan 2008, saved policy DEV8 of the UDP, policies CP50 and CON5 of the IPG and policy SP10 of the CS.

Access

- 8.73 The proposed development is fully accessible to mobility impaired persons. Lifts, signage and disabled parking are all provided for public access areas. The Council's Access Officer has raised some concerns with the details of the landscaping, which it is considered can be addressed through the recommended landscaping details condition, if planning permission is approved.
- 8.74 It is therefore considered that the access for mobility impaired persons is acceptable and would be in accordance with saved policy ST12 of the UDP, policies CP46 and DEV3 of the IPG, policy SP10 of the CS and policy 4B.5 of the London Plan.

Sustainability

- 8.75 The London Plan has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. Policies within the UDP and IPG also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

Energy

- 8.76 The applicant has provided a Sustainability and Energy Report with the application, detailing what sustainable energy measures and provisions have been provided within the development.
- 8.77 PPS22 seeks to require the inclusion of renewable technology and energy efficiency within developments, as do policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan, policies CP38 and DEV6 of the IPG and policy SP11 of the CS, unless it can be demonstrated that the provision is not feasible.
- 8.78 In order to minimise the onsite energy use most effectively, as part of the works associated with the Whitechapel store, the current site wide energy use to be reviewed and minimised through consideration of the following energy efficient technologies:
- Use of daylight linked dimming control systems to the atrium area.
 - Fluorescent high T5 16mm frequency lighting with efficiency exceeding Building Regulation requirements

- Accent display lighting typically 35/70w CDM-T with efficiency exceeding Building Regulation requirements.
- Night Time / Out of Hours lighting levels reduced to 20% in lieu of 30%, as previously.
- External lighting typically 150w Metal Halide or high pressure sodium with efficiency exceeding Building Regulation requirements
- Presence detector operated lighting in staff facilities areas
- Economy setting on the main sales area supply fan using an inverter drive
- Removal of staff operated sales area lighting override facility
- LED external 'Sainsbury's' signage
- LED Frozen case lighting
- Bakery equipment is sourced in agreement with DEFRA
- Cold air is removed from the chiller aisle and utilised to cool certain areas of the store specifically the computer rooms and offices.
- Use of weir screens on refrigeration to improve their efficiency.
- Use of Night Blinds on all Sales Area Refrigerated Cabinets
- A full store Building Management System (BMS) that pre authorises all use of energy in the building removing the chance of human error.
- A comprehensive building control strategy that reflects the different building usages throughout the day.
- Web –Based Sub-metering on all major energy loads to manage usage and future maintenance.
- Specification of Lifts and Travellator equipment, incorporating energy efficient motors.

- 8.79 It is recommended that a condition of consent is imposed to require the applicant to submit details of this review and how it results in energy savings for the development. Although no details have been provided as to the inclusion of renewable energy, it is considered that the site wide approach has potential to provide significant energy savings compared to a viable renewable energy approach, given the temporary nature of the development.
- 8.80 It is therefore considered that, subject to the recommended condition, the proposed energy strategy would represent an acceptable carbon emissions saving and that the proposed development is considered to accord to policies 4A.1, 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan 2008, policy CP38 of the IPG and policy SP11 of the CS.

Biodiversity

- 8.81 Policy 3D.14 of the London Plan 2008, saved policy DEV61 of the UDP, policy CP31 of the IPG and policy SP04 of the CS seek to protect and enhance biodiversity and natural habitats.
- 8.82 The site is not designated as a Site of Nature Conservation or Importance. The site is currently hard standing and the temporary nature of the development would preclude significant investment in providing habitats such as green roofs. The applicant is however proposing a grove of trees within the landscaping scheme and, where able, the retention of the majority of the trees along the boundary to Darling Row.
- 8.83 It is therefore considered that the proposed development would maintain the existing level of habitats on this inner city location and that the proposed development would be consistent with policy DEV61 of the UDP, policy CP31 of the IPG, policy SP04 of the CS and Policy 3D.14 of the London Plan 2008.

Water

Flood Risk, Water run-off and Waste Water

- 8.84 The current site is predominantly hard standing. The applicant has stated that they will ensure that the rate of water run-off from the development would be no worse than the existing car park. They have also stated that they intend to implement a rainwater harvesting

system to flush public and staff toilets – subject to further on site appraisal during detailed design phase.

- 8.85 It is therefore recommended a condition is imposed to require the submission and approval of details of Sustainable Urban Drainage systems and rainwater harvesting within the development, to ensure that the water run-off from the development is minimised.
- 8.86 It is therefore considered that the proposal would accord with policies 4A.14, 4A.16 and 4A.17 of the London Plan, saved policy DEV69 of the UDP, policies DEV7 and DEV8 of the IPG and policy SP04 of the CS.

Construction Waste and Recycling

- 8.87 Policy 4A.28 of the London Plan 2008, policy CP39 of the IPG and policy SP05 of the CS require developments to follow the principles of the waste hierarchy and that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.88 By constructing the car park from a modular system, which is constructed off-site, the applicant has already gone some way to minimising the waste that would have been produced through on-site development. Furthermore, the applicant has stated that a waste management hierarchy will be put in place.
- 8.89 The waste management hierarchy would ensure that the development is implemented in accordance with the principles that reuse and recycling of waste reduces the unnecessary landfilling of waste.
- 8.90 If development is undertaken in accordance with the waste management hierarchy the development would be considered to be in accordance with policy CP39 of the IPG, policy SP05 of the CS and policy 4A.28 of the London Plan.

Planning Obligations

- 8.91 Policy DEV 4 of the UDP, policy IMP1 of the IPG and policy SP13 of the CS state that the Council will seek planning obligations to secure onsite or offsite provisions or financial contributions in order to mitigate the impacts of a development.
- 8.92 The applicant has agreed to the following being included in a Section 106 to ensure mitigation of the proposed development:
- A financial contribution of £221,000 for improvements to public realm and pedestrian environment on Brady Street.
 - Production and implementation of a Travel Plan.
- 8.93 In accordance with policy DEV 4 of the UDP, policy IMP1 of the IPG and policy SP13 of the CS it is considered that the inclusion of these matters in a Section 106 Legal Agreement, together with the recommended conditions would adequately mitigate against the impacts of the development.

Conclusions

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

Site Plan and Consultation Zone

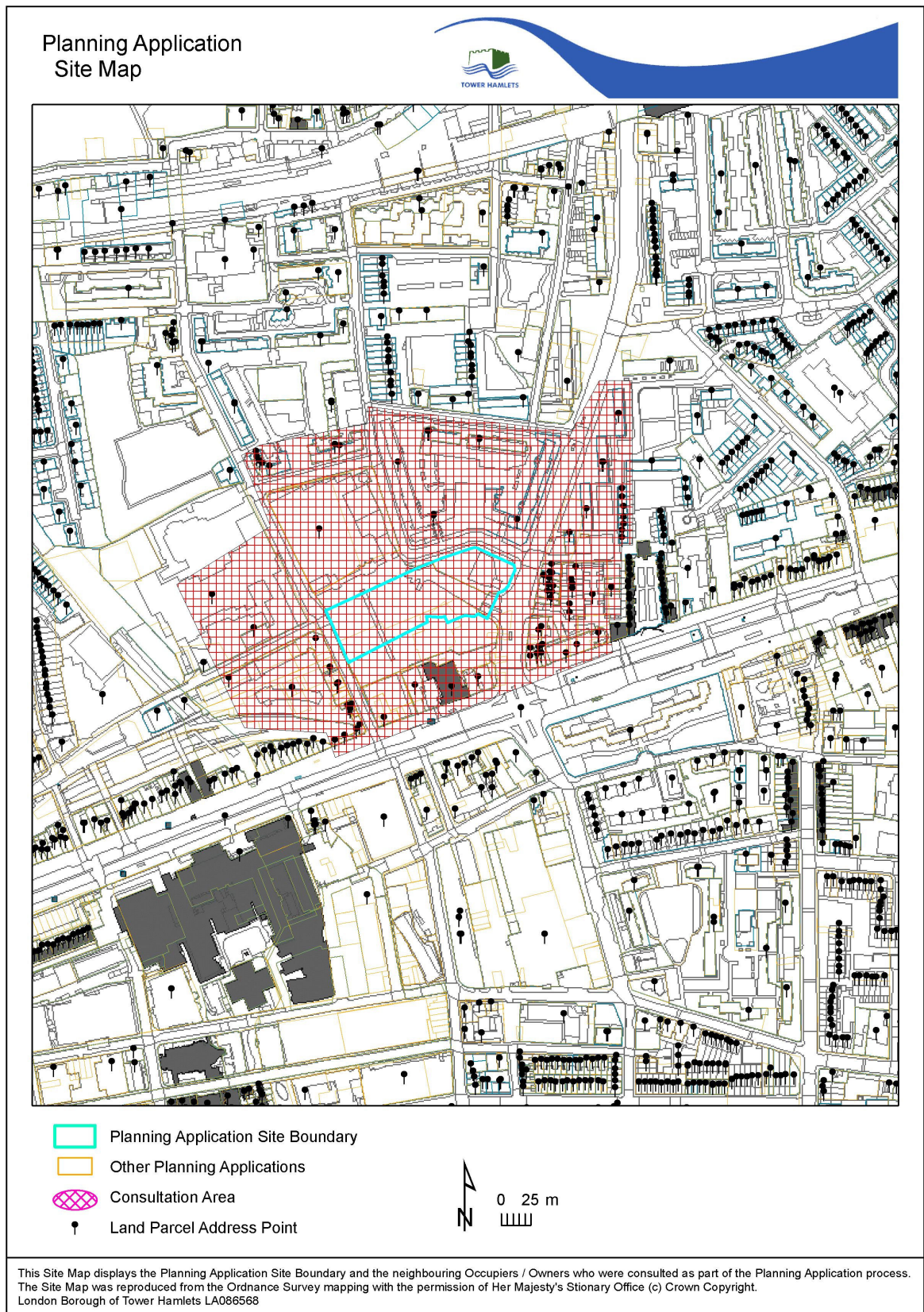


Figure 8.1 – Map showing site consultation zone