

<b>Committee:</b> Strategic Development	<b>Date:</b> 14 <sup>th</sup> April 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Jerry Bell		<b>Ref:</b> PA/10/2091	
		<b>Ward:</b> Mile End and Globe Town	

## 1. APPLICATION DETAILS

**Location:** 438-490 Mile End Road, E1.

**Existing use:** Cleared site. Previously occupied by motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.

**Current Proposal:** Amendments to planning application reference PA/09/01916 for demolition of existing structures and erection of new building ranging from 3 to 9 storeys to provide a new education facility comprising: teaching accommodation and associated facilities; student housing; cycle, car-parking, refuse and recycling facilities being:

- (a) revised refuse storage arrangements;
- (b) revised arrangements for bike storage; and
- (c) a revised main entrance door configuration..

**Drawing Nos:**

- 4118-A-0100-P1, 4118-A-0101-P1, 4118-A-0102-P1, 4118-A-0103-P1, 4118-A-0104-P1, 4118-A-0105-P1, 4118-A-0106-P2, 4118-A-0107-P2, 4118-A-0108-P1, 4118-A-0109-P1, 4118-A-0110-P1, 4118-A-0111-P2, 4118-A-0112-P2, 4118-A-0113-P2, 4118-A-0114-P2, 4118-A-0115-P2, 4118-A-0116-P2, 4118-A-0117-P2, 4118-A-0118-P2, 4118-A-0119-P2, 4118-A-0120-P1, 4118-A-0200-P1, 4118-A-0201-P3, 4118-A-0202-P2, 4118-A-0203-P2, 4118-A-0204-P3, 4118-A-0205-P1, 4118-A-0206-P3, 4118-A-0301-P2, 4118-A-0302-P2, 4118-A-0303-P2, 4118-A-0304-P2, 4118-A-0305-P2, 4118-A-0306-P2, 4118-A-0307-P2, 4118-A-0308-P2, 4118-A-0309-P2, 4118-A-0310-P2, 4118-A-0400-P1, 4118-A-0401-P2 and 4118-A-0402-P2.

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans, adopted UDP, London Plan, adopted Core Strategy 2010		Development Control 020 7364 5338

- Design and Access Statement incorporating Planning Statement and Impact Statement
- Acoustic Report
- Air Quality Assessment
- Geo-technical Report
- Sustainability and Energy Statement
- Transport Assessment
- Accurate Verified Views

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

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

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

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

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1. The local planning authority has considered the particular circumstances of the application against the policies contained in The London Plan 2008, the Greater London Authority's Sub Regional Development Framework - East London 2006, the Council's saved planning policies contained in the Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), the adopted Tower Hamlets Core Strategy (2010), associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

- The provision of a new education facility comprising teaching accommodation, student housing and associated facilities is supported by policies 3A.1 and 3A.25 of The London Plan 2008, policy and HSG14 of the Tower Hamlets Unitary Development Plan 1998, policy EE2 of the council's interim planning guidance 2007 and policy SP02 7. of the adopted Tower Hamlets Core Strategy 2010 which provides for the specialist housing needs of the borough through working with the borough's universities to enable the appropriate provision of student accommodation that meets identified needs by:
  - i. Focusing student accommodation supporting London Metropolitan University at Aldgate or on locations that have good public transport accessibility (PTAL 5 to 6); and
  - ii. Focusing student accommodation supporting Queen Mary University London in close proximity to the University.

- The scheme would not result in the overdevelopment of the site or result in any of the problems typically associated with overdevelopment. As such, the scheme is in line with policy 3A.3 of The London Plan (consolidated with alterations since 2004), saved policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan (1998) and policies DEV1 and DEV2 of the Council's Interim Planning Guidance (2007), which seek to provide an acceptable standard of development throughout the borough.
- The building in terms of height, scale, design and appearance is acceptable and in line with policies 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan (consolidated with alterations since 2004), saved policy DEV1 of the Tower Hamlets Unitary Development Plan 1998, policy DEV2 of the Council's Interim Planning Guidance (2007) and policy SP10 of the adopted Tower Hamlets Core Strategy (2010) which seek to ensure development is of a high quality design.
- Subject to conditions requiring the submission of full details and samples materials and elevational treatments, the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the nearby Grade II listed building nor the character and appearance of the nearby Regent's Canal and the Clinton Road Conservation Areas, in accordance with PPS5, Policy 4B.1 and 4B.8 of the Mayor's London Plan (consolidated with alterations since 2004) as well as Policy DEV1 of the LBTH UDP (1998), policies DEV2, CON1 and CON2 of the Interim Planning Guidance (2007) and policy SP10 of the Core Strategy (2010) which seek to protect and enhance heritage assets and their settings.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with saved policy T16 of the Tower Hamlets Unitary Development Plan (1998), policies DEV16, DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007), and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 to 9 and DEV 11 of the Council's interim planning guidance 2007, and policy SP11 of the adopted Tower Hamlets Core Strategy 2010 which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation, sustainable drainage, and sustainable construction materials.
- The development would not adversely affect air quality, in line with London Plan (consolidated with alterations since 2004) policy 4A.19 and policy DEV11 of the Council's Interim Planning Guidance (2007).
- The management of the demolition and construction phase would accord with policy DEV12 of the Council's Interim Planning Guidance (2007).
- Contributions have been secured towards environmental improvements forming part of the High Street 2012 project; pedestrian facilities on Mile End Road, community education initiatives and cultural facilities including the Bancroft Library; together with the implementation of travel plans, car free

arrangements, and arrangements to ensure that accommodation within the teaching facility is available to the public. This is in line with Circular 05/2005, the Community Infrastructure Levy Regulations (2010), policy 6A.5 of The London Plan (consolidated with alterations since 2004), policy DEV4 of the Tower Hamlets Unitary Development Plan 1998, policy IMP1 of the Council's Interim Planning Guidance (2007) and policy SP13 of the adopted Tower Hamlets Core Strategy (2010), which seek to secure contributions toward infrastructure and services required to facilitate development.

### **3. RECOMMENDATIONS**

3.1. That the Committee resolves 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:

1. The student residential accommodation shall only be occupied for the predominant part of the year by students attending the INTO education facility, Queen Mary University of London, or from the previously agreed list of other further educational establishments or as has been approved in writing by the local planning authority.
2. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.
3. On commencement of development a financial contribution of £120,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project.
4. On commencement of development a £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. On commencement of development a contribution of £100,000 towards local community education initiatives and cultural facilities.
6. On commencement of development a contribution of £20,000 towards local employment and training initiatives.
7. On commencement of development a £500,000 contribution for improvements to the Bancroft Library or for other improvements to library or cultural facilities within the vicinity of the development.
8. Prior to first occupation of the development a contribution of £1,490,000 towards the provision of new youth facilities (which may include sports and leisure facilities).
9. Arrangements that provide for a part of the teaching facility within the development which is no less than 600 sq metres to be made accessible to the local community for up to 20 hours a month.
10. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate, or failing that others from other parts of Tower Hamlets studying at QMUL (£3,000 per student / £30,000 per annum being a total of £150,000).
11. Car free arrangements that prohibit residents and users of the development, other than disabled people, from purchasing on-street parking permits from the borough council.
12. The submission and implementation of a Travel Plan.
13. The submission an updated Service Management Plan and the implementation of the Construction Logistics & Management Plan approved by letter dated 9th November 2010.
14. To participate in the Council's Access to Employment initiative.

15. To participate in the Considerate Contractor Protocol.
- 3.2 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
- 3.3. That the Head of Development Decisions is delegated power to issue the planning permission and impose conditions (and informatives) to secure the following:

### **Conditions**

- 3.4. 1. 3 year time limit.
2. The following details to be submitted and approved:
- A mock up of typical elevation bays to include window frames and brickwork.
  - A sample board for all external materials to include the cladding and detailing to the carport/refuse store and bicycle store.
  - Facade design and detailing @ 1:20 and 1:5 scale.
  - Brickwork: specification, setting-out (proportions) and detailing around window cills, reveals, lintels and copings @ 1:20 scale.
  - Cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
  - Window design: setting out and specification including feature vent panels and angled units.
  - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
  - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
  - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
  - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, gates, walls and fences, external lighting and a CCTV system to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. A Building Management Statement to be submitted to the local planning authority for written approval and thereafter implemented for the life of the development unless alternative details are approved in writing.
6. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
7. Decontamination to be undertaken in accordance with the scheme approved by letter dated 20<sup>th</sup> September 2010.
8. Decontamination Validation Report to be submitted for written approval.
9. Unless alternative arrangements are approved in writing by the local planning authority, the acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Acoustic Report dated September 2010 by CMA Planning Limited. All windows serving habitable rooms fronting Mile End Road shall be non opening. Mechanical ventilation must be provided to those rooms and maintained for the lifetime of the development. Clean air for mechanical ventilation must be drawn from the rear of the property, away from Mile End

- Road.
10. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.
  11. A 30 vertical U-loop ground source heat pump system shall be installed to provide supplementary heating and cooling. The heat pump shall comply with the following criteria's at the time of installation of the technology:
    - The Coefficient of Performance standards as set out in the Enhanced Capital Allowances product criteria.
    - Other relevant issues as outlined in the microgeneration Certification Scheme Heat Pump Product Certification Requirements.
  12. Prior to the occupation of the development, the developer shall submit to the local planning authority for its written approval a BREEAM assessment demonstrating that the development will achieve a minimum "Excellent" rating which shall be verified by the awarding body.
  13. The approved details of the sustainable design and construction measures shall be implemented and retained so long as the development shall exist except to any extent approved in writing by the local planning authority.
  14. Unless alternative arrangements are approved in writing by the local planning authority, the roof terrace shall be permanently fitted with 1.8 metre high obscured glass balustrades and, together with outdoor communal garden areas, shall not be used for amenity purposes outside the hours of 8.00 to 22.00 hours on any day.
  15. Hours of construction time limits 08.00 to 18.00 hours Monday to Friday, 08.00 to 13.00 hours Saturdays and not at all on Sundays or Bank Holidays.
  16. Piling hours of operation time limits 10.00 to 16.00 hours Mondays to Fridays, 10.00 to 13.00 hours Saturdays and not at all on Sundays or Bank Holidays.
  17. No impact piling shall be undertaken until a piling method statement has been approved in writing by the local planning authority.
  18. During the Construction Phase dust suppression measures as set out at paragraph 5.2 of the approved Air Quality Report dated September 2010 by CMA Planning shall be maintained at the site.
  19. The development shall not commence until Transport for London and the London Borough of Tower Hamlets (as the highway authorities and the local planning authority) have approved in writing schemes of highway improvements necessary to serve the development being respectively alterations to the adopted lengths of Mile End Road and Toby Lane.
  20. There shall be no servicing, loading or unloading from Mile End Road to the undercroft at the western end of the development.
  21. Retention of disabled parking bays for disabled parking only
  22. Retention of servicing bay for servicing only.
  23. Retention and maintenance of cycle stands.
  24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### 3.5. Informatives

1. Planning permission subject to section 106 agreement.

2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. With regard to condition 2 you are advised that the rear entrance to the building on Toby Lane should not be provided with wooden louvred panels.
5. Consultation with the Metropolitan Police regarding Condition 3 (Landscaping including gates, walls, fences, and CCTV system).
6. The Building Management Statement required by Condition 5 shall include: Details of a full time management team and the provision of 24 hour security.
  - Details of a Management Code of Conduct that stipulates the behaviour of occupiers and residents of the building.
  - A requirement for each student residing in the building to sign a tenancy agreement to abide by the Management Code of Conduct.
  - Circumstances where a tenancy would be terminated and the steps to achieve this.
7. Consultation with the London Fire and Emergency Planning Authority regarding Fire Service Access and Water Supplies
8. Consultation with the Council's Environmental Protection Department with regard to Condition 6 (Details of the foundation design) and Condition 9 (Window design and the design and maintenance regime for the mechanical ventilation system).
9. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 18 that will necessitate agreements under section 278 of the Highways Act.
10. Consultation with Queen Mary College University of London regarding the internal design of the building.
11. Advisory note regarding Condition 11 (ground source heat pumps).
12. Consultation with Thames Water Development Services regarding connection to the public sewer and Condition 16 (Impact piling).
13. The main entrance door should be inclusively designed, fully DDA compliant allowing all users to use the same point of entry/ exit to the building.
14. You are advised that the Council does not issue Over-sailing Licences for balconies over-sailing the public highway / footway.
15. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

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

#### **4. BACKGROUND**

- 4.1. This application for planning permission was reported by Strategic Development Committee on 20th January 2011 with an officer recommendation for approval. A copy of the case officers' report and update report containing the summary of material planning considerations, site and surroundings, policy framework, planning history and material planning considerations is attached at Appendix 1 to this item.
- 4.2. After consideration of the report and the update report, the committee resolved that it was minded to refuse planning permission on the following grounds:
  - The increase in height, bulk and scale of the new application and the potential impact of the increased density on the local community
  - Inappropriate design of the application and overdevelopment
  - The impact of the new application on section 4B.1, 4B.9 and 4B.10 of the

London Plan 2008.

- 4.3. In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was deferred to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision. The proposed reasons for refusal and implications are set out at Section 6.2 and 6.3 of this report.

#### Changes to the proposed scheme

- 4.4. Since the deferral of the decision, the applicant has sought to address members concerns by introducing the following changes to the scheme:
- Removal of the top floor of the western half of the building
  - Removal of the infill block adjacent to Lindop House.

The omission of the top floor and infill block has resulted in the loss of the 58 additional student units and effectively brings the proposal in line with planning permission PA/09/01916 approved by committee on the 2<sup>nd</sup> February 2010 (see paragraph 5.13 to 5.26 at Appendix 1)

- 4.5. The applicant now only seeks approval for the following minor amendments that form part of the proposal and these are discussed below.

#### **Revised refuse arrangements**

- 4.6 The approved scheme provided a storage area to accommodate up to 14 refuse bins at ground floor level in the north east corner of the site. This area has now been reduced in size to accommodate plant and the bins storage has been redistributed to the south west corner of the ground floor. The level of provision remains the same and the revised refuse arrangements were considered to be acceptable to the Council's waste team. An updated service management plan has been secured through the s.106 agreement to take account of the revised refuse arrangements.

#### **Revised cycle storage**

- 4.7 The cycle storage area has been reduced in length with a loss of 6 cycle spaces. The approved scheme provided for 388 cycle spaces whilst the current proposal provides for 382. The facility would support 300 students and therefore this is still well in excess of the 1:3 ratio required by the Adopted Unitary Development Plan (as saved 2007) and the 1:2 by the Interim Planning Guidance (2007). The reduction in the size of the cycle store is to accommodate the plant mentioned in paragraph 4.4 above.

#### **Revised entrance**

- 4.8 The current scheme provides for a sliding circular door within a recessed entrance that is shallower than previously approved. This has resulted in changes to the internal layout the main difference being the consolidation of 2 reception areas into 1; the repositioning of a toilet block; and a more open circulation area. The revised entrance door will have little impact on the overall design of the scheme. It remains within a curtain wall system as per the previous application and by doing so retains its presence on the street by announcing itself to visitors.
- 4.9 A reduction in the recessed area is a better crime and safety solution as it reduces the area where one could hide whilst still providing cover for those entering the building



legitimately.

## **5 CONSIDERATION OF PROPOSED CHANGES**

### **Omission of top floor and infill extension**

- 5.1 The omission of the additional floor and infill extension in line with the approved scheme is not considered have an impact on residents beyond that already considered by members on the 2 February 2010. (A copy of the report presented to members on the 2 February 2010 is attached at Appendix 2)

### **Impact on surrounding residents**

- 5.2 Impacts in terms of sunlight, daylight overshadowing and privacy were considered to be acceptable by officers in relation to the deferred application (paragraphs 9.72 to 9.85 at Appendix 1), and were not recorded as specifically forming the reasons why members were minded to refuse the application. It is considered that with the reduction in the overall bulk of the building these impacts would be no worse than that already assessed by officers at paragraphs 9.72 to 9.85 of Appendix 1 and considered by members at the Strategic Development Committee of the 20<sup>th</sup> January 2011.
- 5.3 Members raised concerns over the increased height, bulk, scale and mass of the proposal, and the impact that the resultant increase in density would have on the local community. It is considered that the omission of the additional floor and infill extension, and the resultant reduction in the number of student bed spaces from the proposed 641 to the previously approved 583, addresses those concerns.

### **Design and appearance**

- 5.4 Members were also concerned that the proposal would be contrary to policies 4B.1 (Design principles for a compact city); 4B.9 (Tall buildings – Location); and 4B.10 (Large scale buildings- design and impact) of the London Plan (February 2008). It is considered that the omission the top floor and infill extension addresses those concerns as the building now rises to a maximum height of 9 storeys as was previously approved.
- 5.5 In terms of design, the elevational treatment with the exception of the revised entrance arrangements remains as per the approved plans. It is considered that revised entrance will have little impact on the overall appearance of the scheme given that a recessed entrance is retained as per the approved scheme, although it is shallower and is facilitated by a rotating door as opposed to a swing door.

### **Planning Obligations**

- 5.6 Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:
- (i) relevant to planning;
  - (ii) necessary to make the proposed development acceptable in planning terms;
  - (iii) directly related to the proposed development;
  - (iv) fairly and reasonably related in scale and kind to the proposed development; and
  - (v) reasonable in all other respects.

5.7 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- (a) The obligation is necessary to make the development acceptable in planning terms;
- (b) The obligation is directly related to the development; and
- (c) The obligation is fairly and reasonably related in scale and kind to the development.

5.8 Policy 6A.5 of The London Plan advises:

*"It will be a material consideration whether a development makes adequate provision for, or contribution towards requirements that are made necessary by, and related to, the proposed development.*

*Negotiations should seek a contribution towards the full cost of such provision that is fairly and reasonably related to the proposed development and its impact on the wider area"*

5.9 Policy DEV 4 of the Tower Hamlets UDP 1998 and policy IMP1 of the Council's interim planning guidance 2007 state that the Council will seek planning obligations or financial contributions to mitigate the impacts of a development. Paragraph 3.53 of The London Plan advises that where a housing development is solely for student housing, it would not be appropriate for the borough to seek social rent or intermediate housing provision through a planning obligation.

5.10 Chapter 8 of the Council's Core Strategy 2010 deals with Delivery and Monitoring. Policy SP13 says:

*"The Council will negotiate planning obligations in relation to proposed development. These may be delivered in kind or through financial contributions"*

5.11 Members are reminded that the S.106 contribution will be as per the approved scheme (PA/09/01916) and the pro-rata contribution of £224,000 would no longer be applicable.

5.12 The total financial contribution amounts to £2,400,000 With regard to the previously approved scheme, £760,000 was due before commencement and £1,490,000 prior to occupation. The Council has received the pre-commencement payment of £760,000.

## **6 SUMMARY**

6.1 It is considered that the proposed amendments to the submitted application addresses the concerns raised by Members in relation to the additional height and width of the building and the increase in the level of student accommodation.

6.2 The development now proposed is essentially the same as previously approved with the exception of the amendments mentioned above, most of which are contained within the envelope of the building and is not considered to have a detrimental impact on surrounding residents or contrary to the Councils relevant planning policies. Officers therefore do not consider that the initial reasons for which members were minded to refuse the scheme are now defensible in light of the reduction in height and minor nature of the changes proposed and recommend to members that permission should be granted.

- 6.3 Whilst the reduction in student units reduces the pro-rata s.106 contribution currently being offered, members are reminded that the health contribution of £253,605 is an additionality that was not previously secured in the approved scheme reference PA/09/01916).

## **6 CONCLUSIONS**

- 6.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS appended to this report and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.
- 6.2 However, if Members are minded to refuse the application and the amendments detailed above, subject to any direction by the Mayor of London the following suggested reasons for refusal are as follows:

### **Suggested reasons for refusal**

- 6.3 1. The scheme would result in the overdevelopment of the site and would have a detrimental impact on surrounding residents in terms of general noise and disturbance. As such, the scheme is contrary to policies SP03 of the adopted Core Strategy (2010), saved policies DEV2 and DEV50 of the Adopted Tower Hamlets Unitary Development Plan (1998) and policies DEV1 and DEV10 of the Council's Interim Planning Guidance (2007) which seek to protect neighbouring amenity from unacceptable noise and disturbance.
2. The building in terms of height, scale, design and appearance would appear incongruous within the street scene and would fail to respect the character and appearance of the surrounding area contrary to advice in PPS5, policies 4B.1, 4B.9, and 4B.10 of The London Plan (consolidated with alterations since 2004), saved policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan (1998), policies DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance (2007) and policy SP10 of the adopted Tower Hamlets Core Strategy (2010), which seek to ensure development is of a high quality design, and preserves or enhances heritage assets and their settings.

### **Implications of the decision**

- 6.3 Following the refusal of the application the following options are open to the Applicant. These would include (though not be limited to):
1. Implement the extant permission;
  2. The applicant could appeal the decision and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:

*“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council”.*

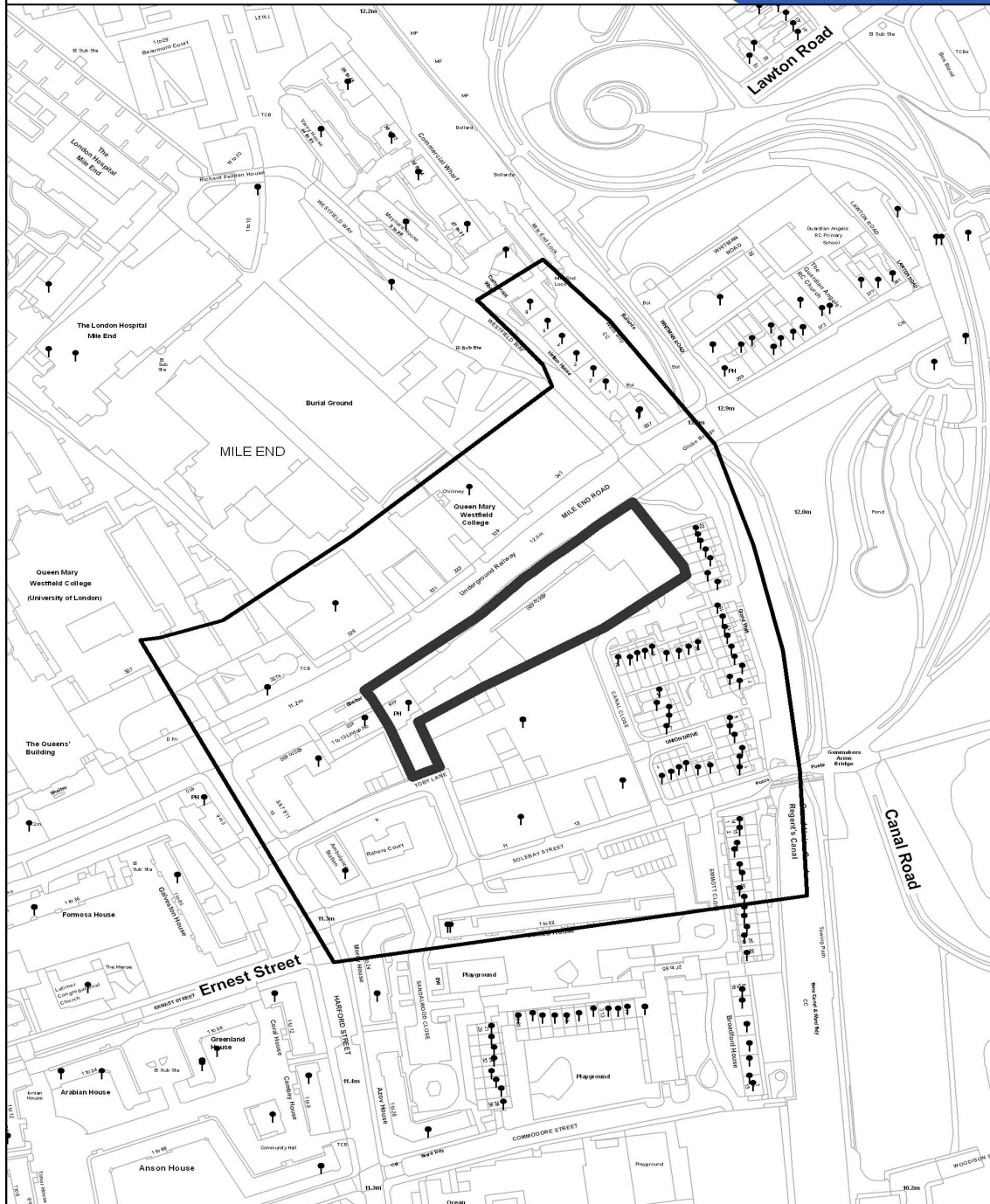
3. There are two financial implications arising from appeals against the Council's decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of "unreasonable behaviour". Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State's Circular 05/2005 and are necessary to enable the development to proceed.
4. The Council would vigorously defend any appeal.

## **7 Appendices**

Appendix 1 – Committee Report to Members of the Strategic Development Committee on 20th January 2011

Appendix 2 – Committee Report to Members of the Strategic Development Committee on 2nd February 2011

# Planning Application Site Map



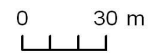
Planning Application Site Boundary



Land Parcel Address



Consultation Area



1:2,500

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288