

APPENDIX 1

Committee: Strategic Development	Date: 20 th January 2011	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/10/2091	
		Ward: 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.
- Proposal:** Erection of a new building ranging from 3 to 10 storeys to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
- Drawing Nos:** 4118-A-0100, 4118-A-0101, 4118-A-0102, 4118-A-0103, 4118-A-0104, 4118-A-0105, 4118-A-0106 Rev P1, 4118-A-0107 Rev P1, 4118-A-0108, 4118-A-0109 Rev D4, 4118-A-0110 Rev D2, 4118-A-0111 Rev P1, 4118-A-0112 Rev P1, 4118-A-0113 Rev P1, 4118-A-0114 Rev P1, 4118-A-0115 Rev P1, 4118-A-0116 Rev P1, 4118-A-0117 Rev P1, 4118-A-0118 Rev P1, 4118-A-0119 Rev P1, 4118-A-0120, 4118-A-0200, 4118-A-0201, 4118-A-0202, 4118-A-0203, 4118-A-0204 Rev P1, 4118-A-0205, 4118-A-0206 Rev P1, 4118-A-0301, 4118-A-0302, 4118-A-0303, 4118-A-0304, 4118-A-0305, 4118-A-0306, 4118-A-0307, 4118-A-0308, 4118-A-0309, 4118-A-0310, 4118-A-0400, 4118-A-0401 and 4118-A-0402.

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 2. Opposite, at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is Grade 2 listed. To the east, No. 357 Mile End Road and Nos. 359 to 373 Mile End Road are locally listed, the Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road are listed Grade 2.

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

2. 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 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)
 - 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 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's interim planning guidance 2007 which seek to provide an acceptable standard of development throughout the borough.
- The new building in terms of height, scale, design and appearance is acceptable and in line with national advice in PPS5, policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12 and 4B.14 of The London Plan 2008, policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998, 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.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- Sustainability and renewable energy matters are appropriately addressed in line with policies 4A.7 – 4A.9 of The London Plan, 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 The London Plan 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 2008, 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 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. Within 3 months of the grant of planning permission a contribution to the capital cost of health provision of £278,835.
9. 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).
10. 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.
11. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate studying at QMUL (£3,000 per student / £33,000 per annum to a total of £165,000).
12. 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.
13. The submission and implementation of a Travel Plan.
14. The submission an updated Service Management Plan and the implementation of the Construction Logistics & Management Plan approved by letter dated 9th November 2010.
15. To participate in the Council's Access to Employment initiative.
16. 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 20th 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 am to 10.00 pm on any day.
 15. Hours of construction time limits 08.00 am to 18.00 pm Monday to Friday, 08.00 am to 13.00 pm Saturdays and not at all on Sundays or Bank Holidays.
 16. Piling hours of operation time limits 10.00 am to 16.00 pm Mondays to Fridays, 10.00 am to 13.00 pm 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. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. Application is made for full planning permission for the redevelopment of the site of 438-490 Mile End Road by the erection of a new building ranging from 3 to 10 storeys for use as an education facility comprising teaching accommodation, student housing, cycle and car-parking areas plus refuse and recycling facilities.
- 4.2. This is a revised proposal following the decision of the Strategic Development Committee on 2nd February 2010 to grant planning permission (PA/09/1916) for a similar development between 3 to 9 storeys in height. Following the execution of a section 106 Agreement under terms that the Committee instructed, planning permission PA/09/1916 was issued on 17th May 2010.

- 4.3. The teaching facility remains at 3,712 sq m (net internal). The key changes between the development permitted on 17th May 2010 and the current proposal are as follows:
- Gross external floorspace increased from 16,602 sq m to 18,473 sq m.
 - Gross internal floorspace increased from 11,500 sq m to 12,341 sq m.
 - Gross internal floorspace of student housing increased from 7,788 sq m to 8,629 sq m.
 - The number of student bed spaces increased from 583 to 641 (10%).
 - An additional storey added to the four western modules of the building.
 - Maximum height increased from 9 storeys (28.00 metres) to 10 storeys (30.8 metres).
 - The proposed building extended by some 5.4 metres to the west to abut Lindrop House, No. 432 Mile End Road.
 - Main entrance door brought forward but still recessed from the building line.
 - Revised refuse arrangements.
 - Revised arrangements for bicycle storage.
- 4.4. The proposed building would now vary from 3 storeys (9.6 metres high) at its eastern end, rising to 10 storeys (30.8 metres high) towards the centre then dropping to 8 storeys (22.9 metres high) at its western end. The eastern part of the building would have northern and southern wings linked at ground and 1st floor levels. The development would comprise two main elements:
- (i) A new education / teaching facility and;
 - (ii) Student living accommodation.
- 4.5. There would be a double height ground floor frontage to Mile End Road. The education space would be arranged around a large central double-height circulation zone which would also provide break-out space and informal meeting / seating areas for the students, along with a café / restaurant. Formal teaching rooms would be provided at the eastern end of the building fronting Mile End Road and on the upper floors, including within the central-core, which would rise through the building to fourth floor level.
- 4.6. The southern (rear) and upper parts of the building would provide student living facilities arranged as either single studios or clusters with private kitchens and bathrooms. The student living accommodation proposes 641 bed spaces split between:
- 53 x single studios (previously 51)
 - 577 x 1 bed units (previously 512)
 - 21 x 1 bed wheelchair accessible units (no change).
- 4.7. The education facility would support over 300 full-time students and would be operated by INTO University Partnerships, which provides foundation courses for students before they enter undergraduate and post-graduate degree courses.
- 4.8. Whilst Queen Mary University (QMUL) is not involved in the development, the developer anticipates some half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for students studying on the QMUL campus.

4.9. Tree planting would be undertaken along Mile End Road and at the eastern end of the site. The proposal incorporates a range of amenity space provision, including a roof terrace, enclosed sky-gardens and areas of communal landscaping as follows:

- A rear terrace on the roof of the 4th floor = 92 sq m
- Internal 'Sky gardens' = 140 sq m
- Communal gardens = 988 sq m

4.10. The proposal does not include car-parking for either students or staff although two spaces for disabled people would be provided at the south-west corner of the building accessed off Toby Lane. A third parking space in this location would be used as a light goods servicing bay. There would 405 cycle storage spaces including 30 visitor spaces, distributed both along the main frontage (off the highway) and within the envelope of the building.

Site and surroundings

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

4.12. Most of the site was occupied until April 2009 as showrooms for the sale of motor vehicles. The buildings were 2 and 3-storey. Vehicle repairs were undertaken in associated workshops and there were ancillary offices. Motor vehicles were displayed on the forecourt and in an open sales yard at the eastern end of the site. The site has been cleared and work has commenced on the development permitted on 15th May 2010.

4.13. As before, the development site includes the former 'Fountain' public house, No. 438 Mile End Road last used as a bar / nightclub. This was a 2-storey building with rear vehicular access to Toby Lane.

4.14. In total, there was previously approximately 2,700 sq. m of accommodation across the site split between the car showroom use (2,429 sq. m) and the bar/nightclub (240 sq. m).



Former buildings now demolished. Application site marked by broken line

4.15. Mile End Road is a strategic London distributor road - the A11. It is a 'red route' and part of the Transport for London Road Network. The site originally operated with three vehicular accesses onto Mile End Road. There is a 'pelican' crossing across Mile End Road at the eastern end of the site and a further pedestrian crossing immediately east of Harford Street which runs south

from Mile End Road. Toby Lane, which runs in a dog leg between Harford Street and Solebay Street, is a borough road. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park.

- 4.16. Opposite the site, on the northern side of Mile End Road, is the Queen Mary University (QMUL) campus (part of the University of London) that is accommodated in a number of buildings of varying heights. The campus occupies some 10 hectares extending northwards towards Meath Gardens. Within the campus, 90 metres east of the application site, the white stone Drinking Fountain and Clock Tower and the 1930's Queen's Building (formerly the Peoples Palace) are listed Grade 2. The adjoining 3-storey administrative building of Queen Mary College dates from 1890, designed in ornate classical style, and built as the original Peoples Palace, is also Grade 2 listed. Opposite the application site at Nos. 331–333 Mile End Road, the boundary wall of the cemetery of the Spanish and Portuguese Jewish Congregation Queen Mary, University of London is also Grade 2 listed. . A new 5- storey high Humanities Building for QMUL is nearing completion at Nos. 331-333 Mile End Road.
- 4.17. Adjoining the application site to the west, 'Lindop House,' No. 432 Mile End Road is a part 6, part 7-storey building providing student housing. There is also a recent development of student housing to the rear of Lindrop House in Toby Lane / Solebay Street named 'Rahere Court' which adjoins an ambulance station on the corner of Toby Lane / Harford Street.
- 4.18. To the south of Mile End Road lies the Ocean Estate, a large post-war municipal housing development comprising mostly a series of medium – high rise (6-9 storeys) blocks arranged around a series of courtyards and open spaces. The estate has a frontage onto Mile End Road to the west of the application site, presenting a series of blocks running perpendicular to the road separated by areas of landscaping.
- 4.19. To the east and south-east of the application site, part of the Ocean Estate comprises 1970's residential development of 2 and 3-storey dwellinghouses on Canal Close, Union Drive, and Grand Walk. The houses on Grand Walk lie alongside the Regents Canal and fall within the Regents Canal Conservation Area. This adjoining development on Grand Walk has rear windows overlooking the former open sales yard of the development site and is separated from it by rear gardens 7 – 10 metres long.
- 4.20. Mile End Park, designated as Metropolitan Open Land, lies to the east of the Regents Canal with the interconnecting 'Green Bridge' crossing Mile End Road.
- 4.21. In the vicinity of the application site, in addition to the listed buildings within the QMUL campus; No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road east of the Regents Canal (all on the northern side of Mile End Road) are included within the Council's non-statutory local list of buildings of architectural or historic interest.. The Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, is statutorily listed Grade 2. The buildings on the northern side of Mile End Road east of the canal lie within the designated Clinton Road Conservation Area.
- 4.22. The urban grain of the development site and its environs is badly fragmented following war damage. Immediately south of the site lies open land occupied by the Council's Toby Lane Depot operated by Catering and Transport Services. A new kitchen building has recently been constructed in the north eastern corner

of the depot abutting the development site.

- 4.23. The site has good public transport accessibility. Mile End Station, on the Central and District Lines of the Underground Railway, lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The western part of the site has a Public Transport Accessibility Level (PTAL) of 5 and the eastern yard scores PTAL 6a where 1 is low and 6 is high. The running tunnels of the Underground Railway lie beneath the site and adjoining parts of Mile End Road.

5. MATERIAL PLANNING HISTORY

1st Planning application PA/09/601

- 5.1. At its meeting of **4th August 2009**, the Strategic Development Committee considered an application for planning permission to redevelop the site by a part 3, part 5, part 7, and part 11-storey building to provide a new education facility and student housing.

- 5.2. The Committee resolved that it was minded to **REFUSE** planning permission on the following grounds:

1. The proposed density;
2. Inappropriate design and height of the proposed development;
3. Overdevelopment of the site; and
4. A lack of benefit for local residents.

- 5.3. On **23rd September 2009**, the Strategic Development Committee considered a Supplemental report setting out recommended reasons for refusal and the implications of the decision. The Committee resolved to **REFUSE** planning permission for the following reasons:

1. The proposed development due to its height would amount to an overdevelopment of the site contrary to:

- (a) Policies 4B.1, 4B.9 and 4B.10 of The London Plan 2008 that require development including tall and large-scale buildings to respect local context.
- (b) Policies DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998, which requires development to take into account and be sensitive to the character of the surrounding area, in terms of design, bulk and scale and the development capabilities of the site.
- (c) Policies CP48 and DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of scale, height mass, bulk and form of development.

2. Due to inappropriate design, with inadequate modulation of the facades of the proposed building, the development would not be an attractive city element as viewed from all angles in conflict with:

- (a) Policy 4B.10 of The London Plan 2008 which requires development to suited to their wider context in terms of proportion and

composition.

(b) Policy DEV1 and DEV3 of the Tower Hamlets Unitary Development Plan 1998 which require development to take into account and be sensitive to the character of the surrounding area.

(c) Policy DEV2 of the Council's interim planning guidance 2007 which requires development to take into account and respect the local character and setting of the development site in terms of roof lines, streetscape rhythm, building plot sizes and design details and to enhance the unique characteristics of the surrounding area to reinforce local distinctiveness and contribute to a sense of place.

5.4. In reaching its decision, the Committee considered advice in the Supplemental report on its resolution of 4th August 2009 which may be summarised as follows:

Resolution 1

5.5. Officers advised that was inappropriate to apply a residential density calculation to student housing in the same way as general purpose housing. The determining factor should be the resultant design arising from the amount of development proposed and its compatibility with the local context. Accordingly, recommended Refusal Reason 1 concerned overdevelopment of the site due to excessive height in relation to the local context, but did not allege conflict with the residential density range guidelines provided by Table 3A.2 of the London Plan or Planning Standard 4: Tower Hamlets Density Matrix of the Council's interim planning guidance 2007. Given the lack of support from the Development Plan for a refusal based on Resolution 1, the Committee agreed that planning permission should not be refused on the ground of density as a stand alone reason.

Resolution 2

5.6. Officers advised that Refusal Reason 2 concerned inappropriate design due to inadequate modelling of the façade of the development on this exceptionally long stretch of Mile End Road, resulting in conflict with The London Plan 2008, which requires development to be suited to its wider context in terms of proportion and composition, together with the design policies in the Council's Unitary Development Plan 1998 and interim planning guidance 2007 which also require development to take into account and be sensitive to the character of the surrounding area.

Resolution 3

5.7. Officers advised that overdevelopment manifested itself in a proposal that would be excessively high. Accordingly, recommended Refusal Reason 1 concerned:

- Conflict with The London Plan 2008 that requires tall and large-scale buildings to respect local context,
- Conflict with the Tower Hamlets Unitary Development Plan 1998 which requires development to take into account and be sensitive to the character of the surrounding area and the development capabilities of the site, together with the similar policy in the Council's interim planning guidance 2007.

Resolution 4

- 5.8. The Committee considered the package of section 106 obligations offered by the developer. Officers advised that there is no national guidance or policy in The London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the Council's interim planning guidance 2007 that requires development to provide benefits for local residents. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst community benefit can be a material consideration, a fundamental principle in the determination of applications for planning permission is whether obligations are necessary to enable a development to proceed. Members decided that as no such further obligations had been identified and, given the absence of support in the development plan for a refusal based on Resolution 4, planning permission should not be refused on the ground of inadequate benefit for local residents.
- 5.9. Planning permission was refused on 14th October 2009 (for the reasons set out at paragraph 5.3 above) after the Mayor of London decided not to take over the application. An appeal to the Planning Inspectorate was lodged against the Council's decision but was withdrawn undetermined.

2nd Planning application PA/09/1916

- 5.10. On **15th December 2009**, the Strategic Development Committee considered a report and an update report on a revised application for planning permission for the redevelopment of 438-490 Mile End Road by erection of an alternative building ranging from 3 to 9 storeys to provide a new education facility comprising teaching accommodation and student housing. The scheme differed from that refused on 23rd September 2009 in the following respects:
- Gross external floorspace reduced from 19,076 sq m to 16,602 sq m.
 - Gross internal floorspace reduced from 13,629 sq m to 11,500 sq m.
 - The number of student bed spaces reduced from 631 to 583.
 - The previous scheme proposed three interconnected building volumes. Scheme 2 divided the accommodation into seven volumes that read as interconnected buildings of varying scales.
 - Consequential breaking up and modelling of the facades and roofscape.
 - Maximum height reduced from 11 storeys to 9 storeys.
 - The previous scheme ranged between 3 and 11 storeys in height; whereas the 2nd scheme was between 3 and 9 storeys.
 - The previous scheme employed a single fenestration concept applied across the entire façade. Scheme 2 deployed a varied fenestration to each building block, but with common design features to ensure the development would read as a family.
 - Variation in facing materials across the seven building volumes.
 - A roof terrace deleted from the eastern end of the 4th floor roof of the building fronting Mile End Road.
- 5.11. The Committee resolved that it was minded to **REFUSE** planning permission on the following grounds:
1. The physical impact of the scheme on the surrounding area in terms of the height, bulk and massing of the proposed building.
 2. Inadequate affordable housing contribution in contravention of the Mayor's draft London Plan policy.
 3. The requirement for the development to encourage a mixed

community.

- 5.12. 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.
- 5.13. On **2nd February 2010**, the Strategic Development Committee considered advice in a Supplemental report which may be summarised as follows.

Resolution 1 - Height, bulk and massing

- 5.14. Officers advised that the developer had responded to the Committee's twofold concerns of 23rd September 2009, about the earlier proposal (PA/09/601) involving a 3, 5, 7 and 11 storey building about overdevelopment due to height and inadequate modulation of the facades.
- 5.15. The Committee was advised that the applicant had held discussions with Greater London Authority and the Council officers regarding design amendments to address the reasons for refusal. To that end, Scheme 2 had significantly reduced the height of the development, the number of student bed spaces had been reduced, and the façade enhanced by breaking the building into seven elements.
- 5.16. The GLA had informed the Council that Scheme 2 accorded with the design policies of The London Plan 2008 and the draft replacement London Plan. English Heritage also raised no objection, recommending that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. In that regard, the Council's Development Design and Conservation Team shared the GLA's opinion that the proposal complied with national guidance and the policy guidance of The London Plan and the Council's Development Plan documents.

Resolution 2 - Absence of affordable housing

- 5.17. The Committee was advised that there are no policies in The London Plan 2008, the Tower Hamlets UDP 1998, or the Council's interim planning guidance 2007 to secure affordable housing for students. The requirement to provide affordable housing applying only to private market residential schemes.
- 5.18. Members had asked for clarification on the emerging policies on affordable housing in the draft replacement London Plan and their applicability to the proposal.
- 5.19. The Committee was informed that the relevant policy in the draft replacement London Plan is policy 3.8 "*Housing Choice*" where Sub policy 3.8 (g) requires the London boroughs in preparing their Local Development Frameworks to address strategic and local requirements for student housing that meet an identifiable need "*without comprising capacity for conventional homes.*" The draft Plan adds (paragraph 3.45) that this applies especially to the provision of affordable family homes and says:

"Unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy."

- 5.20. It was explained that the fundamental aim of policy 3.8 of the draft replacement London Plan is to ensure that, not only is there is a sufficient supply of student accommodation, but that it is delivered in such a way as to not prejudice the availability of land for conventional housing (and in particular affordable family homes). The site of 438-490 Mile End Road has not been identified on the Proposals Maps of either the Tower Hamlets UDP 1998, or the Council's interim planning guidance 2007, as a site for new residential development. Further, it was not considered ideal for conventional housing, particularly affordable and family units, due to its position on Mile End Road. Importantly, it also now lies within the QMUL "*Knowledge Hub*" shown in the then emerging Local Development Framework Core Strategy which had been approved by Cabinet in September 2009. The proposal would therefore have no impact upon housing land availability.
- 5.21. With regard to compliance with the emerging London Plan in terms of occupation, Members were advised that the offered legal agreement included a clause whereby the student residential accommodation would only be occupied for the predominant part of the year by students attending the associated INTO education facility, Queen Mary University of London, or from an approved list of other further educational establishments. This arrangement was subsequently accepted by the Mayor as compliant with the emerging plan.

Resolution 3 - The development would not encourage a mixed community

- 5.22. The Committee's concern was a land use objection due to the concentration of educational uses in the vicinity of Queen Mary University, and absence of conventional dwellings (or other land use) in the proposed development.
- 5.23. Members were advised that the land uses proposed (teaching accommodation and student housing) are supported by policy 3A.5 of The London Plan 2008, which requires the London boroughs to identify the full range of housing needs in their area including student housing. Paragraph 3.39 of The London Plan 2008 then acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing, whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 then requires the borough's policies to provide for special needs housing, including student housing.
- 5.24. Members were advised that the site was not identified for new housing by the Proposals Map of the Tower Hamlets UDP 1998 and UDP policy HSG14 encourages development which meets the needs of residents with special needs, including students. The UDP says (paragraph 5.29) that student housing will be considered in a variety of locations, providing there is no loss of permanent housing (which is the case here) and notes that additional student housing could release Class C3 dwellings elsewhere in the borough. There is no requirement in the Plan for developments involving student housing to include other land uses including Class C3 dwellinghouses.
- 5.25. Members were also informed that the Council's interim planning guidance 2007 is more site specific with then Core Policy CP24 stating that the Council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus. Although the application site is not within the QMUL campus, Members noted that the Mile End Vision Key Diagram of the Local Development Framework Core Strategy

approved by Cabinet showed the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing 438-490 Mile End Road and the development would accord with that allocation which does not propose that a development of educational facilities should also provide Class C3 dwellinghouses or other land uses.

5.26. The Committee decided to **GRANT** conditional planning permission subject to a legal agreement with the developer. The planning permission was issued 17th May 2010 when an agreement under the following Heads was executed:

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 a list of other further educational establishments that has been approved 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. Prior to 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. Prior to commencement of development a £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. Prior to commencement of development a contribution of £100,000 towards local community education initiatives and cultural facilities.
6. Prior to commencement of development a contribution of £20,000 towards local employment and training initiatives.
7. Prior to the 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 the teaching facility within the development 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 studying at QMUL (£3,000 per student / £30,000 per annum up to 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 comprising a Workplace and Residential Travel Plan, a Service Management Plan and a Construction Logistics & Management Plan.
13. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
14. To participate in the Considerate Contractor Protocol.
15. Restriction on the hours of use of the roof terrace.

5.27. The total financial contribution amounted to £2,250,000 plus the £150,000 bursary 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.

5.28. On 20th September 2010, measures to secure decontamination of the site were approved. Details of a Construction Logistics Management Plan and a Draft Service Management Plan required by the section 106 agreement were approved on 9th November 2010.

6. POLICY FRAMEWORK

6.1. 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:

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

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

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

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

- Queen Mary College lies within an Arts, Culture and Entertainment Area.
- Mile End Park - Metropolitan Open Land.
- The Grand Union Canal - Green Chain.

Policies:	ST43	Public Art
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Development
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping
	DEV51	Contaminated land
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	EMP1	Promoting Employment Growth
	HSG13	Internal Space Standards
	HSG14	Special needs housing
	T16	Impact of traffic generation
	T18	Safety and convenience of pedestrians
	T21	Pedestrian Needs in New Development

6.4. Tower Hamlets interim planning guidance 2007

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

Development	DEV1	Amenity
Control	DEV2	Character & Design
Policies:	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV8	Sustainable drainage
	DEV9	Sustainable construction materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	EE2	Redevelopment / Change of Use of Employment Sites

HSG1	Determining Residential Density
HSG7	Housing amenity space
CON2	Conservation Areas

Tower Hamlets Core Strategy adopted 2010

Spatial Policies	SP01	Apply a town centre hierarchy and create a new neighbourhood centre to reflect existing mixed use activity Mile End. Ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre. Promote good design at town centres.
	SP02	Provide for specialist housing needs by working with the borough's universities to enable the provision of student accommodation to meet identified needs by focusing student accommodation supporting Queen Mary University in close proximity to the university.
	SP07	Support the growth and expansion of further and higher education facilities.
	SP10	Protect and enhance heritage assets and their settings.
	SP11	Carbon reduction emission reduction target of 60% by 2025.
	SP13	Planning obligations.
Mile End Vision		<i>A lively and well connected place with a vibrant town centre complemented by the natural qualities offered by the local open spaces."</i>

6.5. **Supplementary Planning Guidance/Documents**

Designing Out Crime
Landscape Requirements
The Mayor of London's Housing Supplementary Planning Guidance
East London Sub Regional Development Framework 2006

6.6. **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS5	Planning and the historic environment
PPS22	Renewable Energy
PPG24	Noise

6.7. **Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6.8. **Other material considerations**

1. The Government White Paper. The Future of Higher Education 2003
2. Student Housing in Tower Hamlets. LBTH August 2008

7. **CONSULTATION RESPONSE**

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

Greater London Authority (Statutory consultee)

7.2. The development is greater than 15,000 sq m gross external area, is more than 30m in height and is therefore referable to the Mayor under Categories 1B and 1 C of the Mayor of London Order 2008.

7.3. The Mayor has concluded that the proposal does not raise any strategic planning issues. This is because notwithstanding the additional storey, the proposal does not differ from the previous application to raise issues of strategic concern. The additional height remains lower than that of a historical application for the site, on which the Mayor was also consulted, and to which he raised no strategic objections.

7.4. This is subject to the application incorporating the previously negotiated section 106 contributions and other improvements as agreed with Transport for London namely:

- £20,000 for an improved crossing on Mile End Road.
- Provision of a car-free agreement, delivery and servicing plan, construction logistics plan and travel plan.

7.5. The Mayor therefore advises that he does not need to be consulted further on the application which the Council may determine without further reference to the GLA.

7.6. (Officer comment: Appropriate Heads of agreement are recommended).

Transport for London (Statutory consultee)

7.7. No separate representations received (included within GLA comments).

London Underground Limited

7.9. No representations received. Previously confirmed that the developer has consulted London Underground and should continue to work with LU engineers.

Olympic Delivery Authority (Statutory consultee)

7.10. No reply received. Previously advised that the proposal does not conflict with any of the ODA's planning principles.

English Heritage (Statutory consultee)

- 7.11. Advises that Mile End Road forms part of the High Street 2012 route. It is important that development of this scale is of a quality commensurate with the fine range of University buildings on the north side of the road. Should the proposal be approved, conditions should be attached with regard to materials and details and to ensure that additional street trees are planted. Recommends that the application is determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 7.12. (Officer comment: Conditions regarding facing materials and detailed design are recommended. The proposal involves new planting within the development site along Mile End Road and a condition to ensure landscaping within the site is also recommended. The High Street 2012 improvements will include additional tree planting on the public highway.

Commission for Architecture and the Built Environment (CABE)

- 7.13. Unable to comment due to insufficient resources.

Thames Water Plc

- 7.14. No objection regarding water infrastructure. Requests a condition requiring the approval of a piling method statement to ensure the works do not impact on underground water and sewage infrastructure.

(Officer comment: An appropriate condition is recommended).

Metropolitan Police

- 7.15. Previously generally happy with the design, improvements in the streetscape and the creation of an active frontage. Concerned about the potential for break in from the rear, the side entrances, and the Toby Lane access. Side gates, vehicular entrance gates and the rear boundary wall should be sufficiently high to stop easy access. With regard to the current application, concerned about the introduction of an undercroft on Mile End Road and the use of wooden louvred panels to the rear entrance building on Toby Lane.

- 7.16. (Officer comment: A condition is recommended to require final approval of the detailed design of landscaping including gates walls, fences, external lighting, a CCTV system and facing materials. Revised plans have been submitted eliminating public access to the undercroft. An informative advising further consultation with the Metropolitan Police is recommended).

London Fire and Emergency Planning Authority

- 7.17. Indicates that if the existing water supplies are maintained, the provision of water for use by the Fire Service should be adequate.

British Waterways Board (Statutory consultee)

- 7.18. No objection, but advises that the submitted Sustainability and Energy Statement does not consider the use of the canal and heat exchange technology. Requests a section 106 contribution of £10,000 towards a waterway wall survey of the stretch of the Regents Canal opposite the site. BWB Engineers have concerns that while the surfacing of the towpath in this area is in reasonable condition, the waterway wall is poor, and the impact of additional pressure could cause it to fail,

causing damage to the towpath. BWB consider the request reasonable as occupiers of the scheme will make use of the towpath and canal for amenity and as a walking and cycling link.

7.19. (Officer comments: The same comments regarding heat exchange were made by British Waterways on the 1st and 2nd applications. The applicant advised that the option to use canal water for the cooling of the development was considered in the early design stages. It was found unfeasible because of the difficulty in routing pipe work from the building to the canal. There are no routes from the proposed building to the canal that do not pass either through privately owned land or underneath Mile End Road. Neither of these options was deemed feasible. This is accepted.

7.20. Officers are not satisfied that BWB's request for funds to undertake a survey of the canal wall complies with Regulation 122 of the Community Infrastructure Levy Regulations 2010 which say that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

Inland Waterways Association

7.21. No representations received. Previously raised no objection.

Tower Hamlets Primary Care Trust

7.22. Advises that there are GP capacity problems within the locality with limited scope for expansion. Request a section 106 contribution towards funding a new facility on the Mile End Hospital site. On the basis of 641 bed spaces, the PCT calculates the contribution required via the HUDU model at £438,000 capital contributions from 2010/11 to 2015/16.

7.23. (Officer comment: At its meeting of 20th October 2010, in the case of 60 Commercial Road, which involved 383 units of student accommodation, the Committee determined that a contribution of £166,662 (£435 per unit) was justified. Applying the same figure to the Mile End Road Proposal would result in a health contribution of £278,835. The developer has agreed such a contribution and an appropriate Head of agreement is recommended).

Environmental Protection

7.24. The development is acceptable in terms of daylight / sunlight impacts on adjoining property. Previously recommended that any planning permission be conditioned to secure decontamination of the site. The building would be subject to Noise Exposure Category D where PPG24 advises that planning permission for residential development should normally be refused. If planning permission is to be granted, conditions should be imposed to ensure sound proofing and acoustic ventilation to provide a commensurate level of protection. All windows to habitable rooms exceeding the Air Quality Objective for Nitrogen Dioxide should have non-opening windows. Mitigation in the form of mechanical ventilation must be provided and maintained for the lifetime of the development for those facades exceeding the objective. Clean air for any mechanical ventilation must be drawn from the rear of the property, away from the Mile End

Road. Previously concerned about ground borne noise impact from Underground trains on the ground floor residential/educational uses.

- 7.25. (Officer comment: A scheme of decontamination has been approved and a condition is recommended to require the submission of a validation report confirming the works have been undertaken. A condition to secure, sound proofing and mechanical ventilation is also recommended. With regard to ground borne noise, the developer has advised that the foundations will be part-raft and part-piled, the principles of which have been agreed with London Underground Limited. The foundations and superstructure will be designed to minimise the transmission of vibrations from the railway tunnels by the incorporation of either deadening or isolation measures. Given the bespoke foundation solution, it is not possible to provide details of the noise / vibration insulation measures until the detailed design stage. The developer however is confident that the solution will ensure a satisfactory living and working environment for future occupiers. It is suggested that this issue can be dealt with via a planning condition and an appropriate condition is recommended).

Traffic and Transportation

- 7.26. Previously advised that the site is in an area of excellent public transport accessibility. Proposed bicycle parking accords with standards. There will need to be agreements under the Highways Act with the Council and Transport for London for works affecting the public highway.

Concerns have been raised about the capacity of the service bay to accommodate servicing vehicles however a condition prohibiting loading and unloading from taking place off-site would mitigate against any possible impacts of the highway. This matter will also be further reviewed as part of the Service Management Plan.

Concern has also been raised about the spacing of the cycle stands however the applicant has confirmed that these meet with the manufactures recommended guidelines

Recommends a section 106 agreement to secure:

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

And conditions to secure

- Retention and maintenance of the cycle stands
- Retention of disabled parking bays and service bays for disabled parking and servicing only.

- 7.27. (Officer comment: An appropriate condition and Heads of agreement are recommended).

The Olympic Team (2012 Unit)

- 7.28. Previously advised that the new building accords well with the High Street 2012 vision, replacing buildings and a land use that has had a detrimental impact on

the street. It would provide a good edge and active frontage to Mile End Road and contribute to forming a busy and well overlooked street environment.

- 7.29. The applicant offered a £620,000 contribution to help fund the High Street 2012 project. This was reduced by Committee to £120,000 with £500,000 allocated to the Bancroft Library improvements. The £120,000 will contribute to the delivery of improvements in access to Mile End Park. A further contribution of up to £500,000 is requested to achieve the following:

Works to the footway between Harford Street and Grand Walk:	£245,000
Re - landscaping the public open space east of the development:	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regents Canal:	£ 35,000
Accent lighting to "heritage" buildings at the end of Grove Road:	£ 20,000
TOTAL	£500,000

- 7.30. (Officer comment: The recommended contribution to High Street 2012 remains at £120,000 as previously instructed by Committee. This is because the applicant has agreed a pro-rata increase in the overall financial contribution of £224,000 plus an additional £54,835 (total £278,835) to fund health service provision not previously requested by the Primary Care Trust.

Parks and Open Spaces

- 7.31. No comments received.

Director of Children, Schools and Families

- 7.32. No observations.

Director of Communities, Localities and Culture

- 7.33. The application proposes an additional 58 student housing units which will increase demand on community, cultural and leisure facilities. Requests s106 financial contributions as follows:

Open Space Contribution

- 7.34. No additional publicly accessible open space is proposed on-site. Based on the Council's open space standard of 12 sq m / 1person the additional 58 student housing units generates overall deficiency an overall of 696 sq m of open space.
- 7.35. Based on the figure for a new Local Park derived from the Infrastructure Delivery Plan (IDP) of £66.8685 / sq m, a total open space contribution of £46,540 is requested to mitigate the impact of the population increase on existing open space within the borough.

Library/Idea Store Facilities Contribution

- 7.36. The need for additional Idea Stores is identified in Appendix Two of the Core Strategy (Page 135). In addition, the IDP shows the need to provide 646 sq m of library space borough-wide between 2009 and 2015 to address population growth.

- 7.37. A tariff approach to s106 contributions for Libraries and Archives has been developed by the Museums, Libraries and Archives Council. This is referred to in the IDP and assumes a requirement of 30 sq m of library space per 1,000 population. The standard uses construction index figures and applies a cost of £3,465 / sq m for London. This results in a per capita cost of £104. On the basis of a population uplift of 58 students, a Library/Idea Stores contribution of £6,032 is requested.

Leisure and Community Facilities Contribution

- 7.38. The Core Strategy identifies the need for additional Leisure and Community facilities in the borough (Appendix Two, Page 134 – 135) and directs these uses towards the Tower Hamlets Activity Areas, Major Centres and District Centres (Page 36, SP01) such as Mile End.
- 7.39. The proposed increase in student housing units will increase demand on existing Leisure and Community facilities. A financial contribution is therefore required to offset this.
- 7.40. A Sports Facility Calculator for s106 purposes has been developed by Sports England. The Calculator determines the amount of water space, halls and pitches required as a result of population increases caused by new development. It then uses building cost index figures to calculate the cost associated. The model generates a total Leisure and Community Contribution of £27,154.
- 7.41. (Officer comments: The applicant had agreed a £620,000 contribution to the High Street 2012 project. The Committee reduced this to £120,000 which will contribute to improvements in access to Mile End Park. The applicant has agreed a commensurate contribution of £500,000 to the Bankcroft Library. Contributions of £100,000 to community education and cultural facilities and £1,490,000 towards new youth, sport and leisure activities have also been agreed.

Waste and Recycling Contracts Manager

- 7.42. Satisfied with proposed arrangements for refuse and recycling storage.

Head of Children's Services Contract Services

- 7.43. No comments received. Previously advised that security to the Council's Toby Lane Depot should be maintained. The catering operation for the elderly and vulnerable of the community operates 365 days a year and disruption will have major implications for this group of users.
- 7.44. (Officer comment: The application proposes a solid wall 2.4 m in height along the rear boundary. The developer previously advised that they will develop the detailed design of the wall in consultation with Contract Services in order to incorporate any appropriate additional security measures. The developer also confirms that a secure boundary would be provided during the construction phase which, again, they are happy to develop in consultation Contract Services. There will be 24 hour on-site management / security provided within the proposed new facility which will monitor all boundaries and access points to the site particularly outside of normal working hours which will improve general security in the local area including the Toby Lane Depot).

Corporate Access Officer

7.45. Access arrangements are satisfactory.

Landscape Development Manager

7.46. No comments received.

Sustainable Development Manager

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

7.48. (Officer comment: Appropriate conditions are recommended).

8. LOCAL REPRESENTATION

8.1. A total of 404 neighbouring properties within the area shown on the map appended to this report, together with all individuals and bodies who made representations on the first application, have been notified about the revised application and invited to comment. The application has also been publicised in East End Life and by four site notices. The number of representations received from neighbours following publicity of the 3rd application is as follows:

No of individual responses:	Objecting:	Supporting:
1	1	0

8.2 No. of petitions received: 0

8.3. The objector's points may be summarised as follows:

- The 2nd application was approved by the Committee due to reductions to the height and to the density. The 3rd application seeks to put the height and density back up. The developers ignore the planning history and fly in the face of the approved reduced height and density. Permitting this aggrandised development would create a precedent for such developments in the borough and residents will suffer as developers obtain permission after a battle of attrition with residents and the local authority and once permission is gained revert to their original objective and plans.
- Local residents objected to the 1st application as their area and community suffer as Mile End becomes a 'campus town'. It is not just that the students will be migrants, temporarily living in Mile End, but that the area around the development will become subsumed.
- Residents of Mile End do not want it to become a campus town. There are already problems of clubs and take-aways that proliferate in student areas. There is little benefit to residents in fostering this night-time economy in Mile End especially when it mostly serves the student

population.

- Residents never determined that Mile End was to be part of the 'Queen Mary University Knowledge Hub' within the Council's Core Strategy. Residents were not involved when Queen Mary University approached the Council's planners in 2007 and 2008 to determine what happened to Mile End in the Core Strategy and in particular the "Peugeot Garage site."
- Local doctors and dentists lists are already full.
- Adjacent streets will have to be co-opted as 'service' roads for this mega-complex while visitors and students who arrive by car will be parking in the streets as no parking is provided.
- Students will not only be going to Queen Mary University but also other colleges across London placing a burden on public transport.
- The application boasts that the local housing stock of larger homes will be freed up by the proposed 641 student "bedspaces." This is not borne out by reality as many students would rather opt for sharing in a non-campus flat or house. The waiting list for family housing in Tower Hamlets is a recognised problem. This site should have been protected and used for much-needed family housing and not swallowed up by the 'Queen Mary University Knowledge Hub'.
- The development will negatively impact on historic Mile End Road with a vast expanse of dead frontage. High security will be required, making the structure impervious and uninviting to residents, neighbours and those visiting our borough.
- There is no 'retail offer' to replace what we have lost. Nothing to improve the amenity for local people. Just a risible offer of a few hours use of a room in the complex for educational purposes.
- The increased height will plunge Mile End Road into deeper and longer shadow blotting out the sun from the south.
- There are historic buildings that were landmarks in this area. The church spire of Guardian Angels Church, once the local landmark for Mile End – will be lost as the street scene and skyline is dominated by tower blocks.
- Conservation areas will be negatively affected – most markedly the Regents Canal Conservation Area which will be overlooked by two five storey blocks.
- Mile End Park will forever be marred by this mega-development which will dominate the vistas of this open green space.
- Mile End and its communities will be negatively impacted with the local area blighted. The Council's decision on 2 February 2010 was accepted as residents believed that the authority would not be held to ransom by another application which seeks to revert to the original refused plan. This application seeks to maximise the developers and their partners' profit to our detriment.

8.4. (Officers comments: The impact of or the over-provision of student accommodation within an area can be of concern to authorities and residents. Excessive student accommodation within a particular area may have a cumulative effect of over - concentration of students and may undermine the character and function of the area. This is dependant on the size and quantum of the student residents to the general population.

8.5. The application site is on a main road not within a predominantly residential area. The Council has designated the land as part of the QMUL Knowledge

Hub within its Core Strategy which was subject to public consultation and independent examination. The Committee has twice previously determined that the site is a suitable for location for student housing. The 1st application, although refused on design grounds, involved 631 bed spaces only 10 spaces less than now proposed. It is considered that this increase is immaterial.

- 8.6. The effect on parking will be negligible. The site lies in a controlled parking zone with residents of the development prohibited from purchasing parking permits. There is no policy requirement for parking to be provided in student housing developments.
- 8.7. The development would reinstate a street frontage to Mile End Road. The teaching facility would occupy the ground floor with activity provided by the entrance, visible teaching space and ancillary restaurant.
- 8.8. Both the London Plan and the Tower Hamlets UDP1998 acknowledge the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing).

Mile End Residents Association

- 8.9. The additional storey will return this development back to a scheme similar to the one previously refused. Any further student accommodation in Mile End will impact on the amenity and environment of residents in a highly residential area. Residents have serious concerns about the development of the “night time economy” in the area and the associated litter and disturbance.
- 8.10. The additional student accommodation does not accord with the emerging London Plan Policy 3.10 - “Mixed and balanced communities” or the Council’s desire to encourage more mixed-use development in the borough. Communities on estates in the area are already being weakened by the “build for sale” infill developments which tend to be bought by buy to let investors. These are occupied by transient residents with no bonds to the community. The same can be said for inhabitants of student accommodation.
- 8.11. (Officer comment: Draft Replacement London Plan policy 3.10 says that communities mixed and balanced by tenure and household income should be promoted across London to foster social diversity, redress social exclusion, and strengthen communities’ sense of responsibility for, and identity with, their neighbourhoods. The site is on a main road within a mixed-use not a predominantly residential area. It is designated as part of the QMUL Knowledge Hub within the Council’s Core Strategy 2010 and the Committee has twice previously determined that the site is a suitable for location for student housing). Uses associated with the “night time economy” are likely to require planning permission with applications determined on planning merit.

Queen Mary University of London (QMUL)

- 8.12. The College supports development which will realise the “*knowledge hub*” envisaged by the Core Strategy, and appreciate higher density development will be needed to facilitate this.

Design

- 8.13. QMUL consider the proposed additional floor and width will overburden the site with a bulky form inappropriate to the site and locality. The permitted scheme will present a significant increase in the massing of development as seen from all viewpoints along Mile End Road. Although the proposed additional storey does not represent a significant increase in the overall height and mass, such an incremental increase will result in a negative change in the impact of the development, lessening the positive characteristics of the permitted scheme. The reasons for reducing the height from the original part 11 storey building remain valid. In particular, the additional bulk to link to Lindrop House would reinstate an exceptional mass which would be out of character with the surrounding buildings and inappropriate to a visually apparent site on Mile End Road.
- 8.14. (Officer comment: Whilst the revisions to both height and length move away from the design approved by Committee it is not considered that that are so significant to warrant a refusal of permission).

Accessibility

- 8.15. QMUL previously raised concerns regarding the number of students accessing the development on 'move in' weekends by car. The implications of the additional rooms should be taken into account. The development is largely car free and the Council should not believe it is linked to the existing campus, or that the management of visitors in cars or students moving in could be accommodated by over-spill parking on the QMUL campus. The additional 58 student rooms will add to the transport impact of the development and pressure on local parking facilities at peak time. If the additional rooms are accepted, QMUL request a management agreement to be drafted and agreed with the Council.
- 8.16. (Officer comments: It is appreciated that there is no direct connection between the development and QMUL. The entire surrounding area is a controlled parking zone. Parking management on the QMUL campus is a matter for the College and the Council should be involved parking control on private land).

Noise

- 8.17. QMUL are concerned that despite noise mitigation measures, the location on Mile End Road, within Noise Category D, would result in an unacceptable environment not conducive to student accommodation. The increase in student bedrooms will exacerbate this.
- 8.18. (Officer comments: A condition is recommended to ensure the provision of acoustic glazing and ventilation to achieve satisfactory living conditions).

Bursary scheme

- 8.19. Additional accommodation should not water down the section 106 agreement of £30,000 per annum for five years for up to ten students from the Ocean Estate (or elsewhere in Tower Hamlets if less than ten applicants). The total of £150,000 should be amended to reflect any increase in bed spaces.
- 8.20. (Officer comment: The developer has agreed a pro-rata increase in the bursary scheme of £15,000 to a total of £165, 000 i.e. eleven students over five years).

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

9. MATERIAL PLANNING CONSIDERATIONS

- 9.1. The substantive changes proposed by this current application are set out at paragraph 4.3 above. These principally involve the provision of an additional storey to the four western modules of the building and a 6-storey high extension abutting 'Lindrop House' with a resultant 10% increase in the number of student bed spaces to 641. The consequential planning issues that the Committee must consider are:

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

Land use

- 9.2. The Committee has twice previously determined that the provision of teaching and student residential accommodation on the application site is acceptable in land use terms due to compliance with policy set out below and the then Core policies of the Council's interim planning guidance 2007. The latter have now fallen away following the adoption of the Council's Core Strategy 2010.
- 9.3. The Council's publication "Student Accommodation in Tower Hamlets" August 2009, advises that London is an international centre for the creative industries and the knowledge economy. It is a world centre of academic excellence and providing research. It leads in providing skilled workers in a global economy. The city attracts students and scholars from all over the world. The borough has two main universities: Queen Mary University of London, with its campuses at Mile End and The Royal London Hospital at Whitechapel, and London Metropolitan University in Aldgate.
- 9.4. In a national context, the Government's 2003 White Paper, 'The Future of Higher Education' proposed to increase the number of students in higher education to 50% of 18-30 year olds by 2010 from 43% in 2008.
- 9.5. In requiring local planning authorities to identify and plan for the accommodation requirements of its population, the Government's Planning Policy Statement 3: '*Housing*' acknowledges that students need to be considered in local housing needs assessments.
- 9.6. There is currently an acute shortage of purpose-built accommodation for students within London, resulting in a significant mismatch between demand and supply. At the regional level, there are currently some 250,000 full-time

students studying in London. However, only 16% live in purpose-built accommodation, the balance living either at home (16%) or houses in the private rented sector (55%).

- 9.7 There are approximately 20,000 full-time students based at the borough's higher education institutions. However, less than a quarter currently live within specialist housing, whilst demand surveys indicate that up to 40% of students are seeking purpose-built accommodation. There are some 15,000 students at QMUL. However, the campus provides purpose-built accommodation for just some 2,112 students; the remainder being forced to find accommodation within the private rented sector or stay at home. The impact of these students taking up accommodation in the private rented sector is a reduction in the general housing stock and, in particular, of larger units which are attractive for multiple-occupation. This is a particular issue for Tower Hamlets with its problems of housing shortage, especially family-sized units.

The London Plan 2008

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

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

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

- 9.9. The London Plan recognises the role of higher education in supporting London's position as a world city, along with the benefits resulting from associated employment opportunities, and by attracting investment into the economy.
- 9.10. In terms of housing, The London Plan seeks to increase the supply of accommodation (Policy 3A.1) by ensuring that proposals achieve the maximum intensity of use compatible with local context, design policy principles and public transport capacity (Policy 3A.3).
- 9.11. Policy 3A.5 requires boroughs to take steps to identify the full range of housing needs in their area. Paragraph 3.39 acknowledges the importance of purpose-built student housing and the role it plays in adding to the overall supply of housing whilst reducing pressure on the existing supply of market and affordable housing. Policy 3A.13 requires the borough's policies to provide for special needs housing including student housing.
- 9.12. Policy 3A.25 of The Plan states that the Mayor will work with the higher education sectors to ensure the needs of the sectors are addressed by:

- *"Promoting policies aimed at supporting and maintaining London's international reputation as a centre of excellence in higher education;*
- *Taking account of the future development needs of the sector, including the provision of new facilities and potential for expansion of existing provision;*
- *Recognising the particular requirements of Further and Higher Education Institutions for key locations within good public transport*

- access, and having regard to their sub-regional and regional sphere of operation; and
- *Supporting the provision of student accommodation”.*

The Draft Replacement London Plan

- 9.13. The Draft Replacement London Plan was published in October 2009 for its first round of consultation. The Examination in Public commenced in the summer of 2010 was scheduled to conclude in December 2010 with the Inspector’s report published in 2011. The Plan therefore carries limited weight at present
- 9.14. Policy 3.8 - Housing Choice says that boroughs should work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that strategic and local requirements for student housing meeting a demonstrable need are addressed by working closely with higher and further education agencies and without compromising capacity for conventional homes.
- 9.15. Paragraph 3.44 says that London’s universities make a significant contribution to its economy and labour market. It is important that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation. While there is uncertainty over future growth in the London student population and its accommodation needs, even if requirements from overseas students associated with the London Higher group of universities (the largest recent source of demand for new accommodation), was to fall by a half, this could still approximate to a need for 20,000 – 25,000 places over the 10 years to 2021. New provision may also tend to reduce pressure on other elements of the housing stock currently occupied by students, especially in the private rented sector.
- 9.16. Paragraph 3.45 adds that addressing these demands should not compromise capacity to meet the need for conventional dwellings, especially affordable family homes, or undermine policy to secure mixed and balanced communities. The Plan says that this may raise particular challenges locally, and especially in parts of inner London where almost three quarters of the capacity for new student accommodation is concentrated.
- 9.17. The Plan says that unless student accommodation is secured through a planning agreement for occupation by members of specified educational institutions for the predominant part of the year, it will normally be subject to the requirements of affordable housing policy.
- 9.18. The fundamental aim of policy 3.8 is therefore to ensure that not only is there is a sufficient supply of quality student accommodation, but that it is delivered in such a way as to not prejudice the availability of land for conventional housing and, in particular, affordable family homes. In these respects, the application site is considered unsuitable for permanent housing (particularly affordable and family units) due to its position on Mile End Road. Importantly, it lies within the QMUL “*Knowledge Hub*” identified within the Council’s Core Strategy 2010. Accordingly, the proposal would have no impact upon housing land availability. Indeed, by helping to address the shortage of student accommodation, the development could reduce the pressure on other land that is better suited to conventional housing development.
- 9.19. The recommended section 106 Agreement includes a Head whereby the student residential accommodation would only be occupied for the predominant

part of the year by students attending the INTO education facility, QMUL, or from a previously agreed list of other further educational establishments or as approved in writing by the local planning authority. The developer agreed to this in the case of application PA/09/1916. Consequently, there is no requirement for the development to provide affordable housing.

Sub Regional Development Framework - East London 2006

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

Tower Hamlets Unitary Development Plan 1998 (UDP)

- 9.21. Except for indicating a cycle route on Mile End Road, the site is unallocated on the Proposal Map of the UDP 1998.
- 9.22. In terms of student housing, UDP policy HSG14 states that the Council will encourage development which meets the needs of residents with special needs, including students. The Plan explains (paragraph 5.29) that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing, which is the case here, and again notes that additional provision could release dwellings elsewhere in the borough in both the public and private rented sectors.

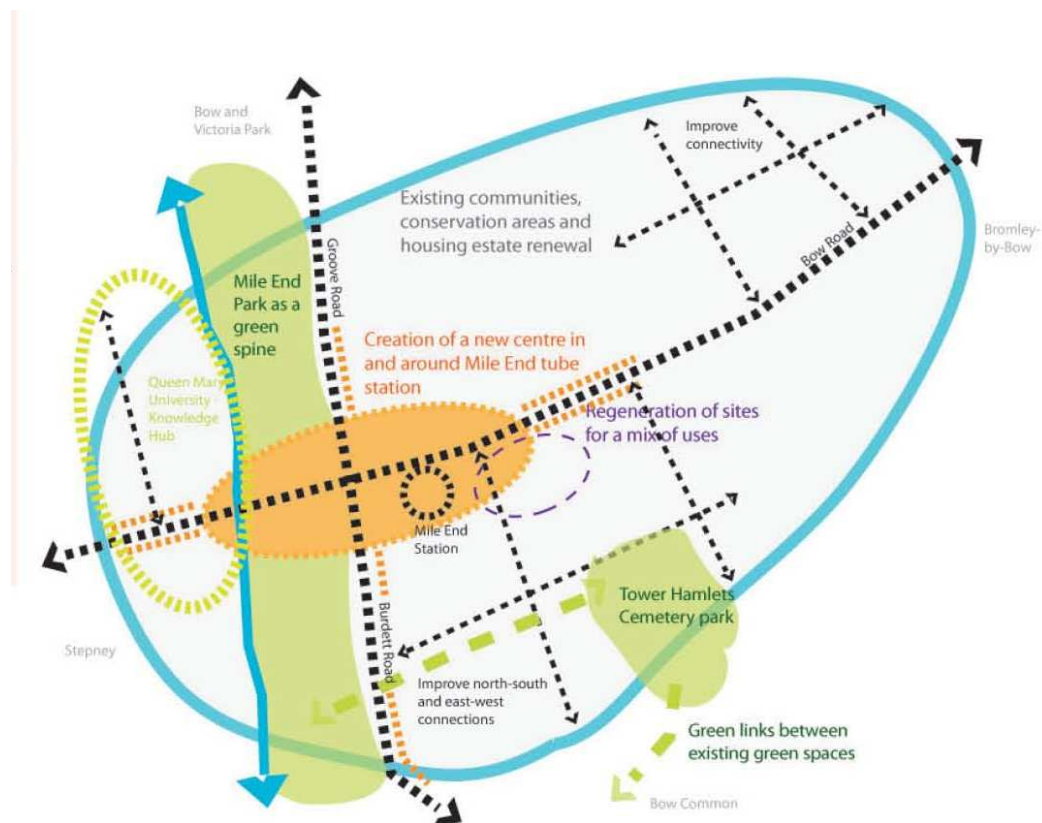
Tower Hamlets interim planning guidance 2007

- 9.23. On the Proposals Map of the interim planning guidance 2007, the site is again unallocated except a 'Proposed Cycle Route' is shown on Mile End Road.
- 9.24. The 'Key Diagram' of the interim planning guidance provides the overall Spatial Strategy and identifies a 'Higher Education Cluster' focussed on the existing QMUL campus at Mile End.
- 9.25. Policy EE2 of the interim guidance states that the redevelopment of existing or former employment sites may be considered appropriate where:
- (i) the applicant has shown the site is unsuitable for continued employment use due to its location, accessibility, size and condition;
 - (ii) there is evidence that there is intensification of alternative employment uses on site;
 - (iii) the retention or creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal; and
 - (iv) there is evidence that re-use for similar or alternative employment uses has been explored or there is recent evidence the site is suitable for ongoing employment use.
- 9.26. The former use of the site provided limited employment opportunities. The motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs. Specifically, the proposed facility is anticipated to support some 180 jobs including teaching staff and administration

along with cleaning, catering, portage, maintenance, and security staff. This represents a significant increase over the former use in compliance with the employment policies of the interim planning guidance.

Tower Hamlets Core Strategy adopted 2010

- 9.27. The Core Strategy’s “Vision” for Mile End is: *“A lively and well connected place with a vibrant town centre complemented by the natural qualities offered by the local open spaces.”*
- 9.28. The Core Strategy notes that the area will support residential, working and student communities. Queen Mary University of London’s role as a knowledge hub will be supported by the uses in and around Mile End town centre and its public transport interchange.
- 9.29. The Mile End Vision Key Diagram shows the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing the application site. In terms of ‘Opportunities and growth,’ the document says that Mile End will undergo housing growth, with development on a number of sites, through infill and housing regeneration. The document notes that QMUL is also continuing to grow.



Mile End Vision Diagram. Adopted Core Strategy 2010

- 9.30. The Priorities for Mile End include:
 - *“To create a mixed-use town centre around Mile End Station to focus retail, leisure, commercial, civic and employment uses along Mile End Road, Grove Road and Burdett Road.*
 - *To increase employment opportunities with a focus on encouraging*

small and medium enterprises in and around the town centre.

- *To support the expansion of QMUL and associated uses while ensuring good integration with surrounding areas.”*

9.31. Core Strategy policy SP02 7 says that the Council will provide for the specialist housing needs of the borough through:

“Working with the borough’s universities to enable the appropriate provision of student accommodation to meet identified needs by:

- Focussing student accommodation supporting London Metropolitan University at Aldgate or in locations that have good public transport accessibility (PTAL 5 to 6).*
- Focussing student accommodation supporting Queen Mary University in close proximity to the university.”*

9.32. The site has a PTAL 5 and 6 and London Metropolitan University at Aldgate is named in the legal agreement with the Council one of the institutions whose students may reside at 438-490 Mile End Road. Whilst QMUL is not involved in the development, the developer anticipates some half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for students studying on the QMUL campus. QMUL is again named in the legal agreement as one of the institutions whose students may reside at 438-490 Mile End Road.

9.33. Members have twice previously accepted that the provision of student housing at the application site would address current needs in relation to the shortage of specialist student housing in the borough, whilst reducing pressure on the general housing stock.

9.34. In summary, it is considered that in land use terms the provision of teaching facilities and student residential accommodation at this site accords with the land use policies of The London Plan 2008, the Sub Regional Development Framework, the Council’s 1998 UDP and its Core Strategy 2010.

Amount of development

9.35. The Government’s Planning Policy Statement 1: ‘Delivering Sustainable Development’ 2005 supports making efficient use of land. It advises that this should be achieved through higher density, mixed-use development and returning previously developed land and buildings to beneficial use. This is all as proposed.

9.36. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on residential density in support of policies 4B.1 and 3A.3.

9.37. Paragraph 4.105 of The London Plan advises that for commercial developments to fulfil Policy 3A.3, plot ratios should be maximised. Site densities of at least 3:1 generally should be achieved wherever there is, or will be, good public transport accessibility and capacity. The ability for plot ratios to be maximised is said to depend on local context, including built form, character, plot sizes and existing or potential public transport, utilities and social infrastructure capacity. The Plan advises that these matters should be assessed when individual

proposals are submitted but they are to be used as a tool to assess density consistently, not to provide specific numerical targets.

9.38. No method of calculating plot ratio is provided by the London Plan. The Tower Hamlets UDP 1998 says plot ratio is arrived at by dividing the gross floorspace of the building by the area of the site. The plot ratio of the proposed development is 3.9:1 which exceeds the within the range advocated by The London Plan for areas such as Mile End Road with good public transport accessibility. The suitability of the site for development at a plot ratio of 3.9:1 in terms of built form and local context is considered below.

9.39. Policy HSG1 of the Council's interim planning guidance 2007 sets out criteria which should be taken into account when determining appropriate residential density. The following matters are relevant to this application:

- *The density range appropriate for the setting of the site, in accordance with Planning Standard 4: Tower Hamlets Density Matrix;*
- *The local context and character;*
- *The need to protect and enhance amenity;*
- *The need to incorporate good design principles;*
- *Access to a town centre (particularly major or district centres);*
- *The provision of adequate open space, including private and communal amenity space and public open space;*
- *The impact on the provision of services and infrastructure, including the cumulative impact; and*
- *The provision of other (non-residential) uses on a site.*

9.40. Table 3A.2 of The London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a recommended residential density range of 200 – 700 habitable rooms per hectare for "Urban" sites with a PTAL range 4-6. The proposed density of the special needs housing is 1,364 habitable rooms per hectare which again exceeds the guidance.

9.41. As a matter of principle, it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. As agreed by the Committee at its meeting on 23rd September 2009, the determining factor in this case is the compatibility of the revised design within the local context. Subject to the design matters outlined in policy HSG1 (above) being satisfactory, the density proposed is considered acceptable for a site along a main arterial route. Such matters are considered below.

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

9.42. At paragraph 43 of PPS1 the Government advises:

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

9.43. The Government's PPS5 (Planning for the Historic Environment) 2010 provides detailed guidance on the conservation of the historic environment. Paragraph 7 says that the Government's overarching aim is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. . To achieve this, the Government's objectives for planning include the conservation of England's heritage assets in a manner appropriate to their significance by ensuring that:

- decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset;
- the positive contribution of such heritage assets to local character and sense of place is recognised and valued; and

9.44. Paragraph HE7.2 states:

'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposals.'

9.45. Paragraph HE7.4 goes on to state: *'Local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and*
- *the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality.'*

9.46. Paragraph HE7.5 goes on to state that local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. It states that the consideration of design should include scale, height, massing, alignment, materials and use.

9.47. Policy HE8 reiterates that the effect of an application on the significance of a heritage asset or its setting is a material consideration in determining planning applications. Paragraph HE9.1 goes on to state:

"There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be."

9.48. Significance can be harmed or lost by development within its setting.

9.49. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Council in exercising its planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. This duty extends to proposals which are outside a conservation area but would affect its setting or views into or out of the area. In

this case, the Regent's Canal Conservation Area adjoins to the east and the Clinton Road Conservation Area lies east of the canal on the opposite side of Mile End Road.

- 9.50. Section 66 of the Act places a further duty on the Council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building.
- 9.51. Good design is central to The London Plan and is specifically promoted by the policies contained within Chapter 4B. Policy 4B.1 'Design principles for a compact city' sets out a series of overarching design principles for development in London and seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London's built and natural heritage.
- 9.52. London Plan policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.10 and 4B.12 require large-scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets.
- 9.53. Tower Hamlets UDP policy DEV1 requires all development proposals to be sensitive to the character of the area in terms of design, bulk, scale and materials, the development capabilities of the site, to provide for disabled people and include proposal for landscaping.
- 9.54. Development Control policy DEV1 of the Council's interim planning guidance 2007 requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk, and form of development, to preserve and enhance the historic environment and use appropriate materials. Policy CON2 says that development which would affect the setting of a conservation area will be granted only where it would preserve the special architectural or historic interest of the conservation area.

Assessment

- 9.55. The previous car showroom and open sales lots, with its unattractive use, lengthy, weak street edge, poor front elevation, and overall poor architectural treatment, significantly detracted from the quality of the streetscape on Mile End Road. It is considered that this situation would be rectified by redevelopment.
- 9.56. The heights proposed by the three applications at 438-490 Mile End Road have been as follows:
- Application PA/09/601 refused permission on 14th October 2009 involved buildings 5-storey (16.6 metres high) at its eastern end rising to the west to 11-storeys (32.2 metres).
 - Application PA/09/1916 permitted on 17th May 2010 involved buildings 3-storey in height (9.6 metres high) at the eastern end, rising to 9 storeys (28.00 metres high) towards the centre then dropping to 8 storeys (22.7 metres high) at the western end.

- The current proposal PA/09/2091 varies from 3 storeys (9.6 metres high) at its eastern end, rising to 10 storeys (30.8 metres high) towards the centre dropping to 8 storeys (22.9 metres high) at its western end.

9.57. The material differences between the permitted and current proposal are therefore the 2.8 metre increase in height (across four of the building modules) and the 6-storey, 5.4 metres wide, westward extension abutting Lindrop House.

9.58. Clearly, the increase in both height and length revert the development back towards the height the Committee previously found unacceptable. The issue is therefore whether the changes are so significant to warrant a refusal of planning permission due to overdevelopment caused by excessive height in relation to the local context, and the 'terracing' effect with Lindrop House resulting from the western extension.

9.59. Officers previously advised that the development permitted on 17th May 2010 would sit appropriately within the surrounding context, would not have any negative impact in long distance townscape views and would achieve a successful transition in scale along the site's exceptionally long frontage to Mile End Road. This was because the site is within an area containing existing medium and large-scale civic buildings forming part of the Queen Mary College campus. In terms of overall scale and form, it was advised that the building then proposed would be acceptable within that context, creating a defining feature at the southern end of the campus.



View of Approved development looking east along Mile End Road



View of Proposed development looking east along Mile End Road

9.60. The currently proposed building would be broken down into eight main volumes which would read as individual but related elements. The Committee previously accepted that such a design approach overcame Refusal Reason 2 of the decision of 14th October 2009 (Paragraph 5.3 above) concerning inadequate modulation of the façade.

9.61 It is noted that neither the Greater London Authority nor English Heritage raise objection to the increased height and length.



Approved north elevation facing Mile End Road



Proposed north elevation facing Mile End Road

9.62. Listed building considerations

It is considered that the development would not be harmful to the setting of the listed buildings in the vicinity. Mile End Road is a crowded urban street, one of the principal thoroughfares into central London. It has developed organically, from largely open countryside in the 17th century, becoming built up from the late 18th century onwards, particularly after the completion of the Regent's Canal. The listed buildings in the grounds of Queen Mary University date from the late 19th and early 20th centuries. The layout of these buildings, the way they address the street, their size, and the form of the Mile End Road as a series of unfolding vistas along its east-west length, means that the proposed development at Nos. 438-490 would not be harmful to their setting. The development site is additionally some distance to their east, which reinforces this opinion, as it allows for an increase in scale without diminishing the listed

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

- 9.63. The Grade 2 listed Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, lies east of the Regent's Canal and is 117 metres from the application site. The setting of these buildings would be unaffected.
- 9.64. The setting of the locally listed buildings at No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road (also east of the canal) is not covered by any specific policy and the effect of the proposals on these buildings is assessed below where impact on the two conservation areas is considered.

Conservation area considerations

- 9.65. The Regent's Canal Conservation Area runs through both a riparian environment formed at this point by Mile End Park but is also part of a wider built up urban environment. The purpose of designating the conservation area (Cabinet 8th October 2008) was to protect the special character of the banks of the Regent's Canal and specific historic canal features such as the locks and the towpath, that are recognised as part of the cherished local scene. The proposed development would have very limited impact on the character and appearance of the designated area, as the higher bulk would be set some distance from the canal at the western end of the development.
- 9.66. The development would be stepped away from the two storey houses on Grand Walk, which provides the immediate setting of the canal at this location. It is not considered that a building visible from the canal at this point would be harmful to either the character or appearance of the conservation area, both of which would be preserved. Indeed, there may be benefits to orientation, way-finding and local distinctiveness by the formation of a suitably designed building forming a 'punctuation point' close to where Mile End Road crosses the canal.
- 9.67. The character of the Clinton Road Conservation Area is defined by two distinct townscapes. First, Clinton Road is lined by residential terraces of two storeys. Built around the 1870s, the terraces are survivors of the type of dwellinghouses that were cleared to create Mile End Park. Second, in contrast, the Mile End Road frontage is varied, consisting of early 19th century Georgian style terraces between Nos. 359 and 373 Mile End Road. This locally listed terrace, constructed of stock brick, was originally dwellinghouses. The ground level shop fronts were later integrated, with residential floors remaining above. Within the locally listed terrace is an Italianate building of the mid-late 19th century at No. 373 Mile End Road built of yellow stock brick with stucco dressings and a slate roof. In terms of views and silhouettes, the Guardian Angels Church has the most significant presence in the conservation area. Mostly lying some distance east of the development site, on the opposite side of Mile End Road, and separated from the site by the Regent's Canal, it is considered that both the character and appearance of the conservation area would be preserved.
- 9.68. It is not considered that the development would cause any visual or environmental harm to Mile End Park. A taller edge set back from the park could be seen as an advantage in terms of place making and orientation as

explained above.

- 9.69. Overall, it is considered that the revised development would accord with the national, metropolitan, and local planning policies outlined above and result in a building that would respect its context, reinstating a badly fragmented townscape.

High Street 2012

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

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

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

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

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

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

(Officer comment: The new building would play a significant role in re-establishing a street frontage that had been badly eroded by war damage and the former car dealership and its associated open parking lots. The building would act as a better way-finding asset in connection with the Regent's Canal and Mile End Park and would provide surveillance of the road. It would also create a healthier, greener street).

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

(Officer comment: The new building would provide a better setting for the People's Palace and Queen's building at the Queen Mary University of London campus than the badly fragmented car dealership with open parking lots).

Amenity of adjoining premises

Daylight

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

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

- 9.73. Interim planning guidance policy DEV1 requires development not to result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 9.74. UDP policy DEV1 refers to the BRE Report: '*Site layout planning for daylight and sunlight – A guide to good practice.*' The guidelines contain tests for daylight, sunlight and overshadowing, starting with trigonometric tests followed by tests which measure the actual amount of daylight striking the face of a window (Vertical Sky Component) and internal Daylight Distribution by plotting the position of a "no sky line" contour within the room being tested.
- 9.75. The Vertical Sky Component is a "spot" measurement of direct daylight availability from an unobstructed sky. The target design standard for low density suburban housing is 27% VSC. It is recognised that in a dense urban environment such as Mile End, existing VSC values may be below 27%. In such circumstances, it is permissible to reduce the existing value of daylight (or sunlight) by a factor of 0.2 (20%) and still satisfy the Guidelines. Reductions beyond that level are deemed to be noticeable.
- 8.76. The VSC tests should be followed by the calculation of internal Daylight Distribution within each of the rooms by plotting the "no sky line" contour. As a check measurement, Average Daylight Factor can also be used.
- 9.77. The neighbouring buildings that fall within the BRE requirements for testing are:
- Nos. 13 to 22 Grand Walk and,
 - Nos. 12 to 20 Canal Close.
- 9.78. Analysis shows that all except one of the windows in the neighbouring dwellings fully satisfy the BRE VSC tests by either achieving more than 27% VSC or experience a loss of less than 20%. The window that does not fully satisfy the BRE standards is at 12 Canal Close. The amount by which this window exceeds the permissible 20% margin is very small with a reduction of only 22.56% with an actual VSC of 23.96% which is a marginal failure. Given the urban location, the daylight incident on the face of this window would continue to be very good and considerably better than the majority of comparable properties in the borough.
- 9.79. The results of the Daylight Distribution analysis show that with one exception, all the habitable rooms of the houses in Grand Walk and Canal Close would comfortably satisfy the BRE Guidelines. The exception is a 1st floor room at 12 Canal Close where there would be a loss of internal distribution of 23.9%, again a marginal failure.
- 9.80. The results of the "check" Average Daylight Factor (ADF) measurements show that the internal lighting conditions for all habitable rooms in Grand Walk and Canal Close would satisfy the ADF standards taken from the BRE Guidelines and the British Standard Code of Practice for Daylighting BS8206.

Sunlight

- 9.81. The BRE sunlight criteria only apply to windows that face within 90° of due south. The windows in Nos. 12 to 20 Canal Close which have a direct outlook over the site face north-north-west. As they do not face within 90 degrees of

due south, they do not fall within the BRE sunlight criteria. The rear facing rooms in Nos. 13-22 Grand Walk face south-west and fall within the BRE testing criteria. Of those rooms, four glazed doors in Nos. 13, 20, 21, and 22 Grand Walk would exceed the permitted levels of reduction but all four doors serve rooms that also have a primary window which each satisfy the BRE sunlight standards.

Overshadowing

9.82.

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

Privacy

9.83.

The eastern end of the northern wing of the proposed building would be sited 18 metres from the closest house on Grand Walk. Due to the orientation of the building, only oblique views would be possible towards Grand Walk. The southern wing of the proposed building would have windows 23.3 metres from the rear of the houses on Grand Walk. To ensure adequate privacy, the minimum separation distance between habitable rooms provided by the Tower Hamlets UDP 1998 is 18 metres. It is considered that the 18.00 metre and 23.5 metre separation proposed would ensure that the dwellings on Grand Walk would have their privacy adequately maintained. The eastern flank wall of the southern wing of the development would only be provided with a single window serving a corridor at 1st and 2nd floor levels, 25 metres from the rear of the houses on Grand Walk.

9.84.

At its closest, the southern wing of the development would be 18.5 metres from the houses on Canal Close, which again complies with the UDP recommendation. Moreover, to increase the privacy of the houses on Canal Close, and also to obviate possible overlooking arising from potential future development on the Council's depot site, angled windows would be provided on the south façade.

9.85.

In response to concerns from adjoining residents regarding overlooking and disturbance from roof terraces, a landscaped terrace previously proposed on the roof of the 4th floor of the northern wing has been deleted from the current proposal. The sole roof terrace now proposed would be on the 4th floor roof of the southern wing adjacent to the Toby Lane depot. At its closest, the terrace would be 23 metres from the nearest house on Canal Close. To maintain the privacy of the dwellings on Canal Close and Grand Walk, together with the development potential of the Toby Lane depot, the terrace would be fitted with 1.8 metre high obscured glass balustrades. A condition is recommended to secure this arrangement and also to ensure that the terrace (and communal gardens) shall not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.

Noise and disturbance

9.87.

These concerns may be broken down into two main issues.

1. The noise associated with the teaching facility and student accommodation use.
2. The control and management of the proposed teaching facility and student accommodation.

9.88. The main source of noise is likely to arise from students arriving at and departing from the building. The assessment of noise attributed to the movement of students to and from teaching accommodation and student housing is not dealt with by any single planning standard or guideline. Should statutory nuisance occur, the Council has powers under the Noise Act 1996 and the Environmental Protection Act 1990. Given the building is not located in a primarily residential area and lies on a main road opposite QMUL, it is not considered that problems would ensue. Environmental Protection has not raised any concerns in this regard.

9.89. The application does not include any Building Management Statement setting out how potential issues of noise or anti social behaviour by students could be addressed. It is recommended that any planning permission is conditioned to require the approval and implementation of such a document which should comprise:

- 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.

9.90. There are several examples of successfully managed student accommodation buildings in the borough which have not presented any concerns relating to noise disturbance to neighbouring properties. Environmental Protection have received no complaints over the past 2 years, from nearby properties to the following student accommodation development:

- Westfield Student Village; Queen Mary University of London; Westfield Way; Mile End; London E1 (accommodates 1176 students)
- Albert Stern House, 253 Mile End Road, E1 4BJ (accommodates 45 students)
- Ifor Evans Place, Mile End Road, E21 4BL (accommodates 36 students)
- 50 Crispin Street, E1 6HQ (accommodates 365 students).

Access and servicing arrangements

9.91. Transport for London and raise no objections to the proposed arrangements, subject to the implementation of travel plans. The Council's Traffic and Transportation Department has raised concerns about the size of the service bay and the quality of cycling provision in relation to the spacing of the cycle stands. Those concerns are born out of the desire to discourage servicing off the highway where possible and this will be secured through a revised Service Management Plan, whilst the cycle stands are designed in accordance with the manufacturer's instructions and this has been accepted subject to a condition that secures the retention and maintenance of the cycle stands. Overall, access

and servicing arrangements are considered satisfactory and policy compliant. As part of recommended section 106 arrangements, the developer has agreed to submit and implement a travel plan. A Service Delivery Plan is to be submitted and approved and a Construction Logistics Plan have been approved under the legal agreement which accompanies planning permission PA/09/1916 and a recommended Head requires the submission and implementation of these plans.

Amenity space and landscaping

- 9.92. The proposals include a comprehensive landscaping scheme around the perimeter of the building, along Mile End Road and along the eastern perimeter of the site. The latter would create a green buffer between the student housing and the neighbouring houses on Grand Walk. As mentioned, there would be a landscaped roof terrace atop the 4th floor roof of the eastern part of the development. Green roofs would be provided wherever possible.
- 9.93. A feature of the proposal is 'Sky Gardens' which would provide a series of semi-external spaces for students to use as communal break-out areas. These spaces would be arranged as a stack within the western building and are expressed on the elevation as a double-height design feature. In total, the proposal provides 1,220 sq m of amenity space as follows:
- A Roof terrace = 92 sq m
 - Enclosed 'Sky gardens' = 140 sq m
 - Communal gardens = 988 sq m
- 9.94. It is considered that the landscaping proposals would comply with UDP policy DEV12 – 'Landscaping and trees'. The details are not complete and it is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme to include details of the proposed green roofs.

Sustainable development / renewable energy

- 9.95. The design adopts a number of 'passive' design measures, including: a well insulated façade; airtight construction; heat recovery ventilation; thermal mass techniques to reduce heating and cooling requirements; centralised heating and cooling; energy efficient lighting; and low (hot) water shower heads and taps. The energy supply would consist of communal combined heat and power (CHP) to provide the electrical and heating base load for the development. Communal heating and hot water would be provided for the whole development with a Ground Source Heat Pump system to provide heating and cooling in conjunction with the CHP unit.
- 9.96. The development would provide an overall reduction in CO2 emissions of 37% when compared with a comparable baseline building. The Greater London Authority and the Council's Energy Officer are content that the proposed energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies DEV5 to DEV9 of the Council's interim planning guidance, policy SP11 of the Council's Core Strategy 2010 and national advice in PPS22: 'Renewable Energy'. Conditions are recommended to ensure the submitted details are implemented.

Air Quality

- 9.97. London Plan policy 4A.19 and policy DEV11 of the Council's interim planning guidance require the potential impact of a development on air quality to be considered. Interim planning guidance policy DEV12 requires that air and dust management is considered during demolition and construction work.
- 9.98. The whole of the borough has been declared an Air Quality Management Area for both nitrogen dioxide and PM₁₀. PM₁₀ is a standard for measuring the amount of solid or liquid matter suspended in the atmosphere, i.e. the amount of particulate matter over 10 micrometers in diameter. Particle pollutants include dust, ash, soot, lint, smoke, pollen, spores, algal cells and other suspended materials.
- 9.99. The application is accompanied by an Air Quality Assessment which concludes that the impact of the development itself on local air quality is unlikely to be significant. The development itself will not give rise to any measurable deterioration in air quality and being virtually 'car-free' would ensure that the scheme would not have any adverse impacts.
- 9.100. The potential effects of dust generated during the construction phase of the development have been assessed qualitatively. This shows that although dust is expected to occur from site activities, there would be no more than a short-term moderate impact. This impact can be reduced by the use of mitigation measures which are set out in the assessment and a condition is recommended to ensure that these are implemented.
- 9.101. The assessment forecasts that levels of nitrogen dioxide at the front façade of the building adjacent to Mile End Road are likely to exceed the Council's Air Quality Objective Value. A condition is therefore recommended to require all windows serving habitable rooms fronting Mile End Road shall be non opening. The condition also stipulates that mechanical ventilation must be provided to those rooms, maintained for the lifetime of the development with clean air for mechanical ventilation drawn from the rear of the property, away from Mile End Road.

Planning obligations

- 9.102. 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.
- 9.103. 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.

9.104. 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.

8.105. 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.

8.106. 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"

9.107. The applicant has offered that the following matters are included in a section 106 agreement with the Council.

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. Within 3 months of the grant of planning permission a contribution to the capital cost of health provision of £278,835.
9. 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).
10. Arrangements that provide for the teaching facility within the development to be made accessible to the local community for up to 20

hours a month.

11. The establishment of a bursary scheme for five years to facilitate students from the Ocean Estate studying at QMUL (£3,000 per student / £33,000 per annum to a total of £165,000).
12. 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.
13. The submission and implementation of a Travel Plan.
14. The submission of an updated Service Management Plan and implementation of the Construction Logistics & Management Plan approved by letter dated 9th November 2010.
15. To participate in the Council's Access to Employment initiative.
16. To participate in the Considerate Contractor Protocol.

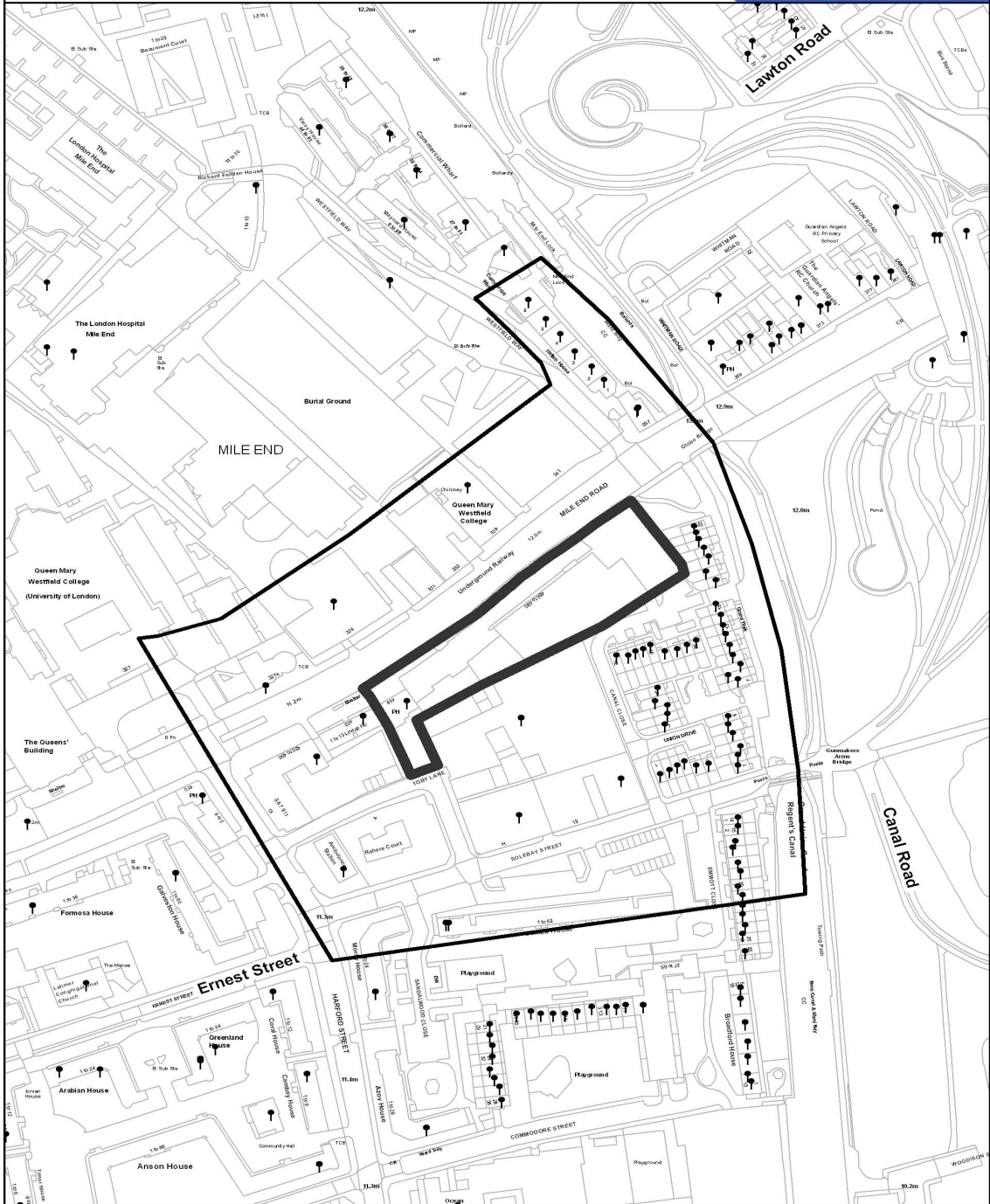
Total contribution £2,528,835 excluding the bursary scheme.

- 9.108. These are essentially the same Heads as the Committee instructed in the case of application PA/10/1916 but with a pro-rata £224,000 uplift based on the increased number of bed spaces plus an additional £54,835 to provide a health contribution of £278,835 based on £435 per bed space. This is the figure that the Committee adopted on 20th October 2010, in the case of 60 Commercial Road. The Bursary Scheme would involve an additional place.
- 9.109. In accordance with Policy 6A.5 of The London Plan, UDP policy DEV 4, policy IMP1 of the interim planning guidance and Policy SP13 of the Core Strategy, it is considered that the inclusion of the above matters in a section 106 agreement, together with the recommended conditions, would mitigate the impacts of the development and comply with national advice in Circular 05/2005 and the Community Infrastructure Levy Regulations 2010.

10. CONCLUSION

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

Planning Application Site Map



Planning Application Site Boundary



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

APPENDIX 1

438-490 MILE END ROAD

Elevations to Mile End

Permitted scheme PA/10/1916 (top) and current application PA/10/2091 (lower)

