

APPENDIX 2

Committee: Strategic Development	Date: 2 nd February 2010	Classification: Unrestricted	Agenda Item No: 6.1
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/09/1916	
		Ward: Mile End and Globe Town	

1. APPLICATION DETAILS

Location:	438-490 Mile End Road, E1.
Existing use:	Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
Proposal:	Demolition of existing structures and erection of a new building ranging from 3 to 9 storeys in height to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.
Drawing Nos:	173_A_P_001_01, 173_A_P_001_02, 173_A_P_001_03, 173_A_P_001_04, 173_A_P_003_01, 173_A_P_100_01, 173_A_P_100_02, 173_A_P_100_03, 173_A_P_100_04, 173_A_P_100_05, 173_A_P_100_06, 173_A_P_100_07, 173_A_P_100_08, 173_A_P_100_09, 173_A_P_100_10, 173_A_P_100_11, 173_A_P_100_12, 173_A_P_100_13, 173_A_P_100_14, 173_A_P_100_15, 173_A_P_100_16, 173_A_S_200_01, 173_A_S_200_02, 173_A_S_200_03, 173_A_S_200_04, 173_A_S_200_05, 173_A_S_200_06, 173_A_S_200_07, 173_A_S_200_08, 173_A_S_200_09, 173_A_S_200_10, 173_A_E_300_01, 173_A_E_300_02, 173_A_E_300_03, 173_A_E_300_04, 173_A_E_300_05, 173_A_E_300_06, 173_A_D_400_01, 173_A_D_400_02 and 173_A_D_400_03.
	Planning Statement Design and Access Statement PPG24 Noise Assessment Transport Assessment Townscape Assessment Air Quality Assessment

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

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

Sustainability & Energy Statement Daylight Report
Geo-technical Report
Townscape Images

Applicant: INTO University Partnerships and Mile End Limited Partnership.

Owners: Curzon Street Acquisition
Richard Ward

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

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

2. RECOMMENDATION

2.1. Subject to any direction by the Mayor of London, the Committee resolves to **GRANT** planning permission subject to execution of a section 106 agreement with the Council under the following heads, together with the conditions set out at paragraph 3.4 of Appendix 1 (the report considered by the Strategic Development Committee on 15th December 2009).

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 £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

Works to the footway between Harford Street and Grand Walk.	£245,000
Re- landscaping the public open space to the east of the development.	£200,000
Enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal.	£155,000

Accent lighting to “heritage” buildings at the end of Grove Road.

£20,000

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 (Fastlane).
7. Prior to first occupation of the development a contribution of £1,490,000 towards the provision of new youth facilities.
8. 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.
9. 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).
10. 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.
11. 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.
12. To participate in the Council’s Access to Employment and / or Skillsmatch programmes.
13. To participate in the Considerate Contractor Protocol.

3. BACKGROUND

- 3.1. On 15th December 2009, the Strategic Development Committee considered a report and an update report on an application for planning permission for the redevelopment of 438-490 Mile End Road itemised above. The Report and Update Report are attached at Appendix 1 and Appendix 2 to this item.
- 3.2. After consideration of the Report and the Update Report, the Committee resolved that it was minded not to support the recommendation and to REFUSE planning permission on the following grounds:
 1. The 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 which contravenes the Mayors draft plan policy.
 3. The requirement for the development to encourage a mixed community.
- 3.3. In accordance with Rule 10.2 of the Constitution, and Rule 4.8 of the Development Procedure Rules, the application was DEFERRED to a future meeting of the Committee to enable officers to present a supplemental report setting out reasons for refusal and the implications of the decision.

4. REASONS FOR REFUSAL

Resolution 1 - Height, bulk and massing

- 4.1. The developer has sought to respond to the Committee's the decision of 23rd September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal (PA/09/601) involving a 3, 5, 7 and 11 storey building (Paragraphs 4.25 to 4.32 of Appendix 1). The Committee's concerns were twofold:
1. The development due to its height would amount to overdevelopment.
 2. Inadequate modulation of the facades of the proposed building.
- 4.2. Subsequently, the applicant held discussions with Council and Greater London Authority officers regarding design amendments to address the reasons for refusal. To that end, Scheme 2 has significantly reduced the height of the development, the number of student bed spaces, and enhanced the façade by breaking the building into seven elements.
- 4.3. The Greater London Authority advises that the design of Scheme 2 is in accordance with the design policies of both the statutory London Plan 2008 and the draft replacement London Plan. English Heritage also raises no objection, recommending that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. In that regard, the Council's Development Design and Conservation Team shares the opinion of the Greater London Authority, advising that the proposal complies with national guidance and the policy guidance set out in The London Plan and the Council's Development Plan documents as follows:
- (a) Policies 4B.1 and 4B.10 of The London Plan 2008 that require large-scale buildings to respect their local and wider context in terms of proportion and composition and their relationship to other buildings, streets, public and private open spaces, the waterways and other townscape elements.
 - (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.
 - (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 scale, height mass, bulk and form of development.
 - (d) Paragraph 43 of PPS1 where the Government advises that 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.
- 4.4. For the reasons explained at paragraphs 8.39 to 8.49 of Appendix 1, it is considered that a refusal of planning permission for Scheme 2 on the ground of conflict with such policies could not be sustained on appeal. In particular, it is considered that the reduced height and the modulated façades would sit appropriately within the surrounding context, would not have any negative

impact in long distance views and would achieve a successful transition in scale along the site's exceptionally long frontage to Mile End Road. The surrounding area contains existing medium and large-scale civic buildings forming part of the Queen Mary College campus and the Ocean Estate. In terms of overall scale and form, it is considered that the proposed building would be acceptable within that context, creating a defining feature at the southern end of the QMU campus.

- 4.5. Should the Committee remain minded to refuse planning permission, on grounds of height, bulk and massing, conflict with the policies set out at paragraph 4.3 (a) to (d) above would need to be sustained.

Resolution 2 - Absence of affordable housing

- 4.6. As mentioned at paragraph 6.7 of the report considered by the Committee on 15th December 2009 (Appendix 1), there are no planning policies in The London Plan 2008, the Tower Hamlets Unitary Development Plan 1998, or the Council's interim planning guidance 2007 to secure affordable housing for students.

- 4.7. The requirement to provide affordable housing applies to private market residential schemes (Planning Policy Statement 3 Annex B, The London Plan policy 3A.10, Tower Hamlets UDP policy HSG3, and the Council's interim planning guidance policy HSG3), not development involving student housing. If a mixed-use development involving both student housing (a sui generis use) and conventional dwellings (Use Class C3) was proposed, there would be a requirement to provide affordable housing within the Class C3 element. The proposed development however does not propose any Class C3 dwellings and consequently there is no requirement in either national policy or the Development Plan for the scheme to provide affordable dwellinghouses.

- 4.8. The Greater London Authority in its Stage 1 report raised the issue of its emerging policies on affordable housing in the draft replacement London Plan and, at the meeting of 15th December 2009, Members asked for clarification of their applicability to the application to redevelop 438-490 Mile End Road.

- 4.9. The relevant policy in the draft replacement London Plan is policy 3.8 "Housing Choice." 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."

- 4.10. As explained at paragraphs 6.6 and 6.8 of the report considered on 15th December 2009, 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 application site has not been identified on the Proposals Maps of the Tower Hamlets UDP 1998, or the Council's interim planning guidance 2007, as a site for new residential development. It is not considered ideal for permanent 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 Council's emerging Local Development Framework (approved by Cabinet in September 2009 and submitted to the Secretary of State in December 2009) and the proposal would therefore have no impact upon housing land availability.

- 4.11. With regard to compliance with the emerging London Plan in terms of occupation, the offered legal agreement includes 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. Subject to ratification by the Mayor, it is considered that such an arrangement would satisfy the emerging London Plan.
- 4.12. It is noted that the Committee's decision on 23rd September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal to provide a new education facility and student housing (PA/09/601), did not include a reason due to an absence of affordable housing.
- 4.13. In summary, there is no policy support in the current Development Plan, or the Council's interim planning guidance, for requiring the development to include Class C3 dwellings or affordable housing. Subject to the Mayor ratifying a legal agreement regarding the occupation of the student residential accommodation, there would be compliance with emerging policy 3.8 of the draft replacement London Plan.

Resolution 3 - The development would not encourage a mixed community

- 4.14. This resolution is closely linked to Resolution 2, the Committee's concern appearing to be a land use objection due to the proposed concentration of educational uses in the vicinity of Queen Mary University, and absence of conventional dwellings (or other land use) in the proposed educational facility.
- 4.15. The land uses proposed (teaching accommodation and student housing) are supported by policy 3A.5 of The London Plan 2008, which requires London boroughs to identify the full range of housing needs in their area including student housing. Paragraph 3.39 of The London Plan 2008 goes on to 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. Policy 3A.13 then requires the borough's policies to provide for special needs housing, including student housing.
- 4.16. The site has not been identified as a site for new housing development by the Proposals Map of the Tower Hamlet's Unitary Development Plan 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 again 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 dwellings.

- 4.17. The Council's interim planning guidance 2007 is more site specific with 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 existing QMU campus, the Mile End Vision Key Diagram of the Local Development Framework shows the expansion of the Queen Mary University Knowledge Hub to the south side of Mile End Road embracing the current application site. The development would accord with that allocation, which does not propose that development consisting of educational facilities should also provide Class C3 dwellinghouses or other land uses.
- 4.18. It is again noted that the Committee's decision on 23rd September 2009, to refuse planning permission for redevelopment (PA/09/601), did not allege that the proposal would not encourage a mixed community, or lead to an over concentration of education uses in the vicinity of Queen Mary University.
- 4.19. In summary, there is policy support, in both the current and emerging Development Plan, for the redevelopment of 438-490 Mile End Road for the education facility. It is not considered that there is any policy support in the Development Plan documents for requiring such development to include alternative land uses.

Revised planning obligation under section 106 of the Planning Act 1990

- 4.20. Following the Committee's decision of 15th December 2009, the developer has set out a proposed new approach to the offer of section 106 obligations to better mitigate the impact of the development. The initial contribution was at the level of £760,000. It is now proposed that there should be an overall section 106 payment of £2,250,000 with £760,000 to be paid upon start of construction in the summer of 2010 and the balance upon beneficial occupation of the building.
- 4.21. The balance of £1,490,000 would be ring fenced to fund new youth facilities to service the local community. The developer seeks to work with the Council to select the entity or delivery partner that would delivery the facilities.
- 4.22. In addition, a revised initiative to support the educational and career development of local youth has also been made comprising ten Queen Mary University bursary places at £3,000 per student for 5 years granted to students from the Ocean Estate. It is proposed that a trust or other partnership arrangement be agreed between the developer and the Council which would receive the payment of £30,000 pa and make disbursements to local aspiring students.
- 4.23. The revised offer is made subject to the timetable the developer says they must follow to be able to deliver the scheme for meeting the academic year, and to

enable practical completion ahead of the run up to the 2012 Games.

Implications of the decision

4.24. If the above recommendation is adopted, in accordance with Article 7 of the Mayor of London Order 2008, the application must be referred to the Greater London Authority for the Mayor to decide whether he wishes to give a direction under section 2A of the 1990 Act that the Mayor is to act as the local planning authority for determining the application. If the Mayor decides not to take over the application, it may be determined the Council. Should the Committee still decide that the development should be refused, the application may still be taken over by the Mayor. In the absence of “take over” by the Mayor, the options available to the applicant against a refusal of planning permission by the Council include:

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

4.25. Members are advised that an appeal against the Council’s decision on 23rd September 2009 (application PA/09/601) to refuse planning permission for redevelopment by a building up to 11 storeys was lodged with the Planning Inspectorate on 7th January 2010. If this appeal progresses, it will be decided following a public inquiry. Should the Council refuse permission for Scheme 2 (PA/09/1916), it appears likely that there will be a further appeal against the Committee’s decision which will be joined with appeal PA/09/601.

Financial implications

4.26. There are two financial implications arising from appeals against the Council’s decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour.” Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests set out in the Secretary of State’s Circular 05/2005 (paragraph 8.94 of Appendix 1 below) and are necessary to enable the development to proceed.

5. CONCLUSION

5.1. All relevant policies and considerations have been taken into account. Planning permission should be granted subject to the revised offer of planning obligations set out in the RECOMMENDATION at the beginning of this report and the conditions set out at paragraph 3.4 of Appendix 1.

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ORIGINAL REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT COMMITTEE ON 15th DECEMBER 2009

Committee: Strategic Development	Date: 15 th December 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Application for planning permission	
Case Officer: Richard Humphreys		Ref: PA/09/01916	
		Ward: Mile End and Globe Town	

1. APPLICATION DETAILS

- Location:** 438-490 Mile End Road, E1.
- Existing use:** Vacant motor vehicle showroom with ancillary, workshop and offices together with an adjoining bar / nightclub.
- Proposal:** Demolition of existing structures and erection of a new building ranging from 3 to 9 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:** 173_A_P_001_01, 173_A_P_001_02, 173_A_P_001_03, 173_A_P_001_04, 173_A_P_003_01, 173_A_P_100_01, 173_A_P_100_02, 173_A_P_100_03, 173_A_P_100_04, 173_A_P_100_05, 173_A_P_100_06, 173_A_P_100_07, 173_A_P_100_08, 173_A_P_100_09, 173_A_P_100_10, 173_A_P_100_11, 173_A_P_100_12, 173_A_P_100_13, 173_A_P_100_14, 173_A_P_100_15, 173_A_P_100_16, 173_A_S_200_01, 173_A_S_200_02, 173_A_S_200_03, 173_A_S_200_04, 173_A_S_200_05, 173_A_S_200_06, 173_A_S_200_07, 173_A_S_200_08, 173_A_S_200_09, 173_A_S_200_10, 173_A_E_300_01, 173_A_E_300_02, 173_A_E_300_03, 173_A_E_300_04, 173_A_E_300_05, 173_A_E_300_06, 173_A_D_400_01, 173_A_D_400_02 and 173_A_D_400_03.

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Applicant: INTO University Partnerships and Mile End Limited Partnership.

Owners: Curzon Street Acquisition
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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 approved planning policies contained in the Tower Hamlets Unitary Development Plan 1998, the council's interim planning guidance 2007, associated supplementary planning guidance and Government Planning Policy Guidance and has found that:

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

End Road.

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

3. **RECOMMENDATIONS**

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

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

1. 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. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

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

4. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. A contribution of £100,000 towards local community education initiatives and cultural facilities.
6. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
7. 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.
8. 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.
9. 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.
10. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
11. To participate in the Considerate Contractor Protocol.

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

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

3.4. **Conditions**

1. 3 year time limit.
2. The following details to be submitted and approved:
 - Mock up of typical elevation 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.
 - Copper cladding to entrance canopy and fascia and window reveals/spandrels @ 1:20 and 1:5 scales.
 - Window design: setting out and specification including feature vent panels and angled units.
 - Balcony guarding: material, proportions, and positioning @ 1:20 and 1:5 scale.
 - Entrance portals: doors and screens including entrance canopies @ 1:20 and 1:5 scale.
 - Structural glazing system to entrance lobbies and ground level frontages @ 1:20 and 1:5 scales.
 - Glass Reinforced Concrete (GRC) elements: window linings, spandrel panels, copings and fascia material, setting out and detailing @ 1:5 scale.
3. Details of a landscaping scheme for the development to include hard and soft finishes, green roofs, any gates, walls and fences, external lighting and a CCTV system to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. Details of the foundation design to ensure satisfactory insulation from ground borne noise and vibration from the running tunnels of the Underground Railway to be submitted approved and implemented.
6. Decontamination measures.
7. The acoustic glazing and ventilation for the facades of the buildings shall be adequate to protect residents from Noise Exposure Category D and shall be as specified in paragraphs 5.3, 5.4, 5.5, 5.6 and 5.7 of the approved PPG24 Noise Assessment dated September 2009 by Hepworth Acoustics unless alternative arrangements are approved in writing by the local planning authority.
8. A communal heating network supplying all heat and hot water requirements in the development shall be installed, in phases if necessary, and shall be made operational prior to the occupation of the first accommodation in each phase. The communal heating network shall thereafter serve all completed accommodation within the development. No more than 350 bed spaces of the student residential accommodation shall be occupied prior to the provision on site of an at least 100 kW electrical capacity CHP plant linked to the site's communal heating network or the connection of the development to an alternative off-site district heating network incorporating an equivalent CHP plant.
9. 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.

10. 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.
11. The approved details of the sustainable design and construction measures shall be implemented and retained so long as the development shall exist except to the extent approved in writing by the local planning authority.
12. 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.
13. Hours of construction time limits (08.00 to 18.00) Monday to Friday, 08.00 to 13.00 Saturdays and not at all on Sundays or Bank Holidays.
14. Piling hours of operation time limits (10.00 to 16.00 Mondays to Fridays, 10.00 to 13.00 Saturdays) and not at all on Sundays or Bank Holidays.
15. 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.
16. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.5. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Wheel cleaning facilities during construction.
4. Consultation with the Metropolitan Police regarding Condition 3 (Landscaping including gates, walls, fences, and CCTV system).
5. Consultation with the London Fire and Emergency Planning Authority regarding Fire Service Access and Water Supplies.
6. Consultation with the Council's Environmental Health Department with regard to Condition 5 (Details of the foundation design).
7. Consultation with the Council's Environmental Health Department with regard to Condition 6 (Decontamination).
8. Consultation with Transport for London and the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 15 that will necessitate agreements under section 278 of the Highways Act.
9. The Construction Logistics Plan forming part of the section 106 agreement should investigate the use of the Regent's Canal for the transportation of construction materials.
10. Consultation with Queen Mary College University of London regarding the internal design of the building.
11. Advisory note regarding condition 9 – ground source heat pumps.
12. 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. The application is for full planning permission for the redevelopment of the site by the erection of a new building ranging from 3 to 9 storeys in height for use as a new 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 23rd September 2009, to refuse planning permission for the redevelopment of the site by an alternative proposal involving a part 3, part 5, part 7, and part 11 storey high building to provide a new education facility and student housing. Please see details of the decision taken on 23rd September 2009 at paragraphs 4.24 to 4.31 below. Following the refusal of the previous scheme, the applicant has been in discussions with the council and Greater London Authority officers regarding design amendments to address the reasons for refusal.
- 4.3. The key changes between the development refused on 23rd September 2009 and the current proposal are as follows:
- Gross external floorspace reduced from 19,076 sq m to 16,602 sq m.
 - Gross internal floorspace reduced from to 13,629 sq m 11,500 sq m.
 - The number of student bed spaces reduced from 631 to 583.
 - The previous scheme proposed three interconnected building volumes. The current proposal splits 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 current proposal scheme is between 3 and 9 storeys.
 - The previous scheme employed a single fenestration concept applied across the entire façade. The current scheme deploys a varied fenestration to each building block, but with common design features to ensure the development reads 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.
- 4.4. The proposed building would now vary from 3-storey in height (9.6 metres high) at its eastern end, rising to 9 storeys (28.00 metres high) towards the centre then dropping to 8 storeys (22.7 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 583 bed spaces split between:

- 50 x single studios
- 512 x 1 bed units
- 21 x 1 bed wheelchair accessible units

4.7 The education facility would support over 300 full-time students and would be operated by INTO University Partnerships, who provides foundation courses for students before they enter undergraduate and post-graduate degree courses.

4.8. Whilst Queen Mary University (QMUL) is not directly involved in the development, the developer anticipates that over half the bed spaces would be occupied by students studying with the INTO teaching facility within the building, with the remaining rooms made available for 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 roof terraces, enclosed sky-gardens and areas of communal landscaping as follows:

- A roof terrace = 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-east corner of the building accessed off Toby Lane. A third parking space in this location would be used as a light goods servicing bay with three adjacent spaces for motor cycles. Secure cycle parking for 388 bicycles would be provided within an enclosed area at the eastern end of the site and there would be visitor bicycle stands adjacent to the main entrance points on Mile End Road.

Site and surroundings

4.11. 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 existing buildings on the site comprise 2 and 3-storey development. Vehicle repairs were undertaken in associated workshops and there are ancillary offices. Motor vehicles were displayed on the forecourt and in an open sales yard at the eastern end of the site.

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

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



Existing buildings. Application site marked by broken line

- 4.15. Mile End Road is a strategic London distributor road known as the A11. It is a 'red route' and part of the Transport for London Road Network. The site at present has three vehicular accesses onto Mile End Road. There is a 'pelican' crossing across Mile End Road at the eastern end of the site and a further pedestrian crossing immediately east of Harford Street which runs south from Mile End Road. Toby Lane, which runs in a dog leg between Harford Street and Solebay Street, is a borough road. Mile End Road is part of the proposed 'High Street 2012' Olympic Boulevard leading to the Olympic Park.
- 4.16. 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.
- 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 a modern residential development of 2 and 3-storey dwellinghouses

on Canal Close, Union Drive, and Grand Walk. The houses on Grand Walk lie alongside the Grand Union (Regent's) Canal and fall within the council's recently designated Regent's Canal Conservation Area. This adjoining development on Grand Walk has rear windows overlooking the former open sales yard of the development site and is separated from it by rear gardens 7 – 10 metres long.

- 4.20. Mile End Park, designated as Metropolitan Open Land, lies to the east of the Regent's Canal with the interconnecting 'Green Bridge' crossing Mile End Road.
- 4.21. The site contains no buildings included within the Statutory List of Buildings of Architectural or Historic Interest. In the vicinity of the application site, in addition to the listed buildings within the QMUL campus; No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road east of the Regent's Canal (all on the northern side of Mile End Road) are included within the council's non-statutory local list. The Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, is statutorily listed Grade 2. The buildings on the northern side of Mile End Road east of the canal lie within the designated Clinton Road Conservation Area.
- 4.22. 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.
- 4.24. The site has recently been used unlawfully used as a commercial car park, for the parking of a mobile fast food outlet, a car wash at least one party has been held. At the time of writing, INTO University Partnership has advised that the site is being squatted and steps are being taken to have the squatters removed.

Material planning history

- 4.25. 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.
- 4.26. 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 in this location;
 3. Overdevelopment of the site; and
 4. A lack of benefit for local residents.

4.27. 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:

2. 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.

3. 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.

4.28. 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

4.29. Officers advised that as a matter of principle, it is questionable whether it is appropriate to apply a residential density calculation to student housing in the same way as a general purpose housing scheme. It was advised that in this case, the determining factor should be the resultant design arising from the amount of development proposed and its compatibility with the local context. 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

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

Resolution 3

- 4.31. 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

- 4.32. The Committee considered the package of section 106 obligations offered by the developer. These are the same as offered in relation to the current application and summarised at paragraph 3.1 B above. 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 outside the scope of the application 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. POLICY FRAMEWORK

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

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

Policies	2A.1	Sustainability criteria
	3A.3	Maximising the potential of sites

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

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

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

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

Policies:

ST23 - High Quality Housing

ST25 - Housing to be adequately served by all infrastructure

ST28 - Restrain unnecessary use of private cars

ST43 - Public Art

ST45 – Ensure sufficient land for education needs

ST46 – Encourage education and training provision at accessible locations.

DEV1 - Design Requirements

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

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

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

Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP20	Sustainable residential density
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP29	Improving education and skills
	CP31	Biodiversity
	CP38	Energy Efficiency & Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment

Development	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
RT6	Loss of Public Houses
HSG1	Determining Residential Density
HSG7	Housing amenity space
CON2	Conservation Areas

5.5. **Supplementary Planning Guidance/Documents**

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

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

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

5.7. **Community Plan**

The following Community Plan objectives relate to the application:

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

5.8. **Other material considerations**

1. The Government White Paper. The Future of Higher Education 2003
2. Tower Hamlets Local Development Framework Core Strategy 2025 Proposed Submission Version September 2009
3. Student Housing in Tower Hamlets. LBTH August 2008

6. **CONSULTATION RESPONSE**

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

Greater London Authority (Statutory consultee)

- 6.2. The development is greater than 15,000 sq m gross external area and is referable to the Mayor under Category 1B 1(c) of the Mayor of London Order 2008.
- 6.3. At Stage 1, the Mayor advised that The London Plan policies on student housing, design, inclusive design, climate change mitigation and adaptation, and transport are relevant to the application.

Student housing. Whilst the principle of an educational facility and student housing on this site is supported, the applicant should address the emerging requirement in draft replacement London Plan policy 3.8 to secure an end user for the units through providing information regarding discussions with INTO and Queen Mary College.

Urban design: The revised design is in accordance The London Plan policies within Chapter 4B and Chapter 7 of the draft replacement Plan.

Inclusive design: The scheme is in accordance The London Plan policy 4B.5 and draft replacement Plan policy 7.2.

Climate change mitigation and adaptation: The sustainability and energy strategy is in accordance with strategic policies within The London Plan Chapter 4A, and Chapter 5 of the draft replacement London Plan. The council should secure the strategy by condition.

Transport: The council should secure a travel plan, a construction logistics plan and a delivery and service plan through a section 106 agreement, and restrict students from parking permits. A financial contribution towards pedestrian crossing improvements is also required.

- 6.4. (Officer comment: The draft replacement London Plan was published in October 2009 for its first round of consultation and carries very limited weight at present. The GLA has questioned whether some of the units would be surplus to requirements, at least initially, and who the intended user is. INTO has explained that a proportion of the student housing would be made available to students at Queen Mary University, with whom detailed discussions have been held, but as yet there is no formal agreement in place.
- 6.6. Notwithstanding its status, 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 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. The application site is unsuitable for permanent housing (particularly affordable and family units) due to its position on Mile End Road. It is also within the QMUL “*Knowledge Hub*” proposed by the Tower Hamlets emerging Local Development Framework (see paragraphs 8.26 to 8.30 below). Accordingly, the proposal would have no impact upon housing land availability in the borough. Indeed, by helping to address the shortage of student

accommodation, the development would reduce the pressure on other land in the borough that is better suited to conventional housing development.

- 6.7. There are no planning policies in either the current London Plan 2008, or the council's existing and emerging development plan, to secure affordable housing for students. The draft replacement London Plan however now says (paragraph 3.45) 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.”

- 6.8. In that regard, a Head of agreement is recommended to ensure that the student residential accommodation should 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 shall be approved by the local planning authority.
- 6.9. Conditions to secure the delivery of the sustainability and energy strategy are recommended. Heads of agreement are also recommended to secure a travel plan, a construction logistics plan, a delivery and service plan, car free arrangements and a financial contribution of £20,000 towards improvements to the pedestrian crossing on Mile End Road that has been requested by Transport for London).

London Underground Limited

- 6.10. 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)

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

English Heritage (Statutory consultee)

- 6.12. Advises that Mile End Road forms part of the High Street 2012 route. Reiterates previous advice that 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, it is essential that adequate conditions are attached with regard to materials and details and to ensure that additional street trees are planted, as proposed. Recommends that the application should be determined in accordance with national and local policy guidance, and on the basis of the council's specialist conservation advice.
- 6.13. (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 1012 improvements will be undertaken by Tower Hamlets and Newham councils, London Thames Gateway Development Corporation and Transport for London and will include additional tree planting on the public highway. The applicant has agreed a contribution to the funding of these works within the Mile End Intersection Area Study).

Commission for Architecture and the Built Environment (CABE)

- 6.14. Unable to comment due to insufficient resources.

Thames Water Plc

- 6.15. No objection regarding water infrastructure.

Metropolitan Police

- 6.16. 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.
- 6.17. (Officer comment: These concerns can be addressed at the detailed planning stage. A condition is recommended to require final approval of the detailed design of landscaping including gates walls, fences, external lighting, and a CCTV system. An informative advising further consultation with the Metropolitan Police is also recommended).

London Fire and Emergency Planning Authority

- 6.18. Requests consultation with the developer regarding fire service access and water supplies.
- 6.19. (Officer comment: An appropriate informative is recommended).

British Waterways Board (Statutory consultee)

- 6.20. No objection, but advises that the submitted Sustainability and Energy Statement does not consider the use of the canal and heat exchange technology. Requests a section 106 contribution towards the improvement and enhancement of the waterway as the development will bring more residents and visitors to the area benefiting from the setting of the canal and towpath but putting additional pressure on infrastructure and BWB's maintenance programme.
- 6.21. (Officer comment: The same comments were made by British Waterways on the first application. The applicant advises that the option to use canal water for the cooling of the development was considered by their Sustainability Consultant in the early design stages. It was found not to be feasible because of the difficulty in routing pipe work from the building to the canal. There are no routes from the proposed building to the canal that do not pass through either privately owned land or underneath Mile End Road. Neither of these options was deemed feasible. This is accepted.
- 6.22. The developer has offered to fund environmental improvements in the local area namely the High Street 2012 project. This would include enhanced access to Mile End Park and the Regent's Canal and enhanced connection between Mile End Park and the Regent's Canal towpath. These works would partially embrace BWB's request and are considered fairly and reasonably related in scale and kind to the proposed development. It is considered that any further unspecified and unquantified payment to BWB would be unreasonable as it would not satisfy the

tests for planning obligations provided by Government Circular 05/2005).

Inland Waterways Association

- 6.23. No representations received. Previously raised no objection.

Tower Hamlets Primary Care Trust

- 6.24. No representations received.

Environmental Protection

- 6.25. 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 the undertaking of sound proofing and acoustic ventilation to provide a commensurate level of protection. Concerned about ground borne noise impact from Underground trains on the ground floor residential/educational uses.
- 6.26. (Officer comment: Conditions to secure decontamination, sound proofing and acoustic ventilation are recommended. With regard to ground borne noise, the developer advises that the foundations would be a part-raft and part-piled, the principles of which have been agreed with London Underground Limited. The foundations and superstructure would be designed to minimise the transmission of vibrations from the railway tunnels by the incorporation of either deadening or isolation measures. Given the nature of the bespoke foundation solution, it is not possible to provide details of the noise / vibration 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

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

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

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

The Olympic Team (2012 Unit)

- 6.28. The new building accords very 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. A section 106 contribution is requested to help fund the High Street 2012 project.

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

Parks and Open Spaces

- 6.30. No comments received.

Education Development

- 6.31. No comments received.

Waste Management

- 6.32. No comments received. Previously, no objection in principle.

Head of Children's Services Contract Services

- 6.33. 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.

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

Corporate Access Officer

- 6.35. No comments received.

Landscape Development Manager

- 6.36. No comments received.

Energy Officer

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

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

7. LOCAL REPRESENTATION

7.1. A total of 404 neighbouring properties within the area shown on the map appended to this report, 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 second application is as follows:

No of individual responses:	Objecting:	Supporting:
24	1	23

7.2 No. of petitions received: 1

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

- The site needs redevelopment and should not remain derelict. The proposal looks well designed and would be a welcome addition to the street scene along a drab stretch of Mile End Road.
- The old garage has long been a blot on Mile End Road and the prospect of a modern building is exciting.
- The new design, whilst not as impressive as the first, would vastly improve the neighbourhood.
- Students and University staff are vital for the area. They bring vibrancy and their trade brings economic benefits that are important to the local economy.
- The proposal would revitalise Mile End Road and create many jobs locally.
- If there is a logical location for student facilities in the borough this is it.
- The development is something the Mile End Road needs to be ready for the 2012 Olympics.

7.4. The objection letter is on behalf of the residents of the Ocean Estate, 152 of who have signed an attached petition. Material objections raised may be summarised as:

- The Ocean Estate Tenants and Leaseholders Association objects to the Council's LDF Core Strategy 2025 Development Plan Document (and emerging policies) which advocate the extension of the "*Queen Mary University Knowledge Hub*" beyond the existing campus boundary.
- The ongoing loss of employment sites in Mile End to student related uses conflicts with the council's stated priority in the LDF "*To increase employment opportunities with a focus on encouraging small and medium enterprises in and around the town centre.*"
- More student hostels would result in further loss of residential amenity, diminishing social cohesion and destroy a sustainable community as it is replaced by a student township with more clubs, bars, and related leisure facilities.
- Infrastructure is already at breaking point.
- The revised proposal fails to fully respect local context. There should be further height reductions and a commensurate reduction in the number

of student bed spaces.

- Further improvements with respect to design, scale, height, mass, bulk and form of development are required, to ensure the development complements the listed and other buildings on the QMUL campus; and enhances High Street 2012.
- Further reductions in student numbers are required to mitigate the impact of the proposed roof terraces, sky gardens and communal gardens; together with the serious and potentially dangerous impacts on traffic movements in relation to Harford Street Ambulance Station and the Toby Lane Depot.

- 7.5. (Officer comments: The LDF Core Strategy has been developed in discussions with QMUL which has identified that student accommodation is preferred within a close radius to the university. This is reflected within the *'delivering place making'* section of the Core Strategy. The reference in the LDF to the extension of the "Queen Mary University Knowledge Hub" beyond the existing campus also acknowledges the fact that QMUL is the fourth biggest college of London University and one of the top research institutions in the country. The council has worked with the university to develop their plans to continue the development of a world class knowledge and research sector in Tower Hamlets. This is reflected in the LDF Core Strategy which was approved by Cabinet for formal consultation on 2nd September 2009.
- 7.6. As explained, at paragraph 8.20 below, the former use of the site provided limited employment opportunities. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs.
- 7.7. Transport for London has advised that the impact of the development on the public transport network would be minimal. There is no suggestion that infrastructure is at "breaking point."
- 7.8. As explained in 'Material Planning Considerations' below, the proposed building in architectural terms would be a significant improvement over the existing car show room and former public house and would reinstate a badly fragmented streetscape. It would respect the local context and preserve the setting of listed and locally listed buildings in the vicinity, which are mostly some distance from the site. English Heritage has not raised any objection and the design is supported by the Greater London Authority and the Council's Olympic Team (2012 Unit).
- 7.9. Only one roof terrace is now proposed and, as explained at paragraph 8.77 below, to maintain the privacy of the dwellings on Canal Close and Grand Walk, the terrace would be fitted with 1.8 metre high obscured glass balustrades. A condition is also recommended to secure this arrangement and to ensure that both the terrace and communal gardens should not be used for amenity purposes outside the hours of 8.00 am to 10.00 pm on any day.
- 7.10. The development, together with the recommended 'car free' agreement, would substantially reduce traffic generation compared to the former motor vehicle use. The applicant estimates a reduction of minus 48 vehicle trips in the AM Peak and a reduction of 54 trips in the PM Peak. Only the student accommodation would be serviced from Toby Lane, via the existing access that served the Fountain PH. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location,

together with three motor cycle spaces and a space for a contractor's light goods vehicle. Traffic generation onto Toby Lane would therefore be very low and it is not accepted that there would be serious and potentially dangerous impacts on traffic movements in relation to Harford Street Ambulance Station and the Toby Lane Depot.

Queen Mary University of London (QMUL)

- 7.11. The College recognises the changes made in the revised scheme and continues to express in principle support of the development but comments on the design, rent levels, noise, internal layout, transport, and the provision of student accommodation on the QMUL campus.

Design

- 7.12. QMUL are pleased to note the reduction in height, and the presentation of a more broken street frontage. The College does not object to the scale, bulk and massing of the scheme but remain to be convinced that the scheme will positively contribute to the townscape, or the architectural integrity of the surrounding area. Requests that any planning permission is conditioned to ensure that the external building materials and specifications proposed in the application are actually used.
- 7.13. (Officer comment: As explained in 'Material Planning Considerations' below, the revised design is considered appropriate to its context and would reinstate a badly fragmented townscape. QMUL appear concerned that the design might be watered down. To preclude this, conditions are recommended to ensure the final approval of crucial design elements indicated on the application material submitted to date).

Rent level

- 7.14. Rent levels and the affordability of student accommodation are a key concern to QMUL to ensure students have access to affordable accommodation of an appropriate standard close to the campus. At present, QMUL experience more demand for cheaper accommodation than the College presently provides. Whilst QMUL support the provision of student accommodation, it is evident from other schemes nearby that their affordability means they do not directly serve the QMUL population. QMUL have unsuccessfully attempted to secure an agreement with the developer to provide a level of affordable rooms.
- 7.15. (Officers comments: There are no planning policies to secure affordable housing for students. The council's powers under section 106 of the Planning Act do not extend to requiring other parties to enter into agreements between themselves and it is not considered that the council should be involved in overseeing any commercial arrangements between the developer and Queen Mary University. Nevertheless, in accordance with emerging policy 3.8 of the draft replacement London Plan, a Head of agreement is recommended to ensure that the student residential accommodation should 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 shall be approved by the local planning authority).

Noise

- 7.16. QMUL are concerned that despite noise mitigation measures, the location on Mile End Road would result in an unacceptable environment not conducive to student accommodation.
- 7.17. (Officers comments: A condition is recommended to require the approval of details of acoustic glazing and ventilation to ensure satisfactory living conditions).

Internal layout

- 7.18. QMUL welcomes internal design amendments but considers the corridor design would put pressure on the limited amount of communal and amenity space as areas are not "owned" by a group of rooms, as would be the case of a communal kitchen/dining area in a cluster flat. The College also would not want to see the accommodation occupied by key workers (should the units not be taken up by students) without appropriate management to ensure student welfare.
- 7.19. (Officer comment: The proposal is to provide special needs accommodation for students and has been designed accordingly. The internal layout is largely a matter for the developer and, given this issue raises no public interest; this is not a matter that falls within the remit of the local planning authority. Nevertheless, if planning permission is granted, an informative is recommended advising consultation with QMUL. It is not considered that the accommodation is suitable for general needs housing whether for 'key workers' or otherwise. Nevertheless, the developer has agreed to enter into a legal agreement with the council to ensure that in perpetuity no part of the student residential accommodation shall be used as a Class C3 dwellinghouse).

Transport

- 7.20. QMUL is concerned that the application documents link the development with its campus. The transport impact of the development should be considered as a stand-alone scheme).
- 7.21. (Officer comment: The proposal has been assessed as a stand-alone scheme. The site is located in an area of good public transport accessibility and the proposal is considered is satisfactory in that regard).

Provision of student rooms

- 7.22. QMUL seek assurance that the development would not impact on their ability to provide by years 2012/14 up to 700 new rooms on its campus purely for QMUL students, as outlined in the council's publication 'Student Accommodation in Tower Hamlets' August 2008.
- 7.23. (Officer comments: Officers see no planning reason why the development would impact on proposals by QMUL to provide rooms on its own campus for QMUL students).
- 7.24. The following issues were raised in representations that are material to the determination of the application and are addressed in the next section of this report:

8. MATERIAL PLANNING CONSIDERATIONS

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

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

Land use

8.2. London is an international centre for the creative industries and the knowledge economy. It is a world centre of academic excellence and providing research. It leads in providing skilled workers in a global economy. The city attracts students and scholars from all over the world. The borough has two main universities: Queen Mary University of London, with its campuses at Mile End and The Royal London Hospital at Whitechapel, and London Metropolitan University in Aldgate.

8.3. In a national context, the Government's 2003 White Paper, 'The Future of Higher Education' proposes to increase the number of students in higher education to 50% of 18-30 year olds by 2010 from the 2008 level of 43%.

8.4. In requiring local planning authorities to identify and plan for the accommodation requirements of its population, the Government's Planning Policy Statement 3: 'Housing' acknowledges that students need to be considered in local housing needs assessments.

The London Plan 2008

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

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

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

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

8.6. The London Plan recognises the role of higher education in supporting London's position as a world city, along with the benefits resulting from associated

employment opportunities and by attracting investment into the economy.

- 8.7. In terms of housing, The London Plan seeks to increase the supply of accommodation (Policy 3A.1) by ensuring that proposals achieve the maximum intensity of use compatible with local context, design policy principles and public transport capacity (Policy 3A.3). Policy 3A.5 requires boroughs to take steps to identify the full range of housing needs in their area. Paragraph 3.39 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.
- 8.8. Policy 3A.25 of The Plan states that the Mayor will work with the higher education sectors to ensure the needs of the education sectors are addressed by:
- *“Promoting policies aimed at supporting and maintaining London’s international reputation as a centre of excellence in higher education;*
 - *Taking account of the future development needs of the sector, including the provision of new facilities and potential for expansion of existing provision;*
 - *Recognising the particular requirements of Further and Higher Education Institutions for key locations within good public transport access, and having regard to their sub-regional and regional sphere of operation; and*
 - *Supporting the provision of student accommodation”.*

Sub Regional Development Framework - East London 2006

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

Tower Hamlets Unitary Development Plan 1998 (UDP)

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

permanent housing, which is the case at the application site, and notes that additional provision could release dwellings elsewhere in the borough in both the public and private rented sectors.

Interim planning guidance 2007

- 8.13. On the Proposals Map of the interim planning guidance 2007, the site is again unallocated except for showing a 'Proposed Cycle Route'.
- 8.14. 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.
- 8.15. Core policy CP7 adds that the council will seek to bring investment into the borough, safeguard and enhance the number and range of jobs available to local residents and promote the sustainable creation of 100,000 additional jobs by 2016. In order to help achieve this objective, the guidance supports the improvement and expansion of the higher educational facilities around London Metropolitan University in Aldgate, the Royal London Hospital in Whitechapel and the Queen Mary University Campus in Mile End.
- 8.16. In terms of economic prosperity, the interim planning guidance Core Strategy identifies the borough's educational institutions as integral to enabling local resident's access to jobs and their benefit to the rapid regeneration taking place in the borough.
- 8.17. In terms of designating employment land, the interim guidance adopts The London Plan hierarchy of 'Strategic Industrial Locations' and 'Local Industrial Locations' as the primary means of directing and safeguarding employment land and uses. The application site does not fall under either of these employment designations.
- 8.18. In relation to non-designated employment sites, the interim guidance seeks to:
- a) retain sites for industrial employment where they are well located in relation to road and public transport networks;
 - b) retain sites for office uses where they benefit from high levels of public transport or are in / on the edge of town centres; and
 - c) retain sites where there is current or future demand for employment use.
- Where a site is not viable for an existing employment use the council will seek alternative employment uses to suit the location and the site.
- 8.19. Policy EE2 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.

- 8.20. The former use of the site provided limited opportunities in terms of employment. The applicant estimates that the motor vehicle use provided 20 to 30 jobs whilst the proposed development would result in the provision of 200+ jobs. Specifically, the proposed facility is anticipated to support 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 council's interim planning guidance.
- 8.21. Policy RT6: 'Loss of Public Houses' of the interim guidance allows the loss of public houses provided it can be demonstrated that the loss would not create a shortage of public houses within a distance of 300 metres. Whilst the Fountain public house was last used as a nightclub and the policy may not be entirely relevant, there would be no policy breach, there being other public houses at Nos. 410 and 359 Mile End Road.
- 8.22. With regard to the proposed provision of special needs housing, the interim guidance identifies population growth and housing need as the key drivers to change in the borough. In response, core policy CP24 states that the council will promote special needs and specialist housing by, inter alia, focusing purpose built student housing on the Queen Mary University Campus and in close proximity to the London Metropolitan University at Aldgate. The justification for this policy notes that whilst student accommodation supports the borough's universities, it does not directly contribute to meeting the borough's housing needs and, therefore, is not a preferred use throughout the borough.
- 8.23. In support of higher education is the need to provide sufficient living accommodation for London's significant and diverse student population. However, there is currently an acute shortage of purpose-built accommodation within the capital, resulting in a significant mismatch between demand and supply. At the regional level, there are currently some 250,000 full-time students studying in London. However, only 16% live in purpose-built accommodation, the balance living either at home (16%) or houses in the private rented sector (55%).
- 8.24. There are approximately 20,000 full-time students based at the borough's three higher education institutions. However, less than a quarter currently live within specialist housing, whilst demand surveys indicate that up to 40% of students are seeking purpose-built accommodation. At the local level, there are some 15,000 students at QMUL. However, the campus provides purpose-built accommodation for just 2,112 students; the remainder being forced to find accommodation within the private rented sector or stay at home. The impact of these students taking up accommodation in the private rented sector is a reduction in the general housing stock and, in particular, of larger units which are attractive for multiple-occupation. This is a particular issue for Tower Hamlets which has significant problems of housing shortage, especially family-sized units.
- 8.25. It is considered that the provision of student housing at the application site would address current needs in relation to the shortage of specialist student housing in the borough, whilst reducing pressure on the general housing stock, in accordance with the policies of the council's interim planning guidance outlined above.

Local Development Framework Core Strategy 2025. Proposed Submission
Version September 2009

8.26. In September 2009, following approval by Cabinet, the council published its 'Core Strategy 2025 – proposed submission document for public consultation. The "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."

8.27. 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.

8.28. 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 current 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.

8.29. 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."*

8.30. The Principles for Mile End include:

- *"Development should be sensitive to the setting of open spaces and should improve pedestrian and cycling connectivity to and through these spaces.*
- *Public realm improvements should enhance the pedestrian and cycling experience, while maintaining the vehicle capacity of Mile End Road."*

8.31. In summary, it is considered that in land use terms the redevelopment of the motor vehicle garage and nightclub by teaching facilities and student residential accommodation accords with the land use policies of The London Plan, the Sub Regional Development Framework, the Council's 1998 UDP, the 2007 interim planning guidance and emerging policy in the Local Development Framework Core Strategy.

Amount of development

8.32. 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.

- 8.33. The London Plan policies 4B.1 and 3A.3 outline the need for development proposals to achieve the highest possible intensity of use compatible with local context, the design principles of the compact city, and public transport accessibility. Table 3A.2 of The London Plan provides guidelines on residential density in support of policies 4B.1 and 3A.3.
- 8.34. 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 at any site or area 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. The plot ratio of the proposed development is 2.45:1 which is 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 2.45:1 in terms of and proposed built form and local context is considered below.
- 8.35. Core policy CP20 of the council's interim planning guidance 2007 reflects The London Plan and seeks to maximise residential densities on individual sites, again taking into account local context, site accessibility, housing mix and type, achieving high quality design, well designed homes, maximising resource efficiency, minimising adverse environmental impacts, the capacity of social and physical infrastructure and open spaces, and to ensure the most efficient use of land within the borough.
- 8.36. Policy HSG1 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.*
- 8.37. 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 1,240 habitable rooms per hectare which exceeds the guidance.
- 8.38. 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, it is considered that 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

8.39. At paragraph 43 of PPS1 the Government advises:

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

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

8.41. Section 66 of the Act places a further duty on the council, in determining whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of the listed building.

8.42. Good design is central to The London Plan and is specifically promoted by the policies contained within Chapter 4B. Policy 4B.1 'Design principles for a compact city' sets out a series of overarching design principles for development in London and seeks to ensure that new development maximises site potential, enhances the public realm, provides a mix of uses, are accessible, legible, sustainable, safe, inspire, delight and respect London's built and natural heritage. Policy 4B.2 seeks to promote world-class high quality design by encouraging contemporary and integrated designs and policy 4B.5 requires development to create an inclusive environment. Policies 4B.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.

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

8.44. Core policy CP4 of the council's interim planning guidance 2007 refers to 'Good Design' and requires that development should:

a) respect its local context, including the character, bulk and scale

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

- 8.45. Core policy CP49 of the interim planning guidance says that the council will protect and enhance the historic environment including the character and setting of listed buildings, locally listed buildings, and conservation areas.
- 8.46. Development control policy DEV1 of the interim planning guidance 2007 requires development to protect, and where possible improve the amenity of surrounding building occupants and the public realm. Policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk, and form of development, to preserve and enhance the historic environment and use appropriate materials. Policy CON2 says that development which would affect the setting of a conservation area will be granted only where it would preserve the special architectural or historic interest of the conservation area.
- 8.47. At paragraph 2.14 of PPG15, national policy advises that the design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart but are woven into the fabric of the living and working community. The advice says that this can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing, and alignment, and use appropriate materials. It is emphasised that this does not mean that new buildings have to copy their older neighbours in detail but together should form a harmonious group.
- 8.48. The current disused garage, car showroom and open sales lots, with its unattractive use, lengthy, weak street edge, poor front elevation, and overall poor architectural treatment, significantly detract from the quality of the streetscape on Mile End Road. It is considered that this situation would be rectified by the development proposed.
- 8.49. In particular, it is considered that the reduced height now advanced 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. The site is within an area containing existing medium and large-scale civic buildings forming part of the Queen Mary College campus. In terms of overall scale and form, it is considered that the proposed building would be acceptable within that context, creating a defining feature at the southern end of the campus.



View of proposed development looking east along Mile End Road

- 8.50. Further, it is now proposed that the building is broken down into seven main volumes which would read as individual but related elements. This would serve to break the development into a series of vertical events. The seven volumes would in turn be separated by lightweight glazed elements which would provide further variety and relief along the length of the site. The central building above the entrance lobby would be further expressed with a light emitting crown. Intermittent lightweight roof top elements would provide further variation to the roofscape.
- 8.51. The seven main volumes would also have their own individual scale and proportion achieved through a variation in height and width. However, the development would be held together by employing a common palette of materials and details which serve to identify the individual volumes as a series of related elements.
- 8.52. The taller block would be located towards the middle of the site and mark the main entrance which sits at the curve in Mile End Road. The double height entrance would provide a focal point to the development, whilst a feature entrance canopy folds up and around to hold the individual elements together. Appendix 1 of this report compares the elevation to Mile End Road of the refused scheme and the current proposal.



Proposed north elevation facing Mile End Road

- 8.53. In summary, it is considered that the change to the height and massing, the introduction of a stepped profile and the modelling of the façades including a variation of materials and fenestration, has resulted in more refined architectural composition. The breaking up of the façade would create a richer ensemble as a group, whilst still retaining its own distinct character. The proposed scheme is considered to have successfully addressed the reasons for the previous refusal and well judged at an appropriate urban scale, with height and design that responds well to its local context on a principal London thoroughfare.

Listed building considerations

- 8.54. 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.
- 8.55. The Grade 2 listed Guardian Angels Roman Catholic Church and Presbytery, No. 377 Mile End Road, lies east of the Regent's Canal, 117 metres from the application site. The setting of these buildings would be unaffected.

- 8.56. The setting of the locally listed buildings at No. 357 Mile End Road (34 metres north east of the site) and the terrace Nos. 359 to 373 Mile End Road (also east of the canal) is not covered by any specific policy and the impact of the proposals on these buildings is assessed below where impact on the two conservation areas is considered.

Conservation area considerations

- 8.57. 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) is to protect the special character of the banks of the Regent's Canal and specific historic canal features such as the locks and the towpath, that are recognised as part of the cherished familiar local scene. The proposed development would have very limited impact on the character and appearance of the designated area, as the higher bulk would be set some distance from the canal.
- 8.58. 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.
- 8.59. 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.
- 8.60. 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.
- 8.61. 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

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

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

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

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

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

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

(Officer comment: The new building would play a significant role in re-establishing a street pattern that has been badly eroded by the former car dealership building and its associated open parking 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 much better setting for the People's Palace and Queen's building at the Queen Mary University of London campus than the current badly fragmented car dealership site with associated open parking lots).

Amenity of adjoining premises

Daylight

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

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

- 8.65. Interim planning guidance policy DEV1 requires development not to result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

- 8.66. For further guidance UDP policy DEV1 refers to the BRE Report: 'Site layout planning for daylight and sunlight – A guide to good practice.' The guidelines contain tests for daylight, sunlight and overshadowing, starting with

trigonometric tests followed by tests which measure the actual amount of daylight striking the face of a window (Vertical Sky Component) and internal Daylight Distribution by plotting the position of a “no sky line” contour within the room being tested.

- 8.67. 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.
- 8.68. The VSC tests should be followed by the calculation of internal Daylight Distribution within each of the rooms by plotting the “no sky line” contour. As a check measurement, Average Daylight Factor can also be used.
- 8.69. The neighbouring buildings that fall within the BRE requirements for testing are:
- Nos. 13 to 22 Grand Walk and,
 - Nos. 12 to 20 Canal Close.
- 8.70. 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 21 Grand Walk. The amount by which this window exceeds the permissible 20% margin is very small with a reduction of only 21.62% with an actual VSC of 24.25% which is a very 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.
- 8.71. 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 23.4%, again a marginal failure.
- 8.72. 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

- 8.73. 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

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

Privacy

- 8.75. The eastern end of the northern wing of the proposed building (used as teaching accommodation) 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 central part of the proposed building (which would also be as teaching accommodation) 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 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.
- 8.76. 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 oriel windows would be provided on the south façade.
- 8.77. 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.
- 8.78. Proposed 'Sky Gardens' would be enclosed amenity spaces at 3rd, 5th and 7th floor levels on the southern part of the western building adjoining the Toby Lane depot and would have no impact on the houses at Grand Walk, Canal Close and Union Drive.

Access and servicing arrangements

- 8.79. The site has a good level of access to sustainable modes of transport. Mile End Station on the Central and District Lines of the Underground Railway lies 250 metres to the east. Bus routes 25 and 208 serve Mile End Road. There are a

further five bus routes serving the Mile End area - Nos. 229, D6, D7, 425 and 277. The site has a Public Transport Accessibility Level of between 5 and 6a.

- 8.80. The development would be beneficial to conditions on the local highway network as a net reduction of 48 and 54 two-way vehicular trips is forecast in the AM and PM peaks respectively. The proposals also include the removal of three vehicle crossovers on to Mile End Road which would reduce road user conflict. The overall effect of the development on the surrounding highway infrastructure has been assessed with the conclusion that there would be a minor improvement in conditions.
- 8.81. Given the good level of access to sustainable modes of transport, only two car parking spaces for disabled people are proposed and the developer has agreed that the scheme should be designated 'car-free' with users of the building (other than disabled people) prohibited from purchasing on-street parking permits from the borough council.
- 8.82. Cycle parking would be provided in excess of 1 space per two units of student housing which would accord with standards. There would also be visitor bicycle stands adjacent to the main entrance points on Mile End Road.
- 8.83. Servicing for the teaching and cafe uses would be from the existing loading bay on the north east corner of the development on Mile End Road. The student accommodation would be serviced at the south west corner of the development from Toby Lane via the existing access that served the Fountain public house. This would be limited to bi-weekly waste collections. There would be just two parking spaces for disabled people at this location, together with three motor cycle spaces and a space for a contractors light goods vehicle to allow for the inspection, maintenance, and repair of the mechanical, electrical and fire safety apparatus within the building. Traffic generation onto Toby Lane, which carries traffic to the Council's Toby Lane depot, would therefore be low.
- 8.84. Transport for London and the Council's Traffic and Transportation Department raise no objections to the proposed transport arrangements, subject to the implementation of travel plans. 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 residential travel plan, a delivery service plan and a construction logistics plan.

Amenity space and landscaping

- 8.85. 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.
- 8.86. 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

8.87. 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

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

8.89. The development would provide an overall reduction in CO2 emissions of 37% when compared with a comparable baseline building and the Greater London Authority and the Council's Energy Officer are content that the proposed energy strategy complies with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 to DEV9 of the council's interim planning guidance and national advice in PPS22: 'Renewable Energy'. As requested by the GLA, conditions are recommended to ensure the submitted details are implemented.

Air Quality

8.90. London Plan policy 4A.19 and policy DEV11 of the council's interim planning guidance require the potential impact of a development on air quality to be considered. Interim planning guidance policy DEV12 requires that air and dust management is considered during demolition and construction work.

8.91. The application is accompanied by an Air Quality Assessment which concludes that the impact of the development itself on local air quality is unlikely to be significant. The potential effects of dust generated during the construction phase of the development have been assessed qualitatively. The qualitative assessment shows that although dust is expected to occur from site activities, but this would have no more than a short-term moderate impact on the surrounding environment. This impact can be reduced by the use of appropriate mitigation measures, including the implementation of a Construction Management Plan as recommended, which would ensure that dust suppression measures are implemented.

8.92. There are no industrial processes proposed that would have a significant impact on air quality or give rise to odours at the site. The development itself will not give rise to any measurable deterioration in air quality and being virtually 'car-free' would ensure that the scheme would not have any adverse impacts. It is therefore concluded that provided suitable mitigation measures are employed during construction, the development would comply with relevant air quality policies.

Planning obligations

8.93. Planning obligations can be used in three ways:-

- (i) To prescribe the nature of the development to ensure it is suitable on planning grounds. For example, by requiring a given proportion of housing is affordable;
- (ii) To require a contribution to compensate against loss or damage that will result from a development. For example, loss of open space;
- (iii) To mitigate the impact of a development. For example, through increased public transport provision.

8.94. Planning obligations should only be sought where they meet the 5 key tests outlined by the Secretary of State in Circular 05/2005. Obligations must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

8.95. 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.

8.96. The applicant has offered that the following matters be included in a section 106 agreement with the council.

14. 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.

15. In perpetuity; no part of the student residential accommodation shall be used as a Use Class C3 dwellinghouse.

16. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

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

17. A £20,000 contribution to Transport for London to enhance the

- pedestrian crossing on Mile End Road.
18. A contribution of £100,000 towards local community education initiatives and cultural facilities.
 19. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
 20. 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.
 21. 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.
 22. 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.
 23. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
 24. To participate in the Considerate Contractor Protocol.

8.97. The applicant has explained:

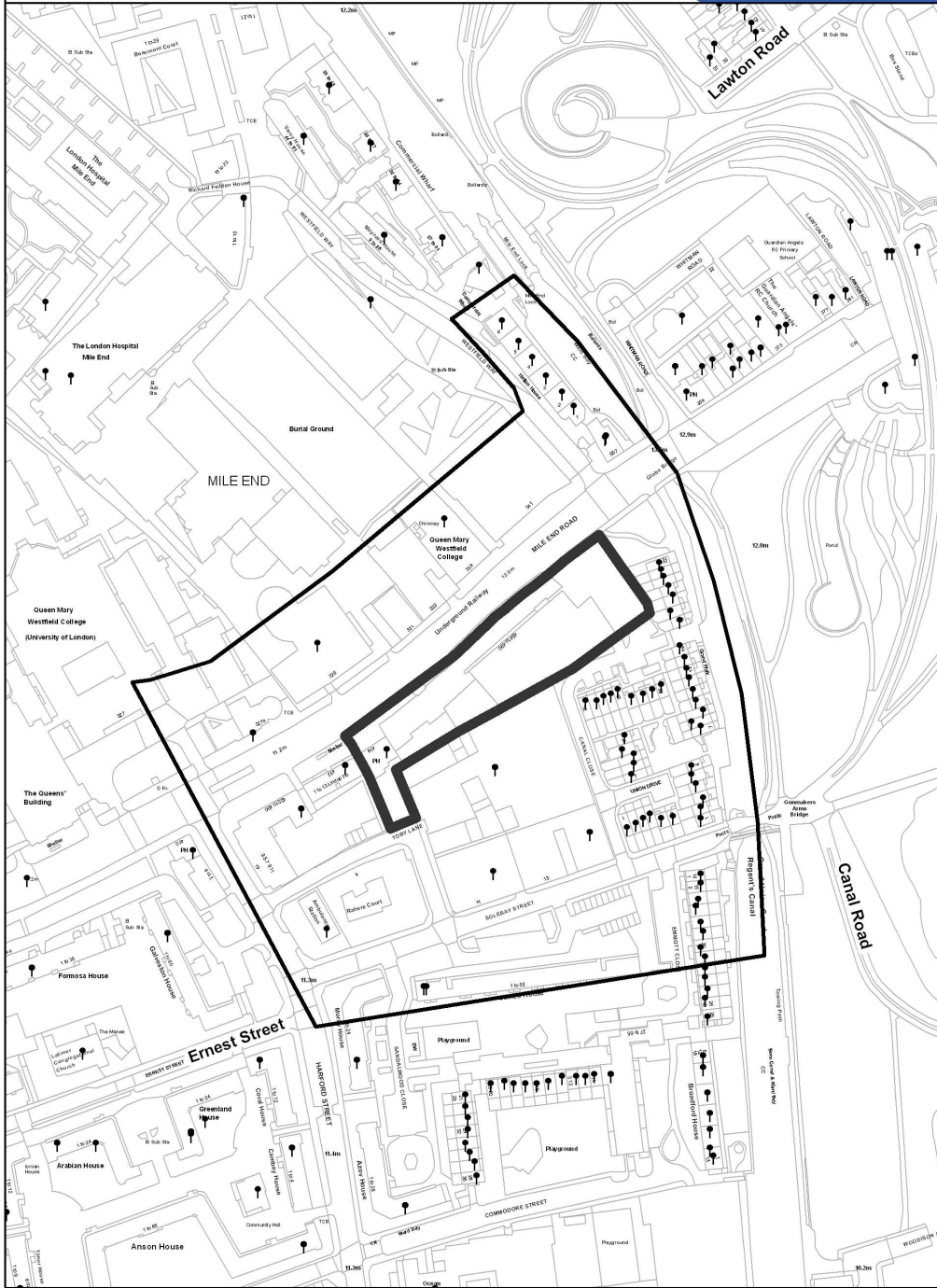
- The £100,000 contribution towards local community education initiatives and cultural facilities' (Head 5) has arisen out of discussions with the local community and a desire to see the proposal support local community initiatives. The intention is for this money to be paid to the 'Stepney Shahjalal Mosque and Cultural Centre' who run a range of education and cultural programmes for people living on the Ocean Estate.
- Fastlane is a program designed to help train and prepare graduates in their transition from education into employment. QMUL have been providing sponsorship for 'Fastlane' courses and the intention of Head 6 is for the project to provide a one off sum to the value of £20,000 for bursaries for local people to access the Fastlane courses.
- The use of the Teaching Facility by the local community (Head 7) has arisen from local consultation and responds to comments about local people currently not deriving much benefit from the fact there is a major education institution in their community. Discussions with the community indicate that there are local education-based initiatives that would welcome the opportunity to be given classroom time to run their courses from.



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

9. CONCLUSION

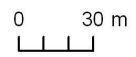
9.1. All relevant policies and considerations have been taken into account. It is considered that the revisions made to the scheme overcome the Committee's refusal reasons of 23rd September 2009. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS 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
-  Consultation Area

 Land Parcel Address



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

Current (top) and refused (bottom) elevations to Mile End Road



**UPDATE REPORT CONSIDERED BY THE STRATEGIC DEVELOPMENT
COMMITTEE ON 15 DECEMBER 2009**

Agenda Item number:	7.4
Reference number:	PA/09/1916
Location:	438-490 Mile End Road, E1
Proposal:	Demolition of existing structures and erection of a new building ranging from 3 to 9 storeys to provide a new education facility comprising teaching accommodation and associated facilities, student housing, cycle and car-parking, refuse and recycling facilities.

1. CORRECTION – LOCAL REPRESENTATION

- 1.1 The total number of letters received in support of the proposal (paragraph 7.1 page 156) is 23 not 25.

2. Recommended section 106 agreement

- 2.1. With regard to the Heads of Terms of the recommended legal agreement, set out at paragraph 3.1 B (page 138) of the Committee Report; following further consultation with the local community, the applicant has proposed the following alterations and additions to the proposed obligations.
- 2.2. In respect of Head 5 - Contribution towards local community education initiatives and cultural facilities, the applicant has offered to increase the contribution from £100,000 to £140,000 and has indicated that they wish to support a range of local groups. Officers are content that the contribution to local community and education facilities could be increased but consider it inappropriate for the council to commit to allocating money to specific groups at this stage.
- 2.3. A letter has been received from the Stepney Shahjalal Mosque and Cultural Centre advising that there has been no consultation or agreement between the Mosque and the applicant in regard to section 106 funding, and requesting that, should planning permission be granted, the Committee is requested to ensure that the Mosque receives a contribution.
- 2.4. Officers are content that the contribution to local community and education facilities could be increased but consider it inappropriate for the council to commit to allocating money to specific groups at this stage. The applicant has also confirmed that they have made no commitments to the allocation of money to specific groups and consider that this matter should be left to the council.
- 2.5. In respect of Head 7 - 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; the applicant has confirmed that they have been in discussion with local community groups regarding use of the teaching space, and now offered to make available the use of a teaching room within the facility for 25 hours per week (i.e. increased from the previously proposed 20

hours per month). Officers are content with this clarification and the suggested increased availability of space for the local community.

- 2.6. The applicant has also proposed an additional Head requiring the developer to use reasonable endeavors to recruit all non-teaching staff from within the local community. Officers are content that this obligation would help mitigate the impact of the development within the local community.

3. RECOMMENDATION

- 3.1. It is recommended that the Committee resolves to GRANT planning permission subject to inter alia the prior completion of a legal agreement under section 106 of the Act, to the satisfaction of the Chief Legal Officer, to secure the following obligations:

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. A financial contribution of £620,000 towards environmental improvements within the Mile End Intersection Area Study of the High Street 2012 project as follows:

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

4. A £20,000 contribution to Transport for London to enhance the pedestrian crossing on Mile End Road.
5. A contribution of £140,000 towards local community education initiatives and cultural facilities.
6. A contribution of £20,000 towards local employment and training initiatives (Fastlane).
7. A teaching room within the education facility to be made accessible to the local community for 25 hours per week.
8. The developer to use reasonable endeavors to recruit all non-teaching staff from within the local community.
9. 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.
10. 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.
11. To participate in the Council's Access to Employment and / or Skillsmatch programmes.
12. To participate in the Considerate Contractor Protocol.