

LONDON BOROUGH OF TOWER HAMLETS**STRATEGIC DEVELOPMENT COMMITTEE**10th April 2014**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL****INDEX**

Agenda item no	Reference no	Location	Proposal / Title
6.1	PA/13/02938	Suttons Wharf North, Palmers Road	<p>Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Block A of the Suttons Wharf North development comprising:</p> <ul style="list-style-type: none">• Removal of one ground floor links between Block A2 and A3 and the creation of separate D1 Use Class units (390sq.m; 280sq.m; and 1035sq.m);• Insertion of an additional internal floor level (no resulting increase of heights to the consented buildings);• Alterations to the dwelling mix within Block A, resulting in a net increase of 41 residential units• Other associated external changes
6.2	PA/13/3049	100 Whitechapel road and land rear at Fieldgate Street & Vine Court	<p>Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 223 dwellings (comprising 48 studios; 91 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.</p>

6.3	PA/13/03159	Heron West, Quay, E14 Quays Heron London,	Outline planning application (all matters reserved) for the demolition of existing buildings and structures and erection of a new building with a maximum height of 191.5 metres AOD comprising a maximum of 129,857 square metres GIA of office floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floor space (Use Class A1, A2, A3, A4 and A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works.
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Agenda Item number:	6.1
Reference number:	PA/13/02938
Location:	Sutton's Wharf, Palmers Road, London
Proposal:	<p>Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Block A of the Suttons Wharf North development comprising:</p> <ul style="list-style-type: none"> • Removal of one ground floor links between Block A2 and A3 and the creation of separate D1 Use Class units (390sq.m; 280sq.m; and 1035sq.m); • Insertion of an additional internal floor level (no resulting increase of heights to the consented buildings); • Alterations to the dwelling mix within Block A, resulting in a net increase of 41 residential units • Other associated external changes

1.0 ADDITIONAL REPRESENTATION

1.1 One additional representation was received following the publication of the main report. The objection raises the following point:

- Concerned about the growing number of units;
- What are the facilities/feature being lost as a result of this and what additional provision is being made to accommodate the additional residents

[Officer Comment: The proposed amendment does not result in any loss of facilities to accommodate the net additional 41 units. As explained in the main report the net additional units are achieved through rationalising the floor to ceiling height to enable an additional floor level to be inserted within the consented building footprint and height. The applicant has agreed to a full mitigation measure through additional financial contributions to mitigate against the impact arising from the net additional 41 units.]

2.0 CORRECTION

2.1 Table 2 had a calculation error within the Intermediate/Shared column. The proposed percentage of the unit sizes are corrected in the table below.

Table 2 Dwelling mix for the entire site as revised

Unit size	Social Rented			Intermediate/Shared			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	30	22%	30%	28	40%	25%	65	24%	50%
2 bed	54	40%	25%	39	56%	50%	147	55%	30%
3 bed	16	12%	30%	3	4%	25%	55	21%	20%
4 bed	36	26%	15%	-	-		-	-	
TOTAL	136			70			267		

2.2 The drawing numbers referenced on the front page of this agenda should have included reference 550_SK140318ci02. This plan includes the location of refuse/recycling bin stores and additional provision as proposed for the subject amendment.

3.0 RECOMMENDATION

3.1 Officers' recommendation remains as set out in paragraphs 10.1-10.2 of the committee report

Agenda Item number:	6.2
Reference number:	PA/13/3049
Location:	100 Whitechapel road and land rear at Fieldgate Street & Vine Court
Proposal:	Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 223 dwellings (comprising 48 studios; 91 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.

1.0 CLARIFICATIONS

Drawings

- 1.1 The applicant has submitted revised plans following the publication of the committee report. The full set of drawing numbers are as follows:

P2000 Rev F; P2001 Rev M; P2002 Rev K; P2003 Rev K; P2004 Rev K; P2005 Rev J; P2007 Rev J; P2008 Rev J; P2009 Rev K; P2010 Rev E; P2011; P2012 Rev A; P2013; P2020 Rev G; P2021 Rev G; P2022 Rev f; P2023 Rev E; P2024; P2050 Rev E; P2051 Rev E; P2053 Rev C

- 1.2 The applicant has also provided clarification on the number and type of wheelchair accessible dwellings.

2. LOCAL REPRESENTATION

- 2.1 A further petition was received in support with 752 signatures with the same supporting comments as identified in paragraph 8.6 of the report.
- 2.2 Islamic Relief shop at 135-137 Whitechapel Road support the scheme and note that the pedestrian link from Whitechapel to Fieldgate Street would be beneficial for both the worshippers of the Mosque and those who reside in the area. The development would contribute to the regeneration of the area.

3. CONSULTATION RESPONSES

- 2.1 Since the publication of the agenda, additional consultation responses have been received from
- LBTH Transportation and Highways
 - LBTH Waste Management
 - Transport for London

- London Fire and Emergency Planning Authority
- Metropolitan Police (Crime Safety)
- Deloitte (Independent Viability Consultants)

2.2

The comments and their effect on the material planning considerations are summarised below.

4. MATERIAL PLANNING CONSIDERATIONS

Servicing and transport

- 4.1 With reference to servicing the development, the applicant has recently submitted a revised lower ground and ground floor plan to illustrate a newly configured loading bay in the location off Fieldgate Street. LBTH Transportation and Highways have reviewed and raise no objection to the amended servicing arrangements.
- 4.2 Six additional cycle storage spaces are required for the Mosque prayer hall extension.
- 4.3 Transport for London (TfL) has sought a contribution of £70,000 towards additional cycle hire capacity should be secured if members are minded to grant planning permission. This would bring the total Section 106 contribution to £2,111,683, subject to viability testing.

Waste

- 4.4 LBTH Waste team have expressed concern with regard to the area that has been allocated on ground level for the waste collection purpose. There would be a requirement for a total of 38 x 1100 litre refuse bins and 16 x 1280 litre recycling bins on this site – total requirement for 54 bins.
- 4.5 Transportation and Highways and the Council's Waste Management team confirm that the proposed waste collection strategy is acceptable in principle provided that the bins are placed for collection within the site but not on any part of the car park access ramp.
- 4.6 The allocated holding area off Fieldgate Street would hold approximately 20 bins at one time without impeding the public highway. However there is no explanation about how a full collection would be made, including the need for an internal management system, to transport bins on rotation from the basement storage area to the ground level holding area.

Fire Safety

- 4.7 The London Fire and Emergency Planning Authority's have considered the application further and reiterate that horizontal mains are not the solution to this problem and sprinklers are not the only alternative. The proposal does not meet the relevant Sections 15 and 16 of the Building Regulations Approved Document B.

Housing

- 4.8 The applicant has confirmed that all affordable units comply with Lifetime Homes Standards. The reason for refusal is amended accordingly.
- 4.9 Paragraph 9.63 of the committee report states that 'Four, 3 bedroom wheelchair accessible flats are proposed within the affordable rented accommodation on the ground, second and third floors'. This should read " With reference to wheelchair accessible housing; One 3 bed and One 1 bed on the ground floor; One 2 bedroom on the second floor and One x 2

bedroom on the third floor (4 units in total) are proposed within the affordable rented accommodation”.

- 4.10 The applicant has subsequently advised there would be a further nineteen (19) 1 bedroom wheelchair accessible units proposed within the private accommodation. Although, the overall provision for wheelchair accessible accommodation across all tenures would be 23 units which equates to 10% across all tenures or 11% within the affordable tenure. This would be in accordance with policy. The reason for refusal is amended accordingly.
- 4.11 The last sentence in paragraph 7.47 should read “In unit terms this represents 12 family sized homes of the 36 affordable rented homes on balance this is deemed acceptable”.

Child playspace

- 4.12 With reference to child playspace provision, the applicant has provided an amended plan which shows an increase in the under 5s on-site play provision from 230 sqm to 260sqm. Notwithstanding, the quality of the child playspace is not acceptable and officers concerns regarding the under-provision and generally poor quality of child play space remains.

Secure by Design

- 4.13 London Metropolitan Police have reviewed the submission and have raised several safety concerns. With reference to the proposed link route, the Police note that increasing permeability could also increase opportunities for crime. In their opinion the “alleyway” created is not wide enough nor it a welcoming access route. There would be no alternative, safe route for future residents to take. There would not be sufficient natural surveillance available in the created space to reduce crime and/or the fear of crime.

Equalities considerations

- 4.14 As referred to in the main report detailed Equalities Assessment has been carried out with regard to the potential effects of the proposed development on each of the protected diversity characteristics.
- 4.15 The main report sets out that the conclusions of the Equalities Assessment would be reported to your Committee, The assessment concludes that the proposed development would have a neutral effect in terms of race, gender, gender reassignment, sexual orientation, age, marriage and civil partnership, pregnancy and maternity.
- 4.16 In terms of faith, given the proposed extension to a prayer hall at the adjoining mosque, the assessment takes account of Muslim faith is well established in the area and that 34% of people in Tower Hamlets identify themselves as Muslim. The proposed development would have beneficial effect on the Muslim faith, but would not have any beneficial or adverse effect on other faiths. Hence the assessment concludes the proposal would have a neutral effect in terms of faith.
- 4.17 The assessment also concludes that the proposed development would have a positive effect in terms of disability and other socio-economic indicators.
- 4.18 No negative equalities impacts have been identified.

Planning obligations

- 4.19 Paragraphs 9.130- 9.132 of the main report set out the planning obligations that would

normally be required to mitigate the impact of the development, in accordance with the NPPF, Community Infrastructure Regulations, Core Strategy and Planning Obligations SPD.

- 4.20 The total required by Tower Hamlets Planning Obligations SPD would be £1,586,683. In addition Transport for London have requested £350,000 towards public realm/footway improvements, £15,000 towards legible London signage and £70,000 towards additional Cycle Hire Capacity. The overall requested contribution would be £2,026,683.
- 4.21 The National Planning Practice Guidance (NPPG) states that on individual schemes, applicants should submit evidence on scheme viability where obligations are under consideration. Wherever possible, this should be open book.
- 4.22 The applicant's viability assessment makes an allowance of £1,743,559 towards planning obligations. The Council's independent viability consultants have advised that they cannot be conclusive as to whether the planning obligations or affordable housing is the maximum that could be afforded by the development as there is insufficient information in the applicants viability report to provide conclusive advice.
- 4.23 Officer's conclusion is that there is insufficient information to provide the assurance that the scheme would not meet all of the planning obligations required to mitigate the impact of the development. Hence an additional reason for refusal is recommended as set out below.

5 RECOMMENDATION

- 5.1 The recommendation remains to **REFUSE** planning permission.

In light of the amendments, clarifications and additional comments received from LBTH Highways & Waste Management Teams, the London Fire and Emergency Planning Authority and the Metropolitan Police the reasons for refusal set out in Section 3 of the report are amended as follows:

Paragraph 3.3:

The proposed development would provide a high density residential development that would represent a significant departure from adopted policy in terms of the mix of dwelling sizes, with significant over provision of studios and single bedroom flats, under provision of family accommodation. The development would be contrary to policies 3.4 & 3.5 of the London Plan (2011) and policies SP02 of the Core Strategy (2010) and DM3 & DM4 of the Managing Development Document (2013) which seeks to prevent symptoms of overdevelopment and provide appropriate housing choice in the borough.

Paragraph 3.6:

Insufficient information has been submitted to demonstrate that proposal could provide adequate refuse collection arrangements and fire appliance access to serve the needs of the development. The proposals would therefore be contrary to National Planning Policy Framework; policies SP0 & SP09 of the Core Strategy (2010); DM14 & DM20 of the Managing Development Document (2013) which seek to ensure that adequate waste provision are provided and sites are appropriately accessed.

- 5.2 Additional reason for refusal

Insufficient information has been provided to demonstrate that the proposed development meet the necessary financial contributions, to be secured as planning obligations, necessary to mitigate the impact of the development on social and community infrastructure, transport and the environment. The proposal would therefore be contrary to the NPPF; policy 8.2 of the London Plan (2011) & policy SP13 of the Core Strategy (2010) which seek to secure contributions towards infrastructure and services required to facilitate the proposed development subject to viability.

Agenda Item number:	6.3
Reference number:	PA/13/3159
Location:	Heron Quays West, Heron Quay, London, E14
Proposal:	Outline planning application (all matters reserved) for the demolition of existing buildings and structures and erection of a new building with a maximum height of 191.5 metres AOD comprising a maximum of 129,857 square metres GIA of office floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floor space (Use Class A1, A2, A3, A4 and A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works.

1.0 ADDITIONAL CORRESPONDANCE

- 1.1 As part of the planning application assessment process, the Council instructed LUC to undertake a review of the Environmental Statement for Heron Quay West 2.
- 1.2 LUC sought clarifications on various points within the Environmental Statement all of which were resolved at the time the committee report was written. However, there were two outstanding which have since been resolved.
- 1.3 The final two clarifications which have subsequently been resolved relate to the following:
- **Waste forecasts**
 - An estimate of construction materials to be used and waste arising during this phase should be provided.
 - **Flood Compensation Strategy**
 - The feasibility of establishing compensatory flood storage on another already consented development should be discussed with the Environment Agency and the planning officer.
- 1.4 With regard to the waste forecast, the first request relates to a query raised in relation to ES Chapter 6: Development Programme, Demolition and Construction.
- 1.5 The original clarification requested was as follows:
- "An estimate of construction materials to be used and waste arising during this phase should be provided".*
- 1.6 The original response provided included:
- "Due to the outline nature of the application, it is not possible to provide detailed estimates of the amounts of construction materials to be used at this stage. The following waste forecast is based upon previous Canary Wharf projects".*
- 1.7 In light of the information provided, the Council informed the applicant that the information provided was not acceptable.

- 1.8 Further clarification was sought to confirm that the waste forecast provided is the worst case scenario as stipulated in paragraph 3.2 of the Construction Logistics Plans (Appendix B of the Transport Assessment).
- 1.9 The final response from the applicant was that the waste forecast provided is the worst case scenario as stipulated in paragraph 3.2 of the Construction Logistics Plans (Appendix B of the Transport Assessment).
- 1.10 Officers were satisfied with this information.
- 1.11 The second request related to a query raised in relation to ES Chapter 12: Water Resources and Flood Risk.
- 1.12 The original clarification requested stated:

"The feasibility of establishing compensatory flood storage on another already consented development should be discussed with the Environment Agency and the planning officer".

- 1.13 The Applicant has since received a further consultation response from the Environment Agency (EA), dated 18 March 2014). This indicates that the proposed development will meet the requirements of the National Planning Policy Framework (NPPF) if measure(s) as detailed in the Flood Risk Assessment (FRA) prepared by Arup dated February 2014 and in particular Appendix A6 Technical Note: 'Change to Flood Strategy (S96A Application for HQW1)' are implemented and secured by way of a planning condition on any planning permission.
- 1.14 It has been agreed with both the EA and LBTH with regard to the HQW applications that the 1997 implemented HQW scheme forms the baseline for encroachment into the docks. Based on the Parameter Plans for HQW2, the maximum encroachment is 2,270m² while the 1997 baseline encroachment (before flood storage has to be provided) is 2,750m². Therefore, if HQW2 goes ahead without HQW1 there would still be a nominal surplus of encroachment and hence flood storage available within the dock system.
- 1.15 Officers were satisfied with the details provided and did not require any further information.

2.0 ERROR/CLARIFICATIONS

- 2.1 The last sentence of Paragraph 4.8 should be deleted.
- 2.2 Paragraph 4.17 should read as 'Planning permission has previously been granted for the redevelopment of the entire Heron Quays West site, and has subsequently been granted for the redevelopment of land to the east of the site (at Heron Quays West 1), details of which are listed below. The applicant now intends to secure an outline planning consent for the remaining part of the Heron Quays West 2 site (the western part of the site)'.
- 2.3 Paragraph 6.123 should read 'The proposals for Heron Quays West have followed the energy hierarchy and sought to minimise CO₂ emission through energy efficiency and energy supply to achieve at least a 28% reduction in CO₂. The proposals also include the installation of 315m² (44kWp) of Photo Voltaic (PV) array to further reduce CO₂ emissions by 1%.'

- 2.4 With reference to paragraphs 6.129 and 8.175 which states a figure of £707,250 sought for carbon offset projects in the vicinity of the proposed development, this figure will be based on the final CO2 savings of the scheme at Reserved Matters stage.
- 2.5 In relation to Paragraph 818, since the time the committee report was written, a planning application has been submitted to the council for the relocation of Skillsmatch (ref: PA/14/672).
- 2.6 In relation to paragraph 8.86 and 8.88, as this is an outline application, access has not yet been confirmed. This will be confirmed at the reserved matters stage, however there is also an option for parking to be accessed from Marsh Wall.
- 2.7 The second sentence in paragraph 8.222 should read 'Although flood storage compensation was not required for HQW1 in isolation (and therefore wasn't included), the combined loss of flood storage associated with the maximum basement encroachment for HQW1 and HQW2 does require compensation'.
- 2.8 Paragraph 8.242 should read as 'The application is in outline and the minimum and maximum commercial floor space proposed ranges from 80,025 square metres to 130,642 square metres. Given, the level of floor space is not fixed at this stage it is not possible to confirm the final level of financial contributions in lines with the SPD.

3.0 RECOMMENDATION

- 3.1 Officers' recommendation remains as set out in paragraphs 8.229 - 8.235 of the committee report