

# LONDON BOROUGH OF TOWER HAMLETS

## DEVELOPMENT COMMITTEE

11<sup>th</sup> March 2015

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### UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

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Agenda item no	Reference no	Location	Proposal / Title
6.1	PA/14/02618	Land Between St Pauls Way and Masjid Lane, including Linton House, Printon house and the Burdett Estate Community Centre, St Pauls Way, E3	Demolition of Linton House, Printon House, the Burdett Community Centre building and Mosque to facilitate the redevelopment of the site to create a two-form entry primary school and nursery (Use Class D1), a two-storey Mosque (Use Class D1) and 3 residential blocks between 4 and 8 storeys to provide 109 new dwellings (10x studio, 40x 1 bed, 31x 2 bed, 22x 3 bed, and 6x 4 bed), a new ball court, children's play space, amenity space and cycle parking.
6.2	PA/14/3243	Burdett Community Square, Land off Masjid Lane, St Pauls Way, London, E14	Demolition of a block of seven domestic garages and the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment.

6.4	PA/14/02753 PA/14/02754	The Forge, 397 & 411 Westferry Road, London, E14 3AE	<p>Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1(a), D1 and D2; with 297.17 sq m GFA of new floor space created at 1st floor level for business (Use Class B1(a)) and internal and external changes and maintenance to The Forge to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; Demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and cycle parking.</p>
6.5	PA/14/01567	598 Roman Road and land at rear of 596 Roman Road London, E3 2RW	<p>a) Change of use of part of rear ground floor retail area and conversion to refuse storage area and creation of new entrance doorway to upper floor flats plus erection ground and 2<sup>nd</sup> floor rear extension associated with the creation of 2 x 2 bed flat at first and second floors</p> <p>b) Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement at rear of No.'s 596-598 Roman Road.</p> <p>c) Replacement roof slates on the front elevation of 598 Roman Road.</p>

<b>Agenda Item number:</b>	6.1
<b>Reference number:</b>	PA/14/02618
<b>Location:</b>	Land Between St Pauls Way and Masjid Lane, including Linton House, Printon house and the Burdett Estate Community Centre, St Pauls Way, E3
<b>Proposal:</b>	Demolition of Linton House, Printon House, the Burdett Community Centre building and Mosque to facilitate the redevelopment of the site to create a two-form entry primary school and nursery (Use Class D1), a two-storey Mosque (Use Class D1) and 3 residential blocks between 4 and 8 storeys to provide 109 new dwellings (10x studio, 40x 1 bed, 31x 2 bed, 22x 3 bed, and 6x 4 bed), a new ball court, children's play space, amenity space and cycle parking.

## 1.0 CORRECTIONS

1.1 Paragraph 4.18 should refer to 12 x Social Rent units, and a split of **46% social rented to 54% intermediate**. Paragraph 8.97 – Penultimate and last paragraph should be deleted.

1.2 Section 6 of the committee report relates to the consultation responses from internal and external consultees. It is noted that paragraphs 6.19 and 6.20 have been duplicated.

1.3 Paragraphs 6.28 – 6.32 summarise the comments received from the Affordable Housing team. These paragraphs should read as follows:

- 6.28 - The application is providing **31%** affordable housing.
- 6.29 – The tenure split within the affordable is **46:54** in favour of **Intermediate**. This split does not comply with the Council's target of **70:30**
- 6.30 – Within the rented tenure, no one bed units are being provided within this tenure type the Council's policy target requires a 30% target. 17% of two bed units against our policy target of 25%, 33% of three bed units against our policy target of 30%, 50% of four bed units against our target of 15%. This demonstrates that the scheme will provide in a standalone setting 83% of family units against our policy target of 45% by hab rooms.
- 6.31 – Within the intermediate tenure the scheme provides 57% of one bed units against our policy requirement of 25%, 21% of two bed units against our policy requirement of 50%, 21% of three bed units against our policy requirement of 25%.
- 6.32 - DELETE

1.4 Paragraph 8.31 relates to land use and the term “feeder school” has been wrongly employed to describe the new primary school. The sentence should read as follows:

- The primary school would be part of the existing St Paul's Way Trust Secondary School, allowing it to be an all-through school for 4-18 year olds.

1.5 The last line in paragraph 8.76 should read as follows:

- The majority of the roofs will be either brown or green, except where there is a dominance of PV's.
- 1.6 The amount in the last line of paragraph 8.189 should read as follows:
- Additionally, the applicant would also contribute to the Mayor of London's CIL, which has been calculated as £175,890.
- 1.7 Paragraph 8.105 should refer to Social Rent tenure, as opposed to Shared Ownership tenure.
- 1.8 Paragraph 8.116 should read as follows:
- ...The proposals private amenity space required by policy is **680sqm**...representing an over-provision of **755sqm**.
- 1.9 Paragraph 8.117 should read as follows:
- ...This would equate to a requirement of **149sqm**.

## 2.0 UPDATES

### Viability Appraisal

- 2.1 The applicant has submitted further information with regards to the viability of the proposal, with specific relation to build costs. The Council's independent viability consultants have reviewed the submitted information, and concluded that the level of affordable housing and financial contributions as set out in the committee report remain the maximum reasonable amount which can be secured.

## 3.0 ADDITIONAL REPRESENTATIONS

- 3.1 Two additional letters of representation were received from Burdett Independent Community Welfare Organisation (BICWO), and Burdett Estate Board.
- 3.2 The BICWO letter sets out the following reasons for objection which are not already noted within para 7.21 of the main report:
- Demolition of existing buildings, and replacement with less social housing  
*(Officer comment: The approach to housing is fully discussed within the officers report)*
  - Loss of the community centre in 2014  
*(Officer comment: Planning history section of report outlines temporary consent for school hall, and alterations to community centre to accommodate temporary classrooms. Public consultation was carried out by the Council as part of the planning process)*
  - Loss of parking – cycle parking not supported; area unsafe for cyclists  
*(Officer comment: Parking and highways considerations are discussed within the main report. Council policies seek to encourage non-car modes of transport, which this application achieves)*
  - Noise  
*(Officer comment: A noise impact assessment was submitted with the planning application. The required sound insulation performances for various facades of the development have been determined based on the findings of a noise*

*survey carried out across the site. Condition No. 10 will require final details of the noise insulation measures required between uses)*

- Playspace not improved  
*(Officer comment: Play and open space provision outlined in full within the Committee Report)*
- Site is not Brownfield  
*(Officer comment: The site is considered to be brownfield land. Brownfield land is defined by planning portal as being previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure)*
- Delivery of Core Strategy objectives are not the remit of Poplar HARCA  
*(Officer comment: Planning applications are required to set out how they accord with the Council's Core Strategy)*
- Social Cleansing  
*(Officer comment: The proposal will provide a mix of housing types, contributing to the delivery of a mixed and balanced community)*
- Pressure on local infrastructure  
*(Officer comment: The officers report sets out financial contributions seeking to mitigate the impacts of the proposed development)*

3.3 The letter Burdett Estate Board reiterates concern which was noted in para 7.21 of the main report (and in BICWO's letter) relating to lack of consultation from the applicant. Concern is also raised regarding the loss of the community centre (with preschool playgroup, surestart centre, adult educational course, youth club) in mid 2014.

#### **4.0 POLICY UPDATE**

##### FALP

4.1 On 10 March 2015 the Mayor published the Further Alterations to the London Plan (FALP). From this date the FALP are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for London.

4.2 Accordingly, the London Plan, 2011 is now referred to as the London Plan consolidated with alterations since 2011 (March 2015).

4.3 The relevant policies as set out in section 5 of the original report remain relevant, and due consideration has been given to the further alterations. The conclusions of the report remain as originally set out, and the proposed development is considered to be in general accordance with the London Plan, as consolidated.

##### Monitoring Contribution

4.4 In light of recent case law (Oxfordshire CC v Secretary of State for Communities and Local Government [2015] EWHC 186 (Admin)) which considered the ability of a local planning authority to request a contribution towards the cost of monitoring a s106 agreement, officers have considered the s106 monitoring fee requested for this development. In accordance with the Council's planning obligations SPD the monitoring fee has been calculated as 2% of the total contributions and the Court questioned this approach in the above case and whether this reflected the work that would be required in respect of the s106 agreement that was under consideration in that case.

4.5 In considering the planning obligations required to make this development acceptable in planning terms it is noted that this proposed development requires a complex s106 agreement and significant monitoring of the agreement will be necessary, along with

officer time to ensure that the necessary infrastructure is delivered. For example there is a need for the submission of an employment and training strategy and meetings will be held to work with the developer to achieve the employment and enterprise obligations. These obligations also require specific monitoring. The agreement also provides for the approval of travel plans, the provision of a primary school and a viability review mechanism, again requiring significant resources/input from the Council to ensure the obligations are delivered. Therefore in this instance the Council considers that the £4,909 monitoring contribution is necessary and meets the tests set out in Regulation 122 of the CIL Regulations.

## **5.0 ADDITIONAL CONDITIONS/S106 OBLIGATIONS**

5.1 Paragraph 3.7 within part 3 of the main report should include the following additional conditions:

39. Detailed design of mosque to ensure privacy for adjacent residential development (see para 8.127 of main report);

40. Details of 6 on street accessible parking spaces (see para 8.167 of main report);

41. The D1 use shall be used as a school, and no other use within the D1 Use Class.

5.2 Paragraph 3.3 f) should include a fallback to a commuted sum of £103,104, in the event the school is not delivered. Officers note that this is extremely unlikely given other controls within the permission, together with the fact the school is integral to the built form of the development.

## **6.0 RECOMMENDATION**

6.1 Officers' original recommendation to GRANT planning permission for the proposal as set out in the report to the Development Committee remains unchanged.

<b>Agenda Item number:</b>	6.2
<b>Reference number:</b>	PA/14/03243
<b>Location:</b>	Burdett Community Square, Land off Masjid Lane, St Pauls Way, London, E14
<b>Proposal:</b>	Demolition of a block of seven domestic garages and the introduction of a new publicly accessible open space incorporating a landscaped garden area, revised car parking layout, additional tree planting and improved boundary treatment.

## **1.0 ADDITIONAL CONDITIONS/S106 OBLIGATIONS**

1.1 Paragraph 3.3 within part 3 of the main report should include the following additional condition:

5. Contaminated Land (see para 8.40 of main report).

## **2.0. RECOMMENDATION**

2.1 The Officer' recommendation remains as set out in paragraph 3.1 of the Committee Report.

<b>Agenda Item number:</b>	6.4
<b>Reference number:</b>	PA/14/02753 and PA/14/02754
<b>Location:</b>	The Forge, 397 & 411 Westferry Road, London, E14 3AE
<b>Proposal:</b>	Change of use of part of The Forge from office (Use Class B1) to convenience retail food store (Use Class A1) with gross internal floor area of 394 sq m and net sales area (gross internal) of 277 sq m; and change of use of the remainder of The Forge (Use Class B1) to interchangeable uses for either or financial and professional services, restaurants and cafes, drinking establishments, business, non-residential institutions (nursery, clinic, art gallery, or museum), or assembly and leisure (gym), namely change of use to uses classes A2, A3, A4, B1(a), D1 and D2; with 297.17 sq m GFA of new floor space created at 1st floor level for business (Use Class B1(a)) and internal and external changes and maintenance to The Forge to facilitate the change of use to retail convenience store including new customer access to the north elevation, internal partitions, works to the roof to facilitate new plant equipment and satellite dish; making good to walls (internal and external), maintenance to internal cranes and general building maintenance; Demolition of external walls to facilitate access to The Forge and rebuilding of one wall, repositioning of lighting column, and cycle parking.

## 1. CLARIFICATION

- 1.1 Paragraph 13.14 should have specify an end time for newspaper deliveries to 08.00 daily so that it does not conflict with school drop-off times.

## 2. REPRESENTATIONS

- 2.1 Eight more letters of objection were received since the publication of report raising issues already covered in the main report.
- 2.2 One of these letters from GLIAS raises points not previously mentioned in the report. They maintain their objection but would like to see a number of changes to minimise harm should the application be granted, including:

- Reduced office space

(Officer comment: officers consider the proposal which has been submitted and in consultation with the Council's Conservation and Heritage Officer was found to be acceptable on balance.

- Extra room needed for toilets, kitchens and other facilities to make the flexible unit viable without further cutting views of outstanding features and the feeling of space generally.

(Officer comment: once tenants are identified for the proposed units a separate listed building consent(s) will be required for any further alterations that are part of this proposal).



- Page 10 of the Design and Access Statement portrays the flexible space as twice as long as it would be so is misleading

(Officer comment: page 10 provides visual indication of the proposed space and officers have not relied on this information, rather, have considered the detailed plans which would form a part of the approval.)

- Move longitudinal dividing wall slightly further from the arcade

(Officer comment: the applicant is happy with this suggested minor alteration and the details can be secured through a condition)

### **3. POLICY UPDATE**

- 3.1 On 10 March 2015 the Mayor published the Further Alterations to the London Plan (FALP). From this date the FALP are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for London.
- 3.2 Accordingly, the London Plan, 2011 is now referred to as the London Plan consolidated with alterations since 2011 (March 2015).
- 3.3 The relevant policies as set out in section 7 of the original report remain relevant, and due consideration has been given to the further alterations. The conclusions of the report remain as originally set out, and the proposed development is considered to be in general accordance with the London Plan, as consolidated.

### **4. ADDITIONAL CONDITIONS**

- 4.1 In paragraph 3.2, include additional conditions to the Full Planning and Listed Building Consent to secure further details of the move longitudinal dividing wall slightly, as suggested by GLIAS.
- 1.2 Include additional condition to restrict any potential future permitted change of use from flexible unit (A2, A3, A4 and/or A5) to A1.

### **4. RECOMMENDATION**

- 4.1 The Officer' recommendation remains as set out in paragraph 12.1 of the Committee Report.

<b>Agenda Item number:</b>	6.5
<b>Reference number:</b>	PA/14/01567
<b>Location:</b>	598 Roman Road and land at rear of 596 Roman Road London, E3 2RW
<b>Proposal:</b>	<p>a) Change of use of part of rear ground floor retail area and conversion to refuse storage area and creation of new entrance doorway to upper floor flats plus erection ground and 2nd floor rear extension associated with the creation of 2 x 2 bed flat at first and second floors</p> <p>b) Formation of new residential access point from Hewison Street and provision of associated cycle parking and refuse disposal arrangement at rear of No.'s 596-598 Roman Road.</p> <p>c) Replacement roof slates on the front elevation of 598 Roman Road.</p>

## 1. CLARIFICATIONS

- 1.1 Paragraph 7.3 of the planning report refers to 9 cycle parking spaces to be provided for the approved development. This is shown within the land at the rear of the 596 Roman Road (see drawing D01A), which is also owned by the applicant. The cycle parking illustrated is to be secured by condition for use of residential occupants of No.596 Roman Road and 598 Roman Road.
- 1.2 Paragraph 3.2 (g) of the Committee Report refers to the provision and retention of a minimum of 8 cycle parking spaces. This paragraph contains a typographical error and it should be amended to read '9 cycle parking spaces' to reflect the number of cycle parking spaces shown on drawing D01A.
- 1.3 Prior to the publication of the committee report, the applicant submitted a further drawing to illustrate the proposed roof plan details which was omitted from the listing of plan numbers on the front page of the report. Drawing No.W12 has been considered and would need to form a part of the approved drawings.

## 2. POLICY UPDATE

- 2.1 On 10 March 2015 the Mayor published the Further Alterations to the London Plan (FALP). From this date the FALP are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for London.
- 2.2 Accordingly, the London Plan, 2011 is now referred to as the London Plan consolidated with alterations since 2011 (March 2015).
- 2.3 The relevant policies as set out in paragraph 5.3 of the original report remain relevant, and due consideration has been given to the further alterations. The conclusions of the report remain as originally set out, and the proposed development is considered to be in general accordance with the London Plan, as consolidated.

## 3. RECOMMENDATION

- 3.1 Officers' original recommendation to GRANT planning permission for the

proposal as set out in paragraph 9.4 of the report to the Development Committee remains unchanged.

