

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

8<sup>th</sup> November 2007 at 7.30 pm

UPDATE REPORT OF HEAD OF DEVELOPMENT DECISIONS

INDEX

Agenda item no	Reference no	Location	Proposal
6.1	PA/06/02081	721-737 Commercial Road and 2-22 Lovell St, Commercial Road, London	Demolition of existing buildings and redevelopment up to 14 storeys to provide 319 units (9 x 319 residential units (9 x studio; 107 x 1 bed; 119 x 2 bed; 79 x 3 bed and 5 x 5 bed)) residential units and 675 sqm commercial (Class A2, A3, A4, B1, D1 and D2) space.
7.1	PA/07/935	Site south of Westferry Circus and west of Westferry Road, London	Erection of Class B1 office buildings (330,963 sq. m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses (retail, financial/professional services, restaurant/ café, drinking establishments and hot food takeaway) at promenade level up to a maximum of 2367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works. (total floor space 333,330 sq.m).

7.2	PA/07/01201	Site At 61-75 Alie Street And 17-19 Plough Street And 20 Buckle Street, Alie Street, London, E1	Demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1(business), formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site.
7.3	PA/07/2040	King Henry Stairs, Wapping Pier, Wapping High Street, London	Replacement of the collar barge with pontoon, installation of staff toilets, the relocation of the preparation kitchen's odour extractor, the relocation of the glass crusher, relocation of waste oil storage and installation of sewage and grey water tank.
8.1	PA/05/421	33-37 The Oval, London E2, 9DT	Demolition of existing building and redevelopment to provided a five storey building comprising 3 use class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom flats).

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	6.1
<b>Reference number:</b>	PA/06/2081
<b>Location:</b>	721-737 Commercial Road and 2-22 Lowell Street, Commercial Road
<b>Proposal:</b>	Demolition of existing buildings and redevelopment up to 14 storeys to provide 319 units (319 residential units (9 x studio; 107 x 1 bed; 119 x 2 bed; 79 x 3 bed and 5 x 5 bed)) residential units and 675 sqm commercial (Class A2, A3, A4, B1, D1 and D2) space

### 1 CLARIFICATIONS AND ADDITIONAL INFORMATION

#### Further response to the Waterslade report

- 1.1 Paragraph 3.27 of the deferred items- addendum report notes that the Council needed to clarify the findings from the Waterslade daylight/sunlight assessment. Drivas Jonas (applicants daylight/sunlight consultants) have had an opportunity to examine the findings from the Waterslade assessment and have the following comments to make:
- The report only highlights failures to 4 living rooms with regard to daylight and 7 windows for sunlight.
  - The 3 rooms which are dual aspect living rooms on the flank of the Mission Building are not modelled correctly by Waterslade. The main windows fronting onto Commercial Road show two windows, however there are three windows.
  - Waterslade have misinterpreted the land survey information as the Mission Building elevation on Salmon Lane has two windows on the end and looks to have been used instead of the Commercial Road elevation.
  - By using the main window to these living rooms smaller than they are it causes the rooms to fail. Drivas Jonas consider that that Waterslade analysis will show a pass to these three rooms if the correct window sizes are put into their assessment model.
  - The majority of affected windows are secondary and are located directly on the site boundary.
  - The dual aspect rooms (flat 106 & flat 305) fronting onto Commercial Road will have a good level of daylight and sunlight from their primary

windows, which are facing away from the Development site. The dual aspect rooms identified as Points 3 and 4 in the report have good levels of daylight and the Waterslade analysis confirmed that they pass the ADF test.

- It should be noted that the Mission Building is a courtyard design which has rooms with below guideline recommendations in the existing situation. For example, the Waterslade report assesses room R2/22 which passes the daylight and sunlight tests when comparing the existing and proposed situations. However, the existing situation has an ADF of 0.66% for the bedroom, whereas the suggested pass rate is 1.0%. The sunlight analysis obtains 11% of which 2% are in winter months, whereas the BRE Guidelines recommend 25%, of which 5% are in winter months. In both cases the current daylight and sunlight levels are below the BRE Guideline recommendations, however in our opinion they are in keeping with an inner city environment.

- 1.2 The Council considers that there will be adequate levels of daylight will be retained to the Mission Building. The Waterslade report highlights failures to 4 living rooms whilst in actual fact there is only failure to 1 room. With reference to the 3 rooms which are dual aspect living rooms on the flank of the Mission Building, the Waterslade report show two windows fronting onto Commercial road. However this is incorrect as there are three (please refer to the attached photograph).
- 1.3 The Council does acknowledge that some of the windows to the Mission building will experience a loss of daylight and sunlight levels below the recommended BRE guidelines. However overall, adequate levels of daylight and sunlight will be retained.

#### **Withdrawal of objection letters**

- 1.4 The 4 letters of objection received from residents at the Mission building were withdrawn on the 8th November 2007. The signed withdrawal letters were received from the following residents:
- Ms J Berns from Flat 106
  - Mr. G Cashell from Flat 105
  - Mr. R. Laidlaw from flat 107
  - Mr M Cole from flat 305
  - David Smith for Salmon Lane Mission Trustees Limited
- 1.5: The above residents are satisfied with the Daylight sunlight assessment provided by Drivas Jonas on behalf of the applicant.

## **Informative**

- 1.6 Transport for London (TfL) note that Commercial Road is part of the TLRN and TfL are therefore the highway authority. The development will involve land being acquired from TfL and also the creation of new footway on Commercial road.
- 1.7 TfL request a commuted sum for the creation of a new footway. This sum of money will need to be agreed between TfL and the developer. The Council has recently been notified that a highways agreement has recently been entered into between Transport for London (TfL) and the LBTH Highways department.
- 1.8 TfL also request that LBTH Highways Authority enter into an agreement with them for the construction, reconstruction, alteration, improvement or maintenance of the highway.
- 1.9 A condition will be added requiring that the applicant enter into the relevant highways agreement with TfL and LBTH to secure the above.

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	7.1
<b>Reference number:</b>	PA/07/00935
<b>Location:</b>	Site south of Westferry Circus and west of Westferry Road, London
<b>Proposal:</b>	Erection of Class B1 office buildings (330,963 sq. m) comprising two towers (max 241.1m and 191.34m AOD) with a lower central link building (89.25m AOD) and Class A1, A2, A3, A4 and A5 uses (retail, financial/professional services, restaurant/ café, drinking establishments and hot food takeaway) at promenade level up to a maximum of 2367 sq.m together with ancillary parking and servicing, provision of access roads, riverside walkway, public open space, landscaping, including public art and other ancillary works. (total floor space 333,330 sq.m).

### 1. SUMMARY

#### Consultation

- 1.1 Since the report to the Strategic Development Committee was written, the planning department received a response back from the Environmental Health Department regarding Air Quality.
- 1.2 The air quality officer is objecting to the proposal where there is insufficient information to address air quality comments made on the 04<sup>th</sup> May 2007 (in response to PA/07/935) where a risk assessment for the construction demolition phase has not been submitted.
- 1.3 This matter was addressed by condition in the planning report approved by the Committee on the 21<sup>st</sup> June 2007, and it is also addressed by condition within the amended report before this committee. Given that a formal decision by the Council for this development has not yet been made, the applicant has not had the opportunity to address the air quality condition to be imposed. Therefore, the objection is considered to be inappropriate.

#### Amended Plans

- 1.4 Part 8.56 of the planning report identified that further plans were submitted which slightly altered the south east part of the basement wall to ensure pipes which sit within the curtilage of the listed dock wall were not affected by the development. The change represented a non-material alteration.
- 1.5 It has come to light that the basement level 3 plan, 900-50007 (Rev. A) identified in the report, should have been substituted by plan 900-50007 (Rev. B), along with the amended basement plans for levels 1, 1m and 2 that were submitted in October to address this issue.
- 1.6 Given that this matter has been previously addressed in the report and was considered to be a non-material alteration, the replacement of 900-50007 (Rev. A) with 900-50007 (Rev. B) is considered to be acceptable.

## **Conditions**

- 1.7 The applicant has made a request to phase the construction of the development.
- 1.8 A condition has been added to the draft decision notice requiring the applicant to submit details of the proposed phasing plan for approval.

## **2. RECOMMENDATION**

- 2.1 My recommendation is unchanged.

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	7.2
<b>Reference number:</b>	PA/07/01201
<b>Location:</b>	Site At 61-75 Alie Street And 17-19 Plough Street And 20 Buckle Street, Alie Street, London, E1
<b>Proposal:</b>	Demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1(business), formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site.

### 1. PARAGRAPH 1

1.1 The plan referred to as PL07\_305 should have read PL07\_305A.

### 2. PARAGRAPH 3(A)(a)

2.1 This paragraph states that the 35% will be basis on gross floor area, however, this should read to be calculated on a habitable room basis.

### 3. PARAGRAPH 4.1

3.1 This paragraph refers to 15-17 Plough Street, however this is incorrect it should have read as 17-19 Plough Street.

### 4. PARAGRAPH 4.4

4.1 This paragraph refers to the site area as 0.194ha, however the correct overall site area is 0.25ha.

### 5. PARAGRAPH 6.0

5.1 An additional Statutory response has been received from the Health and Safety Executive (HSE). The HSE have advised that they have no objection to the scheme in terms of its proximity to the safeguarding area for the 'proofing house' at 50 Commercial Road.

### 6. PARAGRAPH 7.0

6.1 There have been seven additional objections received since the agenda was published, these being from four individual residents (three of which had already previously objected) and from three groups (these being The Georgian Group, The Historic Chapels Trust and The Spitalfields Trust). These objections raised the following issues that are material to the determination of the application:



#### Design and Conservation:

- The development will further compromise the setting of the adjoining listed buildings, in particular the German Lutheran Church and the chapel.
- The proposal is an over development of the site.
- The height of the building will be harmful to views from adjacent Conservation Areas and the Tower of London.
- The design of the tower is unworthy addition to the character of the area.
- Loss of privacy and light to the Church, Chapel and courtyard.

6.2 It is considered that the issues raised by the objectors have already been addressed in the agenda report.

## **7. RECOMMENDATION**

7.1 The recommendations remain unchanged.

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	7.3
<b>Reference number:</b>	PA/07/02040
<b>Location:</b>	King Henry Stairs Wapping Pier, Wapping High Street, London
<b>Proposal:</b>	Replacement of the collar barge with pontoon. Installation of staff toilets, the relocation of the preparation kitchen's odour extractor, the relocation of the glass crusher, relocation of waste oil storage and installation of sewage and grey water tank.

### **1. OBJECTIONS RECEIVED FOLLOWING PUBLICATION OF THE COMMITTEE REPORT**

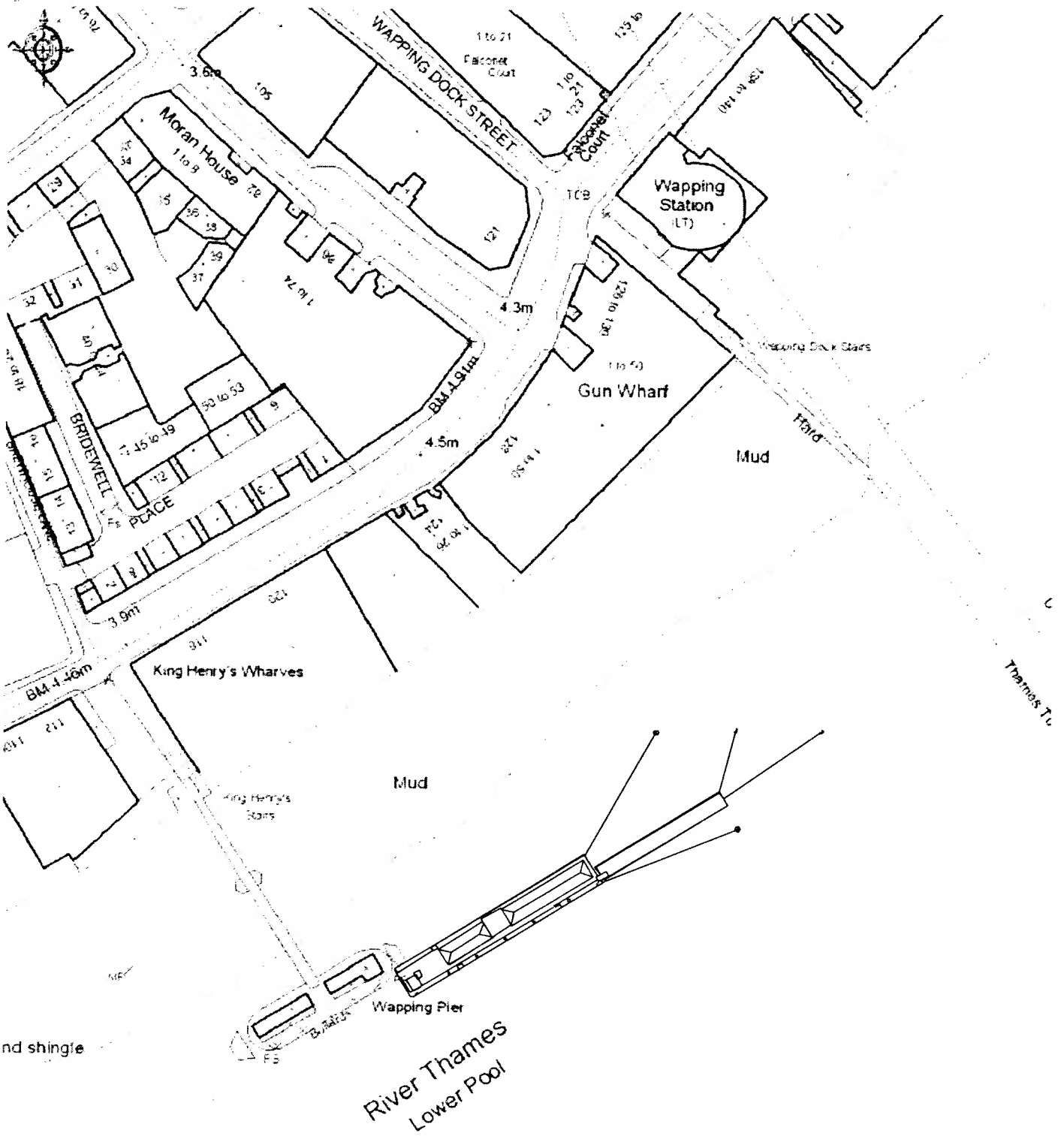
- 1.1 The following additional comments have been received from a local resident:
- Noise report does not reflect existing noise nuisance experienced by residents.
  - Noise restrictions proposed will not control most sources of noise.
- 1.2 1.2 The above objections have been discussed in detail within the committee report.

### **2. AMENDMENTS TO COMMITTEE REPORT**

- 2.1 The recommendation at para 5.3 provides for enforcement action to be taken in the event of a failure to conclude a legal agreement within 3 months. Accordingly paragraph 10.16 should be amended so the last part reads "..., the Director would have delegated powers to take enforcement action after three months."
- 2.2 The last sentence of para 11.12 refers to pile guides being fitted with low friction energy absorbing rubbers to minimise noise. This design detail, whilst still noted on the application plans, relates to an earlier design that used piles rather than mooring ties to hold the new pier element in place. This sentence should therefore be deleted. The assessment of the impact of the new design was based on the final design using mooring ties rather than piles.
- 2.3 The site plan contained within the committee report (page 168) is to a small scale, so a better version is attached to this update report

### **3. RECOMMENDATION**

- 3.1 My recommendation is unchanged.



LBTH: RECEIVED

13 AUG 2007

DEVELOPMENT CONTROL



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PA/07/2040

## LONDON BOROUGH OF TOWER HAMLETS

<b>Agenda Item number:</b>	8.1
<b>Reference number:</b>	PA/05/00421
<b>Location:</b>	33-37 The Oval E2 9DT
<b>Proposal:</b>	Demolition of existing building and redevelopment to provide a five storey building comprising 3 Use Class B1 (business) units on the ground floor with 14 flats above (6 one bedroom, 6 two bedroom and 2 three bedroom).

### 1. ADDITIONAL VIEWS FROM HSE

- 1.1 The HSE believe that the Council's consultants (Atkins Oil and Gas) have had to make judgements in lieu of the Safety Report information that, because of security considerations, it did not have when producing its work. This has resulted in the risk predictions being lower than HSE would consider appropriate. This is covered in more detail in the next section (Report amendments). The HSE have also provided the following as further examples:

The 'Maximum Horizontal Downwind Dispersion Distances to LFL' should have been interpreted as at close to ground level, unless otherwise described. Consequently the advice that flammable gas escapes would exist only 10-20m above ground level, and would mostly pass over the proposed multi-storey development is incorrect.

Recent information from gasholder operators is that evidence has now been discovered that a small gasholder 'decoupled' in 1979. This would revise further upwards the risk predictions, particularly as the original report indicates the values to be very sensitive to increased fireball frequency (Table 4.9). Also, the operator's revised thermal radiation predictions for the Bethnal Green holders nearest to 33-37 The Oval indicate that the whole of the development site would be within the ranges at which most people would be expected to be killed (1800 thermal dose units) from a seal fire.

- 1.2 HSE remain of the opinion that Atkins Oil and Gas's revised risk estimate still underestimates the risks to people at the development should it be occupied and they repeat their concerns set out in para 8.12 of the main report.

### 2. REPORT AMENDMENTS

- 2.1 As mentioned above, in commenting on our report HSE have provided additional information to our consultants that was previously not available to them. A fuller review of the comments from HSE on the Atkins risk assessment has led Atkins to believe that some of the risks may have been underestimated by a factor of around 2 (this is reflected in appendix E in the report) rather than a factor of 5 as suggested by HSE. The following changes have been made to the report as a consequence, but these were too late to include before the agenda had to be published:

- 8.12 Add: Review against HSE's comments suggests that the risks could be around a factor of 2 higher than the original predictions (i.e. 25cpm; once in 40,000 years). This remains high but not intolerable.
- 8.13 Comparison now puts 'The development' above 'Manufacturing industry'

8.14 Add: Revised risk results give the increase in risk of 0.25%.

8.15 Note that IR may be up to 25cpm

8.23 Line 1 should include reference to latest estimate of 25cpm

2.2 The table on page 225 of the report is reproduced below with the amended data from both Atkins and HSE plus HSE's "broadly acceptable" and the "intolerable" risk level definitions:

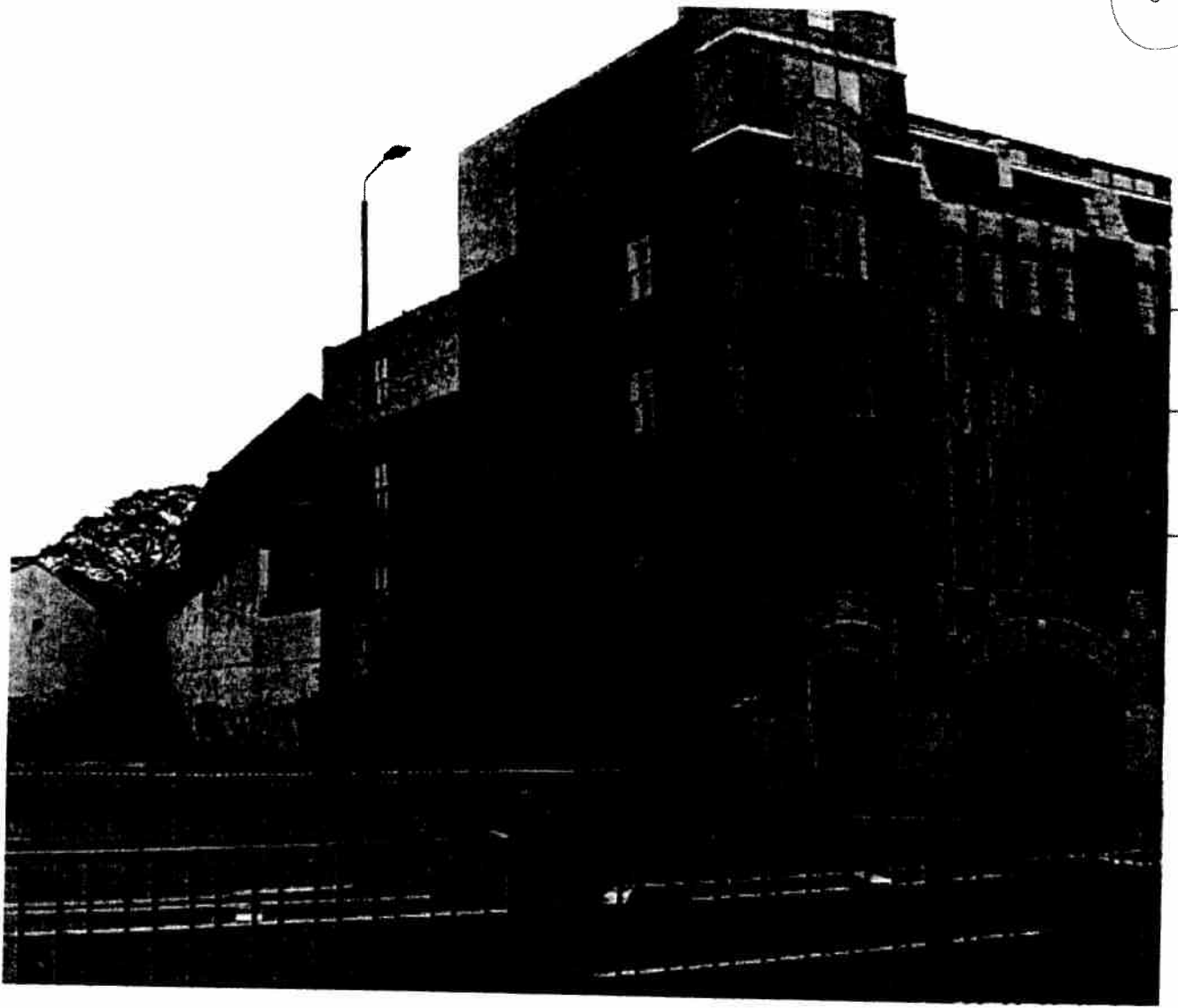
Risks of fatality	Risk as annual experience per million	Risk as annual experience
Annual risk of death (entire population)	10,309 cpm	1 in 97
Annual risk of cancer	2,584 cpm	1 in 387
Annual risk from all types of accident	246 cpm	1 in 4,064
<b>HSE intolerable level of risk</b>	<b>100 cpm</b>	<b>1 in 10,000</b>
Annual risk from all forms of road accident	60 cpm	1 in 16,800
<b>The development (HSE view)</b>	<b>60 cpm</b>	<b>1 in 16,800</b>
Construction	59 cpm	1 in 17,000
Agriculture, hunting, forestry and fishing	58 cpm	1 in 17,200
<b>The development (Atkins view)</b>	<b>25 cpm</b>	<b>1 in 40,000</b>
Manufacturing industry	13 cpm	1 in 77,000
<b>HSE broadly acceptable level of risk</b>	<b>1 cpm</b>	<b>1 in 1,000,000</b>

2.3 These amendments do not alter the fundamental conclusions about risk nor the balance of considerations against the other material planning considerations in the report.

### 3. RECOMMENDATION

3.1 My recommendation is unchanged.

6-1



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