

**LONDON BOROUGH OF TOWER HAMLETS**

**DEVELOPMENT COMMITTEE**

**16<sup>th</sup> December 2015**

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

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<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal / Title</b>
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5.2	PA/15/00360	Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB	Construction of a 1,705 GIA sq. m. 3-storey primary school to accommodate 280 pupils and approximately 30 staff.
5.3	PA/14/03547	Wickham House, 69-89 Mile End Road and 10 Cleveland Way, London, E1	Refurbishment of former Wickham's department store comprising: retention of facade of former Spiegelhalter's shop at 81 Mile End Road to provide new entrance, change of use of second floor to office (Use Class B1), change of use of ground and basement floors to a flexible retail/leisure use (Use Class A1/A2/A3/A4/B1/D1/D2) and erection of roof extensions at third and fourth storey levels to provide 1,481sqm (GIA) of additional office space (Use Class B1); as well as reconfiguration of internal layout, restoration of external features and other associated works.
6.3	PA/15/02148	Former Our Lady's Primary School, Copenhagen Place, London E14 7DA	Demolition of existing buildings for the redevelopment of the site to provide buildings ranging between 4 part 5 storeys to 7 storeys in height comprising 45 residential units including affordable housing (Use Class C3), together with associated disabled car parking, cycle parking, open space, landscaping and infrastructure works.

<b>Agenda Item number: 5.1</b>
<b>Reference number: PA/15/01601</b>
<b>Location: Vic Johnson House Centre, 74 Armagh Road, London, E3 2HT</b>
<b>Proposal: Part demolition, part refurbishment, part new build (extension) to total 60 sheltered housing scheme for age restricted apartments (over 55s) , including new communal areas (lounge, function room, hair salon and managers office), and associated landscape gardens. The proposed use remains as existing. The scheme is on part 2, part 3 and part 4 storeys.</b>

**1.0 Correction**

1.1 Paragraph 3.6 of the Deferral Report states 'The existing communal lounge measures 87.5sq.m size. This should be 114.4sq.m.

**2.0 Additional Information**

2.1 Paragraph 3.22 of the Deferral Report refers to the matters addressed in the Update Report of 25<sup>th</sup> November 2015 Committee. This Deferred report should clarify the following which completes the previous Update Report.

Four phases to the construction works as follows:

- Phase 1 - hoarding and minor internal reconfiguration. During this phase residents will be decanted from the bungalows fronting Armagh Road and buffers around the central spine of the site
- Phase 2 – demolition of bungalows fronting Armagh Road, communal lounge and detached property
- Phase 3 – construction of Armagh Road new build accommodation
- Phase 4 – Constriction and refurb of existing and east block new build.

**3.0 RECOMMENDATION**

3.1 Officers' original recommendation to GRANT planning permission remains unchanged.

<b>Agenda Item number:</b>	5.2
<b>Reference number:</b>	PA/15/00360
<b>Location:</b>	Site south west of the junction of Glenworth Avenue and Saunders Ness Road, E14 3EB
<b>Proposal:</b>	Construction of a 1,705 GIA sq. m. 3-storey primary school to accommodate 280 pupils and approximately 30 staff.

## 1.0 Refuse store

1.1 Section 2 '*Further Representation*' of the deferred item report informs members that the occupier of No. 91 Saunders Ness Road has asked that the refuse store be relocated to ensure the view from upper windows of No. 91 would not be adversely affected and to avoid possible '*unpleasant atmosphere.*' Two alternative sites were suggested by the occupier of No. 91.

1. Adjacent to Glenworth Road service entrance;
2. Moving the refuse store east by 6 metres, allowing the police to retain a couple of parking spaces.

### Suggested location 1

1.2 The 2 m. wide passage proposed alongside the police car park is a fire escape. It must be kept clear and is not an option to house the refuse containers. The police also require the passage to be kept clear as wheeled bins could assist someone scaling the security fence.

1.3 There is a proposed landscaped area on Glenworth Avenue between the gate to the rear passage and an escape door from the small school hall. There is limited potential to use this area for bin storage as it is too small. It would also be adjacent to and directly visible from the street. Additionally there are access difficulties as the adjacent footpath is sloping.

### Suggested location 2

1.4 Moving the refuse store 6 m. east along the south boundary is not feasible. The space between the school building and the south boundary with No. 91 is insufficient for storing or accessing the refuse containers. The location would also be closer to No. 91 whereas the existing proposed location is at the end of the 4.8 m long garden.

### The applicant's suggested alternative location

1.5 The applicant has suggested siting a low level timber slat type bin store with sliding doors on the Saunders Ness Road frontage parallel to the vehicular access to No. 91. The applicant says the advantages of this location are direct access to the refuse bins from Saunders Ness Road and further removed from the police car park to mitigate police security concerns.

1.6 Officers do not favour this location as the refuse store would be visible from the street. It would be next to the school's disabled parking space and even closer to 91 Saunders Ness Road than the rear location albeit separated from the house by a boundary wall.

### The recommended solution

- 1.7 The school has clarified the type of refuse that would be stored. Two of the four proposed bins would be for paper and recycling, the others for general waste. The school would not have a catering kitchen and odorous waste in these general bins would be minimised.
- 1.8 Officers therefore recommend that the refuse bins remain in the south west corner of the site, beyond the west boundary of the rear garden of No. 91 Saunders Ness Road, approximately 4.8 m. from the rear wall of the property. If this arrangement is accepted, the applicant proposes the following measures to overcome the adjoining resident's concerns:
- To provide an enclosure to house the containers.
  - To install opaque fencing the height of the enclosure at the side and the end of the rear garden at No. 91 Saunders Ness Road.
- 1.9 These measures would provide further barriers to any odours and mitigate views from the upper floors of No. 91. Further, the level of the bin store is approximately 0.5 m below the level of the garden of No. 91, further hiding the store.
- 1.10 A condition is already recommended requiring the submission, approval and implementation of a landscape plan for the school to include gates, walls and fences. Should the Committee decide to grant planning permission for the construction of the school, details of the refuse storage enclosure could also be reserved.

### **2.0 Additional representations**

- 2.1 A further letter of support has been received from a resident who lives opposite the application site and whose daughter attends the temporary Canary Wharf College at Westferry Road & Thames Circle. The resident is dissatisfied that the Committee deferred consideration of the application. Every day new build is delayed, with children in temporary accommodation, adds stress to the attempt to complete the work allowing students to enjoy the facilities of the new school. The site has been overgrown waste land for over a decade. Its best use is for a school.
- 2.2 A further letter of objection was also received, which outlines concerns raised regarding highway impact from three schools; and when schools reach their maximum capacity. This issue has already been addressed in the main report.
- 2.3 Following the Committee's deferral on 25<sup>th</sup> November 2015, the Government's Education Funding Agency (EDF) has again written supporting the application. If a resolution to grant planning permission is secured on 16<sup>th</sup> December 2015, the programme is to open the new permanent school in August 2017. The EDF reiterates the projected increase in the shortage of school places within the borough identified in the report to the Council's Cabinet on 8<sup>th</sup> September 2015, particularly on the Isle of Dogs due to the growth in new housing.
- 2.4 The Head Teacher of St Luke's C.E. Primary School, Saunders Ness Road has expressed the following concern to councillors, the Mayor of Tower Hamlets and the local Member of Parliament:
- In November 2013, the Council's borough profile concluded Tower Hamlets has the highest child poverty rate in the UK with 46% of all children living in poverty. Within

the Blackwall & Cubitt Town and Millwall wards the respective levels of child poverty at that time was modestly lower at 41% each.

- As a measure of child poverty the % of school children entitled to a free school meal is: National 26.6%, Isle of Dogs Primary Schools from 36.0% to 71.2%, Canary Wharf College 4.4% (2014).
- The inclusive educational culture on the Isle of Dogs is under threat from the establishment of a new free school. An elective educational culture is being developed where the pupils from more affluent backgrounds are being selected by one school at the expense of those less fortunate children that typically come from poorer backgrounds. CWC's policy on Special Educational Needs is also discriminatory.

#### Officer advice

- 2.5 Paragraph 7.1 of the Report of 25<sup>th</sup> November 2015, advises that the Committee in determining this application has the following statutory duties to perform:
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise. This includes local finance considerations so far as material to the application;
  - To have special regard to the desirability of preserving the setting of the adjoining listed Christ Church, Manchester Road and pay special attention to the desirability of preserving or enhancing the character or appearance of the adjoining Island Gardens Conservation Area.
- 2.6 Paragraph 6.3 of the Report advises that a Free School is a non-profit-making, independent, state-funded school which is free to attend. They are subject to the same School Admissions Code as all other State-funded schools, set their own curriculum and admissions criteria and are subject to OFSTED inspections.
- 2.7 Officers advise that in determining an application for planning permission to construct a new school of any description, the admission criteria and curriculum of the proposed new school is not a material town planning consideration.
- 2.8 Paragraph 9.6 of the Committee report advises that the DCLG Policy Statement – *'Planning for schools development'* August 2011 explains that the Government believes the planning system should operate in a positive manner when dealing with proposals to create a state-funded school, and that the following principles should apply:
- *"There should be a presumption in favour of the development of state-funded schools, as expressed in the NPPF.*
  - *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*
  - *Local authorities should make full use of their planning powers to support state-funded schools applications.*
  - *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority."*
- 2.9 Whilst the nature of the school, the admission criteria and other matters relating to the running of the school are not planning considerations, the Committee may wish to note that the majority of pupils on roll at the existing CWC school in East Ferry Road are residents of E14 post code areas.

2.10 The two new representations bring the total number of objectors to 41 (plus 42 petitioners) and the total in support to 265 (plus the 247 pro-forma supporting representations).

### 3.0 Correction

3.1 In paragraph 4.1 of the Deferral report, it should read;

*'Following the Committee meeting on 25<sup>th</sup> November 2015, the following matters and planning issues were highlighted in response to Members concerns.*

3.2 4<sup>th</sup> bullet point of paragraph 4.2 of the Deferral report should read:

- 40 pupils remain in temporary school accommodation.

### 4.0 RECOMMENDATION

4.1 Officer's recommendation to **GRANT** planning permission remains unchanged **SAVE** that a further condition be imposed requiring the approval of details of the refuse storage enclosure. Work to be undertaken in accordance with the approved details.

<b>Agenda Item number:</b>	5.3
<b>Reference number:</b>	PA/14/03547
<b>Location:</b>	Wickham House, 69-89 Mile End Road and 10 Cleveland Way, London, E1
<b>Proposal:</b>	Refurbishment of former Wickham's department store comprising: retention of facade of former Spiegelhalter's shop at 81 Mile End Road to provide new entrance, change of use of second floor to office (Use Class B1), change of use of ground and basement floors to a flexible retail/leisure use (Use Class A1/A2/A3/A4/B1/D1/D2) and erection of roof extensions at third and fourth storey levels to provide 1,481sqm (GIA) of additional office space (Use Class B1); as well as reconfiguration of internal layout, restoration of external features and other associated works.

## 1.0 Development Committee Site Visit

1.1 A site visit took place on the morning of Monday 14<sup>th</sup> December 2015 with Councillors Sabina Akhtar, Mahbub Alam and Shah Alam in attendance.

1.2 The following issues were raised during the site visit, with Officers' comments below:

- a) The suitability of the Cleveland Way loading bay for waste collection

*Waste collection vehicles are too large to fit into both the existing and proposed loading bays. In the interest of safety, Highways Officers require that for on-site servicing the collection vehicles would have to fit completely, so as not to obstruct the footway, and to be able to enter and leave in forward gear to provide clear sightlines for the driver. This would not be possible without significant structural alterations and loss of floorspace. Waste from the majority of properties along Cleveland Way is picked up by collection vehicles stopping in the street. The continuation of the existing arrangement is considered to be appropriate.*

- b) The size of the basement and whether it would be sufficient to accommodate the proposed office space to allow for the 2<sup>nd</sup> floor D2 banqueting/conferencing suite to be retained.

*The basement measures 2295sqm of GIA floorspace. As proposed, the basement would be in a flexible commercial use within the use classes A1/A2/A3/A4/B1/D1/D2. The application proposal should be considered on its own merits – land use matters are addressed in depth within paragraphs 8.3 – 8.54 of the 25/11/2015 report.*

- c) Whether the Foxtroft and Ginger café/restaurant within the ground floor benefits from a planning permission.

*This matter has been addressed in paragraph 2.1 d) of the 25/11/2015 update report.*

- d) Unauthorised window replacement to the side and rear elevations

*This matter has been addressed in paragraph 2.1 c) of the 25/11/2015 update report.*

- e) Noise insulation to the 2<sup>nd</sup> floor D2 banqueting/conferencing suite

*Some noise insulation works to the facility have been carried out since the issue of the last planning enforcement notice. The details, acoustic performance and adequacy of the additional insulation have not been verified as no application to comply with the relevant conditions has been made, contrary to the requirements of the notice.*

- f) Loss of glazed domes at 2<sup>nd</sup> floor level

*This matter has been addressed in paragraphs 8.71 and 8.95 h) of the 25/11/2015 report.*

- g) Whether the use of an existing lift shaft could allow retention of D2 use

*Re-use of the old lift shaft would not allow for the 2<sup>nd</sup> floor D2 facility to be retained without substantial variation of the application proposal. The application proposal should be considered on its own merits.*

- h) Whether the noise complaints received by the Council are to do with the D2 use or with other uses within the building, such as the existing B1 office use.

*The submitted complaints and successful prosecution indicate the complaints have arisen from the D2 use and not the existing B1 floorspace.*

- i) Impact on views of the tower

*This matter has been addressed in depth within paragraphs 8.67 – 8.103 of the 25/11/2015 report.*

- j) Microsoft moving out of the site

*Microsoft's accelerator programme is now based in the City branch of Central Working. According to the applicant, while no longer formally based within the 1<sup>st</sup> floor co-working space, Microsoft uses the premises on a regular basis.*

## **2.0 Further representations**

2.1 An email from a local resident was sent to Members of the Development Committee on 14/12/2015 suggesting that factual inaccuracies, misleading statements and deliberate omissions were made by Officers within the 25/11/2015 reports and during the course of the committee meeting. The resident questions the integrity of the planning process and claims that the process is being subverted to pave the way for eventual residential use of the site.

2.2 Officers strongly refute these allegations. Particular points raised by the resident that have not already been addressed within this report are outlined below.

- a) Site visit did not take place on 23/09/2015

*Paragraph 1.1 of the 25/11/2015 update report states that a further site visit was carried out on Monday 23/09/2015. This is a typographical error as the additional site visit took place on Monday 23/11/2015. Details of this site visit were included in the update report as it took place following the publication of the main report.*



- b) Details of enforcement history withheld from the 25/11/2015 update report

*The purpose of section 2 of the update report was to provide a brief summary of the most relevant planning enforcement cases relating to the site along with an update on the current status or outcome. It was not intended to provide an exhaustive summary of the enforcement cases. The details provided within section 2 of the 25/11/2015 update report are accurate and no relevant information was omitted.*

- c) Inclusion of consultation response from Middlesex and London Archaeological Society in the 25/11/2015 update report rather than the main report

*The objection was received late in the process and as such was not included in the main report, even though the material issues raised have already been addressed within the report. It was appropriate to include it in the update report.*

- d) 20<sup>th</sup> Century Society raising concerns about the height of the roof extension

*The response of the Society dated 12/03/2015 was accurately summarised in paragraph 6.26 of the main report. The Society did not raise concerns about the roof extension.*

- e) Report failing to address the location of the new office entrance

*The location of the entrance is adequately addressed in paragraph 8.83 of the main report.*

- f) Removal of ornate staircase underneath the tower

*The applicant has confirmed that the original main staircase was removed prior to the building being acquired by the applicant. In any case, the ornamental features do not currently exist and cannot be preserved by the current proposal.*

- g) Material planning consideration being the land use and not the operator

*The main report and the committee presentation clearly identified that the loss of the D2 banqueting suite is one of the main material considerations in determination of the application. At no point is it suggested that who the operator of the facility is should be of significant weight in determination of the application.*

- h) Capacity of the D2 venue

*The figure of 1,100 seated guests is advertised online. The figure of 2000 is an estimate for large events such as political rallies where seating is not required.*

- i) Fire prohibition notice

*London Fire Brigade Prohibition/Restriction notice dated 26/08/2010 restricts the use of the Waterlily to a maximum of 480 people.*

- j) Kano moving out of the site

*Kano currently occupies the rear ground floor B1 unit and, according to the applicant, has expressed an interest in taking additional office floorspace within the building.*

k) Pre-application discussions

*Pre-application discussions with the applicant have covered a variety of possible uses of the upper floors, including residential and student accommodation uses, however as discussions progressed, the focus has moved to provision of office accommodation as the most optimal use. While the pre-application discussions identified that the principle of a residential land use might be acceptable on site given the shortage of housing, this has been discouraged given the heritage implications and the practicalities to do with the large depth of floor plates within the building. The proposal in front of the Committee is for an office development and should be assessed on its own merits. It would not set a precedent for a residential-led scheme.*

- 2.3 The applicant has advised that the operators of The Waterlily (Castiglione Commercials Limited/Wellarm Services Limited) on 21<sup>st</sup> September 2015 confirmed agreement to vacate the premises on 30<sup>th</sup> September 2016. This date was chosen to allow for bookings by community groups during Ramadan, Eid al Fitr and Eid al Adha.

**3.0 RECOMMENDATION**

- 3.1 Officer's recommendation to **GRANT** planning permission remains unchanged.

<b>Agenda Item number:</b> 6.3
<b>Reference number:</b> PA/15/02148
<b>Location:</b> Former Our Lady's Primary School, Copenhagen Place, London E14 7DA
<b>Proposal:</b> Demolition of existing buildings for the redevelopment of the site to provide buildings ranging between 4 part 5 storeys to 7 storeys in height comprising 45 residential units including affordable housing (Use Class C3), together with associated disabled car parking, cycle parking, open space, landscaping and infrastructure works.

## 1.0 AMENDMENTS TO PARAGRAPH 1.0 APPLICATION DETAILS IN THE MAIN REPORT

1.1 There were a number of typographical errors in paragraph 1.0 of the main report regarding the list of drawings and documents. This list should be updated to reflect amended drawings and should read as follows:

- 1.2 *3335\_PL.120 Site Location Plan Rev P*  
*3335\_PL.100 Rev P2*  
*3335\_PL.101 Rev P2*  
*3335\_PL.102 Rev P2*  
*3335\_PL.103 Rev P2*  
*3335\_PL.104 Rev P2*  
*3335\_PL.105 Rev P2*  
*3335\_PL.106 Rev P2*  
*3335\_PL.107 Rev P2*  
*3335\_PL.121 Rev P2*  
*3335\_PL.200 Rev P2*  
*3335\_PL.201 Rev P2*  
*3335\_PL.202 Rev P2*  
*3335\_PL.300 Rev P2*  
*3335\_PL.301 Rev P2*  
*3335\_PL.302 Rev P2*  
*3335\_PL.303 Rev P2*  
*3335\_PL.401 Rev P2*  
*3335\_PL.402 Rev P2*  
*3335\_PL.403 Rev P2*

1.2 The following should be added to the list of documents:

1.3 *Energy Strategy Review*

1.4 The full list of documents in Paragraph 1.0 should now read as follows:

- 1.5 *Design and Access Statement prepared by Stockwool (incorporating a Landscape Strategy prepared by Murdoch Wickham);*  
*Planning Statement including (S106 Draft Heads of Terms) prepared by Savills;*  
*Daylight and Sunlight Assessment prepared by eB7;*  
*Sustainability Statement prepared by Hodkinson Consultancy;*  
*Energy Strategy prepared by Hodkinson Consultancy;*  
*Energy Strategy Review (November 2015) prepared by Hodkinson Consultancy*  
*Transport Assessment (inc. Travel Plan) prepared by Ardent;*  
*Statement of Community Involvement prepared by Hard Hat*  
*Archaeological Assessment DBA prepared by CgMs;*

*Flood Risk Assessment prepared by Ardent;  
 Noise Assessment prepared by Ardent;  
 Air Quality Assessment prepared by Ardent;  
 Geotechnical / Contamination Survey prepared by Merebrooks;  
 Heritage Statement prepared by Turleys;  
 Utilities and Servicing Statement prepared by Ardent; and  
 Construction Traffic Management by Ardent.*

**2.0 AMENDMENT TO PARAGRAPH 3.4 IN THE MAIN REPORT**

2.1 This paragraph has been amended to clarify the correct split in affordable rent and intermediate units and to add in two further non-financial obligations (parts (e) and (f) below) as part of the development. The paragraph should now read as follows:

2.2 3.4 *Non-Financial Obligations:*

- (a) *38.5% affordable housing by habitable room comprising:*
  - *60% affordable rent by habitable room*
  - *40% intermediate by habitable room*
- (b) *Employment and Training Strategy including access to employment (20% Local Procurement and 20% Local Labour in Construction).*
- (c) *On-street parking permit free.*
- (d) *Bond to cover the Council's costs associated with laying out of disabled parking spaces on-street*
- (e) *Schedule of Highway Works*
- (f) *Agreement to ensure public access on canal towpath*
- (g) *Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.*

**3.0 AMENDMENT TO PARAGRAPH 8.44 IN THE MAIN REPORT**

3.1 There was a typographical error in the report in paragraph 8.44 where the incorrect number of habitable rooms was given. This should be changed to 130 and the paragraph should read as follows:

3.2 *8.44 The proposed scheme would have a residential density of 929 habitable rooms per hectare or 321 units per hectare (based on 130 habitable rooms and 45 units, and a site area of 0.14 hectares).*

**4.0 AMENDMENT TO PARAGRAPH 8.52 IN THE MAIN REPORT**

4.1 There was a typographical error in the report in paragraph 8.52 where the private units number was stated as 31. The correct number is 30. This should now read as follows:

*8.52 The proposal is for 45 units with a total of 130 habitable rooms. The breakdown of units and tenure mix is below. The location of these units is contained within the application*

	<b>Studio</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>Total</b>
<i>Private</i>	3	7	17	3	30
<i>Affordable Rent</i>	0	1	4	4	9
<i>Shared Ownership</i>	0	3	2	1	6
<b>Total</b>	3	11	23	8	45

## **5.0 AMENDMENT TO PARAGRAPH 8.71 IN THE MAIN REPORT**

5.1 This paragraph has been amended to reflect the correct percentage of affordable housing (38.5%) based on habitable room. This should now read as follows:

5.2 *8.71 The proposed affordable housing is set at 38.5% per habitable room and so is in accordance with LBTH MDD Policy DM3 as it exceeds the minimum requirement*

## **6.0 AMENDMENT TO PARAGRAPH 8.73 IN THE MAIN REPORT**

6.1 This paragraph has been amended to correct a typographical error and include the more accurate split of affordable rent and intermediate units. This should now read as follows:

6.2 *8.73 The development proposes 15 affordable units. The proposed tenure split within the affordable is 60%:40% in favour of affordable rented housing. This is still broadly in line with Policy DM3 and it complies with the London Plan and officers therefore find this acceptable.*

## **7.0 AMENDMENT TO PARAGRAPH 8.31 IN THE MAIN REPORT**

7.1 This paragraph has been amended to clarify details of the proposed stair core in Block A, namely that a lift is not required within the core for a building of this height. It should be noted that the fifth storey is part of a duplex unit. The paragraph should read as follows:

7.2 *8.31 The numbers of dwellings sharing an access core is proposed to be no greater than 26. For Block A there is only a stair core. However, due to there being a duplex unit on the fifth storey, this building has only four storeys and a lift is therefore not required. This is considered acceptable.*

## **8.0 RECOMMENDATION**

8.1 Officers' original recommendation to GRANT planning permission remains unchanged.

