



Meeting of the

# STRATEGIC DEVELOPMENT COMMITTEE

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Wednesday, 15 April 2009 at 7.00 p.m.

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## SUPPLEMENTAL AGENDA

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	PAGE NUMBER	WARD(S) AFFECTED
6 .1 443-451 Westferry Road, London		
	1 - 64	Millwall
7 .1 City Pride, 15 Westferry Road, London		
	65 - 114	Millwall
7 .3 St. Katherine Docks, St Katherine's Way, E1		
	115 - 160	St Katharine's & Wapping

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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# Agenda Item 6.1

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 6.1
<b>Additional Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Stephen Irvine		<b>Ref:</b> PA/08/2292	
		<b>Ward:</b> Millwall	

## 1. APPLICATION DETAILS

**Location:** 443-451 Westferry Road, E14.

**Existing use:** Vacant former engineering works and ancillary offices.

**Proposal:** Erection of six buildings from 2 to 8 storeys in height to provide 189 residential units, with provision of basement and surface car parking, associated servicing and landscaping, together with incidental works.

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

**Drawing Nos:** (PL)002, (PL)003, (PL)004, (PL)005, (PL)006, (PL) 007, (PL)008, (PL)100, (PL)011, (PL)020, (PL)021, (PL)030, (PL)031, (PL) 032, (PL)033, (PL)034, (PL)040, (PL)041, (PL)042, (PL)043, (PL)044 and (PL)045.

Environmental Statement Volumes 1, 2 & 3 with Non-Technical Summary and Additional Regulation 19 Information.

Design and Access Statement.

Access Strategy – Supplementary Information.

Energy Statement.

Statement of Community Involvement.

Affordable Housing Statement and Economic Appraisal.

Landscape Report.

**Applicant:** Glenkerrin (UK) Limited

**Owner:** Glenkerrin (UK) Limited

**Historic buildings:** N/A

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

**Brief Description of background paper:**  
Application case file, plans, adopted UDP, London Plan, emerging LDF and Isle of Dogs AAP

**Tick if copy supplied for register**

**Name and telephone no. of holder**  
Development Control 020 7364 5338

**Conservation area:** Chapel House Conservation Area adjoins.

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1. The local planning authority has considered the particular circumstances of the application against 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, The London Plan 2008 and Government Planning Policy Guidance and has found that:

- The provision of residential accommodation on the Island Point site is supported by policy 3A.1 and 5G.3 of the London Plan, accords with the Proposals Map of the Council's interim planning guidance 2007 and policies IOD25 and IOD26 of the Council's Isle of Dogs Action Area Plan interim planning guidance 2007 that seek to increase London's supply of housing
- The density of the scheme would not result in the overdevelopment of the site and 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 Council's 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 buildings in terms of height, scale, design and appearance are acceptable 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 Council's 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 and preserve or enhance the character and appearance of conservation areas.
- Considered with the parallel redevelopment of the City Pride site, 15 Westferry Road (Ref. PA/08/2293) and taking account of the submitted Affordable Housing Statement and Economic Appraisal, the provision of 41.5% affordable housing across the two sites with a tenure comprising a minimum of 71% social rented and 29% intermediate housing and up to an 80:20 split, broadly complies with The London Plan policies 3A.9, 3A.10 and policies CP22, HSG3 and HSG4 of the Council's interim planning guidance 2007.
- Considered with the parallel redevelopment of the City Pride site, 15 Westferry Road (Ref. PA/08/2293), the proposed residential mix across the two sites would be satisfactory as an exception to policy HSG2 of the Council's interim planning guidance 2007.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line

with policy T16 of the Council's Unitary Development Plan 1998 and policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, 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 and DEV5 – 9 and DEV 11 of the Council's interim planning guidance 2007, which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.
- Contributions have been secured towards the provision of highway and public transport improvements, community and open space provision, education provision and health care together with the implementation of travel plans in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Council's 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.
- The submitted Environmental Impact Assessment supplemented by Additional Information is satisfactory, including the cumulative impact of the development, with mitigation and safeguarding measures to be implemented through conditions and a recommended legal agreement.

### 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:
  - (a) To provide a minimum of 41.5% of the residential accommodation across both the City Pride, 15 Westferry Road and Island Point (443-451 Westferry Road) sites as affordable housing measured by habitable rooms with a tenure split of 71% social rented and 29% intermediate housing.
  - (b) An additional £1,869,759.50 over and above the 41.5% affordable housing provision, to convert some of the intermediate housing at Island Point into social rented housing up to a 80:20 social rented : intermediate housing split dependent on housing grant.
  - (c) A mechanism to ensure that the affordable housing at the Island Point site is provided prior to the completion of the on-site market housing at both sites.
  - (d) A £133,400 **Bus Network Contribution** comprising £113,400 to fund

improvements to local bus services and £20,000 to fund the upgrading of bus stops.

(e) To fund and implement a **Transport Plan** comprising:

- The submission and implementation of a residential travel plan, a delivery service plan and a construction logistics plan.
- To establish and maintain a residents car club.
- To provide, install and maintain DAISY board(s) to provide driver and transport information.
- Car free arrangements that prohibit residents of the development other than disabled people from purchasing on street parking permits from the borough council.

(f) A **Community and Open Space Contribution** of £630,178 to help fund open space improvements, leisure facilities and Library / Idea Store facilities on the Isle of Dogs.

(g) A **Highway Improvement Works Contribution** of £240,000.

(h) An **Education Contribution** of £654,126.

(i) To participate in the Council's Access to Employment and / or Skillsmatch programmes.

(j) To make a **Healthcare contribution** of £367,689 to help fund the capital programme of the Tower Hamlets Primary Care Trust.

(k) Any other planning obligation considered necessary by the Corporate Director Development & Renewal.

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. Facing materials (including samples) to be approved.
3. Details of a landscaping scheme to include hard and soft finishes, any gates, walls and fences, including the treatment of the perimeter wall to property in Chapel House Street and Locksfield Place together with external lighting to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. Details of green roofs (to include a habitat for Black Redstarts) and bat roosts shall be submitted approved and implemented.
6. Details of acoustic glazing and ventilation for the buildings fronting

- Westferry Road adequate to protect residents from Noise Exposure Category C shall be submitted approved and implemented.
7. Prior to the commencement of the relevant works of the development, the developer shall submit the following details to be approved in writing by the local planning authority;
    - (a) Energy efficiency and passive design measures including the façade U-values.
    - (b) Specification on whether cooling is required in the apartments, the steps taken to minimise this requirement and the methods for providing this cooling through sustainable energy measures.
    - (c) The details of the CHP system and the arrangements in place for selling of the electricity.
    - (d) The details of the biomass boiler.
    - (e) Evidence of the financial viability of the roof top PV system.
    - (f) A schematic drawing of the plant room.
  8. In accordance with the proposals made in the Energy Strategy dated June 2008, the approved low carbon and renewable energy technologies shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
  9. Prior to the commencement of the relevant works of the development the applicant shall submit the details to be approved in writing by the local planning authority of the Code for Sustainable Homes Pre-Assessment demonstrating the residential units of the development are capable of achieving a minimum of Code Level 3 and Code Level 4 where possible.
  10. Prior to the occupation of the development, the applicant shall submit the details to be approved in writing by the local planning authority of the Final Code for Sustainable Homes Assessment showing the residential units achieve Code Level 3 as a minimum and Code Level 4 where possible which is verified by the awarding body.
  11. The approved details of the sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
  12. The development shall be carried out in accordance with the Flood Risk Assessment Ref. WCL36823 (ES) 001 Rev A 05 dated October 2008.
  13. There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority.
  14. No piling or other foundation design using penetrative methods shall be undertaken other than with the express written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
  15. Decontamination of the site.
  16. 10 stands within the cycle stand provision within the stores at ground level providing space shall be allocated for 20 visitor's bicycles.
  17. 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.
  18. 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.
  19. The development authorised by this permission shall not commence until

the Council (as local planning authority and the highway authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations to the adopted length of Westferry Road.

20. Amending condition ensuring the provision of a further 56 units that contain a separate kitchen.
21. Before any development (including demolition) is undertaken, a further survey of the site to determine the existence of any protected species shall be undertaken and the results of the survey have been approved in writing by the local planning authority. The survey shall be undertaken between April and October outside the hibernation period of bats. Should the survey confirm the existence of protected species on the site, no development (including demolition) shall take place until proposed mitigation measures to ensure the protection of the protected species have been submitted to and approved in writing by the local planning authority. The approved mitigation shall be fully implemented and retained thereafter unless alternative measures are approved in writing by the local planning authority.
22. 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 Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 19 that will necessitate an agreement under section 278 of the Highways Act.
5. You should consult the Environment Agency, 30-34 Albert Embankment, London SE1 7TL (Ref. TL/2008/101631/02-L02) regarding the recovery, treatment and disposal of contaminated soils, drainage details (Condition 13) and the design of the foundations of the building (Condition 14).
6. You are advised that bats are a species protected under the provisions of the Wildlife and Countryside Act 1981 and The Habitats Regulations 1994 (European Protected Animal Species). It is a criminal offence to:
  - a. Deliberately capture, injure or kill a bat
  - b. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
  - c. Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)
  - d. Intentionally or recklessly obstruct access to a bat roostShould the presence of bats be identified at the site you should inform in writing both the local planning authority and Natural England, 6<sup>th</sup> Floor, Ashdown House, 123 Victoria Street, London SW1 6DE.
7. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

## 4. **ADDITIONAL CONSULTATION RESPONSES**



4.1. Since the consideration of the original and addendum reports by the Committee on 19<sup>th</sup> February 2009 (Appendices 1 & 2), the following additional representations have been received:

**Greater London Authority (GLA)**

4.2. Following a meeting between officers of the GLA, the applicant and Council officers, the GLA wrote to the applicant on 13<sup>th</sup> March 2009. The Authority noted that their earlier letter of 12<sup>th</sup> February 2009 suggested there:

*“Might be additional value in the scheme, which could be used to provide additional affordable housing”.*

4.3. In response to the GLA’s contention, the applicant submitted:

- An alternative use value for the City Pride site;
- A note responding to Atis Real’s assessment of the Affordable Housing Toolkit and;
- A covering letter, which explains that there is no additional value across the two sites

4.4. Having reviewed this information, by letter 13<sup>th</sup> March 2009, GLA officers concluded that the £17 million deficit shown in the applicant’s Housing Toolkit is not additional value, which can be drawn upon to provide more affordable housing, but the worst-case scenario for the applicant who is hoping to reduce this deficit as the housing market stabilises. As such, the offer of 40% affordable housing across both sites represents the maximum reasonable amount.

4.5. The report to Committee on 19<sup>th</sup> February recommended a Head of Agreement with the developer for a £75,000 contribution to Transport for London (TfL) to allow the funding of a bicycle hire station. This has been deleted from Head (e) in the recommendation above as on 1<sup>st</sup> April 2009, TfL advised:

- The first phase of the cycle hire project is contained within an area largely consistent with Zone 1 - for LBTH, the City Fringe area.
- No developer funding is being sought for the rollout of the first phase.
- Where sites are consistent with the first phase, safeguarding land only may be required.

Depending on the outcome of Phase 1 there may be a possible expansion of the scheme, however there is no remit or business case for rolling out the scheme on the Isle of Dogs. As it is remote from any of the Phase 1 locations, TfL does not see the justification for seeking £75,000 in this instance.

**Further neighbour comments**

4.6. Following the reports to the Committee on 19<sup>th</sup> February 2009, a further 11 representations have been received from local residents. These comprise:

- 6 letters of objection and
- 5 letters of support.

#### 4.7. Objecting

The objections raised the following issues:

- Density.
- Tenure imbalance due to the trade-off between the City Pride and Island Point sites.
- The provision of the majority of the affordable housing at Island Point would not be financially neutral.
- The architecture and height of the development would fail to respect the Chapel House Conservation Area. The blocks are too large, in particular the 8-storey buildings C and E being out of scale (2-storeys too high).
- Loss of daylight to adjoining properties.
- Potential security and policing problems due to handover by the developer to an unknown entity.
- Unsatisfactory location of rubbish bins.
- Adverse effect on the amenity of residents including loss of privacy to housing in Chapel House Street.
- The pedestrian access to Julian Place would be detrimental to the peacefulness of the street and the security of existing residents.
- No nursery or secondary school places available on the Isle of Dogs.
- Inconsistencies in the applicant's affordable housing toolkit.

These issues have been mostly previously considered in the Corporate Director of Development and Renewal's original report and Addendum Update Report which are both appended to this item. The affordable housing would be managed by a registered social landlord and no management difficulties in terms of security and policing are envisaged. The applicant's affordable housing toolkit is discussed further below.

#### 4.8. Supporting

The following points were made by neighbours in support of the development:

- There is a critical need for family sized homes in the area.
- Half the site would not be built on providing a good setting for family homes.
- Affordable housing will address housing need in the area and take many people off waiting lists;
- Good quality affordable housing is proposed and should be supported;
- The proposal represents an excellent development of a site that is currently derelict and an eyesore.
- Island Point is a good location for family homes being in a quiet area near to schools, parks, transport links and a supermarket.

These issues were also considered in the Corporate Director of Development and Renewal's original report and the Addendum Update Report.

- 4.9. The petition reported to the Committee on 19<sup>th</sup> February 2009 in the Addendum Update report has now been resubmitted with 141 signatures in support, with 30 more signatures added since February.
- 4.10. An additional representation has been received from Lockes Field Management Company Limited regarding bats. It is reported by two residents living on the eastern boundary with Island Point (i.e. on Lockesfield Place) that bats have been sighted. One neighbour reported bats flying overhead coming from the direction of Island Point, the second reported bats coming into her garden and roosting there. Observing the direction the bats are coming from, residents believe that the bats are roosting in the derelict buildings on Island Point. The Council has adopted the protection of bats through its bio-diversity policy. Bat populations have declined in London and they are a species identified to receive a high level of protection. LBTH must by law undertake a study to identify whether there is indeed a bat presence on Island Point. Bats will now be coming out of hibernation and the optimum time to undertake a study is from mid to late May. If a study reveals bats to be present on Island Point, the applicant will need to modify their plans to make them "bat friendly".

## **5. ADDITIONAL MATERIAL PLANNING CONSIDERATIONS**

### Background

- 5.1 This application was originally considered by the Strategic Development Committee at its meeting on 19<sup>th</sup> February 2009. Members heard speakers both for and against the scheme, received a presentation by officers and also had a report by the Corporate Director of Development and Renewal together with an Addendum Update Report to consider. Both the original reports are appended to this item.
- 5.2 Following discussions, the Committee resolved, on a vote of 8 for with 1 abstention, that the matter should be deferred for consideration at the next meeting of the Committee. This was to enable further information to be provided on the Affordable Housing Statement and Economic Appraisal (Housing Toolkit) that accompanies the application. On the advice of the Service Head Development Decisions, a parallel application (PA/08/2293) involving the redevelopment of the City Pride Public House, 15 Westferry Road was withdrawn from the Committee agenda as the two items are linked in terms of affordable housing provision. The report by the Corporate Director of Development and Renewal on the application affecting the City Pride is now included elsewhere on this agenda.

### Housing Toolkit

- 5.3. As advised in the Corporate Director of Development and Renewal's original report, the applicant's housing toolkit has been assessed by the Council's independent advisors (Atis Real). Atis Real were asked to consider the applicant's toolkit and also suggest, using figures suggested by officers and from their own valuation experience, what was the maximum level of affordable housing that the joint scheme could produce.

- 5.4. Atis Real concluded that the development could viably provide 40% affordable housing by habitable rooms.
- 5.5. However, the GLA, whilst acknowledging that the affordable housing provision was a good offer over both sites, suggested that there:
- “Might be additional value in the scheme, which could be used to provide additional affordable housing”.*
- 5.6. Council officers and their valuation advisors could see no justification for the GLA’s view. Nevertheless, in response to the GLA’s contention and the Members questions on this subject, the applicant submitted:
- An alternative use value for the City Pride site;
  - A note responding to Atis Real's assessment of the toolkit and;
  - A covering letter, which explains that there is no additional value across the two sites.
- 5.7. Having reviewed this additional information, by letter 13<sup>th</sup> March 2009, the GLA concluded that the £17 million deficit shown in the Housing Toolkit is not additional value, which can be drawn upon to provide more affordable housing, but the worst-case scenario for the applicant who is hoping to reduce this deficit as the housing market stabilises. As such, they concluded that the offer of 40% affordable housing across both sites represents the maximum reasonable amount that could be provided.

#### Revisions to the scheme

- 5.8. Whilst the talks with the GLA continued, the applicant took the opportunity to consider the provision of separate kitchens within the Island Point development.
- 5.9. The submitted scheme already includes separate kitchens within the proposed 20 townhouses. However, the majority of the proposed apartments are designed to incorporate an open plan kitchen and living / dining room, to allow the most flexibility of the internal layouts of the units. These ‘multi purpose’ rooms have been designed to be of such a size that they could be divided up and occupied in a manner to suit the lifestyles of the tenants. The units have been designed to exceed the minimum space standards outlined in the Council’s planning guidance. Furthermore, the GLA has recognised that the development will provide a good standard of accommodation for families.
- 5.10. The applicant has undertaken a study to ascertain which units at Island Point could be altered to incorporate a separate kitchen. Of the total number of family units (101 three, four and five-bed units), 56 could be configured to provide a separate kitchen. This comprises 55% of the family units.
- 5.11. The provision of these separate kitchens would result in the creation of 45 additional habitable rooms (kitchens over 13 sq m in size are defined as habitable rooms in the Council’s Unitary Development Plan). This would increase the total number of affordable habitable rooms to 750 (across both

sites) and result in an increase in the amount of affordable housing being provided to 41.5% calculated by habitable rooms. This is shown in the table below:

5.12. Percentage of affordable housing with amended separate kitchen layouts.

Site	Total Habitable Rooms	Habitable Rooms Affordable	Affordable Housing Provision
City Pride	1043	50	5%
Island Point	764	700	91.6%
<b>Total</b>	<b>1807</b>	<b>750</b>	<b>41.5%</b>

5.13. Across both sites, the amended proposals with separate kitchens would result in a 71:29 ratio of social rent to intermediate housing by habitable rooms. The calculation based on habitable rooms would comply with policy 3A.9 of The London Plan.

5.14. In addition, the applicant has indicated a willingness to alter the rented/intermediate split of the 41.5% affordable housing offer (if allied to a grant cascade mechanism) by funding the conversion from intermediate housing to social rent of 21 units (66 habitable rooms) within Block A of Island Point. This would alter the rented/intermediate split of the affordable component for the two sites to 80:20. The additional cost to the developer of transferring the tenure of these units would be £1,869,759.50.

5.15. Alternatively, should the local planning authority prefer, then the tenure balance could remain as currently specified and the £1,869,759.50 could be transferred to the Council as a payment in lieu of on-site provision, and be used to deliver additional affordable housing elsewhere in the borough.

5.16. In summary, the applicant's affordable housing offer is as follows:

- The base affordable housing offer across the two sites is 41.5% affordable housing (71% social rented and 29% intermediate). Should a no grant position be preferred, this figure reduces to 40%. 40 % is the level that has been verified by the GLA.
- The applicant has also offered an additional monetary contribution of £1.869,759.50 over and above the 41.5 % provision which could be used to convert some of the intermediate housing at Island Point into social rented units. Alternatively, the £1.8 million may be used by LBTH to secure additional social rented units elsewhere within the borough. The target tenure balance as a consequence of this increased offer would be 80% social rented and 20% intermediate. This is the applicant's "enhanced position".
- The "enhanced position" is contingent upon securing appropriate levels of Housing Grant. A cascade arrangement in the section 106 agreement would exist, but only between the "enhanced £1.8 million

offer” and “the base 41.5 % offer” (i.e. cascading down from an 80 % social rented and 20 % intermediate provision to the 71 % social rented and 29 % intermediate position). The base condition would be secure. The applicant says that the advantage of the enhanced offer, with cascade, is that ultimately more social rented housing could be provided than the economic appraisal allows for.

Conclusion on Affordable Housing

- 5.17. Based on the amended proposals with separate kitchens, the recommendation to Committee has been altered to propose an affordable housing percentage of 41.5% and up to £1.869,759.50 to convert some of intermediate housing at Island Point to social rented housing up to an 80:20 split. An additional amending condition is also recommended to ensure the 56 separate kitchens are provided.
- 5.18. For information, should the scheme include no grant, the affordable housing offer would be 40% as set out below.

Site	Total Habitable Rooms	Habitable Rooms Affordable	Affordable Housing Provision
City Pride	1043	25	2.5%
Island Point	764	700	91.6%
<b>Total</b>	<b>1807</b>	<b>725</b>	<b>40%</b>

Protected species

- 5.19. Bats are a protected species. It is a criminal offence to:
  1. Deliberately capture, injure or kill a bat
  2. Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats
  3. Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time)
  4. Intentionally or recklessly obstruct access to a bat roost
- 5.20. Government Circular 06/2005: ‘Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System’, provides advice on the handling of planning applications that may harm protected species. The Circular says (paragraph 98):

*“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature (now Natural England) before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species protection provisions affecting the site concerned.”*

5.21. Paragraph 99 of Circular 06/2005 adds:

*“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.”*

5.22. The Government’s Planning Policy Statement 9: ‘Biodiversity and Geological Conservation’ advises (paragraph 16):

*“Planning authorities should ensure that these species (i.e. subject to statutory protection) are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”*

5.23. Thus, where there is “**a reasonable likelihood**” of bats being present and affected by the development, a bat survey should be carried out and its findings considered in the determination of the application.

5.24. The submitted Environmental Impact Assessment includes a chapter on Ecology and outlines the methodology used to assess the ecological baseline conditions of the site and reports conclusions. The assessment methodology comprised the following:

- Undertaking of a desk study to establish existing baseline information for the site and its surrounds;
- Undertaking of an extended Phase I Habitat Survey and protected species risk assessment at the site.

5.25. A desk study was undertaken in May 2007 to obtain information regarding the present and historical ecological interest at the site. Greenspace Information for Greater London (GIGL) was requested to provide the latest available information on records of protected species. GIGL is a professionally managed biological records centre that receives wildlife records from a range of local societies including the London Bat Group. A number of records are held by GIGL of bat species within the vicinity of the site. Bats have been recorded foraging within 400 metres of the site, and the nearest bat roost is located approximately 550 metres to the east of the site. Wildlife records were

supplemented by a search of key literature, including the London Ecology Unit's handbook "Nature Conservation in Tower Hamlets."

5.26. A Phase I Habitat Survey of the site was undertaken on 11<sup>th</sup> May 2007. This included a site walkover and an assessment of the value of the site with regard to the likely presence of bats. This included an assessment of the site buildings and other structures such as trees, as potential bat roosts. The results of the protected species field survey were then combined with the results of the desk study to assess the potential of the site to support protected species. The assessment is caveated saying: "No investigation can ensure the complete prediction of the presence (or otherwise) of wildlife."

5.27. With regard to bats, the Environmental Statement concludes:

*"The derelict building is considered to have negligible potential for roosting bats due to the exposed roof panels, high ambient internal light levels and draughts. Given the absence of hedgerows, trees and vegetation, the site is considered to hold negligible foraging potential for these species. As such, the site is considered to be of negligible value for bat species."*

5.28. As required by the Environmental Impact Assessment Regulations, the Council consulted Natural England on the application for planning permission and the supporting Environmental Statement. As reported to the Committee on 19<sup>th</sup> February 2009, Natural England has raised no objection and welcomes the proposed diversity enhancement measures i.e. green and brown roofs (as a habitat for Black Redstarts). No mention was made of objection due to the possible presence of bats.

5.29. On the afternoon of 1<sup>st</sup> April 2009, a Council officer and a Senior Ecologist from Waterman Environmental inspected the site and the derelict buildings it contains. The presence of bats was not detected and there was no evidence of bats roosting in the derelict buildings.

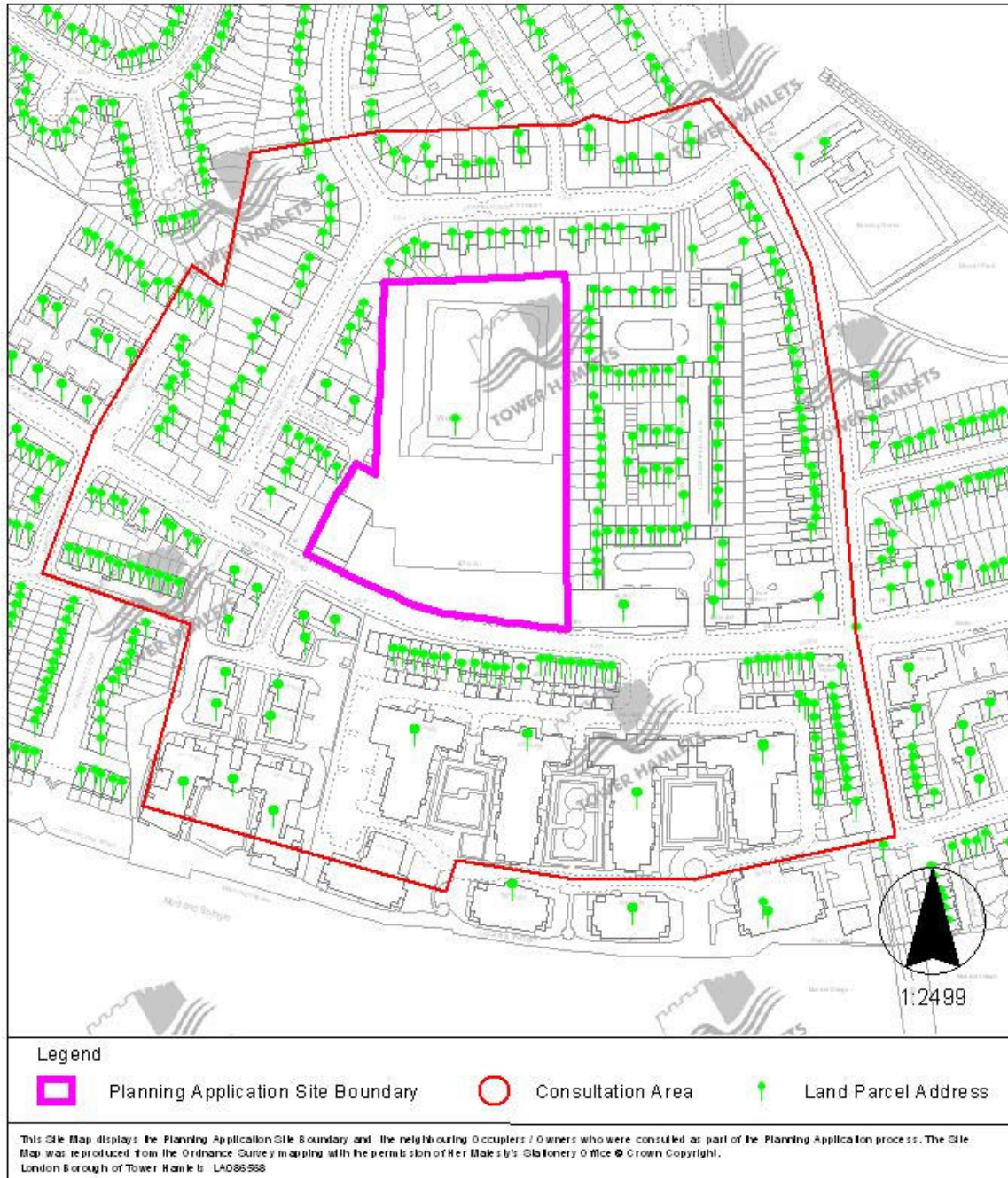
5.30. On balance, it is not considered that there is "**a reasonable likelihood**" of bats being present and affected by the development. Nevertheless, as a safeguarding measure, an additional condition is recommended above to require a further protected species survey of the site to be undertaken before any development commences. The developer has agreed to undertake such a survey. Condition 5 has also been amended to require bat roosts to be incorporated within the development with details to be submitted and approved. A further informative is also recommended advising the developer that bats are a species protected under the provisions of the Wildlife and Countryside Act 1981 and The Habitats Regulations 1994).

## 6. CONCLUSION

6.1. All relevant policies and considerations have been taken into account. 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.



## Site Map



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<b>Committee:</b> Strategic Development	<b>Date:</b> 19 <sup>th</sup> February 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/08/2292	
		<b>Ward:</b> Millwall	

## 1. APPLICATION DETAILS

**Location:** 443-451 Westferry Road, E14.

**Existing use:** Vacant former engineering works and ancillary offices.

**Proposal:** Erection of six buildings from 2 to 8 storeys in height to provide 189 residential units, with provision of basement and surface car parking, associated servicing and landscaping, together with incidental works.

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

**Drawing Nos:** (PL)002, (PL)003, (PL)004, (PL)005, (PL)006, (PL) 007, (PL)008, (PL)100, (PL)011, (PL)020, (PL)021, (PL)030, (PL)031, (PL) 032, (PL)033, (PL)034, (PL)040, (PL)041, (PL)042, (PL)043, (PL)044 and (PL)045.

Environmental Statement Volumes 1, 2 & 3 with Non-Technical Summary and Additional Regulation 19 Information.

Design and Access Statement.

Access Strategy – Supplementary Information.

Energy Statement.

Statement of Community Involvement.

Affordable Housing Statement and Economic Appraisal.

Landscape Report.

**Applicant:** Glenkerrin (UK) Limited

**Owner:** Glenkerrin (UK) Limited

### 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

**Historic buildings N/A**

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

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

**Conservation area** Chapel House Conservation Area adjoins.

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1. The local planning authority has considered the particular circumstances of the application against 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, The London Plan 2008 and Government Planning Policy Guidance and has found that:

- The provision of residential accommodation on the Island Point site is supported by policy 3A.1 and 5G.3 of the London Plan, accords with the Proposals Map of the Council's interim planning guidance 2007 and policies IOD25 and IOD26 of the Council's Isle of Dogs Action Area Plan interim planning guidance 2007 that seek to increase London's supply of housing
- The density of the scheme would not result in the overdevelopment of the site and 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 Council's 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 buildings in terms of height, scale, design and appearance are acceptable 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 Council's 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 and preserve or enhance the character and appearance of conservation areas.
- Considered with the parallel redevelopment of the City Pride site, 15 Westferry Road (Ref. PA/08/2293) and taking account of the submitted Affordable Housing Statement and Economic Appraisal, the provision of 41% affordable housing across the two sites with a tenure comprising 73% social rented and 27% intermediate housing by habitable rooms, would comply with The London Plan policies 3A.9, 3A.10 and policies CP22, HSG3 and HSG4 of the Council's interim planning guidance 2007.
- Considered with the parallel redevelopment of the City Pride site, 15 Westferry Road (Ref. PA/08/2293), the proposed residential mix across the two sites would be satisfactory as an exception to policy HSG2 of the Council's interim planning guidance 2007.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Council's Unitary Development Plan 1998 and

policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, 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 and DEV5 – 9 and DEV 11 of the Council's interim planning guidance 2007, which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.
- Contributions have been secured towards the provision of highway and public transport improvements, community and open space provision, education provision and health care together with the implementation of travel plans in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Council's 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.
- The submitted Environmental Impact Assessment supplemented by Additional Information is satisfactory, including the cumulative impact of the development, with mitigation and safeguarding measures to be implemented through conditions and a recommended legal agreement.

### 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:

(a) To provide 41% of the residential accommodation across both the City Pride, 15 Westferry Road and Island Point (443-451 Westferry Road) sites as affordable housing measured by habitable rooms with a tenure split of the affordable accommodation being 73% social rented and 27% intermediate housing with a mechanism to ensure that the affordable housing at the Island Point site is provided prior to the on-site market housing at both sites is completed.

(b) A £133,400 **Bus Network Contribution** comprising £113,400 to fund improvements to local bus services and £20,000 to fund the upgrading of bus stops.

(c) To fund and implement a **Transport Plan** comprising:

- The submission and implementation of a residential travel plan, a

delivery service plan and a construction logistics plan.

- To establish and maintain a residents car club.
- To provide, install and maintain DAISY board(s) to provide driver and transport information.
- A £75,000 contribution to Transport for London (TfL) to fund a bicycle hire station.
- Car free arrangements that prohibit residents of the development other than disabled people from purchasing on street parking permits from the borough council.

(d) A **Community and Open Space Contribution** of £630,178 to help fund open space improvements, leisure facilities and Library / Idea Store facilities on the Isle of Dogs.

(e) A **Highway Improvement Works Contribution** of £240,000.

(f) An **Education Contribution** of £654,126

(g) To participate in the Council's Access to Employment and / or Skillsmatch programmes.

(h) To make a **Healthcare contribution** of £367,689 to help fund the capital programme of the Tower Hamlets Primary Care Trust.

(k) Any other planning obligation considered necessary by the Corporate Director Development & Renewal.

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:

3.5 **Conditions**

1. 3 year time limit.
2. Facing materials (including samples) to be approved.
3. Details of a landscaping scheme to include hard and soft finishes, any gates, walls and fences, including the treatment of the perimeter wall to property in Chapel House Street and Locksfield Place together with external lighting to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. Details of green roofs to be submitted approved and implemented.
6. Details of acoustic glazing and ventilation for the buildings fronting Westferry Road adequate to protect residents from Noise Exposure Category C shall be submitted approved and implemented.
7. Prior to the commencement of the relevant works of the development, the developer shall submit the following details to be approved in writing by the local planning authority;
  - (a) Energy efficiency and passive design measures including the façade

U-values.

(b) Specification on whether cooling is required in the apartments, the steps taken to minimise this requirement and the methods for providing this cooling through sustainable energy measures.

(c) The details of the CHP system and the arrangements in place for selling of the electricity.

(d) The details of the biomass boiler.

(e) Evidence of the financial viability of the roof top PV system.

(f) A schematic drawing of the plant room.

8. In accordance with the proposals made in the Energy Strategy dated June 2008, the approved low carbon and renewable energy technologies shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
9. Prior to the commencement of the relevant works of the development the applicant shall submit the details to be approved in writing by the local planning authority of the Code for Sustainable Homes Pre-Assessment demonstrating the residential units of the development are capable of achieving a minimum of Code Level 3 and Code Level 4 where possible.
10. Prior to the occupation of the development, the applicant shall submit the details to be approved in writing by the local planning authority of the Final Code for Sustainable Homes Assessment showing the residential units achieve Code Level 3 as a minimum and Code Level 4 where possible which is verified by the awarding body.
11. The approved details of the sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
12. The development shall be carried out in accordance with the Flood Risk Assessment Ref. WCL36823 (ES) 001 Rev A 05 dated October 2008.
13. There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority.
14. No piling or other foundation design using penetrative methods shall be undertaken other than with the express written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
15. Decontamination of the site.
16. 10 stands within the cycle stand provision within the stores at ground level providing space shall be allocated for 20 visitor's bicycles.
17. 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.
18. 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.
19. The development authorised by this permission shall not commence until the Council (as local planning authority and the highway authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations to the adopted length of Westferry Road.
20. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.



### 3.6 **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 Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 19 that will necessitate an agreement under section 278 of the Highways Act.
5. You should consult the Environment Agency, 30-34 Albert Embankment, London SE1 7TL (Ref. TL/2008/101631/02-L02) regarding the recovery, treatment and disposal of contaminated soils, drainage details (Condition 13) and the design of the foundations of the building (Condition 14).
6. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

## 4. **PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1. Application is made for full planning permission for the redevelopment of the site of Nos. 443-451 Westferry Road (known as Island Point) by the erection of six buildings from 2 to 8 storeys in height to provide 189 residential units, with the provision of basement and surface car parking, associated servicing and landscaping together with other incidental works.
- 4.2. The application is linked to a proposal to redevelop the City Pride Public House, 15 Westferry (Ref. PA/08/2293) which is reported separately on this agenda. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing provision is made at Island Point in lieu of the bulk of the affordable housing obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within a high-rise, high density tower at the City Pride site and the Island Point site will be a lower density scheme with a focus on affordable family accommodation.
- 4.3. Specifically, at the City Pride site, it is proposed that 5% of the total habitable rooms of the dwellings within the development shall be a shared ownership affordable housing units. This amounts to 18 dwellings comprising 50 habitable rooms. At Island Point, 91% of the total habitable rooms of the dwellings are proposed to be affordable housing units. This amounts to 166 dwellings comprising 655 habitable rooms to be provided for social rented units (118 dwellings) and as intermediate units (48 dwellings).
- 4.4. The development at Island Point would comprise six buildings referred to as Buildings A, B, C/E, D, and F. Buildings A and B would be situated in the southern part of the site fronting Westferry Road, which provides the main access to the site. Building D would be situated just off Julian Place to the north, which would provide pedestrian access to the site from the west. Buildings F (townhouses) would be situated on a north-south axis towards the

site's northern boundary. Buildings C/E would comprise a single building with the southern section rising to seven floors plus ground, which is referred to as C, and the northern section rising to four floors plus ground, which is referred to as E, in the eastern part of the site.

- 4.5. The development has been designed to provide family accommodation and would provide the following proposed residential building mix:

Building A would comprise social rented (7) and intermediate (48); Buildings B, C/E and F would comprise social rented (111); and Building D would comprise private residential (23).

- 4.6. 37% of the overall site area would comprise public open space. The development also includes the provision of private amenity space for all of the residential dwellings in the form of balconies, roof top gardens, and private gardens. The development would be served by a basement level car park providing a total of 96 car parking spaces, which include 10 disabled bays with 37 motorcycle spaces. In addition, there would be 2 disabled bays provided at street level. The basement level car park would be accessed from within the site via the main estate road. 462 cycle spaces would be provided within the development.

#### **Site and surroundings**

- 4.7. The 1.32 hectare site is located towards the southern tip of the Isle of Dogs on the northern side of Westferry Road. It is bounded by the A1206 Westferry Road to the south, Chapel House Street running parallel to the western and northern boundaries, Julian Place to the west and Lockesfield Place to the east. The Chapel House Conservation Area adjoins the site's western, northern and eastern boundaries.
- 4.8. The site, which is currently derelict, is occupied by hard standing, the steel frame of a former engineering shed and a vacant two storey ancillary office building. Current access for vehicles and pedestrians is via Westferry Road.
- 4.9. The surrounding area comprises predominantly residential dwellings. Chapel House Street comprises mainly 2-storey Victorian dwellings and modern 2-storey terraced housing. Running east of Chapel House Street, there are 3-storey flats, dwelling houses and lock-up garages in Julian Place. Lockesfield Place consists of modern 3 and 4-storey frontage blocks behind which lie lower scale blocks of 2 and 3-storeys. On the opposite side of Westferry Road, development in St. David's Square and Langebourne Place comprises 4-storey frontage terraces with taller 7-storey blocks towards the River Thames.
- 4.10. There are two schools in the local area: Harbinger Primary School 300 metres north-west of the site and George Green's Secondary School 500 metres east of the site.
- 4.11. The two main local areas of public open space are the listed Island Gardens 250 metres to the south-east and Millwall Park, 300 metres to the east, together with the adjoining Mudchute Farm and Park.

- 4.12. The site is served by two DLR stations; Mudchute station, 450 metres north-east of the site and Island Gardens station, 500 metres to the east. The site is currently served by three bus routes running along Westferry Road and two other routes serving stops on Spindrift Avenue and East Ferry Road. Other public transport infrastructure includes Canary Wharf Underground station 1.7 kilometres to the north, Greenwich National Rail station 1 kilometre to the south and Masthouse Terrace Pier, 500 metres west of the site. The public transport accessibility level of the site is 3 (on a scale where 6 is high and 1 is low). Historically, the site was served via two priority controlled T-junction vehicular accesses onto Westferry Road.

### **Material planning history**

- 4.13. In May 2001, planning permission was granted for the change of use of the general industrial unit (Class B2) on the site to a telecom warehouse (Class B1) Ref: PA/00/1768. In February 2002, a revised scheme for change of use of the engineering works to a data centre was granted permission - Ref: PA/01/1038. Neither permission was implemented
- 4.14. In April 2002, planning permission was granted for the erection of a telecommunications building linking at ground and first floor to the existing ancillary office building which was to be refurbished, together with the erection of rear plant, landscaping and the formation of a new means of vehicular access to Westferry Road Ref: PA/02/0018. That permission was also unimplemented and the site has remained vacant except for unlawful occupation by travellers – now ceased.
- 4.15. In December 2007, application was made for planning permission for the redevelopment of the site by the erection of six buildings from four to twelve storeys to provide 337 residential units, with provision of basement and surface car parking, associated servicing and landscaping. The application was subsequently withdrawn following concern over design matters including the introduction of tall buildings.
- 4.16. A similar application to the current proposal was lodged in August 2008. It was also withdrawn undetermined following concern about the design of the elevations.

## **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
	2A.5	Isle of Dogs Opportunity Area
	3A.1	Increasing London’s Supply of Housing
	3A.2	Borough housing targets

3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.8	Definition of Affordable Housing
3A.9	Affordable housing targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.18	Protection and Enhancement of social infrastructure and community facilities
3A.20	Health objectives
3A24	Education facilities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.9	Increasing capacity and quality of public transport
3C.23	Parking strategy
3D.8	Open space and green infrastructure
3D.12	Open space strategies
3D.13	Children and young people's play strategies
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
4A.12	Flooding
4A.13	Flood risk management
4.A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
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
4B.11	London's built heritage
4B.12	Heritage conservation
5C.3	Opportunity areas in North East London
6.A.4	Planning obligation priorities
6A.5	Planning obligations

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

Proposals:

1. Flood Protection Area

Policies:

- ST23 - High Quality Housing
- ST25 - Housing to be adequately served by all infrastructure
- ST28 - Restrain unnecessary use of private cars
- ST30 - Improve safety and movement for all road users
- ST37 - Enhancing Open Space
- ST41 - Arts and Entertainment Facilities
- ST43 - Public Art
- ST47- Provision of training Initiatives
- ST49 - Provision of social and community facilities
- ST50 - Provision of medical services
- DEV1 - Design Requirements
- DEV2 - Environmental Requirements
- DEV4 - Planning Obligations
- DEV12 - Provision of Landscaping
- DEV50 - Noise
- DEV51 - Contaminated land
- DEV55 - Development and Waste Disposal
- DEV56 - Waste Recycling
- DEV69 - Efficient Use of Water
- HSG7 - Dwelling Mix and Type
- HSG13 - Internal Space Standards
- HSG16 - Housing Amenity Space
- T16 - Traffic Priorities for New Development
- T18 - Pedestrians and the Road Network
- T21 - Pedestrians Needs in New Development
- OS9 - Children's Play space
- U2 - Development in Areas at Risk from Flooding
- U3 - Flood Protection Measures

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

Proposals:

1. Flood Risk Area
2. Development site ID 10

Core Strategies IMP1

- |      |                                  |
|------|----------------------------------|
| CP1  | Planning Obligations             |
| CP3  | Creating Sustainable Communities |
| CP4  | Sustainable Environment          |
| CP5  | Good Design                      |
| CP19 | Supporting Infrastructure        |
| CP20 | New housing provision            |
| CP21 | Sustainable residential density  |
| CP22 | Dwelling mix                     |
| CP25 | Affordable housing               |
| CP27 | Housing amenity space            |
| CP29 | Community facilities             |
|      | Improving education and skills   |

CP30	Improving Quality and Quantity of Open Space
CP31	Biodiversity
CP37	Flood Alleviation
CP38	Energy Efficiency & Renewable Energy
CP39	Sustainable Waste Management
CP40	A Sustainable Transport Network
CP41	Integrating Development with Transport
CP43	Better public transport
CP46	Accessible and Inclusive Environments
CP47	Community Safety
CP49	Historic Environment

Development Control Policies:	DEV1	Amenity
	DEV2	Character & Design
	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
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV25	Social impact assessment
HSG1	Determining residential density	
HSG2	Housing mix	
HSG3	Affordable housing	
HSG4	Social and Intermediate Housing ratio	
HSG7	Housing amenity space	
HSG9	Accessible and Adaptable Homes	
CON2	Conservation areas	

5.5. **Interim planning guidance: Tower Hamlets Isle of Dogs Action Area Plan  
September 2007**

Policies	IOD1	Spatial strategy
	IOD2	Transport and movement
	IOD3	Health provision
	IOD4	Education provision
	IOD5	Public open space
	IOD7	Flooding
	IOD8	Infrastructure capacity
	IOD10	Infrastructure and services

- |       |  |
|-------|--|
| IOD25 | Southern sub-area  |
| IOD26 | Site allocations in Southern sub-area. ID10: 443-451 Westferry Road. Preferred uses: <ul style="list-style-type: none"> <li>• Residential (C3)</li> <li>• Public Open Space</li> </ul> |

5.6. **Supplementary Planning Guidance/Documents**

Residential Space  
 Designing Out Crime  
 Landscape Requirements  
 The Mayor of London’s Housing Supplementary Planning Guidance

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

- |        |                                       |
|--------|---------------------------------------|
| PPS1   | Delivering Sustainable Development    |
| PPS3   | Housing                               |
| PPG13  | Transport                             |
| PPG15  | Planning and the historic environment |
| PPS22  | Renewable Energy                      |
| PPG24  | Noise                                 |
| PPG 25 | Development and Flood Risk            |

5.8. **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

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. The accompanying Environmental Impact Assessment has been supplemented to provide additional information and the additional information has been subject to statutory publicity and public notification including press and site notices.

**Greater London Authority (Statutory consultee)**

6.2. At Stage 1, the Mayor advised:

- Principle of use – The provision of residential accommodation on the Island Point site is supported by London Plan policy 3A.1 which seeks to increase London’s supply of housing. As such, the proposals complies with polices 3A.1 and 5G.3 of the London Plan.

- Density – The proposed residential density at Island Point is within the guidance range provided by the London Plan. As a result, the proposal complies with policy 3A.3 of The London Plan.
- Affordable housing – Insufficient evidence has been provided to demonstrate that the concentration of affordable housing in the south of the Isle of Dogs won't overload the existing social infrastructure. The independent financial appraisal by Atisreal is not complete and as such it is impossible to assess whether the proposed quantum of affordable housing represents the maximum reasonable amount. As a result, the proposal fails to comply with policies 3A.9 and 3A.10 of The London Plan.
- Children's play space – The proposal provides 1,623 sq.m. of children's play space on site. However, it fails to provide a kick about area for children aged 12 years and over. As such, the proposal fails to comply with policy 3A.13 of The London Plan.
- Climate change mitigation – The U-values for the buildings facade and other site-specific energy reduction measures have not been fully explained. No details have been provided on the arrangement for selling electricity generated from the plant. It is not clear if the dwellings will be provided with active cooling. Limited information on the energy centre has been provided. As a result, the proposal fails to comply with the policies contained within chapter 4A of The London Plan.
- Air quality – An air quality assessment of the biomass boiler has been undertaken. It is not expected to have a detrimental impact upon air quality. As a result, the proposal complies with policy 3A.19 of The London Plan.
- Climate change adaptation – The proposals incorporate passive design measures, including natural ventilation, low energy lighting and increased insulation. The proposals also include sustainable urban drainage. All units would be fitted with water meters and rainwater harvesting and water attenuation systems would be provided. As a result, the proposal complies with policies 4A.10, 4A.14 and 4A.16 of The London Plan.
- Transport – It is not clear if the visitor cycle parking spaces will be provided. There is no cycle route along the site frontage of Westferry Road. The trip generation assessment is inaccurate. There is no delivery service plan or construction logistics plan. As a result, the proposal fails to comply with polices contained with chapter 3C of the London Plan.

6.3. The Mayor has also advised that the following remedies could address the deficiencies:

- Affordable housing – Further evidence should be provided to demonstrate that the concentration of affordable housing in the south of the Isle of Dogs wouldn't overload the existing social infrastructure. The findings of the independent economic appraisal of the proposed quantum of affordable housing should also be submitted prior to the application being referred back to the Mayor.
- Children's play space – Provision should be made for a kick about area for children over 12 years of age.
- Climate change mitigation - The applicant should specify, for the residential element, the U-values proposed for the buildings facade and



what other site specific measures will be required to achieve this reduction. The applicant should clarify the arrangement to be put in place for selling the electricity generated from the plant. The applicant should also specify of the dwellings will be provided with active cooling and if this is the case how this would be provided. Further details of the location and size of the energy centre should be submitted; it should take into consideration space requirements for biomass fuel, the boiler, the thermal store, the combined heat and power plant and any top up boilers.

- Transport - In order to be fully compliant with The London Plan the following transport issues should be addressed:
  1. The trip generation assessment should exclude sites with a PTAL of 6.
  2. The condition of bus stops within a 400-metre radius of the development should be assessed and those which are deficient upgraded.
  3. Provide section 106 contributions for DAISY boards, local pedestrian improvements and bus service enhancements.
  4. The provision of 20 visitor cycle parking spaces should be confirmed.
  5. A formal cycle route as part of the site frontage along Westferry Road should be provided.
  6. A delivery and service plan and a construction logistics plan should be submitted; the travel plan should be secured through a S106 agreement.

6.4. (Officer comments:

- Affordable housing: Please see detailed comments below.
- Children's Play Space. Consultation has been undertaken with the Policy and Development Manager - Cultural Services regarding the impact of the development on open space provision. A capital sum to mitigate the impact of the development have been advised and agreed with the developer. Play Association Tower Hamlets (PATH) considers it more sensible for the developer to fund off-site provision for football space rather than squeezing more kick about space into the development.
- Climate change: The Council's Energy Officer advises that the applicant has broadly followed the energy hierarchy set out in policy 4A.1 of the London Plan. The energy strategy proposed is considered broadly acceptable, subject to any planning permission being conditioned to provide more information at the detailed design stage.
- Transport: The trip generation information within the Transport and Access Chapter of the Environmental Statement has been independently reviewed by the Council's consultants (Bureau Veritas) and by the Council's Traffic and Transportation Department and is considered satisfactory. The developer has agreed to provide on site DAISY board(s), to make contributions towards local pedestrian improvements, bus service enhancements, the provision of a cycle lane on Westferry Road and to submit and implement a residential travel plan, a delivery service plan and a construction logistics plan. The developer also

proposes that 10 stands be allocated within the cycle stand provision within the stores at ground level to provide space for 20 visitor's bicycles and a condition is recommended to secure this arrangement)

**Government Office for London (Statutory consultee)**

6.5 No representations received.

**Natural England (Statutory consultee)**

6.6. No objection. Welcomes the proposed diversity enhancement measures i.e. green and brown roofs and expects such features to be secured by condition.

6.7. (Officer comment: An appropriate condition is recommended).

**Environment Agency (Statutory consultee)**

6.8. No objection in principle. With regard to flood risk, the Agency is satisfied with Sequential Test supplied by the local planning authority. Recommends conditions concerning compliance with the submitted Flood Risk Assessment, decontamination, no infiltration of surface water drainage into the ground or piling or foundation designs using penetrative methods without the express permission of the local planning authority. An informative is also requested regarding consultation with the Agency concerning the recovery, treatment and disposal of contaminated soils.

6.9. (Officer comments: Appropriate conditions and an informative are recommended).

**London Borough of Greenwich (Statutory consultee)**

6.10. No objection.

**English Heritage (Statutory consultee)**

6.11. Does not wish to offer comments. Advises the application should be determined in accordance with national and local policy guidance and the basis of the Council's specialist conservation advice.

**Docklands Light Railway**

6.12. No representations received.

**Commission for Architecture and the Built Environment (CABE)**

6.13. Supports the principle of providing the City Pride affordable housing component off-site as it allows a greater variety of accommodation and amenity space for families, than the City Pride site alone could offer. Also supports the massing, site layout and residential mix but considers the generally good provision of family accommodation and amenity space is compromised by proposed 4 and 5 bedroom flats on Westferry Road which would not provide family accommodation

of adequate quality being cramped, poorly lit, with combined kitchen/living/dining rooms with unusable private amenity space. The corner of the development adjoining Lockesfield Place, where an electricity sub-station is proposed, is considered weak. The vehicular access should be in this position. Supports basement parking but considers the proposed access would be difficult to negotiate. Considers the stepped frontage blocks would not provide a strong frontage and have no precedent on Westferry Road. The architectural treatment of the terraced housing is promising, if generic, with little relationship to context. Elevations should be more varied. Welcomes the generous provision of open space but is concerned about the vehicular access being within the "home-zone." Suggest more roof spaces be considered for amenity use. Success of the development will depend on the quality of construction and successful management.

- 6.14. (Officer comments. The living areas within the family accommodation on the ground of the building on Westferry Road have been significantly increased in size in response to comments by CABA on the previous application. The living areas are 36 sq m and 39 sq m for these apartment types which significantly exceeds the Council's residential space standards. The internal daylight of these larger units has been assessed and the assessment concludes that the internal lighting levels would be comfortable and fall within the relevant daylight criteria. The amenity space would be screened from the road and provide a range from 87 sq m to 110 sq. m which is considered adequate. The vehicular and pedestrian access to Westferry Road would be in the centre of the site. To move the access to the position recommended by CABA would result in disturbance to residents in Lockesfield Place which is considered undesirable).

**Thames Water Plc**

- 6.15. No objection regarding water infrastructure.

**Metropolitan Police**

- 6.16. Satisfied with the proposal, concerns have been mitigated by improved/extra ground floor windows and defensive planting.

**London Fire and Emergency Planning Authority**

- 6.17. Satisfied with the proposals.

**Tower Hamlets Primary Care Trust**

- 6.18. The development is within Local Area Partnership (LAP) 8. The nearest current practice is Docklands Medical Centre. The population in Millwall Ward is expected to grow by 27% from 17,691 in 2008 to 22,552 in 2013. Requests a section 106 contribution for healthcare provision calculated by the HUDU model as follows:

- Total Capital Planning Contribution £367,869
- Total Revenue Planning Contribution £1,228,415
- Combined contribution sought for health £1,596,284

- 6.19. (Officer comment: In line with established practice, the developer has agreed a Capital Planning Contribution of £367,689).

### **Play Association Tower Hamlets (PATH)**

- 6.20. Considers the play space on site has been well worked out. It would be more sensible for the developer to fund off-site provision for football space rather than squeezing more kick about space into the development.

### **Environmental Protection**

- 6.21. Satisfied with the developer's proposed approach and methodology to deal with contaminated land. Recommends that any planning permission is conditioned to secure decontamination. Advises that there would be impact on the daylight and sunlight reaching residential properties in Lockesfield Place. There is also some impact on the scheme itself, especially shadowing of the amenity space by the taller elements. The assessed receptor point in Lockesfield Place would be 1 step windier than recommended with a minor adverse impact. The buildings on the Westferry Road frontage would be subject to Noise Exposure Category C. In such locations, PPG24 advises that if planning permission is to be granted conditions should be imposed to ensure a commensurate level of protection against noise.

- 6.22. (Officer comment: Conditions to secure decontamination and soundproofing are recommended. Sunlight, daylight and wind issues are discussed in Material Planning Considerations below).

### **Traffic and Transportation**

- 6.23. No objections in principle. The applicant's Transport Assessment includes estimates of Trip Generation and its Assignment using the Travl database which is satisfactory. Overall the proposed increase in traffic would not have a detrimental effect on the highway network which would operate within capacity. 95 parking spaces would be provided which accords with the maximum standard of 0.50 per dwelling set out in the council's interim planning guidance. Given the site's good accessibility to public transport, consideration should be given to reducing this to promote sustainable modes of transport and to minimise congestion on the road network. The use of a car club should be made available to residents of the development who may not have access to a parking bay. Details of servicing and refuse collection plans have not been provided and should be submitted for approval. Recommends that a section 106 agreement with the developer should include:

1. Car free arrangements to prevent all future occupiers from applying for on-street parking permits
2. The formation of a car club.
3. Service and delivery plans.
4. Funding to assist with:
  - Improving the visibility on Westferry Road as a result of the new junction and access point to the site.
  - Traffic calming measures on Westferry Road to include a speed table

and entry treatment at the access point to the site.

- The provision of a cycle lane on Westferry Road.
- Improvement and resurfacing works to the carriageway adjacent to the site as a result of damage cause due to construction vehicles and the redevelopment of the site.

6.24. It is also recommended that any planning permission is conditioned to require the developer to execute a separated section 278 agreement under the Highways Act.

6.25. (Officer's comments: 50% parking provision would accord with the Council's standards and is considered satisfactory. Appropriate heads of agreement and a condition are recommended).

### **Children's Services (Education Development)**

6.26. The proposed dwelling mix (20% 1 bedroom, 27% 2 bedroom and 53% 3 bedroom +) is assessed as requiring a pooled contribution towards the provision of 53 additional primary school places @ £12,342 = £654,126.

6.27. (Officer's comments: An appropriate head of agreement is recommended).

### **Policy and Development Manager - Cultural Services**

6.28. Does not consider the 3,520 sq m of open space proposed within the development to be genuinely accessible to the public. Based on an estimated population of 635 and an open space standard of 12 sq m per capita, 7,620 sq m of open space is required. The following planning contributions are therefore requested:

- A per capita contribution of £485 per resident for open space provision = £290,830.
- A contribution of £270,188 for leisure facilities.
- A contribution of £69,160 for library / Idea Store facilities.

### **Waste Policy and Development**

6.29. No representations received.

### **Corporate Access Officer**

6.30. No representations received.

### **Landscape Development Manager**

6.31. No comments received.

### **Energy Officer**

6.32. Advises that the applicant has broadly followed the energy hierarchy set out in policy 4A.1 of the London Plan, although further details of the energy strategy are

is required. It is recommended that any planning permission is conditioned to require this. It is also recommended that a condition be imposed to ensure compliance with the Code for Sustainable Homes.

6.33. (Officer's comment: Appropriate conditions are recommended).

## 7. LOCAL REPRESENTATION

7.1. A total of 812 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The application has also been publicised in East End Life and on site. The Additional Information supplementing the Environmental Statement has also been subject to statutory publicity and consultation with neighbours and local groups. The number of representations received from neighbours and local groups following publicity is as follows:

<b>No of individual responses:</b>	<b>Objecting:</b>	<b>Supporting:</b>
219	189	30

No. of petitions received: 0

7.2. There is general support from respondents to the development of this long vacant site with the revised application considered an improvement over the two earlier schemes. Material objections from neighbours may be summarised as:

- Height and bulk. Out of scale with the 2-storey buildings on Lockesfield Place and Chapel House Conservation Area producing a dominating and negative effect. 8-storey development would be unsympathetic to the existing roadscape, would not maintain the continuity of street frontages, nor take account of existing roof lines and street patterns. The principle that higher rise buildings are permitted on the riverbank with gradation down to Westferry Road would be breached with sense of openness lost. Buildings north of Westferry Road should not exceed 4 floors. One objector considers 6-storeys stories should be the maximum height.
- The 8-storey blocks and the provision of roof gardens and elevated terraces would overlook several surrounding developments. The 3-storey houses would overlook houses on Chapel House Street.
- Design and materials. Unsympathetic to the surroundings including the Chapel House Conservation Area. Should comprise brick not glass, concrete plinths, wood or brick (terracotta) veneer. The blocks on Westferry Road lack architectural integrity and remain incongruous. Conflict with Tower Hamlets UDP design policies and Government advice in PPS3.
- The development should be 2-storey houses built of yellow London stock bricks with pitched roofs. Flat roofs are obsolete and out of keeping. To comply with UDP policy, family dwellings should normally be in the form of family houses with gardens.

- Failure to preserve or enhance the Chapel House Conservation Area contrary to PPG15 with adverse impact on views into and out of the designated area particularly the existing roofscape. The view from Thermopylae Gate is mentioned as an example. The Committee is requested to undertake a site visit.
- Loss of sunlight / daylight and amenity (which may exceed BRE Guidelines) to some properties in St. David's Square, Langbourne Place, Lockesfield Place and Chapel House Street due to height bulk and adjacency.
- The principle of the "trade off" and "segregation" of affordable housing between the Island Point and the City Pride developments is socially wrong. The low % of market housing could deter private buyers at Island Point where there would be a lack of family housing in the market units producing a negative impact on social mix and sense of community with a failure to create a mixed and balanced, sustainable development. Key workers would be severely limited in the possibility of finding affordable housing at City Pride with the affordable housing distanced from real opportunities. To link the development of City Pride and Island Point would set a precedent due to the distance between the sites. There should be equality in the split between the two sites.
- The proposed 41% affordable housing across the City Pride and Island Point sites does not accord with the 50% affordable housing target of The London Plan or policy HSG3 (of the Council's interim planning guidance), which requires a minimum contribution of 50% off-site provision of affordable housing in the case of linked developments. The 41% offer across the two sites does not justify the policy breaches necessary to approve the application.
- The residential density, possibly over 1,000 people, is unsustainable and breaches UDP policy.
- More family homes are not needed on the Isle of Dogs.
- The site should provide a superstore.
- Increased traffic congestion and adverse effect on highway safety due to increased vehicular and pedestrian traffic at the entrance to the site between bus stops and on a blind curve. Insufficient parking.
- Potential nuisance, security risks and anti social behaviour caused by the development and its lack of integration. The proposed two caretakers would be insufficient.
- Insufficient infrastructure, particularly nursery and secondary school places to accommodate the estimated 425-682 children that the site would generate. Crime is increasing, the schools, GP's and the Island are full.
- Increased strain on the transport system and emergency services that cannot cope already.
- Unsatisfactory provision and location of rubbish bins.
- There should be no walkway access to Julian Place as this would provide the main route to Mudchute DLR station, increasing foot traffic, noise and possible loitering.

7.3. Non-material objections from respondents may be summarised as:

- Dubious financial position of the developer.
- The earlier applications were just negotiating tools.

7.4. A local ward councillor comments that only 5% of the affordable housing count would be affordable housing at the City Pride site. This does not further the goals of creating integrated communities and developments.

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

- There is a critical need for family sized homes in the area.
- Island Point is a good location for family homes being in a quiet area near to schools, parks, transport links and a supermarket.
- Unlike most development, half of the site is not being built on, thereby providing a good setting for family homes.
- The images look good, preferable to high rise flats.

### **Lockes Field Management Company Limited**

7.6 The applicant's position on affordable housing is not consistent with relevant planning policy and therefore cannot be considered to achieve 'a better outcome' as claimed. The applicant's appraisals in relying on high, apparently unconditional land prices for both sites are (a) not sufficiently robust or credible to enable the planning authority to accept that exceptional circumstances should allow the provision of affordable housing off site, and (b) have not been considered on the proper basis of comparing residential value with existing use value or alternative use value. The loading of the Island Point site with affordable housing (88%) to facilitate high value residential development close to Canary Wharf is contrary to the objective of achieving balanced communities. Where these conditions can be met, policy HSG3 of the Core Strategy & Development Control document requires a minimum contribution of 50% affordable housing. Glenkerrin proposes 40%. The applicant's Economic Appraisal is flawed as it benchmarks against purchase price not existing use value or alternative use value. It cannot be allowed that an ill advised or reckless purchase gives rise to an inappropriate planning outcome. The proposal to concentrate affordable housing in one location at Island Point would create a polarisation of wealth and deprivation in the locality. Glenkerrin's proposed dwelling mix of social rented housing will exaggerate this and is contrary to The draft London Housing Strategy published in November 2008 that says that there should be no return to the post war mono-tenure estates.

7.7. The amount of social rented accommodation proposed at Island Point is in excess of 60% and will be the dominant tenure with a high concentration of 4 and 5 bed houses. This compares with a social rented content of 30-35% in a conventional policy led mixed tenure scheme that could be expected to be achieved on the site with a small number of family houses. The proposed tenure mix is therefore contrary to emerging and existing policy and objectives to achieved balanced communities.

7.8. The resultant density is about 545 habitable rooms per hectare (hrh) which is



above GLA and LBTH guidelines of 450 hrh for an urban site with a modest PTAL of 3. Notwithstanding the general imperative to maximise the residential yield of brownfield site opportunities, the proposals in their current form are still of excessive scale and out of character with their context, in particular, the elements rising to seven and eight storeys. As a result, they will cause harm to both the amenity of existing residents and the character and setting of a feature of acknowledged importance i.e. the Chapel House Conservation Area.

- 7.9. Whilst the immediate frontage to Westferry Road at four storeys is now compatible with development on the north side of the road, building heights quickly rise to five, six, seven and eight storeys in buildings A, B, C and E in the middle of the site which will break the existing tone of building heights on the north side of Westferry Road. Seven and eight storey buildings in particular, will dominate the middle of the site. Building C is particularly overbearing at eight storeys and has a multitude of habitable rooms overlooking Lockesfield Place.
- 7.10. The higher elements will remain visible from parts of the Conservation Area. This is a material consideration given the Council's Management Guidelines say the setting of the Conservation Area will be considered when new development is proposed nearby. There is a general planning requirement to maximise density however, scale and design must be acceptable and an appropriate balance has still not been met. Buildings C and E will face Lockesfield Place to the east whose residents will be affected by the sense of overlooking that increased height brings.
- 7.11. The impact on daylight, sunlight and overshadowing to Lockesfield Place will be noticeable and, in some cases, the magnitude of change will be high. With the exception of one (No. 37), every property tested in Lockesfield Place will suffer a loss of daylight or sunlight or both to a level that exceeds the BRE guidelines. The worst affected of these would have to endure up to 35% loss of daylight, up to 100% of winter sunlight and up to 53% of annual sunlight, coupled with increased overshadowing of their back gardens. The proposed development does not satisfy policy DEV2 of the Council's UDP or policies CP4 or DEV1 of the Council's Interim Planning Guidance
- 7.12. Following consultation, no representations have been received from the Association of Island Communities and Chapel House Tenancy Association.
- 7.13. 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 applications that the Committee must consider are:
- Proposed land use.
  - Density.
  - Design of the buildings and whether the character and appearance of the Chapel House Conservation Area would be preserved or enhanced.

- Sunlight, daylight and wind
- Affordable housing arrangements.
- Dwelling mix.
- Access and servicing arrangements.
- Amenity space and landscaping.
- Sustainable development/ renewable energy.
- Planning obligations.

### **Land use**

- 8.2 The Island Point site is located in the Isle of Dogs Opportunity Area which is identified in the London Plan as being capable of accommodating at least 10,000 additional dwellings. Policy 3A.1 of the London Plan sets a target of an additional 30,500 homes to 2016 / 17. Policy 3A.2 refers to Borough Housing Targets with Tower Hamlets set a target of 31,500 to 2016/17. The principle of redevelopment principally for housing therefore accords with strategic policy.
- 8.3. Except for its location within a Flood Protection Area, the site is unallocated on the Proposal Map of the Tower Hamlets Unitary Development Plan 1998.
- 8.4. On the Proposals Map of the Council's Core Strategy and Development Control interim planning guidance 2007, the site is allocated as 'Development Site ID 10' within a Flood Risk Area.
- 8.5. The Sub-Areas and Development Sites Map of the Council's Isle of Dogs Action Area Plan 2007 (which has also been adopted as interim planning guidance) shows Development Site ID10 lying within the Southern Sub-Area. The site is unallocated on the Spatial Strategy Diagram of the AAP but is shown as lying within a "residential" area on the Southern Sub-Area Diagram. The proposed redevelopment for residential purposes also accords with policy IOD 26 which provides the following preferred uses for Development Site ID10:
- Residential (C3)
  - Public Open Space
- 8.6. Consequently, in principle no land use objection is raised to the redevelopment of 443-451 Westferry Road for residential purposes and public open space as proposed.

### **Density**

- 8.7. The Government's Planning Policy Statement 1: Delivering Sustainable Development 2005 (PPS1) 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 back to beneficial use.
- 8.8. 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 density in support of policies

4B.1 and 3A.3.

- 8.9. Policy CP20 of the Council's interim planning guidance 2007 reflects guidance set out in the London Plan and seeks to maximise residential densities on individual sites 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.
- 8.10. Policy HSG1 sets out a number of criteria which should be taken into account when determining the appropriate residential density for a site including:
- *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;*
  - *The provision of the required housing mix (including dwelling size and type, and affordable housing);*
  - *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.*
- 8.11. Table 3A.2 of the London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a density range of 200 – 450 habitable rooms per hectare for Urban sites with a PTAL range 2-3. The proposed residential density for the Island Point site is 545 habitable rooms per hectare which exceeds the guidance. Subject to ensuing design matters outlined in HSG1 (above) being satisfactory, this density is not considered unacceptable.

**Design of the buildings and the effect on the character and appearance of the Chapel House Conservation Area**

- 8.12. National advice in PPS1 states:
- “Good design should contribute positively to making a better place 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.”*
- 8.13. Part 4B of the London Plan focuses on design, recognising that good design will create a better city to live in and assist in attracting economic investment to help create a more prosperous city. The London Plan at Policy 4B.1 (Design for a compact city) requires that development should, inter alia, maximise the potential of sites, create or enhance the public realm, provide or enhance a mix of uses, be accessible, usable and permeable for all users and be sustainable,

durable and adaptable. Policy 4B.9 requires all large scale proposals to be of the highest quality design especially in terms of impact on views, the wider and local townscape context, and local environment impact.

8.14. UDP policy DEV1 states that developments should take into account and be sensitive to the character of the surrounding area in terms of bulk, scale and use of materials. Proposals should not result in over-development, normally maintain the continuity of street frontages and take account of existing building lines, roof lines and street patterns. UDP Policy DEV2 seeks to protect the amenity of residential occupiers and the environment, and incorporate the principles of sustainable development including the use of energy efficient design and materials.

8.15. Core Policy CP4 of the Council's interim planning guidance seeks to ensure that development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. In achieving good design development should:

- *Respect its local context, including the character, bulk and scale of the surrounding area;*
- *Contribute to the enhancement or creation of local distinctiveness;*
- *Incorporate sustainable and inclusive design principles;*
- *Protect amenity, including privacy and access to daylight and sunlight;*
- *Use high quality architecture and landscape design; and*
- *Assist in creating a well-connected public realm and environments that are easy to navigate.*

8.16. Policy DEV1 of the Council's interim planning guidance requires development to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. Policy DEV2 requires development to be designed to the highest quality standards, incorporating principles of good design, including:

- *Taking into account the local character and setting of the development site;*
- *Enhancing the unique characteristics of the surrounding area;*
- *Protecting notable features within the site;*
- *Protecting the historic environment; ensuring design of the public realm is integral to the development proposal;*
- *Ensuring development and the public realm are designed at a human scale and are comfortable and useable for pedestrians;*
- *Providing clear definition and an appropriate degree of enclosure of the public realm;*
- *Creating visual interest in the urban environment and contributing to its legibility and permeability;*
- *Ensuring the use of high quality building materials; and*
- *Ensuring development is easily adaptable and maximises sustainability.*

8.17. At paragraph 2.14 of PPG15: Planning and the historic environment, 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.

- 8.18. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in exercising all its planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In paragraph 4.14 of Planning Policy Guidance Note 15 – Planning and the historic environment, the Government says:

*“The desirability of preserving or enhancing the area should also, in the Secretary of State’s view, be a material consideration in the planning authority’s handling of development proposals which are outside the conservation area but would effect its setting, or views into or out of the area.”*

- 8.19. The Chapel House Conservation Area encompasses a predominantly residential area north of Westferry Road and includes three Garden City Estates and some older traditional terraces. The residential developments that characterise the conservation area date largely from the first part of the 20th century. The Council’s Conservation Area Appraisal states that the special interest of the area is derived from its rich history and significant architecture dating from the twentieth century in a garden city style. The area is characterised by the following features:

- Two storey Victorian terrace properties;
- A predominance of traditional building materials including brick and slate;
- Front and rear gardens set back off a tight network of roads;
- Regular patterns and styles of built form;
- Street trees provide enclosure and intimate scale

- 8.20. The Island Point scheme comprises a relatively dense housing development comprising a mix of flatted development and terraced housing with rear gardens. A number of open spaces would be provided through the development. In terms of height, mass and bulk, the terrace houses rise to 3-storeys and the flats from 4 to 8-storeys. The quality of the overall design, layout, landscaping and the relationship to the Chapel Conservation Area has improved compared to the previous two applications.

- 8.21. The scale of surrounding development varies from 2-storey terraces to the north of the site to taller riverside developments to the south. The massing and height of the proposal is now considered sympathetic to the character of the area following this general pattern, with the townhouses located on the north side of

the scheme, the flatted accommodation rising in the middle, and then reducing to the south along Westferry Road. The taller elements of the proposal are thus positioned within the site away from main street frontage to minimise the impact on principle townscape views.

- 8.22. The design of the townhouses and the central open space is considered of particular merit and sympathetic to the character and appearance of the Chapel House Conservation Area. Where close to the designated area, the proposed development would be a maximum of three storeys in response to surrounding built heights. The provision of rear gardens to the east and west and public open space abutting the northern boundary would represent an improved townscape to properties within the conservation area that directly overlook the current derelict site and structures and would complement the scale and form of the conservation area with its traditional rear gardens.
- 8.23. The quality of the existing townscape within the site is exceptionally poor due to dereliction and it is considered that the proposed redevelopment would preserve and enhance the character and appearance of the adjoining conservation area. The layout would be permeable and offer distinct character. As well as the park spaces, a series of green roofs and communal and private roof terraces are proposed which are all considered welcome aspects of the scheme.
- 8.24. The architectural treatment is relatively simple and contemporary with the material finishes comprising a mix of brick, terracotta, metal panels and timber. The submitted visualisations of the elevations show these applied in a calm and orderly manner, with the use of balconies and insets giving the elevations depth and animation. All primary elevations, materials and finishes are considered to be of high quality.
- 8.25. The view looking south–east from Thermopylae Gate towards the site has been particularly commented upon by objectors. Seen from this location within the Chapel House Conservation Area, only glimpse views of the development and building roofs would be visible between the gap and above the roofs of properties on properties Chapel House Street.
- 8.26. In summary, it is considered that the proposed residential townscape would be in keeping with the character of adjacent residential development along Westferry Road, whilst responding in height and massing of the adjoining Chapel House Conservation Area without detrimental impacts, preserving and enhancing the character of the designated area. In the wider area, the Island Gardens Conservation Area with its Listed Park and Garden would be unaffected, nearby listed buildings are too distant to be effected and there would be no perceived impacts on the World Heritage site at Greenwich Park.

### **Sunlight, daylight and wind**

- 8.27. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states that: "*all development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions*".

- 8.28. Interim planning guidance policy CP4 states: *“The Council will ensure development creates buildings and spaces of high quality design. In achieving good design, development should protect amenity, including privacy and access to daylight and sunlight.”* Policy DEV1 states: *“Development is required to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.”* For further guidance it refers to the BRE Report *Site layout planning for daylight and sunlight – A guide to good practice.*
- 8.29. The findings of the Environmental Statement on daylight conditions in Lockesfield Place adjoining that would result from the development may be summarised as follows:
- 8.30. **17-20 & 35-40 Lockesfield Place** are fully BRE compliant in terms of VSC and will therefore receive no impacts greater than a negligible significance.
- 8.31. **1-16 Lockesfield Place** - Of the 9 windows relevant for VSC analysis, 6 windows (67%) are fully BRE compliant. The three which marginally infringe the numerical values suggested by the BRE by no more than 1.75% and are, therefore technical breaches. The reason for these breaches is their low VSC values in the existing situation, which makes the small actual changes in levels of light relate to a proportionally higher percentage. It is likely that the alterations to the daylight levels to these windows will be imperceptible. The impact on 1 – 16 Lockesfield Place is assessed to be minor adverse.
- 8.32. **41-43 Lockesfield Place.** Of the 19 windows relevant for VSC analysis 13 windows (68%) achieve BRE Guidelines. The remainder retain adequate VSC levels of between 20.88% and 25.72%. The rooms which these windows serve have also been assessed using the ADF method of analysis. 5 windows (83%) which would not achieve the suggested level of VSC relate to three rooms which meet the minimum standard required for their use. The one window which marginally breaches the ADF and VSC criteria is, by reference to the daylight distribution assessment, BRE compliant as it will enjoy a view of the sky over 90% of its room area. The impact on 41 – 43 Lockesfield Place is therefore considered to be minor adverse.
- 8.33. **58-63 Lockesfield Place** - 21 (62%) of the 34 windows achieve the BRE guidelines in terms of VSC. Only one window within 63 Lockesfield Place falls below the suggested level of VSC receiving a technical breach of only 0.76%. The 12 remaining windows, which relate to 58-62 Lockesfield Place, currently enjoy an uncommonly good level of daylight due to the absence of massing in proximity to the proposed development site. The 12 windows retain adequate VSC values of between 18.69% and 25.34%. These windows serve a total of 7 rooms of which 6 (86%) retain levels of ADF in excess of the BRE suggested numerical values for their use. The one room remaining demonstrates full BRE compliance with regards to daylight distribution with over 80% of the room’s area in view of the sky. The impact of the proposed development on these properties is therefore considered to be minor adverse.

- 8.34. The findings of the Environmental Statement on sunlight conditions in Lockesfield Place adjoining that would result from the development may be summarised as follows:
- 8.35. **16-63 Lockesfield Place.** Of the 120 windows for consideration in sunlight terms, 29 windows (24%) meet the BRE guidelines in terms of annual probable sunlight hours (a total of 25% of which 5% should be in the winter). 31 windows within these properties see increases in their level of sunlight as a result of the proposed lowering of the perimeter wall of development site at the rear of the Lockesfield Place properties. Of those which do not meet the suggested levels, 44 (48%) are already failing and therefore will be sensitive to any change in the level of massing of the development. In general the total retained values of the failing windows are very close to the BRE guideline of 25% annual probable sunlight hours indicating the retained values are adequate. The existing levels of winter sun are relatively high due to the lack of development on the site. These would be reduced with any form of development on a relatively undeveloped site. The expectation for sunlight in the winter months is less than that in summer as indicated by the BRE guidelines. Those windows with lower retained values in the proposed situation are those which receive existing low levels of APSH in and therefore are sensitive to change. Some properties (19-39 Lockesfield place), will see increases in their levels of sunlight; however, these will still fall short of the numerical levels suggested by the BRE Guidelines. There would be a **minor beneficial - minor adverse** impact on these properties in terms of sunlight.
- 8.36. Only 6.7% of the amenity space within the proposed scheme will experience permanent overshadowing on 21<sup>st</sup> March. This is considered to be a negligible impact in terms of permanent overshadowing. When assessed in terms of a transient overshadowing assessment, the proposed scheme's internal amenity spaces are affected mostly by the shadows caused by the taller aspects of the scheme. These shadows move quickly and, therefore, the areas falling into shadow are only in such a state for a short period and in the early morning and late afternoon, apart from in December when the sun is lower in the sky and the shadows are longer. The north/south orientation of the scheme assists greatly with ensuring that the greatest level of overhead sun in the middle of the day. This is considered to be a minor adverse impact in terms of transient overshadowing.
- 8.37. The Environmental Statement concluded there would be a minor adverse impact adjacent to Lockesfield Place due to wind (i.e. 1-step windier than desired from sitting to standing in Summer and leisure walking in the Winter) during the short period between the final stage of demolition and the early stages of the construction process. This is due to existing buildings in this area being temporarily exposed to the prevailing winds. It was concluded that mitigation would not be required which is a standard response to that level of wind impact. Also, there would be no adverse wind impacts during the latter phases of construction adjacent to Lockesfield Place, nor anywhere within the site on completion.

#### **Affordable housing arrangements**



- 8.38. London Plan policy 3A.9 identifies the Mayor's strategic target that 50% of housing should be affordable and within that 70% should be social housing and 30% intermediate provision. The policy also promotes mixed and balanced communities.
- 8.39. London Plan policy 3A.10 requires boroughs to seek the maximum reasonable amount of affordable housing. Targets should be applied flexibly, taking account of individual site costs, any public subsidy and other scheme requirements. Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.
- 9.40. London Plan paragraph 3.57 says that exceptionally a borough may consider that the required affordable housing should be provided off site e.g. where there are existing concentrations of social housing and there are benefits gained by providing the new units in a different location, such as to create more socially balanced communities, to provide a particular type of housing, such as family housing or to provide more units than is possible on the principle site.
- 8.41. The Mayor of London's Housing supplementary planning guidance states:
- "Consideration should normally only be given to off-site provision where an alternative site or sites have been identified which would enable affordable housing provision more appropriate to the identified needs to be set and where the project is deliverable prior to the on site market development being completed. Agreements for off-site provision should be financially neutral in terms of the benefit to the applicant relative to on-site provision requirements"*
- 8.42. Core policy CP22 of the Council interim planning guidance says:
1. The Council will aim to maximise all opportunities for affordable housing on each site, proposing new residential dwellings in order to achieve a 50% affordable housing target, across the borough, from all sources.
  2. The Council will seek a minimum of 35% affordable housing provision on developments proposing 10 new dwellings or more.
- 8.43.. The Council's interim planning guidance policy HSG3 1 states that in seeking to negotiate the maximum reasonable amount of affordable housing, the Council will have regard to:
- The economic viability of the proposal, including individual site costs;
  - The availability of public subsidy;
  - Other planning contribution requirements;
  - The need to ensure new housing developments contributes to creating sustainable communities, including being responsive to housing needs.
- 8.33. Interim planning guidance policy HSG3 (2) states that consideration of off-site provisions will be given where an appropriate alternative site has been identified

and the Council considers this will result in a better outcome than if the affordable housing was provided on-site. Where off-site provision is proposed the Council will seek a minimum contribution of 50% affordable housing.

- 8.34. The developer seeks to link the affordable housing obligation that would arise from the redevelopment at the City Pride, 15 Westferry Road (reported separately on this agenda) to this parallel proposal for the redevelopment of 443-451 Westferry Road (Island Point). It is proposed that off-site provision is provided at Island Point in lieu of the majority of the obligation that would arise from the City Pride development. It is proposed that the majority of the private residential accommodation would be within the high rise, high density tower at The City Pride and The Island Point site would be a lower density scheme with a focus on affordable family accommodation.
- 8.44. The applicant has submitted an Affordable Housing Statement and Economic Appraisal to justify the quantum of affordable housing and explain the rationale behind and benefits of the provision of off site affordable housing. In summary, the Appraisal states the joint development would allow a greater quantum of affordable housing and the location of the majority of the affordable housing at Island Point would offer the following benefits for affordable housing:
- Greater number of terrace-style houses;
  - A better mix of larger family units;
  - Family units at ground floor with private amenity space;
  - Ground floor wheelchair adapted family housing;
  - Low rise accommodation in discrete blocks;
  - Overlooked amenity space;
  - Integrated RSL management service.
- 8.45. The joint development would provide 41% affordable housing across both sites. It is proposed that 5% of the total habitable rooms of the dwellings within the City Pride development would comprise shared ownership affordable housing units. This amounts to 18 dwellings amounting to 50 habitable rooms. At Island Point, 91% of the total habitable rooms within the development would be affordable housing units. This means that 166 dwellings comprising 655 habitable rooms would be provided for social rented units (118 dwellings) and as intermediate units (48 dwellings). It is understood that the developer intends to seek funding from the Homes and Communities Agency.
- 8.46. Across both sites the proposals would provide an affordable housing ratio of 73% social rented and 27% intermediate units measured by habitable rooms and 64% social rented and 36% intermediate units. This would comply with policy 3A.9 of the London Plan.
- 8.47. The applicant's Affordable Housing Statement and Economic Appraisal has been independently assessed by AtisReal. Instructions to AtisReal were to test the applicant's assertion that the scheme can only provide 41% of the habitable rooms (30% of units) as affordable housing, but also whether there is any scope for an increase in the provision of on-site affordable housing, or a commuted sum.

8.48. Atis Real advises:

*“The Applicant has tested the residual land value generated by the development against the price paid for the site. GLA Toolkit guidance indicates that residual land values should be tested against Existing Use Value or Alternative Use Values. The applicant has not submitted any formal (or informal) valuation of existing or alternative uses on the sites. While existing use values are understood to be low, it is likely that alternative use values (i.e. a use that would not attract affordable housing requirements) would be significantly higher.*

*Although the Applicant has not followed GLA guidance in this case by benchmarking against EUV, it should be noted that the residual value of the proposed development of £47.46 million is significantly lower than the purchase price of £64.9 million. Despite this, it is understood that the applicant will commit to providing 40% affordable housing. However, benchmarking against EUV would enable the scheme to provide a significantly higher proportion of affordable housing.*

8.49. The consultant to the developer (Knight Frank) claims that, at 41% affordable housing, the scheme would result in residual value (loss) of minus £17.44 million as follows:

**Table 5.2.1: Knight Frank Assumptions on Affordable Housing Values**

<b>% Affordable Housing (by hab rooms)</b>	<b>% Social rent</b>	<b>% Shared Ownership</b>	<b>Total residual land value</b>	<b>Purchase Price</b>	<b>Residual Land Value less Purchase Price</b>
41%	64%	36%	£47.46	£64.90 m	<b>-£17.44</b>

8.50. AtisReal’s finds that the provision of 41% affordable housing would produce a residual value of minus £630,000. 50% affordable housing would result in a residual value of minus £17.76 million as follows:

**Table 5.2.1: Atisreal Assumptions on Affordable Housing Values**

<b>% Affordable Housing (by hab rooms)</b>	<b>% Social rent</b>	<b>% Shared Ownership</b>	<b>Total residual land value</b>	<b>Purchase Price</b>	<b>Residual Land Value less Purchase Price</b>
41%	64%	36%	£64.27	£64.90 m	-£0.63
50%	62%	38%	£47.11	£64.90 m	-£17.76

8.51. AtisReal further advise that there is sufficient ambiguity in the GLA toolkit guidance around the use of existing use values and alternative use values to suggest that benchmarking against EUV may not be a tenable position in any planning appeal. If the Council refused consent and the Applicant were able to demonstrate at an appeal that an alternative use existed that had a value of at least £47.46 million, (s) he would be able to demonstrate that the level of affordable housing has been maximised. While such an alternative use value may not exist in the current market, it is likely that at the time of purchase, a commercial or alternative mixed use scheme could have attracted such a value.

8.52. AtisReal conclude that the development can viably provide 41% affordable housing by habitable rooms. A development providing 50% affordable housing by habitable rooms, would produce a deficit of £17.7 million.

8.53. The Committee needs to determine:

- Firstly, whether the principle of providing the majority of the affordable housing obligation at the Island Point development is acceptable in principle and,
- Secondly, whether the offer of 40% affordable housing across both sites is reasonable.

**Dwelling mix**

8.54. Policy HSG 2 of the Council’s interim planning guidance says the Council will require that sites providing social rented housing provide it in accordance with the housing mix outlined in Table DC1: Housing Mix as follows:

**Table DC1: Housing Mix**

Housing Type	Social Rented Housing as a percentage (%) of units
Studios	0
One bedroom	20
Two bedroom	35
Three bedroom	30
Four bedroom	10
Five and six bedroom	5

8.55. Policy HSG2 also says that the Council will require that both the intermediate housing and market housing components of housing provision contain an even mix of dwelling sizes, including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms.

A breakdown of the residential units for Island Point is shown below.

	Private	Social rented	Intermediate	Total	%
1 bed	8	18	10	<b>36</b>	20
2 bed	12	9	28	<b>49</b>	27
3 bed	3	29	10	<b>42</b>	23
4 bed	0	44	0	<b>44</b>	24
5 bed	0	18	0	<b>18</b>	6
<b>Total</b>	23	118	48	<b>189</b>	
%	<b>12</b>	<b>62</b>	<b>26</b>		

8.56. The proposal in the socially rented sector conflicts with interim planning guidance policy HSG2 as 15% one bed flats are proposed against a policy target of 20%, there would be an 8% provision of 2 bed flats against a policy target of 35%, a 25% provision of 3 bed flats against a policy target of 30%, a 37% provision of 4 bed flats and houses against a policy target of 10% and a 15% provision of 5 bed units against our policy target of 5%. In the intermediate provision, the proposal for Island Point is a 21% provision of 1 bed units against a policy target of 37.5%, a 58% provision of 2 bed units, against a policy target

of 37.5% and a 21% provision of 3 bed units against a policy target of 25%.

8.57. Overall, across both sites, the residential breakdown is shown below.

	<b>Private</b>	<b>Social rented</b>	<b>Intermediate</b>	<b>Total</b>	<b>%</b>
Studio	57	0	0	<b>57</b>	9
1-bed	166	18	14	<b>198</b>	32
2-bed	180	9	42	<b>231</b>	37
3-bed	32	29	10	<b>71</b>	12
4-bed	0	44	0	<b>44</b>	7
5-bed	0	18	0	<b>18</b>	3
<b>Total</b>	435	118	66	<b>619</b>	100
<b>%</b>	<b>70</b>	<b>19</b>	<b>11</b>		

8.58. The Mayor of London's Housing SPG provides a London-wide target for the mix of affordable unit sizes within developments. The table below compares the proposed mix of units against the targets within the SPG.

	<b>Overall</b>		<b>Social rented</b>		<b>Intermediate</b>	
	SPG	Scheme	SPG	Scheme	SPG	Scheme
<b>1 bed</b>	32%	41%	19%	15%	65%	21%
<b>2/3 bed</b>	38%	49%	39%	32%	0%	79%
<b>4 bed +</b>	30%	10%	42%	53%	34%	0

8.59. If the Committee decides that the principle of the providing the majority of the affordable housing arising from the City Pride development within the Island Point development is acceptable, the Committee also needs to determine whether the proposed dwelling mix across both sites is satisfactory, complies with the borough's aim of providing mixed balanced and sustainable communities or, whether any exception is justified given the special circumstances applying to the two sites.

8.60. The applicant says that the Island Point development seeks to maximise the amount of affordable family accommodation provided within the joint development with the focus of that provision being largely within the social rented sector. The development will deliver 53% family accommodation (3 bed and above) across the social and intermediate tenures.

8.61. An objective of council policy is to promote the provision of family housing and, within the affordable element, for that to be focused within the social rented sector. The Council's Community Plan sets out the vision for the borough until 2020. The document sets out the idea of 'One Tower Hamlets' and identifies certain priorities for the Council over that period. The main priority of the

Council is to create a *'great place to live'*, with the requirement to address the under supply of housing to match need, specifically referring to a mismatch in available affordable housing for families. The Island Point development itself meets this objective.

- 8.62. Island Point is located within the Millwall Ward, with Blackwall and Cubitt Town located in the vicinity of the site. A summary of the census data on housing tenure within those wards is:

Tenure	Ward		Borough Average
	Millwall	Blackwall & Cubitt Town	
<b>Council</b>	19%	28%	38%
<b>RSL</b>	13.4%	11%	15%
<b>Mortgage</b>	27.3%	24.6%	19%
<b>Outright Own</b>	7%	7.6%	8%
<b>Private Rented</b>	29%	24%	15%
<b>Shared Ownership</b>	1%	1.7%	2%

- 8.63. The census data reveals the under supply of rented accommodation in Council and Housing Association ownership when compared to the borough average. The developer asserts that the Island Point development would help to address that need and provide a high proportion of affordable family accommodation, focused in the social rented sector.

#### **Access and servicing arrangements**

- 8.64. The site is located in an area of reasonable access to public transport (PTAL 3). There are accessible bus services on Westferry Road and East Ferry Road with DLR services at Mudchute and Island Gardens. River bus services are available from Masthouse Terrace Pier 500m west of the site.
- 8.65. Traffic and Transportation confirm that the applicant's estimates of Trip Generation and its Assignment are satisfactory and the proposed increase in traffic would not have a detrimental effect on the highway network which would operate within capacity.
- 8.66. 95 parking spaces would be provided which accords with the maximum standard of 0.50 per dwelling set out in the Council's interim planning guidance. 10 % disabled parking (10 spaces) are proposed which also accords with Table PS6: Accessible Parking Spaces of the interim planning guidance. The developer has agreed that a car club should be made available to residents of the development who may not have access to a parking bay. Cycle parking would be provided at 1 per unit for the development in accordance with standards.
- 8.67. Access for servicing and refuse vehicles would be in the centre of the site from

Westferry Road. As mentioned, to move the access eastwards to the position recommended by CAGE would result in disturbance to residents in Lockesfield Place and is considered undesirable.

- 8.68. A pedestrian access is also proposed to link into Julian Place, which is a short cul-de-sac running eastwards off Chapel House Street. Objection has been raised to this arrangement as this would provide the main route to Mudchute DLR station, increasing foot traffic, noise and possible loitering.
- 8.69. The redevelopment of the site would result in increased pedestrian movement. The Mudchute and Island Gardens DLR Stations are approximately equidistant from the site. It is estimated that trips generated by the DLR would be 26 arrivals in the morning peak and 61 departures – a total of 87 pedestrian trips to both stations. In the evening peak, the estimates are 41 arrivals and 32 departures – a total of 73 trips. If the trips were assigned equally to the two stations, the additional pedestrian traffic using Julian Place would be approximately 44 trips in the morning peak and 37 trips in the evening peak. It is considered this would have a negligible effect on residential amenity in Julian Place.
- 8.70. Overall, access and servicing arrangements are considered satisfactory and policy compliant. The developer has agreed to submit and implement a residential travel plan, a delivery service plan and a construction logistics plan.

### **Landscaping**

- 8.71. 37% of the overall site area would comprise public open space. The applicants design principles to guide and inform the landscaping of the development are:
- To connect the site to the established communities in the area, to ensure it is well integrated into the local area;
  - To provide a safe environment for residents;
  - To create a series of legible spaces with a variety of uses that contribute to the local open space network;
  - To provide new children’s play areas and communal amenity space
  - To meet the 20% open space requirements identified by Tower Hamlets;
  - To meet the play space requirement set out by the GLA,
  - To respond to and provide a setting for the architectural form.
- 8.72. The proposed landscape concept takes the idea of a flowing river, with its source at the south of the site, meandering to the north through a series of open spaces. These are described as a “home zone at the rear of Blocks A & B fronting Westferry Road, a “Central Space” in the middle of the site and “Open Space” between the townhouses. These spaces, which would be defined by trees, pergolas and play walls at their perimeter, would allow residents and the local community of all ages and abilities to enjoy a variety of experiences, including both active and passive recreation. Green and brown roofs are also proposed throughout the development and there would be private garden areas and amenity terraces.



- 8.73. Set against the GLA's Supplementary Planning Guidance for play provision the developer says the following play provision would be made for children aged 0-4 and 5-11. The provision for older children would be via a contribution to the Council.

Age Groups	Child Yield	Amount of play space required by GLA m2	Amount of play space provided m2
0-4 Provided within 100m of dwellings	62.15	622	660m2
5-10 Provided within 100m of site	85.24	852	963m2
11-15 Provided within 800m of site	60.2	602	Provided within 400m2 off site

- 8.74. It is considered that the landscaping proposals have the potential to 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 the treatment of the perimeter wall to property in Chapel House Street and Locksfield Place that has been a concern of neighbours.

#### **Sustainable development / renewable energy**

- 8.75. The Greater London Authority and the Council's Energy Officer are largely content with the proposed energy strategy, subject to any planning permission being conditioned to require the approval of further details to ensure compliance with policies 4A1 to 4A9 of The London Plan, policies CP38, DEV5 to DEV9 of the Council's interim planning guidance together with national advice in PPS22: Renewable Energy

#### **Planning obligations**

- 8.76. 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.
- 8.77. 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.

8.78. Following consultation, in addition to a contribution to affordable housing, the following section 106 obligations have been requested:

8.80. **Greater London Authority (Transport for London)**

- The condition of two bus stops within 400 metres of the development to be assessed and where deficient upgraded at an estimated £10,000 per stop.
- A contribution of £113,400 towards improving local bus services.
- A £20,000 contribution for the installation of DAISY boards.
- The provision of a cycle route along the Westferry Road frontage.
- A delivery and service plan and construction logistics plan.
- Car free arrangements

8.81. **Policy and Development Manager - Cultural Services**

Open space contribution	£290,830
Leisure facilities contribution	£270,188
Libraries /Idea Store contribution	£ 69,160
 Total contribution requested.	 £630,178

8.82. **Head of Transportation and Highways**

Advises a highway improvement contribution of £240,000 is required for:

1. Improving the visibility on Westferry Road as a result of the new junction and access point to the site.
2. Traffic calming measures on Westferry Road to include a speed table and entry treatment at the access point to the site.
3. The provision of a cycle lane on Westferry Road.
4. Improvement and resurfacing works to the carriageway adjacent to the site as a result of damage cause due to construction vehicles and the redevelopment of the site.

These contributions do not include section 278 works which would be subject to a separate agreement at a later stage.

8.82. **Children’s Services (Education Development)**

A pooled contribution towards the provision of 53 additional primary school places @ £12,342 = £654,126.

8.83. **Strategic Transport Team**

- Car free agreement.
- Contribution to a cycle route along Westferry Road.
- The formation of a car club for residents of the development with dedicated parking provided for the club's vehicles.
- The implementation of a Travel Plan.
- A £75,000 contribution to fund a station for 15 bicycles to form part of the London Cycle Hire Scheme.

8.84. **Tower Hamlets Primary Care Trust**

- Total Capital Planning Contribution £ 367,869
- Total Revenue Planning Contribution £1,228,415
- Combined contribution sought for health £1,596,284

8.85. Traffic information DAISY board(s) would be installed by the developer and no financial contribution is required. In line with established practice, the developer has been requested to make a capital contribution to the Tower Hamlets Primary Care Trust. The following package of planning obligations, which is considered to meet the tests of Circular 05/2005, has been offered by the developer and is recommended.

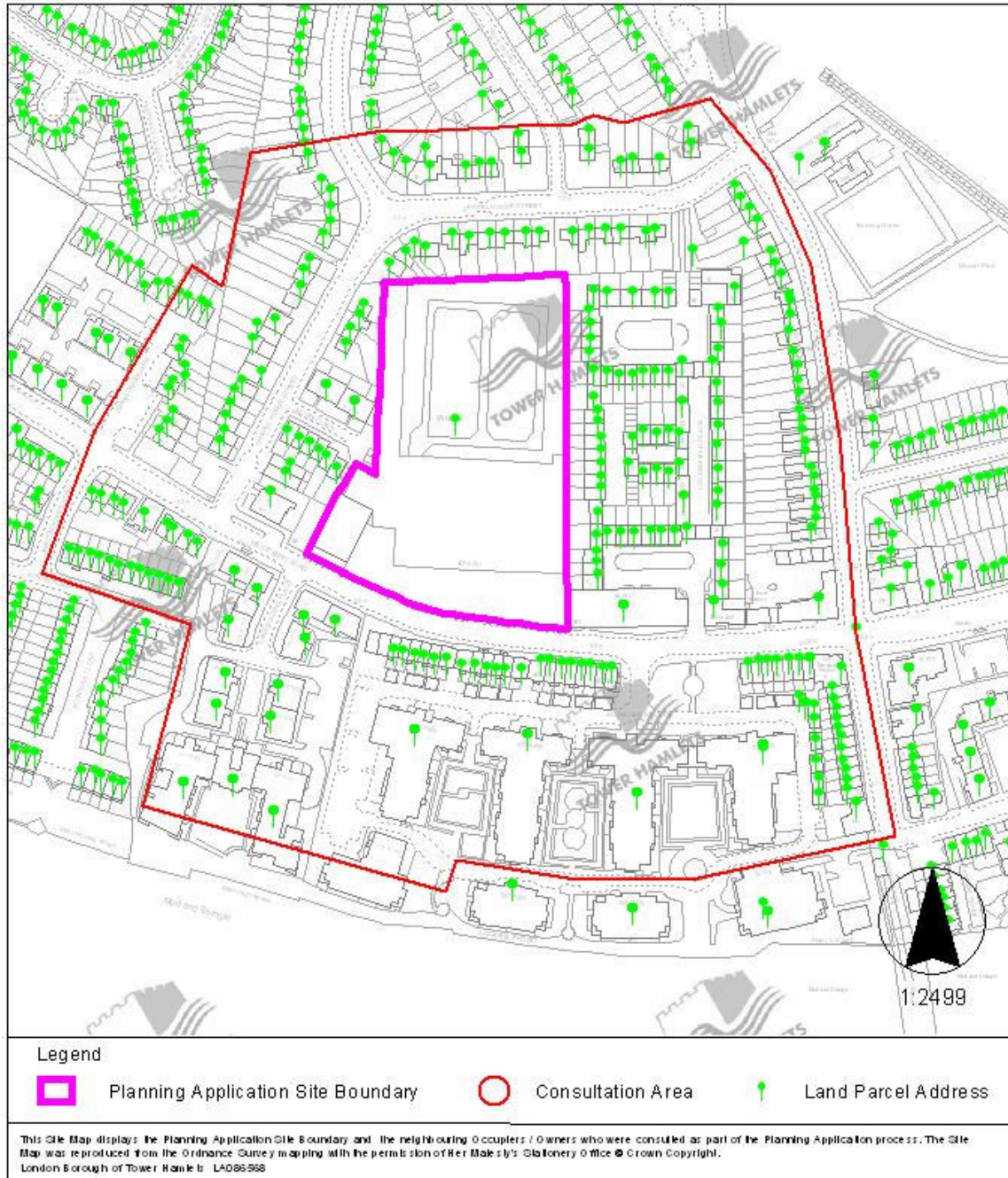
Project	Estimated cost
<p><b>Affordable housing</b> To provide 41% of the residential accommodation across both the City Pride and Island Point (443-451 Westferry Road) sites as affordable housing measured by habitable rooms with a tenure split of the affordable accommodation being 73% social rented and 27% intermediate housing with a mechanism to ensure that the affordable housing at the Island Point site is provided prior to the on-site market housing at both sites is completed.</p>	<p>_____</p>
<p><b>Bus Network Contribution</b> comprising £113,400 to fund improvements to local bus services and £20,000 to fund the upgrading of bus stops.</p>	<p>£133,400</p>
<p>To fund and implement a <b>Transport Plan</b> comprising:</p> <ul style="list-style-type: none"> <li>• The submission and implementation of a residential travel plan, a delivery service plan and a construction logistics plan.</li> <li>• The establishment and funding of a residents car club.</li> <li>• The provision of DAISY boards to provide driver and transport information. (£20,000).</li> <li>• A £75,000 contribution to allow TfL to fund a bicycle hire station.</li> </ul>	<p>£75,000</p>

<ul style="list-style-type: none"> <li>• Car free arrangements that prohibit residents from purchasing on street parking permits from the borough.</li> </ul>	
A <b>Community and Open Space Contribution</b> to help fund open space improvements, leisure facilities and Library / Idea Store facilities on the Isle of Dogs.	£630,178
An <b>Education contribution</b> .	£654,126
A <b>Highway Improvement Works Contribution</b>	£240,000
A <b>Healthcare contribution</b> to help fund the capital programme of the Tower Hamlets Primary Care Trust.	£367,689
To participate in the Council's Access to Employment and / or Skillsmatch programmes.	_____
<b>Total recommended financial contribution.</b>	<b>£2,100,393</b>

## 9. CONCLUSION

- 9.1. All relevant policies and considerations have been taken into account. 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.

## Site Map



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<b>Agenda Item number:</b>	7.3
<b>Reference number:</b>	PA/08/2292
<b>Location:</b>	443-451 Westferry Road, E14 (Island Point)
<b>Proposal:</b>	Erection of six buildings from 2 to 8 storeys in height to provide 189 residential units, with provision of basement and surface car parking, associated servicing and landscaping, together with other works incidental to the proposals.

- 1.1 On page 91, paragraph 4.6, the case officer report states that 96 car parking spaces and 37 motorcycle spaces are proposed. However, this should be corrected as the scheme proposes 95 car parking spaces and 18 motorcycle spaces as noted in paragraph 8.66.
- 1.2 Through the report (pp 86, 87, 115-7,124), references to 41% affordable housing per habitable room are incorrect. The correct affordable housing percentage is 40% by habitable room.

## **2.0 Further neighbour comments received**

- 2.1 A further 61 submissions were received following finalisation of the Committee report, comprising of:
  - 53 letters of objection, including:
    - 46 were pro-former (identical) letters
    - 3 petitions with a grand total of 47 signatures
  - 7 letters of support, including:
    - 5 were pro-former letters
    - 1 petition with 110 signatures
  - 1 neutral response requiring further details

### Objecting

- 2.2 The objections raised the following issues:
  - Density
  - Housing mix including trade-off between City Pride and Island point sites
  - Height and impact to the conservation area
  - Appearance and impact external facing materials proposed
  - Design detail of Julian Place (walls and gates) of Julian Place as either a pedestrian and/or access road
  - Overlooking
  - Loss of light
  - Pollution
  - Social problems associated with Julian Place (crime, littering, privacy impact)
  - Traffic and parking impacts
  - Unsatisfactory provision of rubbish bins
- 2.3 These have been previously considered in the case officer report.
- 2.4 The following additional objections have been raised and are considered below:

- Noise – created by the development in general  
(Officer comment: Any noise generated by the scheme is considered to reflect the residential use which is acceptable in this location. It should be noted that no significant adverse noise impact was identified within the Environmental Statement or in the assessment by Council's Environmental Health Team. Further, any unreasonable or excessive noise is covered by the environmental health legislation rather than planning legislation).
- Pollution (unspecified)  
(Officer comment: The range of potential impacts was considered in the Environmental Impact Assessment and not found to be significant to warrant refusal).

2.4 The following issues have been raised but are not material to the assessment of the application:

- Query concerning the effectiveness of the future management regime (Glenkerrin) in dealing with issues such as security and policing;
- Seeking assistance for new and old communities in the area to come together for leisure and play; and
- Issue that properties in Julian Place were not consulted by the developer prior to lodging the previous and current applications formerly with the Council.
- An excess of flats in the area and more flats seems completely unnecessary

#### Supporting

2.5 The following points were made by neighbours in support of the development:

- Affordable housing will address housing need in the area and take many people off waiting lists;
- Good quality affordable housing is proposed in this scheme and should be supported;
- The greenspace proposed as part of the application is welcomed;
- Represents an excellent development for a site that is currently derelict and an eyesore.

### **3.0 Additional consultation responses**

3.1 The following external consultees also provided additional comments.

#### GLA

##### *3.2 Affordable housing*

- On balance and given the circumstances of the two site, the affordable housing provision is considered to be a good offer over both sites providing this is the maximum amount deliverable.



- Any increase in the quantum of affordable housing would result in a higher proportion of affordable housing at City Pride and the unsuitability of the City Pride site for affordable housing has already been established in the discussions around the provision for off-site affordable housing. The provision of more affordable housing would increase the need for amenity space on the constrained City Pride site, as the number of children in the development would be likely to increase. In addition the smaller units in the City Pride development would be unlikely to attract grant funding. In contrast, the Island Point development will provide good quality affordable housing with large family units with access to high quality amenity and children's playspace.

### 3.3 Housing

- Overall, a good standard of accommodation is provided for families.

### 3.4 Children's play space

- Whilst it is disappointing the indoor kick about area has been removed from the scheme, given the quantum and quality of the proposed child play space and the proximity and quality of the surrounding play facilities for children over 12 years of age, the proposal will meet the needs of residents.
- The stage 1 report stated that there is an under provision of child playspace of 517sqm. The applicant has confirmed that, with the inclusion of the semi-private gardens to the east of block C of approximately 566sqm, the proposal provides an overprovision of playspace. This alteration is supported.

### 3.5 Climate change and mitigation

- Whilst the lack of photovoltaic panels is disappointing, the GLA raises no further objections to the proposed energy strategy for Island Point.

(Officer comment: The GLA confirms that additional information has addressed all queries and the scheme is compliant with London Plan Policy in these respects).

#### CABE

- 3.6 Advise that there are no further comments to make in respect of the Environmental Statement.  
(Officer comment: Note that CABE already commented on the design. Refer to section 8 of the case officer report for details)

#### London Borough of Lewisham

- 3.7 Lewisham have considered the application and raised no objection.

#### London Fire and Emergency Planning Authority

- 3.8 The Authority considers the proposal to be satisfactory.

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# Agenda Item 7.1

<b>Strategic Development</b>	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Application for planning permission	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/08/2293	
		<b>Ward:</b> Millwall	

## 1. APPLICATION DETAILS

**Location:** The City Pride Public House, 15 Westferry Road, E14.

**Existing use:** Public House

**Proposal:** Erection of a 62-storey tower including basements, comprising 430 residential apartments (Class C3), amenity spaces and car parking; a nine storey podium building comprising a 203 bedroom hotel (Class C1), together with ancillary restaurants, conference facilities, health club and servicing and parking areas including drop-off facility; provision of a Class A3 and/or A4 use and/or amenity space at levels 60/61; provision of a unit for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink) and/or A4 (Drinking establishment) at ground floor; associated landscaping; together with incidental works.

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

**Drawing Nos:** AP1000 Rev 01, AP1001 Rev 01, AP1010, AP1096 Rev 01, AP1097 Rev 01, AP1998 Rev 01, AP1999 Rev 01, AP1100 Rev 02, AP1101 Rev 02, AP1102 Rev 02, AP1103 Rev 02, AP1104 Rev 02, AP1108 Rev 01, AP1109 Rev 01, AP1110 Rev 01, AP1114 Rev 02, AP1115 Rev 01, AP1117 Rev 01, AP1133 Rev 01, AP1135 Rev 01, AP1136 Rev 01, AP1138 Rev 01, AP1139 Rev 01, AP1140 Rev 01, AP1142 Rev 01, AP1158 Rev 01, AP1159 Rev 01, AP1160 Rev 01, AP1161 Rev 01 and AP1162 Rev 01.

### 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

Environmental Statement Volumes 1, 2 & 3 with Non-Technical Summary and Additional Regulation 19 Information.  
Design and Access Statement.  
Energy Statement.  
Statement of Community Involvement.  
Affordable Housing Statement and Economic Appraisal.

**Applicant:** Glenkerrin (UK) Limited.

**Owners:** Glenkerrin (UK) Limited

**Historic buildings:** Walls of adjoining Impounding Lock listed Grade 2.

**Conservation area:** N/A

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1. The local planning authority has considered the particular circumstances of the application against 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, The London Plan 2008 and Government Planning Policy Guidance and has found that:

- The provision of residential accommodation on the City Pride site is supported by policy 3A.1 of The London Plan, accords with the Proposals Map of the Council's interim planning guidance 2007 and policies IOD19 and IOD22 of the Council's Isle of Dogs Action Area Plan interim planning guidance 2007 which seek to increase London's supply of housing.
- The hotel will contribute to the strategic target for new hotel accommodation and complement Canary Wharf's role as a leading centre of business activity and support London's world city status. The scheme accords with policy 3D.7 of The London Plan 2008, policies ART7 and ART8 of the Tower Hamlets Unitary Development Plan 1998, policy CP13 of the Council's interim planning guidance 2007, and policy IOD18 of the Isle of Dogs Area Action Plan 2007 interim planning guidance, which seek to develop and support Canary Wharf's role as a leading centre of business activity within London with appropriately located hotel development.
- The proposed residential density of the City Pride site is above the guidance range contained within table 3A.2 of The London Plan. However, the development would not be out of context with the surroundings and the site's location on the Isle of Dogs and would not result in any of the consequences 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 Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of the Council's interim planning guidance 2007 which seek appropriate development

throughout the borough.

- The provision of Class A1 (Shop), A2 (Financial and professional services), A3 (Restaurant /café) and A4 (Drinking establishment) uses are acceptable in principle as they provide useful community services and visual interest in line with policies DEV3 and S7 of the Tower Hamlets Unitary Development Plan 1998 and policies RT4 and RT5 of the Council's interim planning guidance 2007, which seek to ensure services are provided that meet the needs of the local community and the evening and night-time economy without undue detriment to residential amenity.
- The building height, scale and design is acceptable in line with the English Heritage and CABE criteria for tall buildings; policies 4B.1, 4B.8, 4B.9 and 4C.20 of The London Plan, policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies CP4, CP48, DEV1, DEV2 and DEV 27 of the Council's interim planning guidance 2007 which seek to ensure tall buildings are of a high quality design and suitably located.
- The development will preserve the setting of the listed Impounding Lock walls adjoining and will comply with Planning Policy Guidance Note 15 and policy CON1 of the Council's interim planning guidance 2007.
- Considered with the parallel redevelopment of Island Point, 443-451 Westferry Road (Ref. PA/08/2292) and taking account of the submitted Affordable Housing Statement and Economic Appraisal, the provision of 41.5% affordable housing across the two sites with a tenure comprising a minimum of 71% social rented and 29% intermediate housing and up to an 80:20 split, broadly complies with The London Plan policies 3A.9, 3A.10 and policies CP22, HSG3 and HSG4 of the Council's interim planning guidance 2007.
- Considered with the parallel redevelopment of 443-451 Westferry Road, (Island Point) (Ref. PA/08/2293), the proposed residential mix across the two sites would be satisfactory as an exception to policy HSG2 of the Council's interim planning guidance 2007.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and in line with policy T16 of the Council's Unitary Development Plan 1998 and policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, which seek to ensure developments can be supported within the existing transport infrastructure.
- The development complies with the Blue Ribbon Network Principles set out in The London Plan 2008 and is in line with policies 4C.3, 4C.11, 4C.14, and 4C.23.
- Sustainability and renewable energy matters are appropriately

addressed in line with policies 4A.7 – 4A.9 of The London Plan and policies DEV5 – 9 and DEV 11 of the Council's interim planning guidance 2007, which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.

- Contributions have been secured towards the provision of highway and public transport improvements, community and open space provision, education provision and health care, together with the implementation of travel plans in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Council's 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.
- The submitted Environmental Impact Assessment supplemented by Additional Information is satisfactory, including the cumulative impact of the development, with mitigation and safeguarding measures to be implemented through conditions and a recommended legal agreement.

### 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:

- (a) To provide a minimum of 41.5% of the residential accommodation across both the City Pride, 15 Westferry Road and Island Point (443-451 Westferry Road) sites as affordable housing measured by habitable rooms with a tenure split of 71% social rented and 29% intermediate housing.
- (b) An additional £1,869,759.50 over and above the 41.5% affordable housing provision, to convert some of the intermediate housing at Island Point into social rented housing up to an 80:20 social rented : intermediate housing split dependent on housing grant.
- (c) A mechanism to ensure that the affordable housing at the Island Point site is provided prior to the completion of the on-site market housing at both sites.
- (d) A £220,000 **Bus Network Contribution** comprising £200,000 to fund improvements to local bus services and £20,000 to fund the upgrading of bus stops.
- (e) To fund and implement a **Transport Plan** comprising:
  - The submission and implementation of a hotel and residential travel plan,

- a delivery service plan and a construction logistics plan.
- To provide, install and maintain DAISY board(s) to provide driver and transport information.
- Car free arrangements that prohibit residents of the development other than disabled people from purchasing on street parking permits from the borough council.

(f) A **Community and Open Space Contribution** of £878,165 to help fund open space improvements, leisure facilities and Library / Idea Store facilities on the Isle of Dogs.

(g) A **Highway Improvement Works Contribution** of £217,140.

(h) An **Education Contribution** of £382,602.

(i) A **Healthcare contribution** of £741,548 to help fund the capital programme of the Tower Hamlets Primary Care Trust.

(j) To participate in the Council's Access to Employment and / or Skillsmatch programmes.

(k) To commission **Public Art** within the development at a cost of at least £35,000.

(l) To undertake any necessary **Television and radio reception** mitigation measures.

(m) Any other planning obligation considered necessary by the Corporate Director Development & Renewal.

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. Facing materials to be approved, including a sample mock up panel of typical external cladding systems, including louvres, glazing and spandrels.
3. Details of landscaping for the external areas of the development to include hard and soft finishes, any gates, walls fences, green roofs and external lighting to be submitted and approved.
4. Approved landscaping scheme to be implemented.
5. Details of acoustic glazing and ventilation for all four facades of the building adequate to protect residents from Noise Exposure Categories D and C shall be submitted approved and implemented.
6. No Class A3 (Café / restaurant) or Class A4 (Drinking establishment) use

- shall commence until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Such measures to be implemented and maintained for the duration of the use.
7. Measures to mitigate wind impact at ground level around the building and at terrace levels shall be submitted approved and implemented.
  8. Details of aircraft obstacle lighting to be submitted approved and implemented.
  9. Prior to the commencement of the relevant works of the development, the developer shall submit the following details to be approved in writing by the local planning authority;
    - (a) Energy efficiency and passive design measures demonstrating these measures have been maximised for the residential units and also demonstrate why the dwellings cannot be passively cooled and why a centralised cooling network cannot be provided,
    - (b) Demonstrate the residential dwellings within the City Pride scheme and all of City Pride Heating requirements will be served by the City Pride district heating network , from either the combined heat and power (CHP) plant plus additional top-up heat generating plant or the Barkantine District heating network or a combination of both.
    - (c) Details of the extension of the Barkantine heat network to the City Pride Energy Centre.
    - (d) Details of the renewable energy technologies including the details of the dock water and aquifer cooling system and the details of the PV panels including demonstration that these technologies have been maximised.
  10. Prior to the occupation of the of the residential element of the development, the following details shall be submitted to and approved in writing by the local planning authority;
    - (a) Evidence demonstrating the dwellings within the City Pride scheme, the City Pride Energy Centre is installed and operational and serves the City Pride heating loads using the City Pride District Heating network, from either the combined heat and power (CHP) plant plus additional top-up heat generating equipment, or the Barkantine District heating network or a combination of both.
    - (b) Evidence of a physical connection from the Barkantine heat network extension to the City Pride Energy Centre.
    - (c) Evidence confirming there is no form of auxiliary heating sources installed at the dwelling level, including any use of electricity and or gas within the dwellings for the purposes of generating heat.
    - (d) Evidence demonstrating that the cooling requirements of the City Pride development are partially supplied using water from the adjoining dock unless detailed feasibility studies indicates this is not possible.
  11. In accordance with the proposals made in the Energy Strategy dated October 2008, the approved low carbon and renewable energy technologies shall be implemented and retained for so long as the development shall exist except to any extent approved in writing by the local planning authority.
  12. Prior to the commencement of the relevant works of the development,



- the developer shall submit the details to be approved in writing by the local planning authority of the;
- (a) BREAM pre-assessment demonstrating the commercial element of the development is capable of achieving a minimum of an 'Excellent' rating.
  - (b) Code of Sustainable Homes pre-assessment demonstrating that the residential units of the development are capable of achieving a minimum of Code Level 3 and Code Level 4 where possible.
13. Prior to the occupation of the development, the developer shall submit details to be approved in writing by the local planning authority of the;
- (a) Final BREEAM assessment showing the commercial element of the developments achieves an 'Excellent' rating as a minimum which is verified by the awarding body.
  - (b) Final Code for Sustainable Homes Assessment showing the residential units achieve Code Level 3 as a minimum and Code Level 4 where possible which is verified by the awarding body.
14. The approved details of the sustainable design and construction measures shall be implemented and retained for so long as the development shall exist except to any extent approved in writing by the local planning authority.
15. The development shall be carried out in accordance with the Flood Risk Assessment Ref. WCL37555 (ES) 002/A03 dated October 2008.
16. Surface water control measures shall be carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
17. Development shall not begin until drainage details incorporating sustainable drainage principles and water efficiency measures have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
18. The construction of storage facilities for oils, fuels or chemicals shall be carried out in accordance with details submitted to and agreed in writing by the local planning authority.
19. There shall be no infiltration of surface water drainage into the ground other than with the express written consent of the local planning authority.
20. No piling or other foundation design using penetrative methods shall be undertaken other than with the express written consent of the local planning authority. The development shall be carried out in accordance with the approved details.
21. Development should not be commenced until Impact Studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority. The Studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
22. Decontamination of the site.
23. 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.
24. 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.
25. The development authorised by this permission shall not commence until

the Council (as local planning authority and the highway authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations to the adopted length of Westferry Road and Marsh Wall.

26. 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. Express consent required for the display of advertisements.
4. Wheel cleaning facilities during construction.
5. Change of use only as permitted by Part 3 of the Town and Country Planning (General Permitted Development) Order 1995.
6. Protected species advisory note (Bats).
7. Consultation with the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 24 above that will necessitate an agreement under section 278 of the Highways Act.
8. As the development would be taller than 150 metres, it should be equipped with aircraft obstacle lighting at the highest corners. The lighting should be steady red lights of medium intensity and advice should be sought from London City Airport to determine the location and number of lights to be fitted.
9. In the event that during construction, cranes or scaffolding are required that would be higher than the approved development, their use should be subject to consultation with London City Airport. Your attention is drawn to the British Standard Code of Practice for the safe use of cranes – BS 7121: Part 1: 1989 (as amended).
10. You are advised to consult British Waterways Board regarding its adjoining interests and the mitigation of the impact of the pumping station on the development.
11. You should consult the Environment Agency, 30-34 Albert Embankment, London SE1 7TL (Ref. TL/2008/101636/02-L01) regarding the need for a transfer licence under the Water Act 2003, surface water control measures (Condition 15), drainage details (Condition 16), the design of the storage facilities for oils, fuels or chemicals (Condition 17), the disposal of surface water from the underground car park and the design of the foundations of the building (Condition 18).
12. There are public sewers crossing the site. In this regard and also with regard to surface water drainage, foul sewage and the impact studies of the existing water supply infrastructure required by Condition 20, you should consult Thames Water Developer Services Tel. 0845 850 2777 Ref. 7275.
13. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

## 4. **PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1. Application is made for full planning permission for the redevelopment of the City Pride Public House, 15 Westferry Road by the erection of a 62-storey tower including basements, comprising 430 residential apartments (Use Class C3), amenity spaces and car parking; a 9-storey podium building comprising a 203 bedroom hotel (Use Class C1), together with ancillary restaurants, conference facilities, health club and servicing and parking areas including drop-off facility; provision of Class A3 (Food and drink) and/or A4 (Drinking establishment) use and/or amenity space at levels 60/61; provision of a unit for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink) and/or A4 (Drinking establishment) at ground floor; associated landscaping; together with other incidental works.
- 4.2. The application is linked to a proposal at Nos. 443-451 Westferry Road (Island Point) towards the southern end of the Isle of Dogs (Ref. PA/08/2292). The application affecting Island Point is reported separately on this agenda following deferral by the Committee at its meeting on 19<sup>th</sup> February 2009. The applications are linked regarding the provision of affordable housing and dwelling mix. It is proposed that the majority of the affordable housing provision is made at Island Point in lieu of the bulk of the obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation will be within the high rise, high density tower at the City Pride site and Island Point will be a lower density scheme with a focus on affordable family accommodation.
- 4.3. Specifically, at the City Pride site it is proposed that 5% of the total habitable rooms of the dwellings within the development would be a shared ownership affordable housing units. This amounts to 18 dwellings comprising 50 habitable rooms. At Island Point, 91.6% of the total habitable rooms of the dwellings are proposed to be affordable housing units. This amounts to 166 dwellings comprising 700 habitable rooms to be provided for social rented units (118 dwellings) and as intermediate units (48 dwellings). The applicant has also offered an “enhanced position” contingent upon the receipt of social housing grant. This would result in an 80:20 split between social rented and intermediate housing. The affordable housing offer is summarised at paragraph 8.64 below and in the parallel update report on the Island Point development where it is also discussed following the Committee’s deferral of the consideration of the Island Point application at its meeting of 19<sup>th</sup> February 2009.

#### **Site and surroundings**

- 4.4. The City Pride Public House lies at the northern end of the Isle of Dogs just south of Westferry Circus. The site is bounded by the A 1206 Westferry Road to the west, Marsh Wall to the east and a 1920’s British Waterways pumping station to the north. The pumping station adjoins a Grade 2 listed impounding lock that leads from the River Thames to West India Dock South.
- 4.5. The 0.2 hectare site is currently occupied by a 2-storey public house, a beer garden and an associated car park with approximately 30 spaces. There is vehicular access from both Westferry Road and Marsh Wall.

- 4.6. Immediately to the south of the site is a high rise residential development at Nos. 22-28 Marsh Wall, known as or the 'Landmark' which is currently under construction. To the west of Westferry Road, south of Westferry Circus, lies the large vacant site known as 'Riverside South'. South of Riverside South and the impounding lock lie the residential blocks 'Cascades' and 'Quayside'. Between Cascades and Westferry Road is a tennis court and an extensive area of open space.
- 4.7. There are two schools in the local area; Seven Mills Nursery School approximately 500 metres south of the site and Arnhem Wharf Primary School some 900 metres to the south.
- 4.8. The site lies some 380 metres west of Heron Quays DLR Station, 450 metres west of South Quay DLR Station and 480 metres west of Canary Wharf Station on the Jubilee Line of the Underground Railway.
- 4.9. The nearest bus stops to the site are situated on Marsh Wall, Westferry Road, Westferry Circus Upper Level and West India Avenue. All bus stops are located within 190 to 250 metres of the site, equating to a walk time of less than 5 minutes. There are a total of five bus routes which serve these bus stops: Routes 277; D3; D7; D8 and 135. Riverboat services also operate from the nearby Canary Wharf pier. The public transport accessibility level of the site is 6a (on a scale where 6 is high and 1 is low).
- 4.10. The A1261 Aspen Way, which forms part of the Transport for London Road Network, is approximately 680 metres to the north.
- 4.11. There are two other public houses in the vicinity. These are No. 25 Westferry Road 135 metres south of the City Pride and at No. 41 Westferry Road 180 metres distant.

#### **Material planning history**

- 4.12. A similar application to the current proposal was lodged in August 2008. It was withdrawn undetermined following concern about a then proposed 14-storey hotel podium block which has been reduced to 9-storeys in the current application.
- 4.13. On 15<sup>th</sup> March 2007, the Strategic Development Committee approved the redevelopment of 22-28 Marsh Wall (adjoining the City Pride) to provide 802 dwellings and 3,267 sq. m of commercial floorspace.
- 4.14. On 9<sup>th</sup> October 2008, the Strategic Development Committee approved the redevelopment of 'Newfoundland' (bounded by Park Place, Westferry Road & Heron Quays Road) by a development that included the erection of a 37 storey tower and a part 4/5 storey podium comprising a 150 bedroom hotel and 78 serviced apartments.
- 4.15. On 19<sup>th</sup> February 2009, the Strategic Development Committee approved in principle amendments to a development approved on the 22<sup>nd</sup> February 2008 (PA/07/935), for the redevelopment of the Riverside South site by Class B1

office buildings (341.924 sq. metres) and Class A1, A2, A3, A4 and A5 uses comprising of two towers (max 241.1 metres and 191.34 metres high) with a lower central link building (80.05 metres high) together with an ancillary parking, service and access roads, public open space, riverside walkway and landscaping including public art and other ancillary works (PA/08/2249).

## 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
	2A.5	Isle of Dogs Opportunity Area
	3A.1	Increasing London’s Supply of Housing
	3A.2	Borough housing targets
	3A.3	Maximising the potential of sites
	3A.5	Housing choice
	3A.6	Quality of new housing provision
	3A.7	Large residential developments
	3A.8	Definition of Affordable Housing
	3A.9	Affordable housing targets
	3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
	3A.18	Protection and Enhancement of social infrastructure and community facilities
	3A.20	Health objectives
	3A24	Education facilities
	3B.1	Developing London’s economy
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.3	Sustainable Transport
	3C.9	Increasing capacity and quality of public transport
	3C.23	Parking strategy
	3D.7	Visitor accommodation and facilities
	3D.8	Open space and green infrastructure
	3D.12	Open space strategies
	3D.13	Children and young people’s play strategies
	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
	4A.12	Flooding
	4A.13	Flood risk management

4.A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
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.9	Tall buildings - location
4B.10	Large scale buildings, design and impact
4B.11	London's built heritage
4.B.12	Heritage conservation
4C.8	Freight uses on the Blue Ribbon Network
5C.3	Opportunity areas in North East London
6.A.4	Planning obligation priorities
6A.5	Planning obligations

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

#### Proposals:

##### 1. Flood Protection Area

#### Policies:

ST23 - High Quality Housing  
 ST25 - Housing to be adequately served by all infrastructure  
 ST28 - Restrain unnecessary use of private cars  
 ST30 - Improve safety and movement for all road users  
 ST37 - Enhancing Open Space  
 ST43 - Public Art  
 ST47- Provision of training Initiatives  
 ST49 - Provision of social and community facilities  
 ST50 - Provision of medical services  
 DEV1 - Design Requirements  
 DEV2 - Environmental Requirements  
 DEV3 - Mixed Use Developments  
 DEV4 - Planning Obligations  
 DEV12 - Provision of Landscaping  
 DEV50 - Noise  
 DEV51 - Contaminated land  
 DEV55 - Development and Waste Disposal  
 DEV56 - Waste Recycling  
 DEV69 - Efficient Use of Water  
 HSG7 - Dwelling Mix and Type  
 HSG13 - Internal Space Standards  
 HSG16 - Housing Amenity Space  
 T16 - Traffic Priorities for New Development  
 T18 - Pedestrians and the Road Network  
 T21 - Pedestrians Needs in New Development

OS9 - Children's Play space  
 ART7 - Tourist accommodation  
 U2 - Development in Areas at Risk from Flooding  
 U3 - Flood Protection Measures

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

Proposals: 1. Flood Risk Area  
 2. Development site ID 26

Core Strategies	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job creation and growth
	CP12	Creative and Cultural Industries and Tourism
	CP13	Hotels, Serviced Apartments & Conference Centres
	CP17	Evening and night-time economy
	CP19	New housing provision
	CP20	Sustainable residential density
	CP21	Dwelling mix
	CP22	Affordable housing
	CP25	Housing amenity space
	CP27	Community facilities
	CP29	Improving education and skills
	CP30	Improving Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency & Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP43	Better public transport
	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
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social impact assessment
DEV27	Tall buildings
RT5	Evening and Night –time Economy
RT6	Loss of Public Houses
HSG1	Determining residential density
HSG2	Housing mix
HSG3	Affordable housing
HSG4	Social and Intermediate Housing ratio
HSG7	Housing amenity space
HSG9	Accessible and Adaptable Homes
OSN3	Blue Ribbon Network and Thames Policy Area
CON1	Listed buildings

5.5. **Interim planning guidance: Tower Hamlets Isle of Dogs Action Area Plan September 2007**

Policies	IOD1	Spatial strategy
	IOD2	Transport and movement
	IOD3	Health provision
	IOD4	Education provision
	IOD5	Public open space
	IOD7	Flooding
	IOD8	Infrastructure capacity
	IOD10	Infrastructure and services
	IOD18	Employment uses in the Central sub-area
	IOD19	Residential uses in the Central sub-area
	IOD20	Retail and leisure uses in the Central sub-area
	IOD21	Design and Built Form in the Central sub-area
	IOD22	Site allocations in the Central sub-area. Site ID26: Preferred Uses:
		<ul style="list-style-type: none"> <li>• Residential (C3)</li> <li>• Employment (B1)</li> <li>• Retail and Leisure (A2, A3, A4)</li> </ul>

5.6. **Supplementary Planning Guidance/Documents**

Residential Space  
 Designing Out Crime  
 Landscape Requirements  
 The Mayor of London’s Housing Supplementary Planning Guidance



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

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS22	Renewable Energy
PPG24	Noise
PPG 25	Development and Flood Risk

5.8. **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

6. **CONSULTATION RESPONSE**

6.1. The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application. The accompanying Environmental Impact Assessment has been amended to provide additional information which has been subject to statutory publicity and public notification including press and site notices.

**Greater London Authority (Statutory consultee)**

6.2. At Stage 1, the mayor advised:

- Principle of use – The City Pride proposal supports the Isle of Dogs interdependence with central London and the Central Activities Zone and is supported by policy 5G.3 of The London Plan.
- Density – The proposed residential density of the City Pride site is above the guidance range contained within table 3A.2 of The London Plan. However, it is not out of context with the surrounding development and the site location on the Isle of Dogs.
- Children’s play space – There is discrepancy over the estimated child population and the proposal fails to provide enough play space for children less than 5 years of age. No play strategy has been submitted and it is not clear if there is adequate surrounding play space to accommodate the residents of the development. As a result, the proposal does not comply with policy 3A.13 of The London Plan.
- Climate change mitigation – More information is required to assess the passive design measures proposed for the residential units. It is not clear why the Barkantine heat network cannot provide more of the heat demand of the development. The applicant has not secured the use of dock or aquifer water. It is not clear why dock or aquifer water cannot be used as direct cooling to the residential units. As a result, the proposal

fails to comply with the policies within chapter 4A of The London Plan.

- Air quality – The biomass boiler is not expected to have a detrimental impact upon air quality and the proposal complies with policy 3A.19 of The London Plan.
- Climate change adaptation - The proposals incorporate passive design measures, including natural ventilation, low energy lighting and increased insulation. The proposals also include sustainable urban drainage. All units will be fitted with water meters and rainwater harvesting and water attenuation systems will be provided. The proposal complies with policies 4A.10, 4A.14 and 4A.16 of The London Plan.
- Transport – The data used for the modal split and trip rate estimate is not suitable. The proposal would contribute to the already congested Upper Bank Street/Aspen Way junction and Preston’s Road roundabout. It would also increase the number of bus passengers generated by the development. No on-site shower and change facilities within the non-residential uses. A number of the dropped kerbs along Westferry Road are in poor condition. No contribution towards DAISY boards. No delivery service plan or construction logistics plan. The proposal fails to comply with polices contained with chapter 3C of The London Plan.

6.3. The mayor advised that on balance the application does not comply with The London Plan but the following remedies could address the deficiencies:

- Children’s play space: The methodology used by the applicant to estimate the child population should be submitted with details of the surrounding parks, including their size, capacity, accessibility and suitability.
- Climate change mitigation: The applicant should confirm whether there is more room to reduce the energy demand in the residential units and the thermal insulation of the building envelope improved. The applicant needs to clarify that the Barkantine heat network is not able to provide all of the heat requirements of the development. The applicant should develop an alternative renewable energy strategy in case aquifer or dock water use is not possible. The applicant should clarify why dock water could not be used to provide ‘direct’ cooling to the residential element.
- Transport: To be fully compliant with The London Plan the following transport issues should be addressed:
  1. A revised trip generation assessment with reference to the Isle of Dogs Cordon Survey 2007, the Canary Wharf Employee Survey 2007 and the Census data 2001 should be submitted.
  2. A contribution of £250,000 to help fund a study of Upper Bank Street / Aspen Way signal-controlled junction and Preston’s Road roundabout and funding any subsequent improvement works.
  3. A contribution towards bus network improvements, assessing the condition of bus stops within a 400 metres radius of the development and upgrading those, which are deficient.
  4. The developer should contribute £258,000 towards improving the local bus services.
  5. Shower and changing facilities for the commercial and retail elements should be provided. The design of all cycle parking

should meet TfL cycle parking standards.

6. A financial contribution to rectify the dropped kerbs along the Westferry Road.
7. Provide section 106 contributions for DAISY boards, local pedestrian improvement and bus service enhancements.
8. Submit a delivery service plan and a construction logistics plan and investigate the potential for delivering construction materials by water.
9. Submit a full workplace travel plan and a full residential travel plan.

6.4. The applicant subsequently submitted further information to the GLA and by letter dated 12<sup>th</sup> February 2009, the GLA provided an officer level response which may be summarised as follows:

Affordable housing:

- On balance and given the circumstances of the two sites, the affordable housing provision is considered to be a good offer over both sites providing this is the maximum amount deliverable. However, it would seem there may be additional value, which could be utilised to provide additional affordable housing.
- Any increase in the quantum of affordable housing would result in a higher proportion of affordable housing at City Pride and the unsuitability of the City Pride site for affordable housing has already been established in the discussions around the provision for off-site affordable housing. The provision of more affordable housing would increase the need for amenity space on the constrained City Pride site as the number of children in the development would be likely to increase. In addition, the smaller units in the City Pride development would be unlikely to attract grant funding. In contrast, the Island Point development will provide good quality affordable housing with large family units with access to high quality amenity and children's play space.

Children's Play Space

- The provision of 220 sq m of child play space for the under 5s is acceptable.
- Given the location of the development and the constraints of the site, the provision of off-site play space for children over 5 years old is acceptable

Climate change and mitigation

In a further letter to the applicant dated 19<sup>th</sup> March 2009, accepts that it is not possible to get 100% of the heat demand from Barkantine. However, the proposal should provide a single heat network for the development, with a single energy centre and no individual heat pumps. There should be no energy generating equipment in the individual units. The applicant should also provide further information on why a centralised cooling network can not be provided. Conditions are advised to require the approval of further details of the energy strategy.

6.5. (Officer comments. As explained in the parallel report on the application affecting 443-451 Westferry Road, in response to the GLA's contention regarding additional affordable housing and the Members questions on this subject at the meeting of 19<sup>th</sup> February 2009, the applicant submitted:

- An alternative use value for City Pride site;
- A note responding to Atis Real's assessment of the Affordable Housing Toolkit and;
- A covering letter, which explains that there is no additional value across the two sites.

Having reviewed this information, by letter dated 13<sup>th</sup> March 2009, GLA officers concluded that the £17 million deficit shown in the toolkit is not additional value, which can be drawn upon to provide more affordable housing, but the worst-case scenario for the applicant who is hoping to reduce this deficit as the housing market stabilises and the offer of 40% affordable housing across both sites represents the maximum reasonable amount.

6.6. The applicant seeks to mitigate the overall impact of the development (not just child space) by an open space contribution to the Council of £483,194. This comprises part of the overall recommended Community and Open Space Contribution of £878,165.

6.7. The Council's Energy Officer (see below) advises that the applicant has broadly followed the energy hierarchy set out in policy 4A.1 of The London Plan and is satisfied that the outstanding matters raised by the GLA can be resolved by appropriately worded conditions as recommended above.

6.8. To mitigate transport impacts, the developer has agreed the section 106 obligations summarised above namely:

1. A £220,000 Bus Network Contribution
2. A Transport Plan comprising:
  - The submission and implementation of a hotel and residential travel plan, a delivery service plan and a construction logistics plan.
  - To provide, install and maintain DAISY board(s) to provide driver and transport information.
  - Car free arrangements that prohibit residents of the development other than disabled people from purchasing on street parking permits from the borough council.
- 3 A Highway Improvement Works Contribution of £217,140.

6.9. Whilst there are capacity issues at the Upper Bank Street / Aspen Way signal-controlled junction and at Preston's Road roundabout, it is considered that these two off-site locations are too remote to bear any relationship to the development and the financial obligation requested by TfL does not meet the tests of Circular 05/2005. This has been accepted by TfL in a subsequent letter).

**Government Office for London (Statutory consultee)**

6.10 No representations received.

**Natural England (Statutory consultee)**

6.11. No objection but considers the scheme could do more to enhance biodiversity. The Council should be satisfied that the demolition of the public house does not impact on bats.

6.12. (Officer comment: An informative is recommended).

**Environment Agency (Statutory consultee)**

6.13. No objection subject to conditions requiring the approval of details of surface water control measures, drainage, oil / fuel storage, decontamination, no infiltration of surface water, no penetrative piling or foundation design without prior approval together with informatives regarding applicable legislation administered by the Agency.

6.14. (Officer comments: Such conditions and informatives are recommended).

**London Borough of Greenwich (Statutory consultee)**

6.15. Raises objection. The proposal is considered to be unacceptable due to its height, scale and bulk which would be detrimental to local views enjoyed within Greenwich Borough.

**London Borough of Southwark (Statutory consultee)**

6.16. No representations received.

**London Borough of Lewisham (Statutory consultee)**

6.17. No objection.

**English Heritage (Statutory consultee)**

6.18. Does not wish to offer comments. Advises the application should be determined in accordance with national and local policy guidance and the basis of the Council's specialist conservation advice.

**Docklands Light Railway**

6.19. No representations received.

**London Underground Limited**

6.20. No comments.

**Commission for Architecture and the Built Environment (CABE)**

- 6.21. Supports the residential use and the height and massing of the main 62-storey tower within the emerging western extension to the Canary Wharf cluster. Considers the façade treatment has the potential to generate an elegant architectural solution although the articulation of the amenity spaces at the top of the tower remains unconvincing reading as a pavilion on top of the tower rather than a culmination of the tower.
- 6.22. CABE welcomes the revised massing and simplified form of the lower hotel block but considers the relationships of the base of the building with 22 Marsh Wall and the pumping station require further design resolution. Although the former is much improved, there should be an improvement to the pedestrian environment between the 22 Marsh Wall and the development. There is no meaningful visual connection with the pumping station. Suggests the public area of the hotel is enlarged and opened up to give clear views of the pumping station. Considers the sky garden ungenerous. Welcomes proposals to minimise energy use but considers the proposed Code for Sustainable Home Level 3 is not sufficiently ambitious.
- 6.23. CABE also supports the principle of providing the affordable housing component off-site as it would allow a greater variety of accommodation and amenity space for families, than City Pride alone could offer.
- 6.24. (Officer comments. The proposed tower would culminate with a lightweight, set backed, glass pavilion which would serve as communal amenity space. It is a generous, double height space and is considered to be a delightful element of the scheme, offering opportunity for panoramic views. The revised massing of this second scheme results in a better relationship with 22 Marsh Wall with a now much lower hotel block that would provide as a satisfactory break between two tall buildings. It is considered that a well landscaped, public realm between the two buildings would produce a satisfactory resolution of the east-west link between Westferry Road & Marsh Wall and also fit well with other emerging proposals in the area. The Code for Sustainable Homes falls within the Building Regulations. Whilst Level 3 becomes mandatory for dwellings in 2010, the condition recommended above seeks a higher level if possible.

#### **London City Airport (Statutory consultee)**

- 6.25. No objection subject to a condition regarding the installation of aircraft obstruction lights and an informative regarding consultation on the height of cranes.
- 6.26. (Officer comments: An appropriate condition and informative are recommended).

#### **National Air Traffic Services (Statutory consultee)**

- 6.27. The development produces no conflict with safeguarding criteria.

#### **Thames Water Plc**

- 6.28. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition be imposed that development should not be

commenced until Impact Studies of the existing water supply infrastructure have been submitted to, and approved in writing by the local planning authority.

(Officer comments: Such a condition is recommended).

#### **Metropolitan Police**

- 6.29. No problems with the design following extensive consultation with the architect. The provision of external lighting and CCTV with good management of the hotel reception and outside spaces should help the development run smoothly with the minimum of problems.

#### **BBC Reception Advice**

- 6.30. Not convinced by the analysis in the submitted Environmental Impact Assessment on the impact of the development on analogue television reception.
- 6.31. (Officer comments: The developer has offered to enter into a legal agreement with the Council to undertake a “TV Reception Study” to examine the effects of the development on baseline local television reception within an agreed “TV Reception Survey Area” and to undertake “TV Remediation Works” identified in the TV Reception Study.

#### **London Fire and Emergency Planning Authority**

- 6.32. Advises that access by the Fire Brigade and water supply appear satisfactory.

#### **British Waterways Board (BWB)**

- 6.33. No objection but requests a small set back from the adjacent 1920's pumping station to make the development less overbearing and improve the street scene. A Construction Environmental Management Plan should be agreed with the local planning authority and BWB's engineers. Would like to see the development utilise its location for water borne freight including during construction and requests a condition to this effect together with the approval of a landscaping scheme. There should be a contribution to local environmental improvements. Requests a contribution of £50,000 to mitigate noise from its pumping station adversely impacting on residents of the development and an informative concerning consultation with BWB given its adjoining interests.
- 6.34. (Officer comment: The tower would be sited 4 metres away from the pumping station. The juxtaposition between the old and the new is considered architecturally satisfactory. A “small set back” would not be material in terms of the impact that the tower would have on the pumping station or the street scene. It is considered that the mitigation of noise from the pumping station should be settled between BWB and the developer without the involvement of the local authority. Other matters requested by BWB are subject to the recommended legal agreement, conditions and informatives).

#### **Tower Hamlets Primary Care Trust**

- 6.35. The population in Millwall Ward is expected to grow by 27% from 17,691 in 2008 to 22,552 in 2013. Requests a section 106 contribution for healthcare provision calculated by the HUDU model as follows:
- Total Capital Planning Contribution £741,548
  - Total Revenue Planning Contribution £2,494,053
  - Combined contribution sought for health £3,235,601
- 6.36. (Officer comment: In line with established practice, the developer has agreed a Capital Planning Contribution of £741,548).

### **Environmental Protection**

- 6.37. Satisfied with the developer's proposed approach and methodology to deal with contaminated land. Recommends that any planning permission is conditioned to secure decontamination. Emissions from the boiler plant need to be quantified. Advises that there would be impact on the daylight reaching residential properties in 1-30 Chandler Mews, 1-9 Cascades, 22-28 Marsh Wall and 11-85 Anchorage Point. There would be a minor loss of sunlight to 2-4 Cascades. There would be light pollution caused to 22-28 Marsh Wall. Any planning permission should be conditioned to require measures to mitigate wind at ground level and on the terraces. Parts of the north face of the building on the Westferry Road frontage would be subject to Noise Exposure Category D where PPG24 advises that planning permission should be refused. Facades facing east, west and south would be subject to Noise Exposure Category C where PPG24 advises that if planning permission is to be granted, conditions should be imposed to ensure a commensurate level of protection against noise. Any planning permission should be so conditioned. Any planning permission should also be conditioned. to require the approval of details of extract systems from any A3 (Café / restaurant) use.
- 6.38. (Officer comment: Conditions to secure decontamination and details of soundproofing, wind mitigation measures, the CHP plant and extract equipment are recommended. Sunlight, daylight and wind issues are discussed in Material Planning Considerations below).

### **Traffic and Transportation**

- 6.39. No objection in principle. Overall, the proposed increase in traffic would not have a detrimental effect on the highway network which would operate within capacity. Recommends a section 106 Highway Improvement Contribution of £267,140 to help with the reconstruction of the existing highway south of Westferry Circus, including improvements to visibility, footways, carriageways, carriageway markings, the provision of a cycle lane, upgrading the junction and to facilitate the construction of the entrance to 15 Westferry Road. Also recommends a Bus Network Contribution comprising £200,000 to fund improvements to local bus services and £20,000 to fund the upgrading of bus stops. There should be a 'car free' agreement to prevent residents from purchasing on-street parking permits.
- 6.40. (Officer comments: Appropriate heads of agreement are recommended).



### **Children's Services (Education Development)**

- 6.41. The dwelling mix for the 430 proposed units (51% studios and 1 bedroom, 42% 2 bedroom and 7% 3 bedroom) derives a need for 31 additional primary school places @ £12,342 = £382,602.
- 6.42. (Officer comments: An appropriate head of agreement is recommended).

### **Policy and Development Manager - Cultural Services**

- 6.43. The estimated new residential population generates an open space need of 774 pop x 12 sq m/pop = 9,288 sq m. No publicly accessible open space will be provided on site. Therefore existing open space in the borough will experience increased usage and a contribution should be sought to mitigate this impact. Previous applications have established a per capita contribution towards open space of £458. Applying the figure of £458 results in a mitigating contribution of £458 x 774 = £354,492.

The above contribution does not take into account the impact of the proposed hotel. While the occupants will not necessarily be visiting local library and leisure centre facilities, they are more than likely to use local parks and green space. This will have an impact on levels of use and a contribution should be sought to mitigate this. The nearby Newfoundland hotel development established that the Council will seek open space contributions for hotel developments to improve visitor facilities. Applying the sum per unit established at Newfoundland (£634 per hotel room), an additional open space contribution of 203 rooms x £634 = £128,702 should be sought.

The proposed development will increase demand on leisure facilities and the emerging leisure centre strategy identifies the need to develop further leisure opportunities to align with population growth. Sport England (the DCMS agency tasked with implementing sports policy) has developed a sports facility calculator for s106 purposes. This calculates (based on population figures and research based demand data) the amount of water space and sports hall required to cater for the population of new developments. It then uses building cost index figures to calculate the cost associated. Inserting a population of 774 into the model generates a total leisure contribution of £314,475.

Museums, Libraries and Archives (the sector DCMS agency) has developed a tariff approach to s106 contributions towards libraries and archives. This assumes a requirement of 30 sq m of library space per 1,000 population based on national research. The standard uses construction index figures and applies a cost of £3,465/sq m for London. This results in a per capita cost of £104. The site is likely to generate 774 population = £80,496.

- 6.44. (Officer comments: An appropriate head of agreement is recommended).

### **Waste Policy and Development**

- 6.45. No representations received.

**Corporate Access Officer**

6.46. No representations received.

**Landscape Development Manager**

6.47. No comments received.

**Energy Officer**

6.48. Advises that the applicant has broadly followed the energy hierarchy set out in policy 4A.1 of the London Plan. The applicant has proposed two possible energy strategies that are considered acceptable but there is scope for the energy strategy to be improved to provide more detailed information. Recommends that any planning permission is conditioned to provide this information at the detailed design stage. The commercial element of the development will achieve an 'Excellent' BREEAM rating and the residential element will achieve a Code Level 3 as a minimum and Code Level 4 where possible. This is acceptable and any planning permission should be conditioned to ensure compliance.

6.49. (Officer comments: Appropriate conditions are recommended).

**7. LOCAL REPRESENTATION**

7.1. A total of 572 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The 'Additional Information' supplementing the Environmental Statement has also been subject to statutory publicity and consultation with neighbours and local groups. The number of representations received from neighbours and local groups following publicity is as follows:

<b>No of individual responses:</b>	<b>Objecting:</b>	<b>Supporting:</b>
11	11	0

No. of petitions received: 0

7.2. Material objections from neighbours may be summarised as:

- Impact on morning sunlight, daylight and amenity value at Cascades.
- The scheme would be overdevelopment with excessive density and its height and proximity to footpaths and roads would be overbearing.
- Undue strain on the Isle of Dogs due to inadequate schools, parks, roads, children's recreation areas and sports facilities.
- Addition flats not need in the current economic climate.
- Poor location for a hotel which is not required as existing hotels have low occupancy rates.

- Increased traffic generation and disruption to traffic flows caused by supermarket delivery vans and servicing for the hotel.
- Inadequate infrastructure to cater for already permitted schemes. No further development should be permitted around Westferry Circus until the combined impact of approved schemes has been assessed.
- The design of the building is uninspiring, dated and will be an eyesore.
- The City Pride (a traditional public house) should be retained. The development would be a loss of a public amenity and a loss of open space.
- Further hindrance to pedestrians and cyclists during construction. The existing pedestrian crossing adjoining the site across Westferry Road should be dealt with as a priority so that pedestrians and people with prams can navigate the pavement safely.
- Questions whether there is adequate capacity for the disposal of WC water.

7.3. Non-material objections from neighbours may be summarised as:

- Loss of property values in Cascades.
- The development would flood the market with additional and potentially unwanted apartments.
- The replacement of the City Pride will alienate the local population unless they can afford hotel prices.
- Public consultation undertaken by the developer was poorly advertised.
- The development will not add value to the local area.
- Years of building work will cause untold environmental impact, further noise and disturbance.
- Possible infringements of the Rights of Light Act 1959.

#### **Barkantine Management Team**

7.4. Three representations have been received from the Barkantine Management Team (BMT). BMT say that have not been consulted on the City Pride application either the developer or the Council and the application wrongly quotes that "all community groups have been consulted". BMT consider the Isle of Dogs should not suffer a relentless line of skyscrapers. Development height should not exceed a line drawn from the focal point of Canary Wharf to the 2-storey dwelling height on Mellish Street and objection is raised on grounds of excessive height and density. The scheme could also affect the Barkantine in relation to increased traffic, population, shared amenities, loss of sky views and light due to the size of the building. The increasing imbalance between private and social housing and the effect on the Island's social relations is also a concern.

7.5. (Officer comment: The application is supported by a Statement of Community Involvement. The Council was not involved with the preparation of that document and is not responsible for its content. Nowhere does the Statement claim that "all community groups have been consulted". It reports that a three day exhibition was held on 3rd - 5th July 2008 with invitations sent to 1,000 local households and businesses. The Statement provides a "List of resident's

addresses" to whom invitations were sent. BMT's address is Spinnaker House, 39 Byng Street and the list of addresses sent invitations includes Spinnaker House, Byng Street. As explained above, the Council's publicity exercise included individual letters sent to owner /occupiers in the vicinity. Letters were not sent to residents of Spinnaker House as it is too distant from the site. Consultation letters were sent to all local groups that have advised the Council that they wish to be consulted on planning applications affecting the area that they are interested in. The Alpha and Barkantine Tenants Association, 6 Tideway House, Trafford Street and Barkantine Tenants and Residents Association, 98 Alpha Grove were consulted on the City Pride application without response (see below). BMT had not requested such consultation on planning applications but this has now been rectified.

- 7.6. The Isle of Dogs Action Area Plan 2007 (interim planning guidance) does not contain a policy which says that development height should not exceed a line drawn from the focal point of Canary Wharf to 2-storey dwelling height. The relevant policies are as follows:

Sub policy 7 of Policy IOD1- Spatial Strategy says that design and built form will be managed by:

- a) Ensuring that development considers, reflects and responds to the waterside location of the Island, and contributes to making a unique location in London.
- b) Preserving and enhancing heritage assets....."
- c) Tall buildings will be clustered around Canary Wharf (1 Canada Square) and building heights should be reduced from this point.

Policy IOD21- Design and built form in the Central sub-area says:

1. The Central sub-area will contain a mix of building heights that do not compete with the cluster of tall buildings in the Northern sub-area. In general, building heights will be higher in the north of the sub-area and reduce in height towards the southern parts. Building heights in locations close to established residential areas should be based on the provision of an effective transition between established buildings and new buildings.

2. The building heights of new development must consider and respond to the close proximity of established residential areas nearby.

- 7.7. Comments on the suitability of the site to accommodate a tall building, traffic, increased population and affordable housing arrangements are discussed in 'Material Planning Considerations' below and the parallel reports on the Island Point site. The Barkantine Estate is 225 metres south of the City Pride site and would not suffer a loss of light as a consequence of the proposed development. The impact of development proposals on views is only a material planning consideration when the public interest is affected. In this case, no public interest is involved. Impact on sky views is also not considered material given the distance between the two sites).

- 7.8. A local ward councillor comments that only 5% of the affordable housing count

would be affordable housing at the City Pride site which would not further the goals of creating integrated communities and developments.

7.9. Following consultation, no representations have been received from Canary Wharf Group, Rodwell Investments (the developer of 22 Marsh Wall), the Association of Island Communities, Alpha Grove and Barkantine Tenants Association, Barkantine Tenants Association and St Johns Tenants Association.

7.10. 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 applications that the Committee must consider are:

- Proposed land use.
- Density.
- The principle of a tall building, the design of the building and the setting of listed impounding lock.
- Sunlight and daylight.
- Affordable housing arrangements.
- Dwelling mix.
- Access and servicing arrangements.
- Amenity space and landscaping.
- Sustainable development/ renewable energy.
- Planning obligations.

### **Land use**

8.2. The City Pride is located in the Isle of Dogs Opportunity Area which is identified in the London Plan as being capable of accommodating at least 10,000 additional dwellings. Policy 3A.1 of the London Plan sets a target of an additional 30,500 homes to 2016 / 17. Policy 3A.2 refers to Borough Housing Targets with Tower Hamlets set a target of 31,500 to 2016 / 17. The principle of redevelopment with a large residential component therefore accords with strategic housing policy.

8.3. Except for its location within a Flood Protection Area, the site is unallocated on the Proposal Map of the Tower Hamlets Unitary Development Plan 1998. The boundary of the Central Area Zone (CAZ) is shown immediately to the east of the City Pride, running along Marsh Wall. UDP policy DEV3 encourages mixed-use developments subject to the character and function of the surrounding area.

8.4. On the Proposals Map of the Council's Core Strategy and Development Control interim planning guidance 2007, the site is allocated as 'Development Site ID 26' within a Flood Risk Area and adjoins the Canary Wharf Major Centre.

8.5. The Sub-Areas and Development Sites Map of the Council's Isle of Dogs Action

Area Plan 2007 (which has also been adopted as interim planning guidance) shows Development Site ID26 lying within the Central Sub-Area. The Spatial Strategy Diagram of the AAP shows the site lying within a preferred office location.

- 8.6. Policy IOD 19 of the Isle of Dogs AAP says that residential uses will be promoted throughout the Central Sub-Area. The proposed residential accommodation and the ground floor unit are also consistent with policy IOD 22 of the AAP which provides the following preferred uses for the City Pride site:
- Residential Class C3 (Dwellinghouses)
  - Employment Class B1 (Business)
  - Retail and Leisure Class A2 (Financial and professional services, A3 (Café / restaurant) and A4 (Drinking establishment)
- 8.7. With regard to the proposed hotel, The London Plan policy 3D.7 refers to visitor accommodation and says that the mayor will work with strategic partners to implement his Tourism Vision and to achieve 40,000 net additional hotel bedrooms by 2026. Beyond the CAZ, boroughs should identify capacity for new visitor facilities in town centres and other locations such as Opportunity Areas, with good public transport access to central London and international and national transport termini.
- 8.8. Policy ART7 of the Tower Hamlets Unitary Development Plan 1998 says that outside the CAZ, major hotel developments may be permitted where they comply with the following criteria:
1. Scale and density is appropriate and not adversely impact on the local environment, or the amenity of adjoining uses;
  2. The site is well served by public transport and within easy reach of public transport interchanges;
  3. Adequate road access and servicing facilities;
  4. Not adversely affect residential accommodation or result in a loss of existing residential accommodation.
- 8.9. The hotel would comprise a podium block of the main residential tower and, as explained below, the scale and density of the scheme as a whole is considered appropriate to its location and context. The site is well served by public transport, has good road access and the design allows for servicing. There would be some effect on the daylighting conditions in the adjoining parts of 22 Marsh Wall, but ensuing conditions are considered satisfactory given the location. There would be no loss of residential accommodation and the provision of a hotel at this location is considered policy compliant.
- 8.10. Policy RT6 of the Core Strategy and Development Control interim planning guidance 2007 resists the loss of public houses where it would create a shortage of public houses within easy walking distance (300 metres) of residential areas and, marketing shows no reasonable prospect of reuse or refurbishment for an appropriate Class A use.
- 8.11. In the case of the City Pride, the residential area to the south is provided with

public houses at No. 25 Westferry Road 135 metres away and at No. 41 Westferry Road 180 metres distant. Further, the proposed development includes a Class A unit on the ground floor with planning permission sought that includes a Class A4 drinking establishment.

- 8.12. Whilst residential and hotels are not a priority uses for land alongside the Blue Ribbon Network or the docks (The London Plan 2008 policies 4C.6 and 4C.23), such uses accord with parts 3A and 3D of the Plan and are considered appropriate for a site at the western end of West India Dock South.
- 8.13. In summary, no land use objection is raised to the redevelopment of the City Pride by a mixed-use development comprising residential, a hotel and a ground floor Class A unit.

### **Density**

- 8.14. 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 by returning previously developed land and buildings back to beneficial use.
- 8.15. 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 density in support of policies 4B.1 and 3A.3.
- 8.16. Policy CP20 of the Council's interim planning guidance 2007 reflects guidance set out in The London Plan and seeks to maximise residential densities on individual sites 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.
- 8.17. Policy HSG1 of the Council's interim planning guidance sets criteria which should be taken into account when determining the appropriate residential density for a site including:
- *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;*
  - *The provision of the required housing mix (including dwelling size and type, and affordable housing);*
  - *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.*

8.18. Both Table 3A.2 of The London Plan and Planning Standard 4: Tower Hamlets Density Matrix provide a density range of 650 - 1,100 habitable rooms per hectare for 'Central' sites such as the City Pride with a PTAL range 4-6.

8.19. The proposed residential density at the City Pride site is 4,172 habitable rooms per hectare. This substantially exceeds the guidance in Table 3A.2 of The London Plan and Planning Standard 4: Tower Hamlets Density Matrix. However, the site is relatively small and most of its ground floor area would be developed and this, combined with the proposed height and the predominance of studio, 1 and 2-bedroom market units, produces a high density. Subject to ensuing design matters (outlined in HSG1 above) being satisfactory, this density is not considered out of context with the character of surrounding development and the site's Canary Wharf location.

**The principle of a tall building, the design of the building and the setting of listed impounding lock**

8.20. The London Plan policy 4B.1 'Design principles for a compact city' 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, 4B.12 and 4B.14 require large scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets.

8.21. 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. UDP Policy DEV2 seeks to protect the amenity of residential occupiers and the environment and incorporate the principles of sustainable development including the use of energy efficient design and materials.

8.22. Core Policy CP4 of the Council's interim planning guidance seeks to ensure that development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. In achieving good design development should:

- *Respect its local context, including the character, bulk and scale of the surrounding area;*
- *Contribute to the enhancement or creation of local distinctiveness;*
- *Incorporate sustainable and inclusive design principles;*
- *Protect amenity, including privacy and access to daylight and sunlight;*
- *Use high quality architecture and landscape design; and*
- *Assist in creating a well-connected public realm and environments that*



*are easy to navigate.*

- 8.23. Core policy CP48 applies to tall buildings and says such development will in principle be supported in the northern part of the Isle of Dogs where they consolidate the existing tall buildings cluster at Canary Wharf. All proposals for tall buildings must:

- a) contribute positively to a high quality, attractive environment;*
- b) respond sensitively to the surrounding local context;*
- c) not create unacceptable impacts on the surrounding environment including the surrounding amenity;*
- d) contribute to the social and economic vitality of the surrounding area and*
- e) not create unacceptable impacts on social and physical infrastructure.*

- 8.24. 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.

- 8.25. Policy DEV27 addresses applications for tall buildings, which must satisfy the following criteria:

*Design and Context*

- *Demonstrate the design is sensitive to the context of the site.*
- *Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements.*
- *Where the site is outside a location identified for tall building clusters in CP48, demonstrate the consideration of built form design alternatives other than tall buildings.*
- *Demonstrate consideration of the appearance of the building as viewed from all angles, and its night-time appearance, as demonstrated through an Accurate Visual Representation.*
- *Not adversely impact on important views including strategic London-wide views and important local views, including their settings and backdrops, as demonstrated through an Accurate Visual Representation.*
- *Provide a positive contribution to the skyline, when perceived from all angles, assisting to consolidate clusters within the skyline, as demonstrated through an Accurate Visual Representation.*
- *Not adversely impact on Conservation Areas, Listed Buildings, historic assets, World Heritage Sites, scheduled monuments, areas of archaeological importance or potential, or their settings.*

- *Where residential uses are proposed, include high quality, useable communal and private amenity spaces.*
- *Be visually integrated into the streetscape and the surrounding area.*
- *Present a human scaled development at the street level.*
- *Respect the local character and seek to incorporate and reflect elements of local distinctiveness.*
- *Incorporate adaptable design measures.*

#### *Environment*

- *Demonstrate the privacy, amenity and access to sunlight and daylight for surrounding residents and building occupants will not be adversely affected by the development and that acceptable levels of privacy, amenity and sunlighting and daylighting conditions will be achieved for future occupants of the development.*
- *Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.*
- *Demonstrate consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction, and resource management.*
- *Not adversely impact on biodiversity or open spaces, including watercourses and water bodies and their hydrology, as well as their settings and views to and from them.*

#### *Socio-economic impacts*

- *Contribute positively to the social and economic vitality and of the surrounding area at the street level through its proposed mix of uses.*
- *Be acceptable in terms of its potential social impacts, and maximise positive social impacts, as demonstrated through a Social Impact Assessment.*
- *Where residential uses are proposed, comply with the density requirements in policy HSG1.*

#### *Access and Transport*

- *Incorporate the principles of inclusive design.*
- *Be located in an area with good public transport access.*
- *Take into account the transport capacity of the area, and ensure the proposal will not have an adverse impact on transport infrastructure and transport services.*
- *Respect, and, where possible, improve permeability with, the surrounding street network, and take into account impacts on the movement of people.*

#### *Additional Considerations*

- *Where residential uses are proposed, comply with the density requirements in policy HSG1.*

- *Not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.*

8.26 Sub policy 7 of policy IOD1- ‘Spatial Strategy’ of the Isle of Dogs Action Area Plan November 2006 (interim planning guidance) says that design and built form will be managed by:

- a) Ensuring that development considers, reflects and responds to the waterside location of the Island, and contributes to making a unique location in London.
- b) Preserving and enhancing heritage assets.....”
- c) Tall buildings will be clustered around Canary Wharf (1 Canada Square) and building heights should be reduced from this point.

8.27. Policy IOD21 Design and built form in the Central sub-area says:

1. The Central sub-area will contain a mix of building heights that do not compete with the cluster of tall buildings in the Northern sub-area. In general, building heights will be higher in the north of the sub-area and reduce in height towards the southern parts. Building heights in locations close to established residential areas should be based on the provision of an effective transition between established buildings and new buildings.
2. The building heights of new development must consider and respond to the close proximity of established residential areas nearby.

8.28. At paragraph 43 of PPS1: Delivering Sustainable Development, 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.”*

8.29. Additional advice on tall buildings is set out within the joint English Heritage and CABE guidance note published in July 2007. The document sets out criteria that are considered relevant in considering applications for tall buildings, namely:

- Relationship to context;
- Effect on existing environment;
- Effect on World Heritage sites;
- Relationship to transport infrastructure;
- Architectural quality of the building;
- Sustainable design and construction;
- Credibility of design;
- Contribution to public spaces and facilities;
- Effect on the local environment;
- Contribution to permeability; and
- Provision of a high-quality environment.

- 8.30. The proposed building would measure 215 metres in height AOD. This compares with the two towers of 241.1 metres and 191.34 metre recently approved by the Committee at the Riverside South site and 1 Canada Square (Canary Wharf) which is 245.75 metres AOD. Officers consider the proposed development would be a well considered tower within the Canary Wharf cluster. The proposed height is considered appropriate for its location and context. The building would have a slim elegant profile which would add distinction to the townscape, in an area dominated by office towers. Although in its own terms it is a very dense scheme, it would not appear out of place in its context. The building massing has addressed previous concerns over its relationship with 22 Marsh Wall with a lower hotel block proposed which would act as a break between two tall buildings, whilst being clearly separated from the main tower by virtue of its appearance and atrium space.
- 8.31. The footprint and slenderness of the tower is considered of particular merit in east-west views. The articulation of the façade would reflect the uses within the building with large, triple height amenity spaces being provided at upper levels. The tower would culminate with a light weight, set back glass pavilion providing a communal amenity space. It is a generous double height space which is considered to be a delightful element of the scheme, offering opportunities for panoramic views and would add positively to the skyline.
- 8.32. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires 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. It is considered that the development would have no adverse effect on the setting of the listed Impounding Lock which would be preserved.
- 8.33. Neither the GLA or English Heritage raise design concerns and there is broad support from CABI. It is considered that the proposal accords with the joint English Heritage / CABI guidelines on the location of tall buildings and the design & conservation policies outlined above provided by national guidance, The London Plan, the Tower Hamlets UDP 1998 and the emerging policies within the Council's interim planning guidance 2007.

#### **Sunlight, daylight and light pollution**

- 8.34. Tower Hamlets' Unitary Development Plan 1998 policy DEV 2 states that:
- "All development should seek to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions".*
- 8.35. Interim planning guidance policy CP4 states:
- "The Council will ensure development creates buildings and spaces of high quality design ... In achieving good design, development should protect amenity, including privacy and access to daylight and sunlight."*

Policy DEV1 adds:

*“Development is required to protect, and where possible seek to improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.”*

For further guidance the policy refers to BRE publication: *Site layout planning for daylight and sunlight – A guide to good practice.*

- 8.36. The findings of the Environmental Statement on daylight conditions that would result from the development may be summarised as follows:
- 8.37. **1-30 Chandlers Mews.** There are 64 windows (77%) of the 83 windows within these properties which achieve the numerical values of Vertical Sky Component (VSC) suggested by the BRE guidelines. In the remaining 19 windows, the losses beyond the 20% are modest with none exceeding 29.62% change and the majority closer to the 20% acceptable change. Whilst these are breaches of the Guidelines, the existing VSC values are comparatively low and thus more sensitive to change even though they enjoy a relatively unencumbered outlook over the development site. This is a function of the window location and architectural features specific to Chandlers Mews, which inhibit sky visibility. 28 (44%) of the 62 windows achieve the levels of ADF suggested by the BRE Guidelines for their usage. The largest reduction to rooms which retains a level below that suggested by the BRE is 0.18% ADF which would not be noticeable to the occupant. The majority of other rooms are less affected with losses of light within particular rooms of approximately 10%. This level of change is consistent with the suggested acceptable level by the BRE Guidelines. In terms of daylight the resultant impact of the proposed development is assessed as minor adverse.
- 8.38. **1-9 Quayside.** Of the 56 windows assessed in terms of VSC, 54 windows (96%) achieve the numerical values suggested by the BRE guidelines. The two rooms with losses greater than 20% achieve low levels of VSC in the baseline scenario and thus are more sensitive to reductions in light. These 2 rooms do not meet the numerical values for Daylight Distribution and ADF. However, both serve bedrooms which are seen by the BRE to have a lower requirement for light than principal living rooms and kitchens. The impact associated with the proposed development is therefore seen as minor adverse.
- 8.39. **2-4 Cascades.** Of the 328 windows relevant for VSC assessment, 251 windows (77%) meet the numerical values suggested by the BRE guidelines. 57 windows (74%) do not achieve the suggested values already. These are breaches of the BRE Guidelines and existing VSC values are comparatively low, even though they enjoy a relatively unencumbered outlook over the development site, and thus are more sensitive to change. These low values are a function of the window location and architectural features specific to Cascades, which inhibit sky visibility. The 57 windows which do not meet the suggested numerical values of VSC serve a total of 48 rooms. The daylight

distribution method of analysis indicates that 42 (88%) of these rooms are fully BRE compliant. Of the remaining 6 rooms, 4 are bedrooms thus having a lower expectation or requirement for daylight. These rooms are located on the lower two floors. 4 of these rooms lie behind an outer façade which is up to a metre deep and completely encloses the windows, drastically reducing their view of the sky. Each of these windows receives levels of daylight far below those suggested by the BRE Guidelines in the existing scenario as a direct result of this. These windows could be said to have a reduced expectation for daylight by design. The impact of the proposed development on Cascades is therefore assessed as minor adverse.

- 8.40. **22-28 Marsh Wall.** Given the proximity of the proposed development to Nos. 22-28 Marsh Wall, there would be alterations in daylight when contrasted with the currently unencumbered outlook. The VSC results indicate that 582 (60%) of the 970 windows within this property achieve the BRE guidelines. Of the 493 rooms within this development 486 (99%) would satisfy at least one of the three daylight analyses. The remaining rooms would be located within Block 1 and Block 3. . Of the remaining 7 rooms, 6 would be located in Block 1 which is the only block relevant as it lies alongside the City Pride site. Four of the six rooms are bedrooms and two are kitchen/living /diners. These two rooms have ADF values of 1.07% and 1.47% respectively, which, whilst they are below the BRE guidelines, they are isolated instances and on the lower floors where the potential for good daylight is reduced. When viewed in the context of the building as a whole, these 2 rooms represent a very small percentage of the total number of rooms assessed. The ADF results also suggest that the retained light levels, although not quite at the level suggested by the BRE guidelines, are still reasonably good in an urban context such as this.
- 8.41. **11-85 Anchorage Point.** The VSC results indicate that all of the windows in this property are BRE compliant and the impact in terms daylight would be negligible.
- 8.42. The Environmental Statement finds that there would be minor impact on sunlight reaching 2-4 Cascades. Of the 138 Windows relevant, 113 windows (82%) comply with the BRE guidelines. The majority of the windows which do not meet the suggested levels of annual probable sunlight hours do so only marginally for total levels of sunlight and all are fully compliant in terms of winter sun. Viewed in an urban context such reductions are common and for this reason the significance of this is assessed as being only minor adverse.
- 8.43. With regard to light pollution affecting residential premises in 22-28 Marsh Wall, the part of the proposed development in proximity to 22-28 Marsh Wall would be in hotel usage. Light is unlikely to be emitted during hours of darkness because blinds or curtains would be expected to be closed.

#### **Affordable housing arrangements**

- 8.44. The London Plan policy 3A.9 identifies the Mayor's strategic target that 50% of housing should be affordable and within that 70% should be social housing and 30% intermediate provision. The policy also promotes mixed and balanced communities.

- 8.45. The London Plan policy 3A.10 requires boroughs to seek the maximum reasonable amount of affordable housing. Targets should be applied flexibly, taking account of individual site costs, any public subsidy and other scheme requirements. Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' development control toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.
- 8.46. Paragraph 3.57 of The London Plan says that exceptionally a borough may consider that the required affordable housing should be provided off site e.g. where there are existing concentrations of social housing and there are benefits gained by providing the new units in a different location, such as to create more socially balanced communities, to provide a particular type of housing, such as family housing or to provide more units than is possible on the principle site.
- 8.47. The Mayor's Housing Supplementary Planning Guidance states:
- "Consideration should normally only be given to off-site provision where an alternative site or sites have been identified which would enable affordable housing provision more appropriate to the identified needs to be set and where the project is deliverable prior to the on site market development being completed. Agreements for off-site provision should be financially neutral in terms of the benefit to the applicant relative to on-site provision requirements."*
- 8.48. Core policy CP22 of the Council's interim planning guidance 2007 says:
- 1) *The Council will aim to maximise all opportunities for affordable housing on each site, proposing new residential dwellings in order to achieve a 50% affordable housing target, across the borough, from all sources. The Council will seek a minimum of 35% affordable housing provision on developments proposing 10 new dwellings or more.*
  - 2) *The Council will seek a social rented to intermediate housing ratio of 80:20 for all new affordable housing.*
  - 3) *On sites providing both market and affordable housing, the Council will require all housing to be integrated to ensure there is no visible difference between the different housing tenures provided.*
  - 4) *The Council will seek to ensure the retention in perpetuity of new affordable housing through legal agreements.*
- 8.49. The Council's interim planning guidance policy HSG3 (1) states that in seeking to negotiate the maximum reasonable amount of affordable housing, the Council will have regard to:
- The economic viability of the proposal, including individual site costs;
  - The availability of public subsidy;
  - Other planning contribution requirements;
  - The need to ensure new housing developments contributes to creating sustainable communities, including being responsive to housing needs.

8.50. Interim planning guidance policy HSG3 (2) states that consideration of off-site provisions will be given where an appropriate alternative site has been identified and the Council considers this will result in a better outcome than if the affordable housing was provided on-site.

8.51. The developer seeks to link the affordable housing obligation arising from the development at the City Pride to the parallel proposal for the redevelopment of 443-451 Westferry Road (Island Point) that is reported separately on this agenda. It is proposed that off-site provision is provided at Island Point in lieu of the majority of the obligation arising from the City Pride development. It is proposed that the majority of the private residential accommodation would be within the high rise, high density tower at The City Pride and The Island Point site would be a lower density scheme with a focus on affordable family accommodation.

8.52. The applicant has submitted an Affordable Housing Statement and Economic Appraisal (Housing Toolkit) to justify the quantum of affordable housing and explain the rationale behind and benefits of the provision of off-site affordable housing. In summary, the appraisal claims the proposed arrangements would:

- Allow a greater quantum of affordable housing,
- Provide a better mix of affordable housing,
- Provide a better range of affordable housing unit types (including terraced housing) and
- Produce better quality affordable housing.

The applicant stresses that the Island Point site would provide an exemplar development, providing well-designed large family units, good access to amenity and children's play space, which would not be possible at the City Pride.

8.53. The applicant initially proposed that the joint development would provide 40% affordable housing across both sites with 5% of the total habitable rooms of the dwellings within the City Pride development comprising shared ownership affordable housing units. This would be 18 dwellings amounting to 50 habitable rooms. At Island Point, 91% of the total habitable rooms within the development would have comprised affordable housing. This means that 166 dwellings comprising 655 habitable rooms would have been provided for social rented units (118 dwellings) and as intermediate units (48 dwellings). It is understood that the developer intends to seek funding from the Homes and Communities Agency.

8.54. The applicant's Affordable Housing Statement and Economic Appraisal has been independently assessed by Atis Real. Instructions to Atis Real were to test the applicant's assertion that the scheme could only provide 40% of the habitable rooms (30% of units) as affordable housing and also whether there is any scope for an increase in the provision of on-site affordable housing, or a commuted sum.

8.55. Atis Real advised:



*“The Applicant has tested the residual land value generated by the development against the price paid for the site. GLA Toolkit guidance indicates that residual land values should be tested against Existing Use Value or Alternative Use Values. The applicant has not submitted any formal (or informal) valuation of existing or alternative uses on the sites. While existing use values are understood to be low, it is likely that alternative use values (i.e. a use that would not attract affordable housing requirements) would be significantly higher.*

*Although the Applicant has not followed GLA guidance in this case by benchmarking against EUV, it should be noted that the residual value of the proposed development of £47.46 million is significantly lower than the purchase price of £64.9 million. Despite this, it is understood that the applicant will commit to providing 40% affordable housing. However, benchmarking against EUV would enable the scheme to provide a significantly higher proportion of affordable housing.”*

8.56. The consultant to the developer (Knight Frank) claims that, with the provision of 40% affordable housing the scheme would result in residual value (loss) of minus £17.44 million as follows:

**Table 5.2.1: Knight Frank Assumptions on Affordable Housing Values**

<b>% Affordable Housing (by hab rooms)</b>	<b>% Social rent</b>	<b>% Shared Ownership</b>	<b>Total residual land value</b>	<b>Purchase Price</b>	<b>Residual Land Value less Purchase Price</b>
41%	64%	36%	£47.46	£64.90 m	<b>-£17.44</b>

8.57. Atis Real found that the provision of 40% affordable housing would produce a residual value of minus £630,000. 50% affordable housing would result in a residual value of minus £17.76 million as follows:

**Table 5.2.1: Atisreal Assumptions on Affordable Housing Values**

<b>% Affordable Housing (by hab rooms)</b>	<b>% Social rent</b>	<b>% Shared Ownership</b>	<b>Total residual land value</b>	<b>Purchase Price</b>	<b>Residual Land Value less Purchase Price</b>
41%	64%	36%	£64.27	£64.90 m	<b>-£0.63</b>
50%	62%	38%	£47.11	£64.90 m	<b>-£17.76</b>

- 8.58. Atis Real advised that there is sufficient ambiguity in the GLA toolkit guidance around the use of existing use values and alternative use values to suggest that benchmarking against EUV may not be a tenable position in any planning appeal. If the Council refused planning permission and the Applicant were able to demonstrate at an appeal that an alternative use existed that had a value of at least £47.46 million, (s)he would be able to demonstrate that the level of affordable housing has been maximised. While such an alternative use value may not exist in the current market, it is likely that at the time of purchase, a commercial or alternative mixed use scheme could have attracted such a value.
- 8.59. Atis Real concluded that the development can viably provide 40% affordable housing by habitable rooms. A development providing 50% affordable housing by habitable rooms, would produce a deficit of £17.7 million.
- 8.60. As reported above, GLA officers have now concluded that the £17 million deficit shown in the toolkit is not additional value, which can be drawn upon to provide more affordable housing, but the worst-case scenario for the applicant who is hoping to reduce this deficit as the housing market stabilises. As such, the offer of 40% affordable housing across both sites represents the maximum reasonable amount.
- 8.61. As reported in the parallel item on 443-451 Westferry Road (PA/08/2292), whilst the talks with the GLA continued, the applicant took the opportunity to consider providing separate kitchens within that development and concluded that 56 of the apartments within Island Point could be configured to provide a separate kitchen. The provision of such separate kitchens would result in the creation of 45 additional habitable rooms (kitchens over 13 sq m are defined as habitable rooms in the Council's Unitary Development Plan). This would increase the total number of habitable rooms to 750 across both sites and result in an increase in the amount of affordable housing offered to 41.5%. This is shown in the table below:

Percentage of affordable housing with amended separate kitchen layouts.

<b>Site</b>	<b>Total Habitable</b>	<b>Habitable</b>	<b>Affordable</b>
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	<b>Rooms</b>	<b>Rooms Affordable</b>	<b>Housing Provision</b>
City Pride	1043	50	5%
Island Point	764	700	91.6%
<b>Total</b>	<b>1807</b>	<b>750</b>	<b>41.5%</b>

8.62. Across both sites, the amended proposals with separate kitchens would result in a ratio of social rent to intermediate housing of 71:29 measured by habitable rooms. This would comply with policy 3A.9 of The London Plan.

8.63. As also explained in the parallel report on Island Point, the applicant has also indicated a willingness to alter the rented/intermediate split of the 41.5% affordable housing offer by altering the rented/intermediate split across the affordable component for the two sites to 80/20 if allied to a grant cascade mechanism. This would involve funding the conversion of tenure from intermediate housing to social rent of 21 units (66 habitable rooms) within Block A of Island Point. The additional cost to the developer of transferring the tenure of these units would be £1,869,759.50. Alternatively, the tenure balance could remain as currently specified and the £1,869,759.50 could be transferred to the Council as a payment in lieu of on-site provision, and be used to deliver additional affordable housing elsewhere in the borough.

8.64 In summary, the applicant's affordable housing offer is as follows:

- The base affordable housing offer across the two sites is 41.5% affordable housing (71% social rented and 29% intermediate). Should a no grant position be preferred, this figure reduces to 40%. 40 % is the level that has been verified by the GLA.
- The applicant has also offered an additional monetary contribution of £1,869,759.50 over and above the 41.5 % provision which could be used to convert some of the intermediate housing at Island Point into social rented units. Alternatively, the £1.8 million may be used by LBTH to secure additional social rented units elsewhere within the borough. The target tenure balance as a consequence of this increased offer would be 80% social rented and 20% intermediate. This is the applicant's "enhanced position".
- The "enhanced position" is contingent upon securing appropriate levels of Housing Grant. A cascade arrangement in the section 106 agreement would exist, but only between the "enhanced £1.8 million offer" and "the base 41.5 % offer" (i.e. cascading down from an 80 % social rented and 20 % intermediate provision to the 71 % social rented and 29 % intermediate position). The base condition would be secure. The applicant says that the advantage of the enhanced offer, with cascade, is that ultimately more social rented housing could be provided than the economic appraisal allows for.

8.65. The Committee needs to determine:

- Firstly, whether the principle of providing the majority of the affordable housing obligation at Island Point is acceptable in principle; and,
- Secondly, whether the offer of 41.5% affordable housing across both sites is reasonable or whether the “enhanced offer” is preferred..

### Dwelling mix

8.66. Policy HSG 2 of the Council’s interim planning guidance says the Council will require that sites providing social rented housing provide it in accordance with the housing mix outlined in Table DC1: Housing Mix as follows:

Table DC1: Housing Mix	
Housing Type	Social Rented Housing as a percentage (%) of units
Studios	0
One bedroom	20
Two bedroom	35
Three bedroom	30
Four bedroom	10
Five and six bedroom	5

8.67. Policy HSG2 also says that the Council will require that both the intermediate housing and market housing components of housing provision contain an even mix of dwelling sizes, including a minimum provision of 25% family housing, comprising 3, 4 and 5 plus bedrooms.

8.68. A breakdown of the residential units for City Pride is shown below.

	Private	Social rented	Intermediate	Total	%
Studio	57	0	0	<b>57</b>	13
1 bed	158	0	4	<b>162</b>	38
2 bed	168	0	14	<b>182</b>	42
3 bed	29	0	0	<b>29</b>	7
<b>Total</b>	412	0	18	<b>430</b>	
%	<b>96</b>	0	<b>4</b>		

8.69. It is apparent that in isolation, the City Pride development would not comply with the interim planning guidance, there being overprovision of studios, 1 bed and 2 bed units and only 7% family accommodation (3 bed+) compared to the policy requirement of 45%.

8.70. Overall, across both sites, the residential breakdown is shown below.

	<b>Private</b>	<b>Social rented</b>	<b>Intermediate</b>	<b>Total</b>	<b>%</b>
Studio	57	0	0	<b>57</b>	9
1-bed	166	18	14	<b>198</b>	32
2-bed	180	9	42	<b>231</b>	37
3-bed	32	29	10	<b>71</b>	12
4-bed	0	44	0	<b>44</b>	7
5-bed	0	18	0	<b>18</b>	3
<b>Total</b>	435	118	66	<b>619</b>	100
<b>%</b>	<b>70</b>	<b>19</b>	<b>11</b>		

8.71. The Mayor of London's Housing SPG provides a London-wide target for the mix of unit sizes within developments. The table below compares the proposed mix of units against the targets within the SPG.

	<b>Overall</b>		<b>Social rented</b>		<b>Intermediate</b>		<b>Market</b>	
	SPG	Scheme	SPG	Scheme	SPG	Scheme	SPG	Scheme
<b>1 bed</b>	32%	41%	19%	15%	66%	21%	25%	51%
<b>2/3 bed</b>	38%	49%	39%	32%	0%	79%	75%	49%
<b>4 bed +</b>	30%	10%	42%	53%	34%	0	0	0

8.72. If the Committee decides that principle of providing the majority of the affordable housing arising from the City Pride development within the Island Point scheme is acceptable in principle, the Committee also needs to determine whether the proposed dwelling mix across both sites is satisfactory. This matter is discussed in the original parallel report on the Island Point proposal that was considered by the Committee on 19<sup>th</sup> February.

#### **Access and servicing arrangements**

8.73. An existing area of highway land, adjacent to the site has been safeguarded for proposed highway widening. Following a corridor review it has been decided that this section of Westferry Road is not required for future highway widening and could be included within the development site.

8.74. The development would be accessed from both Westferry Road and Marsh Wall

and would include a drop off point for taxis and vehicles visiting the basement car parking area. There is sufficient space to allow vehicles to enter and exit the site in forward gear and the arrangement is considered acceptable, with pedestrian visibility splays and vehicle sight lines maintained.

- 8.75. Access for servicing vehicles and coaches would be from Marsh Wall via an entry only access point with egress onto Westferry Road. The applicant has indicated that the servicing arrangements will be managed, but has not provided a Service & Delivery Plan or a Travel Plan for the development. The submission and implementation of Travel Plan arrangements forms part of the recommended legal agreement between the developer and the Council.
- 8.76. There is an existing pedestrian crossing adjacent to the development site. The proposed access arrangements could lead to vehicle and pedestrian conflict and the developer has offered funding to relocate the crossing to a more suitable location. The Traffic and Transport Department is satisfied with this arrangement.
- 8.77. The applicant has provided details of two refuse storage areas at basement levels 2 and 3 with collection from the servicing area at ground level. The location and design of refuse storage and the collection point meet standards. The developer would need to agree the collection regime with the Council's Waste Management Section, but no difficulties are envisaged.
- 8.78. The 30 parking spaces proposed would be significantly lower than the maximum standard of 0.50 per dwelling set out in the Council's interim planning guidance and is consequently considered satisfactory. The applicant has not indicated any disabled parking provision. From the standards in the interim planning guidance, 10 % (3 spaces) would be required. However the applicant's Traffic Assessment demonstrates that disabled users would be able to access the site from a drop-off point within the curtilage of the site accessed from Westferry Road. Overall, the parking proposals, in conjunction with the recommended 'car free' agreement to prevent residents from applying for on-street parking permits, are policy compliant.
- 8.79. The Council's interim planning guidance requires cycle parking to be 1 per unit for the residential element of the proposal with 1 space per 20 staff for the hotel i.e. 447 spaces. The applicant has indicated that they will be looking at providing a higher cycle parking provision of 470 stands which is again policy compliant.
- 8.80. The applicant's Transport Assessment includes estimates of Trip Generation and its assignment using the Travl database which is satisfactory. Overall the proposed increase in traffic would not have a detrimental effect on the highway network which would operate within capacity.
- 8.81. The site has 6a PTAL accessibility rating with a very good level of accessibility to public transport links. The developer estimates that the scheme would produce an additional 2 passengers on each bus service during both the AM and PM peaks. That figure is not accepted. TfL estimate an additional 61 bus passenger trips and the developer has agreed a contribution to bus service

provision to mitigate the impact and increase capacity.

- 8.82. The submitted Transport Assessment also estimates that the proposal would produce an additional 142 passengers on the DLR during the AM peak and an additional 138 users during the PM peak. By 2011 (completion of development) it is anticipated that there will be 33 trains during both the morning and evening peaks. Capacity would be sufficient to accommodate the increase in passenger trips. No representations have been received from the DLR following consultation.
- 8.83. It is estimated that the development would produce an additional 135 Underground passengers during the AM peak and an additional 13 users during the PM peak. By 2011 (completion of development) it is anticipated that there will be 30 trains during both the morning and evening peaks with sufficient capacity to accommodate the proposed increase in passenger trips. London Underground Limited has not raised any objection following consultation.
- 8.84. The development is forecast to generate 445 pedestrian movements during the AM peak and 343 trips during the PM peak. The applicant has provided a Pedestrian Environment Review Service and, given the Council's aim of promoting encouraging sustainable transport measures, arrangements are considered acceptable. When works are completed, in conjunction with the development of Riverside South and 22 Marsh Wall, the pedestrian environment adjacent to the site and in the vicinity will provide excellent facilities in terms of the safety and security of pedestrians.
- 8.85. In summary, the proposed arrangements for access and servicing are considered acceptable and in accordance with the development plan for the area and the interim planning guidance.

### **Landscaping**

- 8.86. The landscape design for the development is not finalised. The submitted drawings show areas of public realm along both Westferry Road and Marsh Wall and between the development and 22-28 Marsh Wall. Soft landscaping would also be undertaken. Conditions are recommended to require the approval and implementation of the detailed landscaping of all external areas of the development and to mitigate wind impact. No reason is seen to conclude such that UDP policy DEV12 – 'Landscaping and trees' would not be met.

### **Sustainable development / renewable energy**

- 8.87. The Greater London Authority and the Council's Energy Officer are largely content with the proposed energy strategy, subject to any planning permission being conditioned to require the approval of further details to ensure compliance with policies 4A1 to 4A9 of The London Plan, policies CP38, DEV5 to DEV9 of the Council's interim planning guidance together with national advice in PPS22: Renewable Energy.

### **Planning obligations**

- 8.88. 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.

- 8.89. 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.

- 8.90. Following consultation, in addition to a contribution to affordable housing, the following section 106 obligations have been requested:

**Greater London Authority (Transport for London)**

- 8.91.
- A contribution of £250,000 to help fund a study of Upper Bank Street / Aspen Way signal controlled junction and Preston's Road roundabout and funding any subsequent improvement works.
  - A contribution to assess the condition of bus stops within 400 metres of the development and upgrading those which are deficient.
  - A contribution of £258,000 towards improving local bus services.
  - A contribution to rectify dropped kerbs along Westferry Road.
  - Contributions for daisy boards and local pedestrian improvements.
  - A delivery service plan and construction logistics plan.
  - A workplace and residential travel plan.

**Policy and Development Manager - Cultural Services**

8.92.	Open space contribution to mitigate the residential development	£354,492
	Open space contribution to mitigate the hotel development	£128,702
	Leisure facilities contribution	£314,475
	Libraries /Idea Store contribution	£ 80,496
	Total contribution requested.	£878,165

**Head of Transportation and Highways**

- 8.93. A contribution to help fund the reconstruction and of the existing highway south of Westferry Circus, including improvements to visibility, footways, carriageways, carriageway markings, the provision of a cycle lane,



upgrading the junction and to facilitate the construction of the entrance to 15 Westferry Road. £267,140  
 A contribution of to improve the existing bus network. £200,000  
 These contributions do not include section 278 works which would be subject to a separate agreement at a later stage.

**Children’s Services (Education Development)**

8.94. A pooled contribution towards the provision of 31 additional primary school places @ £12,342 = £382,602.

**Strategic Transport Team**

- 8.95.
- Car free agreement.
  - Contribution to improve access and capacity to local bus services.
  - Contribution to a cycle route along Westferry Road.

**Tower Hamlets Primary Care Trust**

8.96. Total Capital Planning Contribution. £ 741,548  
 Total Revenue Planning Contribution. £2,494,053  
 Combined contribution sought for health. £3,235,601

**British Waterways**

8.97. Requests a contribution of £50,000 to mitigate noise from its pumping station adversely impacting on residents of the development.

8.98. (Officer comments). TfL has subsequently advised as little traffic from the development would pass through Upper Bank Street / Aspen Way junction or the Preston’s Road roundabout, the mitigation is no longer requested. Traffic information DAISY board(s) would be installed by the developer and no financial contribution is required. In line with established practice, the developer has been requested to make a capital contribution to the Tower Hamlets Primary Care Trust. It is considered that the mitigation of noise from the pumping station should be settled between BWB and the developer without the involvement of the local planning authority.

8.99. The following package of planning obligations, which is considered to meet the tests of Circular 05/2005, has been offered by the developer and is recommended:

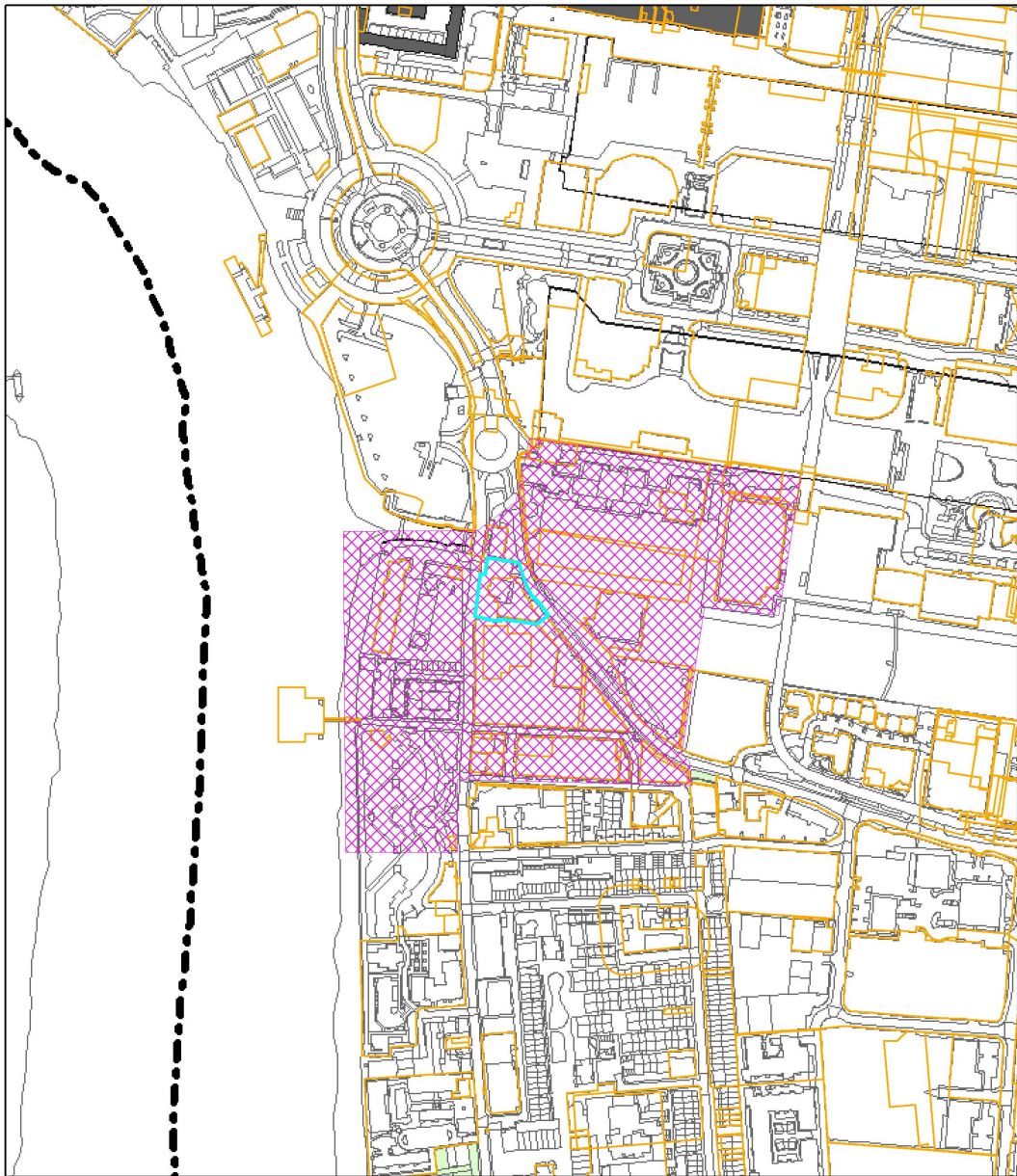
Project	Estimated cost
<b>Affordable housing.</b> To provide 41% of the residential accommodation across both the City Pride and Island Point (443-451 Westferry Road) sites as affordable housing measured by habitable rooms with a tenure split of the affordable accommodation being 73% social rented and 27% intermediate housing with a mechanism	<hr/>



to ensure that the affordable housing at the Island Point site is provided prior to the on-site market housing at both sites is completed.	
<b>Bus Network Contribution</b> comprising £200,000 to fund improvements to local bus services and £20,000 to fund the upgrading of bus stops.	£220,000
To fund and implement a <b>Transport Plan</b> comprising: <ul style="list-style-type: none"> <li>• The submission and implementation of a hotel and residential travel plan, a delivery service plan and a construction logistics plan.</li> <li>• To provide, install and maintain DAISY board(s) to provide driver and transport information.</li> <li>• Car free arrangements that prohibit residents of the development other than disabled people from purchasing on street parking permits from the borough council.</li> </ul>	_____
A <b>Community and Open Space Contribution</b> to help fund open space improvements, leisure facilities and Library / Idea Store facilities on the Isle of Dogs.	£878,165
A <b>Highway Improvement Works Contribution</b> .	£217,140.
An <b>Education contribution</b> .	£382,602
A <b>Healthcare contribution</b> to help fund the capital programme of the Tower Hamlets Primary Care Trust.	£741,548
To participate in the Council's Access to Employment and / or Skillsmatch programmes.	
To commission <b>Public Art</b> within the development at a cost of at least £35,000.	_____
To undertake and necessary Television and radio reception mitigation measures	_____
<b>Total recommended financial contribution.</b>	<b>£2,439,455</b>

## 9 CONCLUSION

- 9.1. All relevant policies and considerations have been taken into account. 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
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



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 LA086568

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# Agenda Item 7.3

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> April 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.3
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Applications for planning permission, listed building consent and conservation area consent.	
<b>Case Officer:</b> Richard Humphreys		<b>Ref:</b> PA/06/2131, PA/06/2132 and PA/06/2133	
		<b>Ward:</b> St. Katharine's and Wapping	

## 1. APPLICATION DETAILS

**Location:** St. Katharine Docks, St Katharine's Way, E1.

**Existing use:** Docks / marina, offices, restaurant, wine bar, yacht club / restaurant and public amenity space.

**Proposals:** A. Application for planning permission comprising:

1. Redevelopment of Commodity Quay to provide 23,373 sq. m of Class B1 (Business) and 2,951 sq m of Class A1 (Shop) at quay and basement levels together with underground servicing and other works incidental to the development;
2. The erection of a 150 sq. m extension to International House for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink), or A4 (Drinking establishments) and change of use of 1,550 sq. m of the ground floor of International House from Class B1 (Business) ) to either Class A1, A2, A3 or A4 with the creation of a new quayside double height main entrance, installation of shop fronts, reconfiguration of existing servicing arrangements and erection of canopies;
3. Alterations and extension to 'Tradewinds', including ground and first floor extension for Class A3 (Food and drink) use, the provision of a glazed western elevation and re-cladding;
4. Creation of new north gateway entrance including the provision of stairs, lift and viewing gallery;
5. Creation of new south pedestrian gateway entrance, including the provision of new stairs and ramps;
6. Erection of new pedestrian boardwalks around the West Dock;
7. Landscaping of the public space outside the Dickens Inn.

### 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 City Fringe AAP		Development Control 020 7364 5338

The application for planning permission is accompanied by an Environmental Impact Assessment pursuant to the Town And Country Planning (Environmental Impact Assessment) Regulations 1999.

**B.** Application for listed building consent for the construction of new boardwalks adjoining the West Dock walls and alterations to the wall on East Smithfield.

**C.** Application for conservation area consent for the demolition of Commodity Quay.

**Drawing Nos.  
Application for  
planning  
permission:**

Unnumbered site location plan, SI.AP(0)10B, SI.AP(2)10F, IN.AP(0)09, IN.AP(0)10A, IN.AP(0)11A, IN.AE(0)02, IN.AS(0)01, IN.AP(2)10C, IN.AP(2)11C, IN.AE(2)02C, IN.AS(2)01A, PZ.AP(0)10, PZ.AP(0)11, PZ.AE(0)02, PZ.AP(2)10C, PZ.AP(2)11C, PZ.AP(2)12C, PZ.AE(2)02C, SG.AP(0)10, SG.AE(0)02, SG.AP(2)10B, SG.AE(2)02B, TW.AP(0)01A, TW.AP(0)11, TW.AP(0)12, TW.AE(0)01, TW.AE(0)02, TW.AP(2)10D, TW.AP(2)11D, TW.AP(2)12D, TW.AE(2)01C, TW.AE(2)02B, TW.AE(2)03B, TW.AE(2)04B, CQ.AP(0)0 08, CQ.AP(0)0 09, CQ.AP(0)0 10, CQ.AP(0)0 11, CQ.AP(0)0 12, CQ.AP(0)0 13, CQ.AP(0)0 14, CQ.AP(0)0 15, CQ.AP(0)0 16, CQ.AP(0)0 17, CQ.AP(0)0 18, CQ.AP(0)0 19, CQ.AS(0)0 01, CQ.AS(0)0 02, CQ.AE(0)0 01, CQ.AE(0)0 02, CQ.AE(0)0 03, CQ.AE(0)0 04, CQ.AE(0)0 05, CQ.AE(0)0 06, CQ.AED (2) 04, CQ.AP(2)0 09A, CQ.AP(2)0 10A, CQ.AP(2)0 11A, CQ.AP(2)0 12A, CQ.AP(2)0 13A, CQ.AP(2)0 14A, CQ.AP(2)0 15A, CQ.AP(2)0 16A, CQ.AP(2)0 17A, CQ.AP(2)0 18A, CQ.AP(2)0 19B, CQ.AP(2)0 20B, CQ.AS(2)0 01A, CQ.AS(2)0 02B, CQ.AE(2)0 01B, CQ.AE(2)0 02B, CQ.AE(2)0 03B, CQ.AE(2)0 04B, CQ.AE(2)0 05B, CQ.AE(2)0 06B, CQ.AD(2)0 01A, CQ.AD(2)0 02A, CQ.AD(2)0 03A, CQ.AD(2)0 04, CQ.SK01, BW.SI(0)01A, BW.SI(2)01A, BW.CQ(0)01, BW.CQ(2)01A, BW.IN(0)01, BW.IN(2)01A, BW.TWC(0)01, BW.TWC(2)01A, DI.AP(0)10 and DI.AP(2)10A.

Environmental Statement including Additional Regulation 19 Information.

Design and Access Statement.

Retail Statement.

Conservation Plan December 2008 (Revision A).

Transport Assessment.

Energy Statement.

Statement of Community Involvement.

Tradewinds Traffic Management Proposal.

**Drawing Nos.  
Application for**

Unnumbered site location plan, SI.AP(0)10B, SI.AP(2)10E, CQ.AD (2) 0.01A, CQ.AD (2) 0.02A, CQ.AD (2) 0.3B,

<b>listed building consent:</b>	BW.S1(0)01A, BW.SI(2)01A, BW.CQ(0)01, BW.CQ(2)01A, BW.IN(0)01, BW.IN(2)01A, BW.TWC(0)01, and BW.TWC(2)01A.
<b>Drawing Nos. Application for conservation area consent:</b>	Unnumbered site location plan, SI.AP(0)10B, CQ AE(0) 01, CQ AE(0) 0, CQ AE(0) 04 and CQ AE(0) 06.
<b>Applicant:</b>	St Katharine's Investments LP.
<b>Owners:</b>	St Katharine's Investments LP, Skil One Ltd, Skil Two Limited, The RT Hon David Mellor, Lightship Restaurant Ltd, Corporation of London, Ms K Fishlock, Fuerst Day Lawson Holdings Ltd, NTT Europe Ltd, Mala Restaurant Ltd, Ince & Co, Reynolds Technological Enquiries Ltd, Rod Mitchell Ltd, Taylor Woodrow Plc, Spotform Plc, DPR Consulting Ltd, Bentley's, Victoria Steamship and Sword Insurance Technology Solutions Plc.
<b>Historic buildings:</b>	Dock walls, dock side bollards and perimeter wall on East Smithfield Grade 2 listed. The site adjoins Tower Bridge and the Tower of London both listed Grade 1 and lies within the UNESCO World Heritage Site. Grade 2 listed Ivory House and Dockmaster's House, Grade 2* Johnson Smirke Building in Royal Mint Court, Grade 2 entrances to Royal Mint Court and Grade 2 sundial on the riverside walk also adjoin.

**Conservation area:** The Tower.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1. The local planning authority has considered the particular circumstances of these applications against 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, The London Plan 2008 and Government Planning Policy Guidance and has found that:
- Commodity Quay makes little positive contribution to the character and appearance of the Tower Conservation Area and its demolition is justified in accordance with policy DEV28 of the Council's Unitary Development Plan 1998, policy CON2 of the Council's interim planning guidance 2007 and national advice in PPG15.
  - The proposed Use Class B1 (Business) floorspace accords with employment policy 3B.2 of The London Plan 2008, policies EMP1, DEV3, CAZ1, and CAZ4 of the Council's Unitary Development Plan 1998, policies CP8 and EE2 of the Council's interim planning guidance 2007 and policy CRF1 of the City Fringe Action Area Plan interim planning guidance 2007 which seek to promote employment growth in

St. Katharine West Dock.

- The provision of Class A1 (Shop), A2 (Financial and professional services), A3 (Restaurant /café) and A4 (Drinking establishments) uses are acceptable in principle as they provide useful community services and visual interest in line with policies DEV3 and S7 of the Council's Unitary Development Plan 1998 and policies RT4 and RT5 of the Council's interim planning guidance 2007, which seek to ensure services are provided that meet the needs of the local community and the evening and night-time economy without undue detriment to residential amenity.
- The new buildings and other alterations in terms of height, scale, design and appearance are acceptable 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 Council's Unitary Development Plan 1998 and policies CP49, DEV1, DEV2, CON2 and CON3 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 World Heritage sites and preserves the setting of listed buildings.
- The alterations to the listed East Smithfield perimeter wall and the walls of the West Dock, including the installation of the boardwalks are satisfactory and comply with national advice in PPG15, policies DEV37 and DEV46 of the Council's Unitary Development Plan 1998 and policy CON1 of the Council's interim planning guidance 2007.
- Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable in line with policy T16 of the Council's Unitary Development Plan 1998 and policies DEV16, DEV17, DEV18 and DEV19 of the Council's interim planning guidance 2007, which seek to ensure developments can be supported within the existing transport infrastructure.
- The development complies with the Blue Ribbon Network Principles set out in The London Plan 2008 and is in line with policies 4C.3, 4C.11, 4C.14, and 4C.23.
- Proposals for landscaping would be satisfactory in line with policy DEV12 of the Council's Unitary Development Plan 1998.
- Subject to final details, sustainability and renewable energy matters are appropriately addressed in line with national advice in PPS22, policies 4A.7 – 4A.9 of The London Plan and policies DEV5 – 9 and DEV 11 of the Council's interim planning guidance 2007, which seek to ensure developments reduce carbon emissions and result in sustainable development through design measures, water quality, conservation, sustainable drainage, sustainable construction materials, air pollution and air quality.



- Contributions have been secured towards the provision of highway and public transport improvements, pedestrian links and either off-site affordable housing or estate improvements in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the interim planning guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- The submitted Environmental Impact Assessment supplemented by Additional Information is satisfactory, including the cumulative impact of the development, with mitigation and safeguarding measures to be implemented through conditions and a recommended legal agreement.

### 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:

- a) A contribution of £150,000 to fund an additional signalised pedestrian crossing on East Smithfield west of St. Thomas More Street.
- b) To improve access to bus services by the upgrading of four bus stops on East Smithfield and Tower Bridge Approach to TfL accessibility standards at circa £10,000 per bus stop.
- c) To deliver a signage strategy within St. Katharine Docks with directions given to the transport nodes in the area and other important public destinations.
- d) To relocate any redundant public art.
- e) A contribution of £71,820 towards either the provision of off-site affordable housing or for local authority estate renewal in the area.
- f) The use of the Council's Access to Employment and / or Skillsmatch projects.
- g) To adhere to the Council's Code of Construction Practice with any variations to accord with the mitigation measures set out in the submitted Environmental Statement and Regulation 19 Additional Information.
- h) To undertake the development in accordance with the approved Programme of Works.
- i) Any other planning obligation considered necessary by the Corporate Director Development & Renewal.

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:

3.5. **Conditions**

1. 3 year time limit.
2. Before the development hereby permitted is begun, details shall be submitted to and approved in writing showing:
  - Details of all elevations to show typical details of components of external cladding and fenestration to include ant measures to eliminate solar glare.
  - Particulars and samples of the materials to be used on all external faces of the buildings.
3. Details of a Programme of Works (Phasing Plan) shall be submitted to and approved in writing by the local planning authority. The development shall only be undertaken in accordance with the approved Programme unless any alternative is agreed in writing by the local planning authority.
4. Details of a landscaping scheme to include hard and soft finishes, any gates, walls fences and external lighting to be submitted and approved.
5. Details of green roofs for the new Commodity Quay and Tradewinds to include a habitat for Black Redstarts (at Commodity Quay) to be submitted and approved.
6. Approved landscaping and green roof schemes to be implemented.
7. The submission and approval and implementation of a Travel Plan to include a Delivery and Servicing Plan.
8. Approved cycle parking within Commodity Quay to be provided and maintained.
9. Details of a scheme of bicycle parking in the vicinity of the South Western Gateway and the entrance off East Smithfield to be submitted, approved and implemented.
10. Commodity Quay shall be fitted with a directional motion sensitive lighting system.
11. Prior to the commencement of works at Commodity Quay, International House and Tradewinds, full details of energy efficiency measures and energy technologies shall be submitted to the local planning authority and approved in writing. The measures should include full details of the renewable energy provisions outlined in the submitted energy strategy. Should the approved energy technologies prove unfeasible, details of any alternative technologies should be approved in writing by the local planning authority prior to the commencement of works at Commodity Quay, International House and Tradewinds. The approved renewable energy technologies shall be implemented and retained for so long as the development shall exist except to the extent approved in writing by the local planning authority.
12. Archaeological investigation of areas to be redeveloped.
13. Decontamination of areas to be redeveloped.

14. The "Disabled Parking" area shown at the eastern end of Commodity Quay on drawing No. CQ.AP(2)0 11 Rev A shall be used for parking purposes only and shall not be used for the servicing of the building including loading and unloading.
15. 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.
16. 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.
17. Details of foul and surface drainage system to be submitted, and approved and implemented.
18. Details of surface water drainage and control measures to be submitted, approved and implemented.
19. No Class A3 (Café / restaurant) or Class A4 (Drinking establishment) use shall commence in International House until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Such measures to be implemented and maintained for the duration of the use.
20. Tradewinds (River Lounge) as altered and extended shall not be used for Class A3 (Café / restaurant purposes until details of the means of fume extraction, to include noise mitigation measures, have been submitted and approved by the local planning authority. Such measures to be implemented and maintained for the duration of the use.
21. The open landscaped area adjacent to the Dickens Inn and Marble Quay shall not be used for the consumption of food or drink served from those establishments.
22. The development authorised by this permission shall not commence until the Council (as local planning authority and the highway authority) has approved in writing a scheme of highway improvements necessary to serve the development being alterations to the adopted length of St. Katharine's Way.
23. A footway a minimum of 2 metres wide, clear of any obstruction, dedicated solely for pedestrian use and delineated by metal bollards from the vehicular carriageway which shall be a minimum of 3.7 metres wide, shall be provided and thereafter maintained on St. Katharine's Way adjoining Tradewinds (The River Lounge).
24. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### 3.6. **Informatives**

1. Planning permission subject to section 106 agreement.
2. Planning permission under section 57 only.
3. Express consent required for the display of advertisements.
4. Wheel cleaning facilities during construction.
5. Change of use only as permitted by Part 3 of the Town and Country Planning (General Permitted Development) Order 1995.
6. The landscaping scheme required by condition 4 should reclaim and utilise the existing Yorkstone flags and granite setts at the site. The scheme should investigate the feasibility of reintroducing planters around the dock edges. All planting within 8 metres of the dock should be of locally native species, existing trees at the North West Gateway

- should be replaced, the pedestrian access at the South Western Gateway should not include any variation in paving treatment and external lighting should be designed to prevent light spill into the docks.
7. The scheme for cycle parking required by condition 8 should be in line with Transport for London standards and should aim to provide 52 parking spaces additional to those proposed in Commodity Quay.
  8. With regard to condition 11 (energy efficiency measures and energy technologies), you are advised that Commodity Quay should include a ground source heating system (estimated at circa 400 kilowatts in size) and a ground source cooling system (estimated at circa 600 kilowatts in size) as the primary means of heating and cooling (subject to technical and economic feasibility), along with 100 sq. metres of solar collectors. International House should include 20 sq. m of photovoltaic panels. Tradewinds should include 100 sq. metres of photovoltaic panels.
  9. Consultation with the Council's Department of Traffic and Transportation regarding alterations to the public highway and Condition 22 that will necessitate an agreement under section 278 of the Highways Act.
  10. You are requested to discuss with the Environment Agency, 30-34 Albert Embankment, London SE1 7TL (Ref. TL/2008/101631/02-L01) how the flood defence levels at St. Katharine Docks can be raised in the future by 600 mm above the current statutory defence level of 5.28 metres AOD.
  11. Under the terms of The Water Resources Act 1991 and The Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works (including new outfalls) or structures either effecting or within 16 metres of the dock walls and the River Thames.
  12. There is a Thames Water main crossing the development site and you should consult Thames Water in this respect Tel. 0845 850 2777.
  13. Any other informative(s) considered necessary by the Corporate Director Development & Renewal.
- 3.7. That, if within 3 months of the date of this committee decision the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated authority to refuse planning permission.
- 3.8. 2. That the Committee resolves to **GRANT listed building consent**.
- 3.9. That the Head of Development Decisions is delegated power to impose conditions on the listed building consent to secure the following:

#### **Conditions**

1. 3 year time limit.
2. Detailed drawings at a scale of 1:10 showing the means of the fixing of the proposed boardwalks to the dock walls shall be submitted to and approved in writing by the local planning authority.
3. Works to making good of the West Dock walls and the perimeter wall on East Smithfield shall be finished to the match the adjacent work with regard to methods used and to material, colour texture and profile.
4. Any other condition(s) considered necessary by the Corporate Director

## Development & Renewal.

- 3.10. **3. That the Committee resolves to GRANT conservation area consent.**
- 3.11. That the Head of Development Decisions is delegated power to impose conditions on the conservation area consent to secure the following:

### Conditions

1. Demolition works must be begun before the expiration of three years.
2. The demolition works shall not be carried out otherwise than simultaneously as part of the completion of development for which planning permission has been granted.
3. Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

## 4. PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1. Application is made for full planning permission for the redevelopment and change of use of parts of St. Katharine West Dock. The scheme principally involves the redevelopment of the existing office block called Commodity Quay for offices/shopping purposes, the extension and partial change of use of the ground floor of International House and alterations to the 'Tradewinds' restaurant now called The River Lounge. Specifically, the development proposes:

1. Redevelopment of Commodity Quay to provide 23,373 sq. m of Class B1 (Business) and 2,951 sq. m of Class A1 (Shops) at quay and basement levels together with underground servicing and other works incidental to the development;
2. The erection of a 150 sq. m extension to International House for use either for Class A1 (Shop), A2 (Financial and professional services), A3 (Food and drink), or A4 (Drinking establishments) and change of use of 1,550 sq. m of the ground floor of International House from Class B1 (Business) ) to either Class A1, A2, A3 or A4 with the creation of a new quayside double height main entrance, the installation of shop fronts, the reconfiguration of existing servicing arrangements and the erection of canopies;
3. Alterations and extension to Tradewinds including ground and first floor extension for use within Class A3 (Food and drink) (increasing the size of the building from 362 sq m to 481 sq m), the provision of a glazed western elevation and re-cladding;
4. Creation of new north gateway entrance including the provision of stairs, lift and viewing gallery;
5. Creation of a new south pedestrian gateway entrance including the provision of new stairs and ramps;
6. Erection of new pedestrian boardwalks around the West Dock;
7. Landscaping of the public open space outside the Dickens Inn.

- 4.2. As originally submitted, the applications involved the redevelopment of Devon House (an office block fronting the Thames) by three new buildings to provide 100 residential units and 847 sq. m of community use or shops together with the creation of a public open space overlooking the river. The Devon House proposal has however been deleted from the application due to concerns about the design of the new buildings.
- 4.3. Due to concerns expressed following public consultation, the proposed siting of Tradewinds has been modified to maintain a dedicated public footway adjacent to the restaurant delineated by bollards. A proposed North-West Gateway tower structure has largely been omitted and amendments to the plant enclosure at 9<sup>th</sup> floor level of the proposed new Commodity Quay have also been made.
- 4.4. Application is also made for listed building consent for the installation of new boardwalks to the listed West Dock walls and alterations to the listed perimeter wall on East Smithfield.
- 4.5. Conservation area consent is requested for the demolition of the existing Commodity Quay building.

#### **Site and surroundings**

- 4.6. St. Katharine Docks (comprising a West Dock, an Eastern Dock and a Central Basin) is bounded by the River Thames to the south, Tower Bridge Approach and St. Katharine's Way to the west, East Smithfield to the north and Thomas More Street to the east. The docks are used as a marina and the application site covers an area of some 4.12 hectares in and around the West Dock and the Central Basin. The docks lie east of the Tower of London, a designated UNESCO World Heritage Site, and fall within the Council's designated Tower Conservation Area.
- 4.7. St. Katharine Docks were mostly redeveloped from the 1970's onwards and the existing buildings around the West Dock and the Central Basin vary in age, scale and design. The eastern part of the conservation area around St. Katharine's Dock has undergone significant changes since the closure of the docks and the character of buildings and spaces are more varied than a the Tower of London to the west.
- 4.8. Within the application site, International House is a 6-storey 1980's office block fronting Tower Bridge Approach, opposite the Tower of London. Commodity Quay on East Smithfield is a 19,069 sq. metre, a 6-storey 1980's office block incorporating two trading floors with double height floors. Tradewinds (recently renamed The River Lounge) is a 2-storey building located adjacent to the lock entrance to the docks housing a restaurant, WCs and lock keeping equipment.
- 4.9. Immediately adjoining, but outside the application site, are the 15-storey Guoman Tower Hotel circa 1973, Tower Bridge House a glass fronted, 7-storey office block erected in 2005 on the corner of East Smithfield and Tower Bridge Approach, the centrally located mid-19<sup>th</sup> century Grade 2 listed Ivory House now used for shops and residential, the Dockmaster's House comprising a Grade 2

listed dwellinghouse circa 1828 located on the bank of the River Thames south of Tradewinds, and the adjoining 1980's office block Devon House. To the east, between the Central Basin and the East Dock, are the Dickens Inn and the Mala restaurant at Marble Quay. Around the northern and eastern sides of the East Dock lies City Quay that comprises two rows of 6-9 storey residential apartment blocks completed in 1997.

- 4.10. The late C20th development around the docks display a variety of architectural styles but still maintain or re-create the original sense of enclosure of the docks. To the east of Tower Bridge, the buildings are generally large and substantial in character, but are not designed to be prominent on the skyline. The warehouses and residential buildings in St Katharine's Docks are generally 5-8 storeys high, although there are several individual buildings which are much smaller. The Tower Guoman Hotel is an anomaly in the area, ranging from 8 to 15 storeys in height.
- 4.11. In addition to the Ivory House and the Dockmaster's House, the original dock perimeter wall on East Smithfield, the walls to the docks and basin, bollards around the docks, a sundial on the riverside walk and Nos. 52 and 78 St. Katharine's Way are included in the Statutory List of Buildings of Architectural or Historic Interest Grade 2. Tower Bridge and the Tower of London are listed Grade 1. The Johnson Smirke Building in Royal Mint Court on the northern side of East Smithfield is listed Grade 2\* and the entrances to Royal Mint Court are listed Grade 2.
- 4.11. A riverside walk runs alongside the Guoman Tower Hotel but not in front of the Dockmaster's House or Devon House. There is vehicular and pedestrian access to the West Docks from both the west and the east via St. Katharine's Way and from the north off East Smithfield. There is also a stepped pedestrian access in the north west corner of the West Dock adjacent to Tower Bridge House. There are walkways and boardwalks around the docks except on the east side of International House where there is no pedestrian public access at present.
- 4.12. The Protected Vista - Greenwich Park to St. Paul's, designated in the Greater London Authority's London View Management Framework 2007, runs across the southern part of the West Dock and the Central Basin.
- 4.13. The site is well served by public transport being a short walk to Tower Gateway DLR station and Tower Hill District Line Underground Station. A number of bus routes serve East Smithfield and Tower Bridge Approach.

#### **Material planning history**

- 4.14. St. Katharine Docks was the first of the London's docks to be redeveloped. They have been the subject of a complex series of planning applications since their closure in the late 1960's with planning permissions granted for the major new buildings itemised above.
- 4.15. St. Katharine Investments LP (the applicant) purchased St. Katharine Docks in 2004 and has undertaken an evaluation of the West and Central Docks. The

company believes there is an opportunity to improve the estate, the accommodation it provides, the mix of uses and the public realm.

4.16. In December 2005, applications were made for planning permission, listed building consent and conservation area consent for:

1. Redevelopment of Commodity Quay to provide offices and shops together with underground parking;
2. Redevelopment of Devon House to residential, community use and a public square;
3. Change of use of part of ground and mezzanine floors of International House from offices to four shops, the erection of a new piazza and southern gateway shop units, quay side main entrance, canopies together with alterations to servicing arrangements;
4. Change of use of part ground, first, second and attic floors of Marble Quay from offices to residential;
5. Erection of a 17-storey residential tower between the West Dock and the Central Basin;
6. Alteration and extension to Tradewinds;
7. Creation of a north and south gateway entrances;
8. Erection of new 2.5 metre pedestrian boardwalks around the West Docks, a single storey tourist information building and the provision of a new performance space.

4.17. The December 2005 applications resulted in significant concern, particularly the proposed introduction of the proposed 17-storey residential tower and the design of the replacements for both Devon House and Commodity Quay. The applications were subsequently withdrawn.

4.18. In October 2007, the Council published a Character Appraisal and Management Guidelines for the Tower Conservation Area. One of the purposes of the guide is to propose management guidelines on how the character of the conservation area should be preserved and enhanced in the context of appropriate ongoing change.

## 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	3B.1	Developing London’s economy
	3B.2	Office demand and supply
	3B.3	Mixed use development
	3B.11	Improving employment opportunities for Londoners
	3C.1	Integrating transport and development
	3C.2	Matching development to transport capacity
	3C.23	Parking strategy
	3D.3	Maintaining and improving retail facilities



3D.12	Biodiversity and nature conservation
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable design and construction
4A.4	Energy assessment
4A.6	Decentralised energy
4A.7	Renewable Energy
4A.9	Adapting to climate change
4A.11	Living roofs and walls
4A.12	Flooding
4A.13	Flood risk management
4.A14	Sustainable drainage
4A.17	Water quality
4A.19	Improving air quality
4A.20	Reducing noise
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
4B.11	London's built heritage
4B.12	Heritage conservation
4B.14	World Heritage sites
4B.15	Archaeology
4B.16	London View Protection Framework
4C.1	Strategic importance of the Blue Ribbon Network (BRN)
4C.3	The natural value of the BRN
4C.6	Sustainable growth priorities for the BRN
4C.11	Increasing access alongside and to the BRN
4C.14	Structures over and into the BRN
4.C.15	Safety on or near the BRN
4C.23	Docks
5C.1	The strategic priorities for North East London
5G.1	Indicative CAZ boundary
5G.2	Strategic Priorities for the CAZ
5G.3	Central Activities: Offices
6.A.4	Planning Obligation Priorities

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

Proposals:

1. Central Area Zone
2. Water Protection Area
3. Site of archaeological importance or potential
4. Strategic Riverside Walkway
5. Flood Protection Area
6. Site of Nature Conservation Importance
7. Strategic View Consultation Area: Greenwich Park to St Paul's Cathedral

(now termed a Strategic Vista).

Policies:

DEV1 & DEV2 – Design criteria for new development  
DEV3 – Mixed use developments  
DEV4 – Planning obligations  
DEV7 – Protection of strategic views  
DEV8 - Protection of significant local views  
DEV12 – Landscaping and trees  
DEV28 – Demolition of buildings in conservation areas  
DEV46 – Protection of waterways and water bodies  
DEV48 – Walkways in development with a water frontage  
DEV50 - Noise  
DEV51 – Contaminated land  
DEV57 – Nature conservation and ecology  
CAZ1 – Developing London’s Regional, National and International role  
CAZ4 – Retaining the character and functions of the CAZ  
EMP1 – Promoting employment growth  
T16 – Traffic impact of development proposals

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

Proposals:

1. Flood Risk Area
2. Central Activities Zone
3. Conservation Area
4. Archaeological Priority Area
- 5 Site of Importance for Nature Conservation
6. Blue Ribbon Network
7. Public Open Space
8. Strategic Views Consultation Area

Core Strategies IMP1	Planning Obligations
CP1	Creating Sustainable Communities
CP3	Sustainable Environment
CP4	Good Design
CP5	Supporting Infrastructure
CP7	Job creation and growth
CP8	Tower Hamlets’ Global Financial Business Centre and the Central Activities Zone
CP12	Creative and Cultural Industries and Tourism
CP17	Evening and Nigh Time Economy
CP30	Improving Quality and Quantity of Open Space
CP31	Biodiversity
CP33	Sites of Importance for Nature Conservation
CP37	Flood Alleviation
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
	CP49	Historic Environment
	CP50	Important Views
Development Control Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	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
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	EE2	Redevelopment/Change of Use of Employment Sites
	RT4	Retail Development and the Sequential Approach
	RT5	Evening and Night –time Economy
	OSN3	Blue Ribbon Network and the Thames Policy Area
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON3	Protection of World Heritage Sites
	CON5	Protection and Management of Important Views

**5.5. Interim planning guidance: Tower Hamlets City Fringe Action Area Plan September 2007**

Policies	CRF1	City Fringe Spatial Strategy
	CRF2	Transport and Movement
	CRF5	Open Space and Flooding
	CRF7	Infrastructure Capacity
	CRF15	Employment uses in St Katherine’s Sub Area
	CRF17	Retail, evening and night-time economy in St Katherine’s sub-area
	CRF18	Design and built form in St Katherine’s sub area
	CRF19	Local connectivity in St Katherine’s Sub Area

**5.6. Supplementary Planning Guidance/Documents**

Designing Out Crime  
Landscape Requirements  
Archaeology and development

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

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPG 25	Development and Flood Risk

5.8. **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

6. **CONSULTATION RESPONSE**

6.1. The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application initially. Those bodies affected by the amendments to the scheme have all been re-consulted on the revisions. The accompanying Environmental Impact Assessment has been amended three times to provide additional information and all the additional information has been subject to statutory publicity and public notification including press and site notices.

**Greater London Authority (Statutory consultee)**

6.2. At Stage 1, the Deputy Mayor advised that the lack of housing in the development does not comply with The London Plan policies 3B.3 and 5G.3 applying to the Central Area Zone but acknowledged that the scheme would make a significant contribution to an existing cluster of office activities. He added that the Mayor's draft City Fringe Opportunity Planning Framework identifies St. Katharine Docks as an area where a potential exception to London Plan mixed-use policy may be acceptable, subject to Tower Hamlets seeking a contribution, payable to the Council's Housing Department, towards off-site affordable housing or to fund estate renewal in the area. Conditions and / or obligations regarding the energy strategy, living roofs, additional cycle parking, a travel plan and training and employment initiatives were requested together with the following planning obligations recommended by Transport for London (TfL):

- A contribution of £150,000 to fund an additional signalised pedestrian crossing on East Smithfield immediately west of St. Thomas More Street.
- To improve access to bus services by the upgrading of 4 bus stops on East Smithfield and Tower Bridge Approach to TfL accessibility

standards at a cost of £10,000 per stop.

- The implementation of signage strategy focussed to and from the transport nodes in the area.

6.3. The overall design quality is high and will not adversely impact on the setting of St Katharine Docks and its listed buildings, Tower Bridge or the Tower of London. The proposed design and layout is compliant with London Plan design policies.

6.4. (Officer comments. The developer has agreed a financial contribution of £95 per sq. metre of additional office floorspace within the development. This is comparable with other recent major development permitted in the borough. Such a contribution would wholly fund the transport and pedestrian improvements requested by TfL and allow £71,820 towards either the provision of off-site affordable housing or for estate renewal in the area. The developer has also agreed to be party to the Council's Access to Employment scheme (previously Local Labour in Construction). The GLA has subsequently advised that such arrangements are satisfactory and make the development compliant with The London Plan policy for office development in the Central Area Zone). Conditions and / or obligations regarding the energy strategy, living roofs, additional cycle parking and a travel plan are recommended.

**Government Office for London (Statutory consultee)**

6.5. No representations received.

**Secretary of State for National Heritage (Statutory consultee)**

6.6. No representations received.

**Natural England (Statutory consultee)**

6.7. No comments.

**Environment Agency (Statutory consultee)**

6.8. No objection subject to conditions requiring the approval of details of landscaping, green roofs, surface and foul water drainage together with informatives regarding the future raising of statutory flood defence levels at St. Katharine Docks and applicable legislation administered by the Agency.

6.9. (Officer comments: Such conditions and informatives are recommended).

**Adjoining London boroughs (statutory consultees)**

6.10. The application originally proposed a replacement for Devon House (now deleted from the proposals) that projected into the Protected Vista of St Paul's Cathedral viewed from Greenwich Park. Following consultation with those boroughs lying along the vista, and with Southwark Council as an adjoining local planning authority, representations received are as follows:

**London Borough of Greenwich (Statutory consultee)**

6.11. No objection.

**City of Westminster (Statutory consultee)**

6.12. Does not wish to comment.

**London Borough of Southwark (Statutory consultee)**

6.13. No representations received.

**London Borough of Camden (Statutory consultee)**

6.14. No objection.

**London Borough of Lewisham (Statutory consultee)**

6.15. No representations received.

**Corporation of London (Statutory consultee)**

6.16. The proposals will not impact on the City. No objections.

**English Heritage (Statutory consultee)**

6.17. Advises that whilst the existing Commodity Quay respects the materials commonly found on warehouse buildings, it is otherwise an unremarkable building and no objection is seen to its demolition. The proposed new building has a similar bulk reflecting the scale of development traditionally found around the dock edge. The oak cladding proposed for both Commodity Quay and Tradewinds is inappropriate to the context of the urban dock environment. The night time view of the proposed Commodity Quay highlights the difference between architecture of solid walls and windows with a much more lightweight architectural vocabulary more often associated with the City rather than locations such as this. Considers the resulting architectural language is inappropriate in this particular context and the use of timber should be reconsidered. The language of the proposed altered Tradewinds does little to engender any greater sense of permanence or appropriateness than the existing building and does little to enhance the surrounding historic environment including views of the Dockmaster's house. Welcomes the elements aimed at increasing pedestrian access but expresses concern about the construction of the boardwalks around the West Dock as St. Katharine's was one of the first where the dock buildings were built directly on the edge of the dock walls and this is an important element of its architectural and historical significance. Where walkways are to be cantilevered over the dock itself, the design should be carefully considered. If planning permission and listed building consent are granted, conditions are recommended to:

- Require the approval of detailed drawings to establish that the means of the fixing of the proposed boardwalks ensures that the historic

significance of the warehouses being directly on the dock can still be recognised, and;

- Secure an archaeological investigation.

6.18. (Officer comments: Wood is currently used on a number of buildings in the Docks e.g. the Dickens Inn and Tradewinds as existing. Its use on Commodity Quay would be limited in extent. Suitably chosen and handled with appropriate detailing, it is considered suitable for both buildings in this location. The design of the new Commodity Quay and the alterations to Tradewinds is assessed in 'Material Planning Considerations' below. The boardwalks would result in significant improvements in pedestrian access, particularly the introduction of a walkway adjacent to International House. It is considered that the walkways are acceptable and would enhance the contemporary character and appearance of the West Dock. It is recommended that the requested conditions are adopted).

#### **Historical Royal Palaces (Statutory consultee)**

6.19. Pleased that the previously proposed residential tower has been omitted. Supports the proposal saying it will revitalise St. Katharine Docks, make them more attractive to visitors and improve the public realm around the eastward link from Tower Wharf.

#### **Docklands Light Railway**

6.20. No representations received.

#### **Commission for Architecture and the Built Environment (CABE)**

6.21. Supports the aims of the proposal and considers it has the potential to regenerate the area into a vibrant place for workers, residents and visitors. The improvements to the pedestrian access in the north west and south west corners are convincing, the remodelling of the ground floor plans of International House and the provision of new features is handled sensitively. Supports the provision of boardwalks around the dock but considers they could be wider and thought of as a space rather than a route with a clearer public realm strategy. Supports the use and form of the proposed Commodity Quay replacement. The nocturnal views and the assessment of the boardwalks on the extent and appearance of the West Dock do not change CABE's views on the scheme. Advises that success will depend on materials and detailing.

6.22. (Officer comments. The boardwalks would be approximately 2.5 metres wide on the south side of the West Dock and alongside International House. Adjacent to Commodity Quay the boardwalk would be approximately 3.3 metres wide to align with the existing walkway at Tower Bridge House. These arrangements would significantly improve pedestrian access around the West Dock and are considered satisfactory).

#### **Thames Water Plc**

6.23. No objection regarding water infrastructure.

### **Metropolitan Police**

- 6.24. No objection in principle. The new buildings should obtain 'Secured by Design' standards and bicycle stands should be designed to deter seating.

### **BBC Reception Advice**

- 6.25. No representations received.

### **London Fire and Emergency Planning Authority (LFEPA)**

- 6.26. Advises the development would not impinge on water hydrants. Satisfied that the revised siting of Tradewinds would allow access to the docks by fire appliances.

### **Pool of London Partnership (now defunct)**

- 6.27. Considered the scheme overcomes previous concerns and would contribute to the on-going regeneration of the area. Requested that all existing public art and signage remain or be relocated. Suggested a package of section 106 obligations to support projects outlined in the Pool of London Public Realm Framework Strategy.
- 6.28. (Officer comment. It is recommended that the former Partnership's requests for planning obligations are adopted where they accord with the Government's advice in Circular 5/2005 – see paragraphs 8.48 to 8.54 below).

### **Port of London Authority**

- 6.29. No objection in principle. Recommends a condition requiring an assessment of the practicality of using the Thames to transport construction material.
- 6.30. (Officer comments: A head of agreement is recommended to require the developer to adhere to the Council's Code of Construction Practice. This will ensure that construction and demolition and materials are transported to and from the site as efficiently as possible and accord with the mitigation set out in the Environmental Statement).

### **British Waterways**

- 6.31. Advises the site is outside British Waterways jurisdiction.

### **Environmental Health and Protection**

- 6.32. Advises that noise and vibration, micro climate (wind) and sunlight / daylight would all be satisfactory. Recommends that any planning permission is conditioned to secure decontamination of the area to be redeveloped, the approval of a Construction Phase Management Plan and details of the means of fume extraction from Class A3 and A4 uses in International House and Tradewinds.



- 6.33. (Officer comment: Appropriate conditions are recommended. A recommended head of agreement requires the developer to adhere to the Council's Code of Construction Practice).

#### **Traffic and Transportation**

- 6.34. Advises that there are no implications for traffic conditions on the public highway. The site is within walking distance of various key transport interchanges and there are no objections in principle. The level of parking provision would be acceptable and the disabled parking spaces meet the required minimum standard. The servicing of Commodity Quay from the existing loading bay at the western end of the building would be satisfactory. The revised servicing arrangements for International House would require a section 278 agreement with the Council to fund the alterations to the public highway. As originally proposed, the siting of Tradewinds would have resulted in pedestrians being unacceptably forced off the dedicated footway onto St Katharine's Way. A footway of 2 metres minimum width should be provided and the carriageway should be a minimum of 3.7 m to facilitate access by fire appliances.
- 6.35. (Officer comments: The scheme has been amended by repositioning the northern façade of the Tradewinds building to ensure the provision of a dedicated 2 metres wide pedestrian footway on St. Katharine's Way and a vehicular carriageway a minimum of 3.7 metres wide. Conditions are recommended to ensure that this arrangement is provided and maintained and to secure the funding of the necessary alterations to the public highway required for the proposed servicing arrangements for International House).

#### **Cleansing**

- 6.36. No representations received.

#### **Corporate Access Officer**

- 6.37. Satisfied with the access arrangements proposed by the amended scheme.

#### **Landscape Development Manager**

- 6.38. No comments received.

#### **Energy Officer**

- 6.39. No objection in principle subject to final details of energy efficiency measures being approved.

#### **Design and Conservation Area Advisory Group**

- 6.40. Considers the design of Commodity Quay is neither sufficiently strong nor distinctive enough and should relate more to the historic character of the area with a more industrial 'Docklands' feel. The building should be in brick, provided with a squared off top rather than a recessed top floor to give a stronger feel in

keeping with historic antecedents, with the plant floor integrated rather than perched on top.

- 6.41. (Officer comments. Whilst a brick building could be suitable, this does not preclude the use of other materials. The architecture proposed for the new Commodity Quay is considered well proportioned and the rhythmic facade would be a significant improvement on the blank elevations and large expanses of blackened glass of the existing building. Amendments have been made to the plant enclosure at ninth floor level. Whilst it would still sit on top, the enclosure is marginally stepped / set back on its east and west elevations. A squared off top floor would increase the bulk of the building which is considered undesirable. It is also now proposed that the enclosure is articulated in a similar architectural style to the rest of the building which would remove the dominance of the louvres on the external elevations and better integrate the plant enclosure with the building).

## 7. LOCAL REPRESENTATION

- 7.1. A total of 1,277 neighbouring properties within the area shown on the map appended to this report were notified about the applications and invited to comment. The applications have also been publicised in East End Life and on site. All the neighbouring properties initially notified, together with the groups that made representations, have been re-consulted on the revised scheme. The revisions have also been re-advertised on site and in East End Life. The three sets of additional information amending the Environmental Statement have also been subject to statutory publicity and consultation with neighbours and local groups. The number of representations received from neighbours and local groups in response to the 1<sup>st</sup> and subsequent rounds of publicity is as follows:

	<b>No of individual responses:</b>	<b>Objecting:</b>	<b>Supporting:</b>
1 <sup>st</sup> publicity round:	64	63	1
2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> publicity rounds including consultation on additional ES information:	59	59	0
No. of petitions received:	0		

- 7.2. Material representations from neighbours may be summarised as:

- The existing Commodity Quay is appropriate to the dock, complements the Ivory House and should be retained, redesigned and refurbished. Demolition unnecessary and a waste of resources.
- The design for the replacement Commodity Quay does not reflect the historic dockside character and the provenance of the former warehouse arrangement. It is incongruous, bland, clumsy, over-dominant and out of proportion with excessive height and bulk. It would destroy not preserve or enhance the character and appearance of the conservation area nor attract visitors to the docks. The scheme fails to pay regard to

fundamental architectural principles of scale, height, massing, alignment advocated by PPG15. Whilst the elevations could be attractive, they should be broken up with more rhythm. The proposed materials of glass and steel are inappropriate and timber cladding is unsuitable for buildings facing the Thames and a historic site close to the Tower of London. Brick should be the predominant facing material.

- The new Commodity Quay would diminish the dominance, setting and appearance of the listed Ivory House, the central feature of the docks. Due to bulk, it would adversely affect the setting of the perimeter wall and the elephant gates on East Smithfield; match the inappropriate design of the glass Tower Bridge House adjoining and fail to harmonise with City Quay.
- Whilst the proposal would look lighter on East Smithfield, the extra mass and closeness would add to the existing canyon effect.
- Light pollution from the new Commodity Quay would result in the building having an overpowering presence at night. No adequate Night Time Assessment has been made.
- The scheme amounts to architectural vandalism that would diminish St. Katharine's sense of place with no anchorage in the heritage and character of neighbours.
- The information contained in the Environmental Statement regarding mitigation for pedestrian access during the construction phase is confusing, inconsistent and inadequate.
- Underground parking at Commodity Quay would exacerbate traffic difficulties on East Smithfield. (Officer comment: No basement car parking is proposed).
- Traffic increase in a congested area will add to general malaise.
- Increased pollution.
- Further offices are unnecessary at St. Katharine Dock and will distort the balance between the working and resident population. Uncontrolled commercialism will ruin national heritage sites.
- Loss of existing office employment.
- More bars / restaurants in the ground floor of Commodity Quay would result in servicing difficulties, create noise and disturbance and be detrimental to the vitality of the west piazza. (Officer comment: No bars or restaurants are proposed in the ground floor of Commodity Quay).
- Loss of views of the NatWest Tower from the East Dock.
- The extension to International House and the lift for disabled, with dubious utility, would adversely affect views of the Tower of London from the docks, result in the loss of existing trees and reduce the size of the piazza.
- The proposed landscaping, with seating outside the Dickens Inn and Marble Quay, is unnecessary, could result in disturbance and should not be used for eating and drinking. Insufficient details of the proposed landscaping.
- Tradewinds does not need alteration and the revised siting would leave insufficient space for pedestrians and create a hazard. The design is too 'squared off,' the materials and increased height would not preserve or enhance the character of the docks. The facades of any new construction should incorporate the materials and style of the historic

dock in which glass forms no part, evidenced by the inconsistency and obtrusiveness of Tower Bridge House. The building would be too bulky with an inappropriately shaped sloping roof more appropriate to a ski chalet. It would adversely affect the setting of the Dockmaster's House, impede views of Tower Bridge from the Central Dock and the Ivory House from the South Bank and would no longer provide a meaningful relationship with the dock entrance.

- There are already sufficient shops in the area.
- The new boardwalks would detract from the character of the dock, reduce the visible water area and leave it ripe for redevelopment. They would be noisy, difficult to use in frosty weather and unsuitable for wheelchairs or wheeled bags. The walkways should be set off the listed dock walls.
- Loss of the colonnaded walkway at Commodity Quay. Officer comment: A new colonnaded walkway is proposed.
- The development would not benefit the residents of St. Katharine's Way. It would introduce noise and more late night venues in a unique, tranquil, primarily residential haven that already has adequate facilities.
- The applicants are trying to use the development as a 'benchmark' for future applications in the dock and using Tower Bridge House as a precedent to justify the current scheme. If planning permission is granted, it will lead to equally insensitive schemes for Devon House, International House and St. Katharine's Point (the deleted residential tower). The redevelopment of the Tower Hotel would then be able to feed into the further destruction of this unique popular haven on the edge of the City and vital part of the Tower Conservation Area. Only high quality and sympathetic development should be accepted in the dock to preserve its unique value.
- There should be a master plan for the docks otherwise creeping piecemeal redevelopment will destroy the character and appearance of the dock and its conservation area status.
- The docks will be a major tourist destination during the London Olympics and the development would have a negative impact on the trade and look of the area.
- Information on light pollution, the impact of the widening the boardwalks on the West Dock and pedestrian arrangements during construction remain inadequate.
- Given English Heritage take fundamental design issues with all three applications, any approvals could be liable to judicial review. Officer comment: All representations including English Heritage's advice are included in this report. Any judicial review could only be on faults in the processing of the applications. The merits of the proposals could not be subject to challenge unless the Committee's decision was so unreasonable that no reasonable Committee could have come to that decision.

7.3. The provision of the new boardwalks, the proposed additional shops, the creation of the north and south gateways and the alterations to Tradewinds were supported by most respondents following the initial round of public consultation. The letter in support of the applications opines that the scheme

would greatly enhance St. Katharine Docks, significantly improve the public realm and help create a sustainable community.

7.4. Non-material objections from neighbours may be summarised as:

- The developers are seeking piecemeal reconstruction to maximise the value of the docks prior to resale.
- If permitted, the proposal would set a disastrous precedent for other conservation areas.
- Noise and disturbance during construction work
- There should be no topless bars.

7.5. The following local groups/societies made representations:

**Hermitage Environment Group**

7.6. Considers the redevelopment of Commodity Quay not well thought out. Disruption and hardship during rebuilding.

7.7. (Officer comments. Disturbance and hardship during construction are not valid reasons to refuse planning permission. Conditions to control construction hours and a requirement for the developer to adhere to the Council's Code of Construction Practice are recommended. The Council's Environmental Protection Department also have power to control statutory nuisance).

**Sandwich Local History Group**

7.8. The remaining traditional dockside buildings, particularly Commodity Quay, are an outstanding feature. It is essential that these be retained and cherished. The proposed steel framed building is out of character and would diminish the architectural value of this dockland treasure.

7.9. (Officer comment. Commodity Quay was completed in 1985 and is not one of the original traditional dockside buildings. The proposed replacement is considered an appropriate design for the dockside).

**President's Quay Limited**

7.10. Welcomes the removal of the residential tower previously proposed and the improved pedestrian facilities, particularly the accessibility of International House. Objects to the elevational treatment of the replacement for Commodity Quay. Considers new buildings must reflect the robust, historic character of this dockside area. The proposed design appears a fashionable solution that could be anywhere.

7.11. (Officer comments: The replacement for Commodity Quay is considered an appropriate design for the dockside and a significant improvement compared to the design of the existing building).

**Friends of St Katharine Docks**

7.12. Considers the proposals would fail to preserve or enhance the character or appearance of the conservation area as follows:

- Commodity Quay. The existing building makes a positive contribution to the character and appearance of the conservation area and should be retained and converted. Demolition would be a waste of resources. The design and materials for the replacement building, including its height bulk with extensive use of glass, do not accord with the brick built warehouse style buildings that define the character and appearance of the dock both of which would be destroyed. Fundamental architectural principles are ignored. The building would not be in harmony with City Quay, dwarf the Ivory House and obliterate views of the NatWest Tower from the East Dock. The setting of the listed Ivory House and perimeter wall on East Smithfield would be adversely affected. At night, the building would have an overpowering presence. Light diffusion through the glass curtain wall would reduce the surroundings to insignificance and diminish the status of the Tower of London World Heritage site. There has been no Night Time Assessment. Design standards should be much higher with a more imaginative response to the challenge of building in such a place than the present elephantine and prosaic design manifests.
- Tradewinds. The design and materials (employing much glass) with increased height and bulk would detract from the character of the area, the setting of the Dockmaster's House, be destructive of the docks special atmosphere and obstruct views of Tower Bridge from the Central Dock. The sloping "green roof" would destroy the view of the Dockmaster's House and overwhelm it as an architectural attraction. The re-siting of the building with the loss of the pedestrian footway would be a hazard.
- Boardwalks. Concerned about further encroachment into the water area.
- Landscaping outside Dickens Inn. Inadequate details provided. The provision of seats could encourage contravention of the licences granted by the Licensing Magistrate for the Dickens Inn and the adjacent Marble Quay restaurant.
- Piecemeal redevelopment without a master plan.
- The applicant has not responded to the architectural appraisal commissioned by City Quay Management Company Ltd (see paragraph 7.26 below).

7.13 The Friends alleged inaccuracies in the initial Environmental Statement Non-Technical Summary, consider local consultation inadequate and concerned about disturbance during construction, including disruption to pedestrian arrangements, adverse impact on existing shops and television reception.

7.14. (Officer comments: English Heritage advises that Commodity Quay is an unremarkable building that makes little contribution to the character and appearance of the conservation area. That opinion is shared. The design and scale of the proposed new building is considered appropriate to the dock edge.

The proposal is supported by Historic Royal Palaces and is not considered to diminish the status of the Tower of London World Heritage Site.

- 7.15. The alterations to 'Tradewinds' are also not considered to harm the character or appearance of the conservation area or cause a detrimental impact on the setting of the Dockmaster's House. It is a clean lined design making no historic references and is considered appropriate given the mix of old and new architecture at this location. The building would have little impact on Tower Bridge and the World Heritage Site with views not adversely affected. The provision of a "green" or "living roof" has been requested by both the Greater London Authority and the Environment Agency and it is not considered that this feature would adversely affect the setting of the Dockmaster's House. The scheme has been amended to provide a 2-metre wide dedicated pedestrian footway on St Katharine's Way adjacent to Tradewinds.
- 7.16. It is recommended that any planning permission is conditioned to require the approval of final details of landscaping and to prevent the open area adjacent to the Dickens Inn and Marble Quay being used for the consumption of food or drink served from those establishments.
- 7.17. The Environmental Statement has been revised three times with additional information provided following independent reviews and comments from local residents and groups. The "local consultation" referred to appears to be the exercise undertaken by the applicant. The Council's publicity has been extensive and far exceeded statutory requirements. The proposed replacement of Commodity Quay is of similar height to the surroundings and the Environmental Statement concludes that the development would have negligible impact on television and radio transmissions with both within acceptable reception limits for both analogue and digital signals. No comments have been received from BBC Reception Advice. Disturbance during construction are not valid reasons to refuse planning permission. Conditions to control construction hours and a requirement for the developer to adhere to the Council's Code of Construction Practice are recommended. In addition, the Council's Environmental Protection Department have power to control statutory nuisance. The additional information supplementing the Environmental Statement has clarified proposed arrangements for pedestrians during the construction period).

#### **Tower Bridge Wharf Management Company Limited**

- 7.18. The proposals would not add any intrinsic value to a major tourist attraction and working community in the heart of London. The scheme is an attempted desecration. No reason for demolition. Additional shops unnecessary.
- 7.19. (Officer comments. The additional shops and restaurants would serve tourists, the local residential and working population together with the evening and night time economy. Such uses are supported by the Council's planning policies for St. Katharine Docks. The demolition of Commodity Quay is considered justified as the exiting building makes little contribution to the character and appearance of the Tower Conservation Area).

#### **City Quay Management Company Limited**

- 7.20. The scheme will cause serious harm to the settings of the listed Ivory House and the Dockmaster's House. A grant of planning permission would be contrary to the Council's statutory obligation to have special regard to the desirability of preserving or enhancing the listed buildings and their settings
- 7.21. The development will also cause serious harm to the Tower Conservation Area and a grant of planning permission would be inconsistent with the Council's statutory obligation to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated area.
- 7.22. The existing Commodity Quay makes a positive contribution to the conservation area. The design of the new buildings is very poor and the proposed height, massing, scale, detailing and materials are all inappropriate. The building will overshadow City Quay. The proposed buildings will be incongruous and jarring elements within the setting of the important listed buildings in and around the docks and will compound the harm which Tower Bridge House has done in terms of visual and heritage impacts. The proposed buildings do not conform to the architectural grammar that is vital to the site's dockside location. Commodity Quay would be over-dominant and incongruous in juxtaposition to the listed Ivory House. The proposed facing materials bear no relationship to the buildings alongside with brutal rectilinear geometry. Timber cladding is alien to the context and will degrade. If the building proceeds, the entire north side of the West Dock would be predominantly glass. The listed wall on East Smithfield will become an anomalous irrelevance as Commodity Quay would be over-dominant and incongruous. East Smithfield would be turned even more into a canyon-like thoroughfare.
- 7.23. The Environmental Statement is flawed and fails to satisfy the requirements of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1999. In relation to the Conservation, Townscape and Visual Assessment (Volume 2 of the ES), as well as in the Design and Access Statement, there is a lack of professional independence and objectivity in the purported scheme description and assessment, to the extent that those documents are unreliable as a basis for determining the applications.
- 7.24. The new Commodity Quay at night will be a glaring intrusion into the tranquillity of the eastern basin; it will extend the harm that is presently caused by the K2 building (Tower Bridge House) primarily in the Western Basin and to a slightly lesser extent in the Central Basin. The Eastern Basin is largely isolated from the K2 building's glare by the present Commodity Quay. This will seriously harm the conservation area. The proposed building will extend into the Eastern Basin the light pollution presently caused by the K2 building in the Western and (to a lesser extent) the Central Basin and it will also reduce the tranquillity of the Eastern Basin. Such tranquillity makes a highly positive contribution to the character of the modern docks (and therefore the conservation area) this is a serious matter to which special attention must be given under section 72 of the Listed Buildings Act 1990 and the guidance in PPG15. Nowhere in the assessment documents which support this application is this impact on tranquillity addressed or assessed. Due to light glare, granting planning permission will cause serious harm to this conservation area and the setting of



listed buildings, including:

- The Ivory House
- The Dockmaster's House
- The listed dock structures
- The perimeter walls on east Smithfield.

Committee Members are requested to undertake a night time site visit.

7.25. City Quay Management Company Ltd adds that the walkways will make the water area (an essential aspect of the docks) much smaller. The Environmental Statement says:

*"The water resource and the views between the docks offer a considerable important resource for the estate generally. Any reduction in the extent of water would have a severe impact upon this resource and upon the historic nature of the estate."*

It is perverse of the applicants to characterise the visual and heritage impacts of the encroachment of the new and extended boardwalks onto the water as "moderate beneficial" and/or "entirely beneficial". The floor plate of Commodity Quay is far too deep for the use proposed and it would be possible to provide the pedestrian concourse along the northern edge of the western dock without a boardwalk.

7.26. City Quay Management Company Ltd has commissioned an 'independent' architectural opinion of the development. In summary, the design deficiencies in the proposed buildings are said to be an overall absence of respect for the historic and cultural context revealed by:

- the inappropriate choice of materials and fenestration,
- excessive bulk,
- a mean colonnade.

City Quay Management Company Ltd adds that the independent architectural report reinforces concerns as to how poorly the development would function in terms of pedestrian flows to the north of the western dock. It is recommended that a master plan for the docks be developed as a precursor to specific proposals. The increased vitality that additional retail space might bring is welcomed but, due to marginal viability, fear is expressed that this will result in business failures with depressing empty shop fronts.

7.27. An additional representation has been received on behalf of City Quay Management Company Limited regarding the recommended conditions. It is said these should be consistent with the EIA documentation and/or the committee report.

7.28. (Officer comments. The Listed Building and Conservation Areas Act does not place a duty on local planning authorities to have special regard to the desirability of "enhancing" listed buildings or their settings. The Council's duties

require special regard to be given to the desirability of “preserving” listed buildings (the Ivory House, the Dockmaster’s House, the dock walls, bollards etc) including their settings, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Provided those duties are fulfilled, any approvals arising from these applications would be lawful in those respects.

7.29. The opinion on the architectural merits of the existing Commodity Quay is not shared by officers or English Heritage. As explained in ‘Material Planning Considerations’ below, it is considered that the building make little positive contribution to the character or appearance of the conservation area. It is also considered that the replacement for Commodity Quay and the extended Tradewinds, would be architecturally superior to the existing buildings, appropriate to the dockside, not adversely affect the setting of listed structures and would preserve and enhance the character and appearance of the conservation area. The materials proposed are also in principle considered suitable for the docks. City Quay would not be overshadowed. In its initial representation on the applications, City Quay Management Company Ltd noted that there “are some positive aspects to the proposals (such as the new and improved pedestrian routes around the Western Dock)”. The proposed colonnade walkway at Commodity Quay would be approximately 2 metres wide compared to 1.7 metres as existing. In addition, a 3.3 metre wide boardwalk would provide for pedestrian flow along the north of the West Dock, aligning and connecting with the existing walkway at Tower Bridge House. Facilities for pedestrian flows to the north of the Western Dock would undoubtedly be enhanced. There is no statutory requirement for a master plan for the docks to be prepared for the Council’s approval.

7.30. The Environmental Statement has twice been independently reviewed and the developer has provided additional information following three statutory requests. This includes information requested by City Quay Management Company Ltd and now includes a Night Time Assessment and an Assessment of the Impact of the boardwalks on the extent and appearance of the West Dock. Officer comments on these matters are made in “Material Planning Considerations” below. Overall, it is considered that the information provided within the Environmental Statement, supplemented by the additional information, is sufficient to enable statutory bodies, the public and the Council to assess the environmental effects of the development and constitutes an Environmental Statement with the requirements of Schedule 4 of the Regulations met).

7.31. It is considered that the draft conditions summarised above are consistent with the EIA documentation and this report. Nevertheless, officers would be happy to work with the applicant and City Quay Management Company Ltd to ensure that the final wording is acceptable to all parties as far as reasonably practical.

7.32. **The London Society**

The proposals are an improvement over the earlier application. No objections, except to the rebuilding of Commodity Quay. The existing Commodity Quay is “not a great building” but contributes to the general enclosure of the dock in an

inoffensive way. It follows the vocabulary of most of the C20th rebuilding of St. Katharine's and the principle C19th warehouse which survives, it being a masonry structure with window openings. This vocabulary suits the dock and it is not believed that a replacement with much more glass is appropriate. The judgement in the Environmental Assessment that the replacement building will be environmentally beneficial is not accepted.

7.33. (Officer comment. It is agreed the existing Commodity Quay satisfactorily encloses the dock. The proposed new building would maintain that relationship. The important issue raised by the Society is whether the new building would preserve or enhance the character and appearance of the Tower Conservation Area. Detailed comments on this issue are made at paragraphs 8.14-8.28 and 8.23 below. Within the context of the conservation area, as explained, officers consider that the proposed replacement building would be architecturally superior to the existing Commodity Quay, would both preserve and enhance the character and appearance of the designated area and preserve the setting of adjoining listed buildings particularly the Ivory House).

7.34. **The Guoman Tower Hotel**

Strong support. The proposals can only be a good thing for the area, compliment the hotel, create jobs and enhance the visitor profile. The improvements to the South West Gateway with the relocation of the existing service area and increased public access to quay level are particularly welcomed. Fully supports the proposed boardwalks and the improvements to the North West Piazza which will provide a more attractive and welcoming approach to the docks.

7.35. Following consultation, no representations have been received from South Quay Residents Association, South Quay Management Organisation, Tower Bridge Wharf Residents Association, Hermitage Waterside Residents Association and Stephen and Matilda Tenants Association.

7.36. 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 applications that the Committee must consider are:

- Proposed land use.
- The demolition of Commodity Quay.
- Urban design, alterations to and the preservation of the setting of listed buildings and whether the character and appearance of the Tower Conservation Area would be preserved or enhanced.
- Access and servicing arrangements.
- Landscaping.
- Sustainable development/ renewable energy.
- Planning obligations.

## Land use

- 8.2. The Proposals Maps of both the Tower Hamlets Unitary Development Plan 1998 and the Council's Core Strategy and Development Control interim planning guidance 2007, designate St. Katharine Docks as lying within the Central Area Zone (CAZ). On the Spatial Strategy Diagram of the Council's City Fringe Action Area Plan 2007, which has also been adopted as interim planning guidance, the Western Dock and Central Basin are shown as a "Preferred Office Location, a Tourist Focus Area and an area for Evening and Night Time Focus."
- 8.3. UDP policy CAZ1 encourages 'Central London Core Activities' including headquarter offices within the CAZ. UDP policy CAZ4 seeks to ensure that development maintains and enhances the varied and special character of the CAZ and contributes positively to social vitality, particularly at ground floor level as proposed. Particular emphasis is to be given to maintaining a balance of uses. The introduction of shopping at quay level within the new Commodity Quay would assist in achieving that objective.
- 8.4. UDP policy DEV3 encourages mixed-use developments subject to the character and function of the surrounding area and policy EMP1 encourages employment growth by the upgrading and redevelopment of sites already in employment use such as Commodity Quay. Again the development complies.
- 8.5. Core policy CP7 of the Core Strategy and Development Control interim planning guidance 2007 seeks to bring investment into the borough to safeguard and enhance job numbers with a sustainable mix of employment uses. Core policy CP8 directs major office development to the City Fringe, safeguards the western part of St. Katharine Docks as a preferred office location and promotes office development and retail uses within the CAZ. Core policy CP12 says that the Council will particularly encourage new entertainment and tourist facilities in the identified tourist focus area of St. Katharine Docks as proposed.
- 8.6. Policy EE2 'Redevelopment/Change of Use of Employment Sites' of the Core Strategy and Development Control interim planning guidance 2007 supports redevelopment of employment sites where, as proposed, there is evidence of intensification of alternative employment uses on the site and where the retention or creation of new employment opportunities which meets the needs of local residents are maximised.
- 8.7. Referring to "special uses" such as restaurants, public houses and wine bars, UDP policy S7 says that consideration will be given to the amenity of neighbours, on-street parking, traffic flow and ventilation. Policy RT4 of the Core Strategy and Development Control interim planning guidance 2007 supports proposals for retail and related town centre uses in the borough's neighbourhood centres such as St. Katharine Docks. Policy RT5, referring to the evening and night time economy, requires consideration to be given to the proximity of residential accommodation, cumulative impact and mitigation measures. In those respects, St. Katharine West Dock is primarily commercial in character. Both International House and Tradewinds are relatively remote

from residential accommodation (save the Dockmaster's House) and no planning reason is seen to preclude an element of Class A3 (Food and drink) and / or A4 (Drinking establishments) within those buildings. Indeed Tradewinds is already used for such a purpose. Such uses would have little or no impact on traffic flow, no parking difficulties are envisaged and conditions are recommended to ensure adequate ventilation. The proposed ground floor Class A1 (Shops) in both Commodity Quay and International House also accord with both statutory and emerging shopping policy.

- 8.8. Policy CRF1 'City Fringe spatial strategy' of the City Fringe Action Area Plan interim planning guidance 2007 again promotes major office development, leisure, tourism and retail development in the City Fringe and the CAZ as proposed.
- 8.9. Whilst offices are not a priority use for land alongside the Blue Ribbon Network or the docks (The London Plan 2008 policies 4C.6 and 4C.23), policy 3B.1 of The London Plan seeks to develop London's economy and policy 3B.2 seeks the renewal of existing office stock in line with policies to increase and enhance quality and flexibility, and maximise the intensity of development. The proposal meets those policies, the existing Commodity Quay providing 19,069 sq. m of offices that would be redeveloped by 23,373 sq. m of offices and 2,951 sq m of shops. Providing a mix of uses, the scheme also complies with The London Plan policies 3B.3 and 5G.3 which support increases in office floorspace in the CAZ, except that no residential accommodation is proposed as advised by the Deputy Mayor at Stage 1 referral.
- 8.10. Overall, it is considered that the redevelopment of Commodity Quay for offices and shopping, the introduction of shopping and food and drink uses at quay level of International House and the minor expansion of the 'Tradewinds' (River Lounge) restaurant meet the land use policies of The London Plan 2008, the Council's UDP 1998, the Core Strategy and Development Control interim planning guidance 2007 and the City Fringe Action Area Plan 2007. The developer has agreed a contribution towards either the provision of off-site affordable housing or for estate renewal in the area to meet The London Plan's mixed use policy and the GLA is now satisfied in that respect.

### **Demolition of Commodity Quay**

- 8.11. In determining the application for conservation area consent for demolition, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Tower Conservation Area.
- 8.12. UDP policy DEV28 says that proposals for the demolition of buildings in conservation areas will be considered against the following criteria:
1. The desirability of preserving or enhancing the character or appearance of the area;
  2. The condition of the building;
  3. The likely costs of repair or maintenance of the building;
  4. The adequacy of efforts to maintain the building in use; and

5. The suitability of any proposed replacement building.
- 8.13. Policy CON2 3 of the Council's Core Strategy and Development Control interim planning guidance 2007 says that applications for the demolition of buildings that make a positive contribution to the character and appearance of a conservation area will be resisted. Exceptionally, applications will be assessed on:
- a) The importance of the building, architecturally, historically and contextually;
  - b) The condition of the building and estimated costs of repair in relation to its importance, and to the value derived from its continued use;
  - c) The adequacy of efforts made to retain the building in use; and
  - d) The merits of any alternative proposals for the site.
- 8.14. National advice in PPG15: Planning and the historic environment, requires local planning authorities when exercising conservation area controls to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. This is said to be the prime consideration in determining a consent application for demolition. Account should be taken of the part played in the architectural interest of the area by the building for which demolition is proposed, and in particular of the wider effects on the building's surroundings and on the conservation area as a whole.
- 8.15. The Government also advises that the general presumption should be in favour of retaining buildings that make a "**positive contribution**" to the character or appearance of a conservation area. Such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In less clear-cut cases – for instance, where a building makes "**little or no such contribution**" – the local planning authority must have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment.
- 8.16. The Tower Conservation Area was designated in March 1977. It is one of the largest and most significant conservation areas in Tower Hamlets and encloses buildings and sites of national and international importance. It has two distinct character areas – the Tower of London itself to the west, and the area around St. Katharine Docks to the east. It is an area of exceptional architectural and historic interest, with a character and appearance worthy of protection and enhancement.
- 8.17. Commodity Quay was completed in 1985. It is constructed of red brick with Portland stone banding. Its northern face along East Smithfield is bleak. Its southern (dockside), eastern and western façades borrow from the semicircular arcading of the Ivory House but transformed into a clumsy 'fake-warehouse' style with overbearing, gigantic window detailing with blackened glass. Whilst the siting and mass of the building provides a suitable enclosure to the West Dock, the building itself is considered to provide little positive contribution to the character and appearance of the conservation area. Its main historical significance is that it formed part of Taylor Woodrow's 1970's master plan for St. Katharine Docks and thus forms an integral part of the first post-War

regeneration scheme of a redundant dockyard in the United Kingdom. However, it is considered that this does not outweigh the poor design of the existing Commodity Quay.

- 8.18. English Heritage advises that “the existing Commodity Quay is an unremarkable building and no objection is seen to its demolition”. That opinion is shared and, provided the Committee agrees that the proposed replacement building would preserve or enhance the character and appearance of the conservation area, no objection is raised to the demolition of the existing building.

### **Urban design, setting of listed buildings and effect on the character and appearance of the Tower Conservation Area**

- 8.19. As well as the duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; 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. Section 16 of the Act also requires the Council, in its determination of the application for listed building consent, to pay special regard to the desirability of preserving listed buildings or their settings.

- 8.20. The applicant’s stated development strategy is to raise the profile of St. Katharine Docks and make them more visible and accessible. Significant changes are planned at both the South West and North West Gateways to improve pedestrian access. Commodity Quay would be the most significant new building affecting the setting of the Ivory House and the other listed features within the Docks. Other smaller alterations include:

- A piazza extension to International House at the North-West Gateway.
- Alterations to International House at quayside level comprising the installation of shop fronts, a new a new double height main entrance, the reconfiguration of servicing arrangements and erection of canopies.
- Alterations and extension to ‘Tradewinds’ that affect the setting of the listed Dockmaster’s House and the other listed features within the Docks.
- New boardwalks around the listed western, northern and southern edges of the West Dock.

- 8.21. The London Plan policy 4B.1 ‘Design principles for a compact city’ 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, 4B 12 and 4B.14 require large scale buildings to be of the highest quality with boroughs required to ensure the protection and enhancement of historic assets including World Heritage Sites.

- 8.22. 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.
- 8.23. Policy DEV1 of the Council's Core Strategy and Development Control 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.
- 8.24. At paragraph 43 of PPS1: Delivering Sustainable Development, 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.”*
- 8.25. At paragraph 2.14 of PPG15: Planning and the historic environment, 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.
- 8.26. It is considered that the massing and height of the new Commodity Quay (quayside with eight upper floors), whilst greater than the existing building, would provide a well modulated replacement that would not impact adversely on the character or appearance of the conservation area. The architecture, with its well proportioned and rhythmic façade, is considered an improvement on the blank elevations and large expanses of blackened glass of the existing building. Whilst the new building would have a greater mass, particularly when viewed from the East Basin and East Smithfield, this would be offset by the superior design with an added contribution to St. Katharine's sense of place. Equally, although local residents express a different opinion, it is considered that the views across, and the character of the West Dock, would be enhanced by a building that would provide improved continuity with Tower Bridge House to the west.
- 8.27. The new Commodity Quay would comprise a painted steel exoskeleton in filled with glass and horizontally boarded European Oak with projecting balconies and brise soleil on the dockside elevation. At quay level, the retail facade would be arcaded with pre-cast concrete columns. Comment has been made about the



use of wood on the elevations. This is a material currently used on a number of buildings in the docks e.g. The Dickens Inn and Tradewinds and, handled with appropriate detailing, is considered suitable in this location. As mentioned, the 9<sup>th</sup> floor plant enclosure has been amended to articulate in a similar architectural style to the rest of the building. This would remove the dominance of the louvres on the external elevations and better integrate the plant enclosure with the building. The Greater London Authority advises that the proposed building *“is designed to a high standard”* and CABE supports the form of the new Commodity Quay, albeit advising that success will depend on materials and detailing.

- 8.28. The listed Ivory House is the centre-piece of St. Katharine Docks. It is not considered that the replacement Commodity Quay would have a harmful effect on its setting; indeed the juxtaposition between the two buildings would be improved. The architectural objective is to promote a dockside aesthetic and to provide a strong sense of place whilst preserving the setting of the listed building. The existing listed dock wall to East Smithfield would be protected and given a better setting than the current bleak, dead frontage. The listed buildings around the Royal Mint on the opposite side of East Smithfield are some distance from Commodity Quay and their setting would be preserved. The setting of the listed dock walls and bollards within the docks would also be preserved.
- 8.29. The alterations to International House, involving the installation of shop fronts with a new pedestrian entrance and canopies at quay level where there is no public access at present, are considered beneficial and largely uncontroversial save for the proposed new boardwalk (see below). The single storey extension to International House, the canopy and new pedestrian steps at the North West Gateway would result in an active frontage at this location and are considered satisfactory. Set below the level of St Katharine’s Way, the extension would not disrupt the view of the Tower of London from the West Dock. An originally proposed entrance feature at the North West Gateway has been mostly deleted from the application except for a small projecting lift housing to provide access for disabled people. The extension to International House would involve the removal of three semi-mature trees. Whilst this is regrettable, their replacement could be secured within a detailed landscaping scheme for the docks which is recommended by condition above.
- 8.30. No objection is raised to the alterations to Tradewinds (River Lounge) which currently is an ersatz structure in a whimsical idiom. Whilst English Heritage considers the altered Tradewinds would do little to engender any greater sense of permanence or appropriateness than the existing building, and would do little to enhance the surrounding historic environment including views of the Dockmaster’s house; there is no suggestion from English Heritage that harm would be caused to the setting of the Dockmaster’s House or the character and appearance of the conservation area. To the contrary, officers consider the revised building would preserve and enhance the character or appearance of the conservation area. It would also not be of such a nature to cause a detrimental impact on the setting of the listed Dockmaster’s House, the listed dock walls, bollards or the sundial on the riverside walk all of which would have their settings preserved. It is a clean lined design making no historic references

and is considered appropriate given the mix of old and new architecture at this location. The GLA welcomes the redevelopment of Tradewinds advising *“its design is open and inviting and therefore suitable for this high quality location.”*

- 8.31. Comment has been made on the likelihood of light pollution, particularly from the new Commodity Quay. St. Katharine Docks at night is said to be a very special place with historical associations and ambiance with a subtle lighting environment achieved by the buildings being brick, stone or render. The exception is Tower Bridge House which is said to create a glaring intrusion due to its glass curtain wall construction. The concern is that the new Commodity Quay would be constructed in a similar manner and result in a similar intrusion at night, adversely affecting the setting of listed buildings and the character of the conservation area. The absence of a night time assessment in original Environmental Statement was criticised.
- 8.32. In response, the applicant has revised the Environmental Statement to include assessments of eight night time views. The applicant assess the impact of the development as follows:
- View 2. North West Gateway – Major benefit.
  - View 5. Commodity Quay across West Dock – Moderate benefit.
  - View 6. East Smithfield – Minor benefit.
  - View 8. Commodity Quay across East Dock – Minor benefit.
  - View 11. South West Gateway – Moderate benefit.
  - View 12. Tradewinds from St. Katharine’s Way – Negligible
  - View 13. Tradewinds from the Riverside Walk - Moderate benefit.
  - View 14. International House across West Dock – Minor benefit.
- 8.33. Officers broadly concur with the applicant’s assessments. The most controversial element is considered to be the new Commodity Quay. The proposed building contains more external glass than existing but would be more solid than Tower Bridge House. It is considered that the proposals would not have a significant effect on the West and East Dock compared to the existing situation. The architect advises that a directional motion sensitive lighting system will be installed which will ensure that any light spill from the building is minimised. It is agreed that there would be benefit to in the current bleak, gloomy views on East Smithfield.
- 8.34. With the deletion of the proposal to redevelop Devon House, the development does not impinge on any of the views identified in the GLA’s London View Management Framework.
- 8.35. The Council’s Character Appraisal and Management Guidelines for the Tower Conservation Area refer to ‘Opportunities and Potential for Enhancement’ and advise that *“many of the large office buildings suffer from blank frontages at street level. Options for creating a livelier frontage with a mix of uses should be explored.”* It is considered that many aspects of the development, particularly the proposals for International House and Commodity Quay, would accord with that advice. It is also considered that the character and appearance of the Tower Conservation Area would be preserved and enhanced with the setting of the listed Ivory House, the Dockmaster’s House, the dock walls and dockside

fittings, the sundial and the wall on East Smithfield all preserved. There would be little impact on the World Heritage Site. Some views in and out of the docks would be impacted, though not adversely. It is considered that the development plan policies outlined above would be met. This opinion is shared by the GLA. Whilst English Heritage considers the proposed oak cladding of Commodity Quay and Tradewinds inappropriate, it is felt that the material could be suitable within the dockside vernacular, provided it is carefully chosen with regard to appearance and weathering characteristics.

### **Servicing, parking and pedestrian access arrangements**

- 8.36. Commodity Quay currently provides 119 car parking spaces in two basement levels. Contrary to objections from local residents, these would not be replaced. This is welcomed as the site has good public transport accessibility (PTAL) indices of 4 and 5 and is readily accessible to a number of public transport interchanges including the DLR and the Underground railway. The proposed arrangements accord with Table A4.1 of The London Plan and the standards in the Council's interim planning guidance 2007 which, adopting national policy, require no minimum level of parking provision. There would be a small car park at the eastern end of the building providing four parking spaces for disabled people which accords with Table PS6: 'Accessible Parking Spaces' of the interim guidance. There would be 100 cycle parking spaces and changing rooms in the basement of the new building which is close to the provision stipulated in the interim guidance. The GLA has recommended additional cycle parking and a condition is recommended to secure this at the entrance off East Smithfield and the South Western Gateway.
- 8.37. Commodity Quay would be serviced from an existing loading bay at the western end of the building. Arrangements are considered satisfactory. Residents of City Quay have expressed concern that the small car park for disabled people at the eastern end of the building could be used for servicing. A condition is recommended to preclude this.
- 8.38. International House is currently serviced from a loading bay adjacent to the important south western pedestrian access to the West Dock adjacent to Tower Bridge. The existing arrangements are far from satisfactory and the proposed improvements to this access point include the relocation of the servicing facilities to mid-way along St. Katharine's Way adjacent to Tower Bridge Approach where a new service bay within the curtilage of the building would be cut into the pavement line. This arrangement is considered a significant improvement compared to the existing poorly located facility.
- 8.39. At the North Western Gateway, a new flight of stairs to the roof of the extension to International House would provide improved pedestrian access to St. Katharine's Way with a balustrade removed. As mentioned, there would be a lift for disabled people providing access to the piazza below from St. Katharine's Way.
- 8.40. Significant improvements to arrangements for pedestrian access around the West Dock itself are proposed by the new boardwalks. The northern boardwalk would extend the recently completed boardwalk in front of Tower Bridge House.

The western boardwalk would provide access to the dock edge alongside International House where there is no pedestrian walkway at present. The southern boardwalk would improve pedestrian facilities at the rear of the Guoman Tower Hotel which is currently the most inhospitable part of the docks.

- 8.41. St. Katharine Docks are designated a 'Water Protection Area' on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998 and policy DEV46 protects docks and water bodies. Policy 4C.14 of The London Plan also requires the borough to protect the openness of the Blue Ribbon Network. Concern has been expressed about the erosion of the visible water area leading to possible future infilling and the impact of the boardwalks on the listed dock walls.
- 8.42. Positioned at quay level, the boardwalks themselves would not result in the loss of water area. Their installation would necessitate the repositioning of existing floating pontoons (which provide access to moored vessels) some 2.5 metres further out from the dock walls but corresponding areas of water space would be freed up behind. The boardwalks would provide considerable benefit to pedestrian circulation around the West Dock and are considered functionally and visually appropriate. They are supported by the majority of respondents following consultation. Concerns about the erosion of the dock leading to prospects of further development are not shared. It is considered that the new boardwalks and the relocation of the pontoons would comply with UDP policy DEV46 which, whilst protecting water bodies and resisting the loss of defined water protection areas such as St. Katharine Docks, promotes public access in the borough's waterway corridors.
- 8.43. The new boardwalks would be finished in hardwood decking with stainless steel balustrading to match that recently installed at Tower Bridge House. It is considered that the proposals for improved pedestrian access do not adversely affect any historic references. They are in a clean-lined contemporary style and these interventions are not judged to be harmful to the conservation area, the dock walls or to the setting of listed buildings. They would provide an enhancement to the docks, particularly around public access and enjoyment of the waterside environment that has not existed before. It is considered that they would also enhance the contemporary character and appearance of the West Dock with the increased permeability of the ground floor quay side area, active and accessible uses, and relationship to the dock and street frontage all enhanced. Overall, it is considered that the access arrangements would comply with The London Plan policy 4C.11 that calls for increased access alongside and to the Blue Ribbon Network. It is recommended that details showing the means of the fixing the boardwalks to the dock walls are reserved as recommended by English Heritage to protect the historic heritage from harm.
- 8.44. As mentioned, following concerns over the increase in the footprint of 'Tradewinds' and objection from the London Fire and Emergency Planning Authority, the scheme has been amended by repositioning the northern façade of the Tradewinds building to provide a minimum 2 metre wide dedicated footpath (at the pinch point), delineated by bollards, and a clear 3.7 metres wide (minimum) highway for shared use. The proposed carriageway width would comply with the Building Regulations (B5 2000) Section 17 "Access and

Facilities for the Fire Service" which advises that there should be a minimum of 3.7 metres between kerb lines to facilitate emergency vehicle access. The London Fire and Emergency Planning Authority confirm these arrangements are now satisfactory.

### **Landscaping**

8.45. The proposed changes to the landscaping of the site comprise.

- At the South Western Gateway the part of St. Katharine's Way within the application site would be finished with setts to form a shared surface and the pedestrian access would be repaved and provided with new soft landscaping.
- The area between International House (eastern side) and the new boardwalk would be re-planned.
- Three semi-mature trees would be removed from the northern side of International House with fresh planting undertaken.
- Outside the Dickens Inn, a mature tree would be added into the centre of the existing open space, with granite seating and lighting set around it. Seating presently arranged round the water's edge would be replaced by five new granite benches.

8.46. It is considered that the proposals would comply with UDP policy DEV12 – Landscaping and trees. It is recommended that any planning permission is conditioned to require the approval and implementation of a detailed landscaping scheme and; following public concern, to prevent the open area adjacent to the Dickens Inn and Marble Quay being used for the consumption of food or drink served from those establishments.

### **Sustainable development / renewable energy**

8.47. Both the Council's Energy Officer and the Greater London Authority are now largely content with the proposed energy strategy, subject to any planning permission being conditioned to require the approval of further details of energy efficiencies or passive design measures. This would ensure compliance with policies 4A.1 to 4A.9 of The London Plan, policies CP38, DEV5 and DEV6 of the Council's interim planning guidance together with national advice in PPS22: Renewable Energy.

### **Planning obligations**

8.48. Planning obligations can be used in the following 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.

- 8.49. 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.
- 8.50. The following section 106 obligations or conditions have been requested by the Greater London Authority:
1. A contribution of £150,000 to fund an additional signalised pedestrian crossing on East Smithfield immediately west of St. Thomas More Street.
  2. To improve access to bus services by the upgrading of 4 bus stops on East Smithfield and Tower Bridge Approach to TfL accessibility standards at a estimated cost of up to £10,000 per bus stop.
  3. To deliver a signage strategy within the development site with directions given the transport nodes in the area.
  4. A contribution of £71,820 payable to the Council's Housing Department to fund either the provision of off-site affordable housing or for estate renewal in the area.
- 8.51. Prior to the deletion of Devon House from the proposed development, the former Pool of London Partnership itemised the following matters that were suggested could comprise a section 106 package of obligations to support projects outlined in the Pool of London Public Realm Framework Strategy.

<b>Project</b>	<b>Estimated cost</b>
East Smithfield pedestrian crossing	£90,000
The upgrading of 4 bus stops on East Smithfield and Tower Bridge Approach Up lighting to Old Dock and Royal Mint Walls	£50,000
Improvements to the river frontage and interface with the Guoman Hotel.	£300,000
Refurbish historic streetscape in St Katherine's Way	£200,000
Create lightweight pedestrian footbridge between Tower Bridge Wharf and Hermitage Wharf open space.	£150,000
Resurface Thomas More Street and improve lighting.	£300,000
Relocation of Pool of London	£5,000

Partnership redundant public art.	
Funding of the Maritime Volunteer Services	£100,000 or £10,000 annually.
Tower Gateway highway realignment, streetscape and public realm improvements. To be delivered in partnership with statutory agencies. Details in Tower Gateway Development Framework and Investment Strategy.	Total scheme costed at £5 million in 2004. Various elements could be funded in whole or in part.

8.52. In terms of increased floorspace, the development is relatively modest resulting in an additional 2,746 sq. m of offices and 2,951 sq. m of new shops at Commodity Quay together with some change of use and a small extension to International House.

8.53. With regard to the former Pool of London Partnership's requests, a pedestrian crossing at East Smithfield is also requested by TfL. This is considered reasonable, as is the relocation of any Pool of London Partnership redundant public art. The proposed development includes the refurbishment of the streetscape in St. Katharine's Way within the application site boundary. The Tower Gateway highway realignment and other streetscape / public realm improvements are not requested by the GLA and it is not considered that these works, or the other items requested, are reasonably related to the development as required by the statutory tests.

8.54. The following package of planning obligations, which is considered to meet the tests of Circular 05/2005, is consequently recommended:

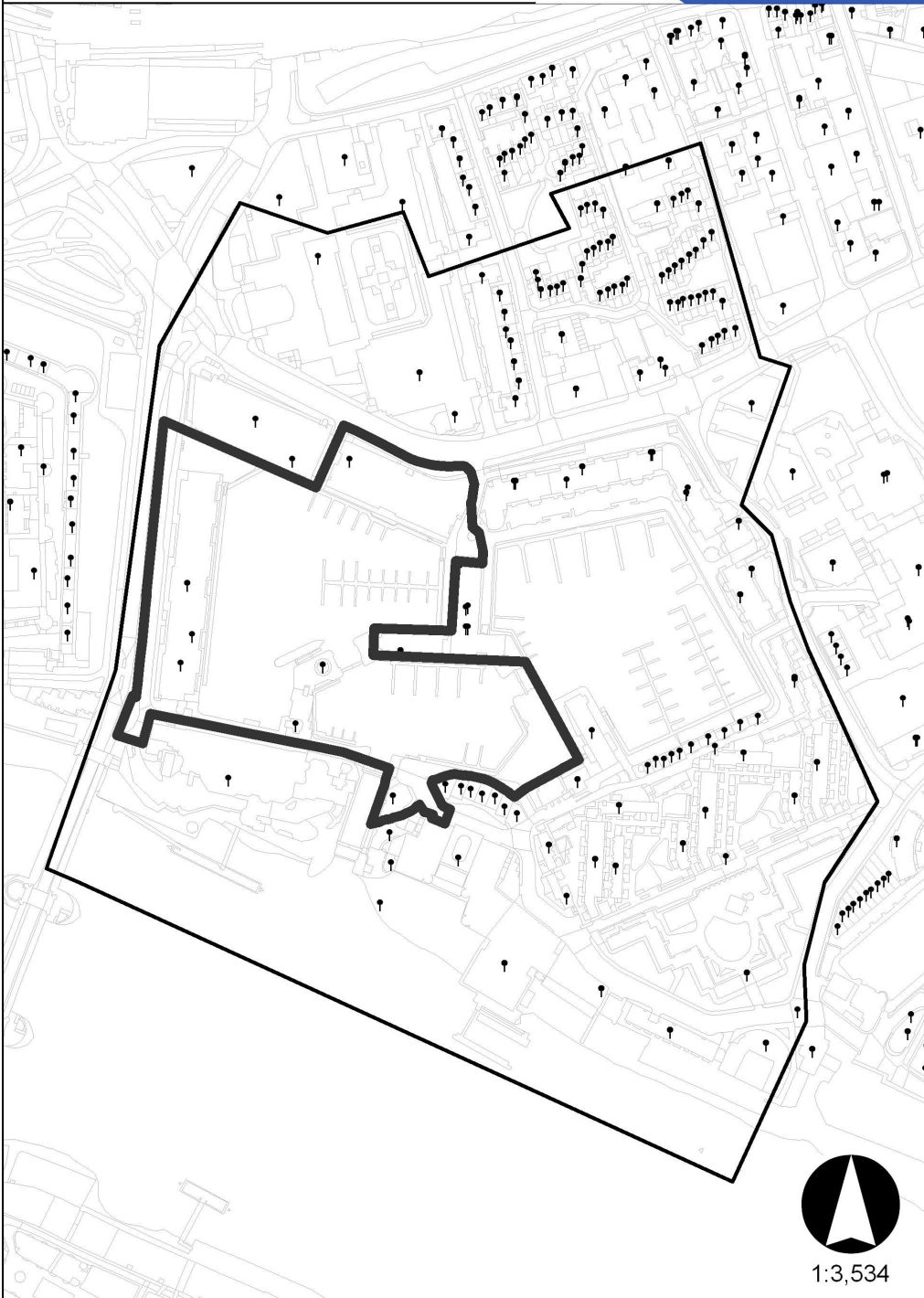
<b>Project</b>	<b>Amount</b>
East Smithfield pedestrian crossing.	£150,000
Upgrading of 4 bus stops on East Smithfield and Tower Bridge Approach.	£40,000
Contribution to off-site affordable housing or estate improvements.	£71,820
Implementation of a signage strategy.	-----
Access to Employment.	-----
The relocation of any redundant public art.	-----
<b>Total recommended financial contribution.</b>	<b>£261,820</b>

## 9. CONCLUSION

- 9.1. All relevant policies and considerations have been taken into account. 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



1:3,534

0 30 m



Planning Application Site Boundary



Consultation Area



Land Parcel Address

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

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